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PREFACE

1. DIVISIONAL RESPONSIBILITIES

In 1959 the Protected Road Zoning Regulations were adopted in order to protect critical highways in this province and maintain them as pleasing, safe, and convenient conveyors of traffic. In attempting to achieve these objectives, it is necessary to impose control over those factors which present a threat to highway safety and amenity including: the location, density, and visual characteristics of structural development; the location of highway service functions; and the location and alignment of accesses. Associated with these responsibilities, this Division is required to preserve the interests of the public and any concerned governments, departments, and authorities and as an integral component of the Department of Municipal Affairs, enforce any applicable codes, regulations and policies.

In view of the above requirements, nine (9) specific objectives have been identified as this Division's responsibility with respect to Protected Roads:

1. To restrict sporadic ribbon development along the highway.
2. To restrict the number of accesses along the highway, thus reducing the number of potential hazards and expediting the free flow of traffic.
3. To ensure that development along the highway is constructed and located in such a manner as not to detract from the amenities of the roadside.
4. To control the location of advertisements on the highway and to ensure that those permitted do not present an eyesore or pose a hazard to traffic by virtue of their lettering and design.
5. To ensure that new development will not create a sanitation hazard in itself or to adjoining property, or in any way have an injurious effect on the property of others.
6. To ensure that highway service areas are developed along the highway in

locations that will provide assistance to the travelling public in a safe and convenient manner.

7. To ensure that the standards of construction conform to the minimum requirements of the National Building Code of Canada.

8. To assist in the orderly development of the community where that ability lies within this Division's terms of reference.

9. To generally ensure that the amenity of the roadside is kept in a pleasing condition.

2. DIVISIONAL POLICIES

Over the past several years, and in view of the previously discussed responsibilities and objectives, this Division has evolved several policies with regard to development control on Protected Roads. In general terms, these policies are:

1. To identify urban and quasi-urban areas and provide reasonable limits to their growth adjacent to highways. Where these areas are not presently regulated by land use controls, this Division provides interim zoning.

2. To prohibit the erection of private advance - warning advertisements along the highway and in lieu of these erect standardized advance - warning signs for highway services which are of interest to the motoring public.

3. To allocate areas for highway commercial development in appropriate and viable rural and urban areas, and to cause this development to locate in clusters so as to minimize disruption of highway safety and utility.

4. To identify desirable areas for the location of summer cottage development.

3. ESTABLISHMENT OF CONTROL AREAS

The Protected Road Zoning Regulations stipulate that when a highway is designated as a Protected Road by an Order in Council, an area of development

control is created by establishing Building Control Lines according to the following schedule:

1. Within a Municipality, the Building Control Line shall extend one hundred (100) m either side of the centreline of a Protected Road.
2. Outside a Municipal Boundary but within a designated Municipal Planning Area, the Building Control Line shall extend one hundred and fifty (150) m either side of the centreline of a Protected Road.
3. Within an established unincorporated community, the Building Control Line shall be as designated by an existing or proposed Highway Zoning Plan.
4. On a Protected Road, other than as described above, the Building Control Line shall extend four hundred (400) m either side of the highway centreline.

Under the jurisdiction of these Regulations, this Division now controls 25 major trunk roads containing slightly more than 2,940 km., of road and literally hundreds of communities.

4. CONTROL PROCEDURE

The established procedure for controlling development on Protected Roads consists of a dualistic system of pre-zoning the highway and a complex system of referrals. A zoning scheme consisting of up to eight separate zones, each with prescribed permitted uses and specific conditions regarding uses, is applied to each highway. Applications occurring in the control area are then referred to appropriate governments, government departments, and authorities with regard to the suitability of the site applied for. Should the site be approved, there is further review and referral of detailed plans to determine the suitability of the proposed development (refer to Appendix for further details on the procedure for processing applications).

PART I

1. THE PROTECTED ROAD

The Bay d'Espoir Highway and the Harbour Breton Highway were designated as protected roads on 67-05-12. Protected Road Order (Number 3), 1967, describes these roads as:

- (1) The Bay d'Espoir Highway for one quarter mile to either side of its centreline from its junction with the Trans Canada Highway near Bishop's Falls to its intersection with the existing highway system around Bay d'Espoir.
- (2) The Harbour Breton Highway, both existing and proposed, for one quarter mile to either side of its centreline from its intersection with the Bay d'Espoir Highway to the northwest municipal boundary of the Town of Harbour Breton.

2. THE HIGHWAY DESCRIBED

The Bay d'Espoir/Harbour Breton Highways are, with the exception of a few cottage areas, devoid of settlement. The highways link the communities of Fortune Bay - Hermitage Bay with the province's main transportation route - the Trans Canada Highway.

The Bay d'Espoir Highway begins 2 kilometres east of Bishop's Falls and travels due south where it meets the highway system connecting the communities around Bay d'Espoir. The once heavily forested countryside was blackened by the 1986 fires, but with time and the efforts of the Department of Forestry, these scars will be healed.

From the junction of routes 360 and 361 the highway adopts a strikingly new appearance. Travelling the coasts of Hermitage and Connaigre Bays the motorist

is offered spectacular views of deep water inlets, valleys and mountains. The terrain also changes from forested gentle rolling slopes, to scrubby wind-swept barrens.

PART II: LAND USE/NATURAL RESOURCES

The predominant natural resources along the highway are the forests, sports fishery and agriculture. Outdoor recreation in the form of summer cottages, outfitting camps, an institutionalized campground and a provincial park are also important uses in the general region.

The information for this section was taken from several sources - the Interdepartmental Land Use Committee, maps, aerial photographs, Land Use Atlas, in-house records, regional office, and several field investigations. All the existing uses and resources are offered protection through zoning and the referral process.

1. FORESTRY

Forestry seems to be the predominant use in the area. Remnants of old logging camps and grown over access roads and trails are signs of the regions historical dependence on the forest resources. The harvesting operations of today are supplying the Abitibi mill in Grand Falls with pulpwood and satisfying the local need in the Bay d'Espoir and Harbour Breton areas for fuelwood and lumber.

The Department of Forestry has a number of ongoing silviculture projects and established forest reserves along the highway. These are intended to protect the forests and increase timber yield. However some of these projects along with large tracts of timber stocks were destroyed by the 1986 forest fires.

For information regarding productive forest, silviculture areas, sawmills, and forest access roads within the controlled area, contact the Development Control Division or the nearest unit forestry office.

2. AGRICULTURE

The Agriculture Branch, Department of Rural, Agriculture and Northern Development, has two areas of agricultural concern. These are the Agricultural Development Area of Bay d'Espoir and the fox farming activity near the Trans Canada Highway/Bay d'Espoir intersection. The proposed highway service centre

and the several cottage zones within the Agricultural Development Area are approved by the Agriculture Branch. All applications within the Agriculture Development Area or within 1 km. of the fox farming designation are to be referred to the Agriculture Branch.

3. AGGREGATE RESOURCES

The Department of Mines has a number of aggregate potential site and existing pits they would like to see protected. Copies of the Aggregate Potential Maps are available at the Department of Mines, St. John's and the Regional Development Control Office in Grand Falls. Applications falling within these zones, or within 300 m of a quarry pit (active or inactive) must be referred to the Department of Mines.

4. SPORTS FISHERY

The Department of Fisheries and Oceans has made the following comments with respect to development within the Plan:

"the highway crosses or closely parallels the following scheduled rivers: Great Rattling Brook, Miquel's Lake and Brook, Northwest Gander River, Conne River and Headwaters, Twillick Brook, Bernard Brook and Simmons Brook. Also, Gull River and its tributaries are within the zone. The area of Little Gull Lake, Headwater Pond and Spruce Pond constitutes the Experimental Ponds Area, which is an active research area.

Also, Southwest Brook, Shoal Brook and Country Brook (Hermitage Bay), as well as Salmon River and West Brook, all contain sea-run trout and resident brook trout and, in many cases, small runs of salmon.

As with most areas in the province, it should be realized that any non-intermittent water body within the zone is likely to be of salmonid habitat...."

The following is the Department of Fisheries and Oceans authorization system for developments affecting these and any other fish habitat areas:

1. The Department of Fisheries and Oceans will scrutinize applications for development on licenced salmon rivers on an individual basis. Any applications which constitute encroachment upon sensitive fish habitat, i.e. spawning areas, salmon pools, falls, etc., may be grounds for rejection of a particular application.

2. Should a development be approved on scheduled rivers, a conditional recommendation of a 30 m buffer zone of undisturbed vegetation between the

water body and the development would be attached.

3. On any development that is approved, the proponent would be required to install a sewage system that is in compliance with Provincial Health Standards. Under no circumstances should raw sewage enter a watercourse.

In light of this, all applications for development on any of the mentioned rivers or the Experimental Ponds Area are to be referred to:

Habitat Protection Officer
Department of Fisheries and Oceans
P.O. Box 557
Grand Falls, Newfoundland
A2A 2J9

5. CAMPGROUNDS

The Boy Scouts of Canada campground on Conne River Pond and the Provincial Park at River Pond are the only campgrounds in the Plan area. The first is restricted to institutional camping while the River Pond Park is open to public use.

6. SUMMER COTTAGES

There are six summer cottage zones in the Plan. These are discussed in further detail in the section on Summer Cottage Zones on page 7.

7. CANADIAN HERITAGE RIVER SYSTEM

The Gander River has long been known for its aesthetic values and canoeing potential. These attributes have resulted in the Gander River being selected as a candidate Canadian Heritage River. Obviously, development not conducive to these values within the river's corridor should be prohibited.

Therefore, to ensure that development near Gander River is compatible with the Canadian Heritage River designation, all applications for development within 400 m of the river will be referred to the Parks Division, Department of Culture, Recreation and Youth.

8. MUNICIPAL BOUNDARIES

The only municipalities exerting control on the Protected Road are Harbour

Breton and Milltown/Head of Bay d'Espoir. Within a town's Planning Area Boundary, control is reduced to 150 m from the highway centreline, and to 100 m within its Municipal Boundary.

PART III: ZONING

The highway corridor is free from urban occupation and therefore the application of urban zoning was not required. All three rural zones - Summer Cottage, Highway Service and Rural Conservation are used.

The Building Control Line is maintained at 400 m on either side of the highway centre line, except within the Municipal and Planning Area Boundaries of Harbour Breton and Milltown/Head of Bay d'Espoir.

Summer Cottage

There are six summer cottage zones in the Plan. All originated on Crown Land. The southernmost three are found on abandoned logging camps - Camp 1, Camp 2 and Camp 4. All, except Rocky Pond, are located on scheduled salmon rivers or salmon spawning areas.

Rattling Brook

The first zone is located approximately 25 km. from the Trans Canada Highway, between Rattling Brook and Route 360. The zone has seventeen cabins with allowance for 5 - 10 infilling sites. The existing access road ends near lot 14, as shown on the zoning map, and then changes to a footpath. No new permits for development are to be issued beyond this point until a road is constructed.

Rocky Pond

The cottage zone at Rocky Pond has eleven cottages. Further development with pond frontage is not possible due to bog and wet conditions on both sides of the zone. However, the zoning can accommodate another 2 - 3 extra lots between the road and the highway.

Conne River Pond

The existing cabins and the several planned lots would have made Conne River Pond an attractive cottage area. But a 1986 forest fire damaged several lots and

blackened the surrounding countryside. Although most of the planned lots are leased, the destruction caused by the fire may have dampened the spirits of the prospective developers and the development of these lots may be delayed.

Twillick Brook (Camp 4)

The Twillick Brook zone has nine cabins. Some infilling is possible, but boggy/wet conditions may pose a problem.

Twillick Brook (Camp 2)

The twelve cottages next to Twillick Brook are all located outside the 400 m building control line. A cottage layout was designed to accommodate further growth towards the highway. Development beyond the zone is not permitted due to the aggregate resource potential near the highway.

Twillick Brook (Camp 1)

The final cottage zone is located twelve km. north of Route 360 and Route 361 intersection. Most of the twenty-five cottages here were constructed on illegally occupied Crown Land. They now have legal title to the land. The zone is extended upstream to allow for new development.

Highway Service Zoning

The objective of establishing Highway Service Centres is to allocate areas for grouped highway service activities in required and appropriate locations. Areas reserved for development will be made available as demand dictates in a controlled manner according to the prescribed plans found in the Appendix.

There are four Highway Service Centres on the Protected Road. These provide a number of highway services such as gasoline and repair facilities, overnight accommodations, and a craft shop/tourist chalet.

Bay d'Espoir/Trans Canada Highway Intersection

Located on the junction of the Bay d'Espoir Highway and the Trans Canada Highway is a tourist related activity providing overnight accommodations (house-

keeping units) and a tourist attraction known as Animal Land. The zone allows for ample expansion to the south.

Bay d'Espoir/Harbour Breton Intersection

Approximately 1 km. north of the Bay d'Espoir/Harbour Breton Intersection is an undeveloped service centre. A proposal for a number of highway activities has already been approved for one of the sites. Expansion to the north is possible but drainage conditions may pose a problem.

Bay d'Espoir/Milltown Intersection

The service centre at the Bay d'Espoir/Milltown intersection is equipped with gas pumps and vehicle repair facilities. The zone is extended northwards to allow for expansion.

Harbour Breton/Pool's Cove Intersection

The last highway service centre is located at the Harbour Breton (Route 360) and Pool's Cove (Route 362) intersection. Located here is a craft shop and tourist information building owned and operated by the South Coast Rural Development Association. Expansion is not possible due to rock outcrop in the surrounding area.

Rural Conservation

All other land is zoned as Rural Conservation. Those uses which may be permitted in the Rural Conservation Zone will be those related to the conservation and utilization of natural resources. These in general terms would be agriculture, forestry, fishing, mining and recreation (refer to Appendix).

PART IV - SUMMARY

The Plan was prepared by the Development Control Division in consultation with other government departments and agencies. It identified the resource potential and land use parameters for the highway corridor, and established a number of highway service and summer cottage zones. The zoning applies to all land, regardless of tenure. The Plan is intended to be a working document for the Central Regional Development Control Office and those involved in land development and the permit granting process, as well as a guide to prospective developers.

Changes to the Building Control Line, land use zoning, and resource management policies will require amendments to the Plan. An amendment may be required as a result of an annual review, major five year review, government request, or as a result of a request from an individual or an organization. Proposed amendments must be channelled through the planning section of the Development Control Division.

APPENDIX A

LAND USES PERMITTED IN THE USE ZONES AND
MINIMUM STANDARDS FOR DEVELOPMENT

RURAL CONSERVATION ZONE, CODE (RC)

PERMITTED USES AND REQUIREMENTS

Agriculture Use

Any agricultural operation may be permitted in a Rural Conservation Zone, subject to the approval and any conditions imposed by the Department of Rural, Agricultural and Northern Development, the Department of Transportation, the Department of Environment, and the Development Control Division.

Developments shall, where possible, be screened from highway view to the satisfaction of the Authority. The erection of residential units in conjunction with an agricultural use shall be subject to the following conditions:

(a) A residential unit may only be erected in conjunction with an agricultural use in a Rural Conservation Zone if the use is a full-time commercial operation as described by the Department of Rural, Agricultural and Northern Development, and if the occupier of that proposed residence is actively engaged in agricultural activity upon the same parcel of land upon which the residence is proposed.

(b) A residential unit may be permitted in association with livestock or poultry farming only if suitable structures designed to accommodate the livestock or poultry have been completed.

RURAL CONSERVATION ZONE, CODE (RC)

(c) A residential unit may be permitted in conjunction with a root crop production only if a minimum of four (4) hectares have been cultivated.

(d) A residential unit may be permitted in association with green house production only if green house frames encompassing a minimum of three hundred and seventy (370) square metres have been constructed, and the earth within prepared for cultivation. In any case, agricultural buildings shall be restricted to in excess of ninety (90) metres from the Highway Centre Line.

Forestry Use

Any use directly associated with harvesting of timber may be permitted in a Rural Conservation Zone. Residences ancillary to the main use may conditionally be permitted in accordance with the requirements of Regulation 11 of the Protected Road Zoning Regulations, while all other uses will be restricted to in excess of ninety (90) metres of the Highway Centre Line.

Development shall, where possible, be screened from highway view to the satisfaction of the Authority; and where excessive noise is generated, it shall be located a minimum of ninety (90) metres from any other development.

Fisheries Use

Any development associated directly with the harvesting of fish may be permitted in a Rural Conservation Zone. Structures shall not be located within forty-five (45) metres of the Highway Centre Line.

Mining and Quarrying Use

Any development associated with mineral extraction may be permitted in a Rural Conservation Zone. All mining and quarrying activities require

RURAL CONSERVATION ZONE, CODE (RC)

a permit from the Department of Mines and Energy. All developments of this nature shall be maintained at a distance of ninety (90) metres from the Highway Centre Line, and shall be screened from highway view to the satisfaction of the Authority. Upon conclusion of the operations, all refuse shall be removed and rough landscaping carried out.

Recreation Use

The following developments may be permitted in a Rural Conservation Zone:

(a) Provincial and Municipal Parks--these may contain rest and camping parks, marinas, public conveniences and accessory buildings.

(b) Recreation Clubs--including golf courses, boating swimming, and those structures associated directly therewith. Where essential, dwelling units and accessory buildings may be permitted.

(c) Public Rest Parks--may include natural reserves, historical sites and monuments, scenic routes, viewpoints, picnic tables, fireplaces, and public conveniences.

(d) Natural Reserves--may only have scenic routes and viewpoints.

Structures located in these areas shall be so designed and located as to preserve the natural amenities of the area. If dwelling units are permitted, they shall be occupied only by persons whose continuous presence is essential to the operation of the development. Where necessary, adequate parking, as prescribed by the Authority shall be provided. All buildings shall be set back a minimum of sixty (60) metres from the Highway Centre Line.

HIGHWAY SERVICE CENTRE, CODE (HS)

REMARKS

1. The minimum building line shall be in accordance with Regulation 11.
 2. Parks and marinas shall be located to the rear of the Highway Service Centre. Tree screens shall be erected and maintained, to the satisfaction of the Authority, between the Highway Service Centre and these parks and marinas.
 3. The siting and layout of a Highway Service Centre will be subject to a plan prepared by the Authority.
 4. It is the intent of these Regulations that each Highway Service Centre shall have a maximum of two points of access to a Protected Road.
 5. Lounges shall only be permitted in conjunction with motels, hotels, tourist lodges, having a minimum of 6 sleeping units.
 6. Snack bars shall only be permitted in conjunction with a principle use. Where permitted they shall be subordinate to while forming an integral part of a principle use.
 7. A retail shop shall only be permitted in conjunction with a motel, restaurant, service station, tourist lodge or cabin, or the main office of a travel trailer or camping park. These shops shall be designed to form an integral yet subordinate part of any use they are associated with.
 8. Living quarters may be permitted in a Highway Service Centre, subject to approval by the Authority. If permitted, living quarters shall be attached to the development of which they are ancillary and shall only be occupied by a person and his family where continuous residence on the premises is essential. They shall be architecturally similar and take a subordinate role to the main structure. At the discretion of the Authority,
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HIGHWAY SERVICE CENTRE, CODE (HS)

a mobile home may be permitted instead of attached living quarters, provided it is adequately screened from the highway and its occupation is only intended to be of a temporary duration.

9. Accessory buildings ancillary to the principle use may be permitted. However, they shall be sited so as to preserve the amenities of the area and form an integral and architecturally compatible part of the overall development.

10. Service stations shall be in conformance with Regulation 19 of the "Protected Road Zoning Regulations, 1979".

HIGHWAY SERVICE CENTRE, CODE (HS)

PERMITTED USES	MINIMUM LOT FRONTAGE/UNIT	MINIMUM BUILDING LINE	MINIMUM SIDEYARD
(a) MOTEL	90 m	See (1)	6 m
(b) RESTAURANT	60 m	See (1)	6 m
(c) SERVICE STATION	60 m	See (1)	6 m
(d) TOURIST CHALET	45 m	See (1)	6 m
(e) TRAVEL TRAILER PARK (2)	As Required	90 m	As Required
(f) TOURIST LODGE	90 m	See (1)	6 m
(g) TOURIST CABINS	60 m	As Required	6 m
(h) CAMPING PARK (2)	As Required	90 m	As Required
(i) REST PARK (2)	As Required	90 m	As Required
(j) MARINA (2)	As Required	90 m	As Required

COTTAGE ZONE, CODE (C)

PERMITTED USES AND LOT REQUIREMENTS	REMARKS
<p>1. COTTAGES</p> <p>(a) Minimum Lot Area; 3000 m²</p> <p>(b) Maximum Lot Area; 4000 m²</p> <p>(c) Minimum Lot Frontage; 30 m</p> <p>(d) Minimum Sideyard Distance; 7.5 m</p> <p>(e) Minimum Setback; 15 m</p> <p>(f) Minimum Rearyard; 15 m</p> <p>(g) Minimum Floor Area; 20 m²</p> <p>2. ACCESSORY STRUCTURES</p> <p>Minimum Setback 7.5 m</p>	<p>1. In the case of irregular shaped lots, the minimum lot frontage shall apply at the building line.</p> <p>2. Setbacks refer to the distance from the front lot line.</p>

APPENDIX B
APPLICATION PROCEDURE

APPLICATION PROCEDURES

In order to construct any development, erect a sign, or provide direct access to or from the Protected Roads (Bay d'Espoir and Harbour Breton Highways), a permit is required from the Development Control Division, Department of Municipal Affairs. To receive a permit, the developer must obtain a preliminary application from the regional office of the Development Control Division*, or from the Town Council Office. This preliminary application is designed to provide basic information on the proposed development and the site on which it is proposed. When this form is completed it should be sent to the Regional Development Control Division office with a Location Plan.

When the preliminary application is received by this Division, referrals are made to the appropriate Government Departments and Agencies (see Flow Chart). Upon receipt of these referrals, and after a site inspection, a decision is made to either issue an approval in principle or a refusal. In the case of an approval in principle being issued, the applicant must submit a Site Plan, Building Plan, and Specifications of the development he purposes. The application will then be further processed, and should the siting and structural specifications meet with the approval of this Division, a permit with or without conditions will be issued (pending the issuance of a lease if Crown Land is involved).

* Development Control Division
Department of Municipal Affairs
Provincial Building, Cromer Avenue
Grand Falls, Newfoundland
A2A 1W9

or Phone: 292-4206

Should an application be refused, except where refused by another Department or Agency such as Health or Transportation and Communications, the developer has the right to appeal. This appeal is conducted by the Regional Appeal Board, which makes a judgement as to whether to accept or overrule the decision of the Director of Development Control.

The applicant should be aware that the control of this Authority may not be the only one to which he must conform. If the land is within an incorporated municipality, the Authority's control runs parallel with that of the municipality. In order for any development to proceed, the developer needs the consent of council. He should therefore apply to council at the same time as he does to the Development Control Division (even though there is to be cross referrals built into the system), so that he may obtain the necessary permit from council.

Developers should also be aware that issuance of permits does not ensure final consent, since anyone likely to be affected has the right to appeal to the Regional Appeal Board for further ruling on the matter.

All appeals must be made within thirty (30) days of any decision.

DESCRIPTION OF REQUIRED PLANS AND SPECIFICATIONS

LOCATION PLAN--Four copies--(1:2500 Approximate)

The purpose of this plan is to enable the site to be found. In addition to this plan--which should give as much information as possible to aid inspectors in finding the site--the applicant should mark the site with a flag or a placard with his name on it, fastened to a tree, a post or a fence in such a way as to be readily seen from the road.

SITE PLAN--Four Copies--(1:2500 Approximate)

The purpose of this plan is to show how the proposed development is to be placed on the site. It should be a contoured plan (vertical intervals not to exceed 5 feet). It must show exactly the dimensions of the lot, the location of all buildings, with dimensions, and the distances from side boundaries and road centre. It must show the location of the well and sewage disposal facilities, and storm drainage and lighting poles, if any. It must show the proposed access to the lot and driveways and car parking areas. It must show natural features of the land (eg. streams, wooded areas, rock outcrop, etc.).

BUILDING PLANS AND SPECIFICATIONS--(1:50 Approximate)

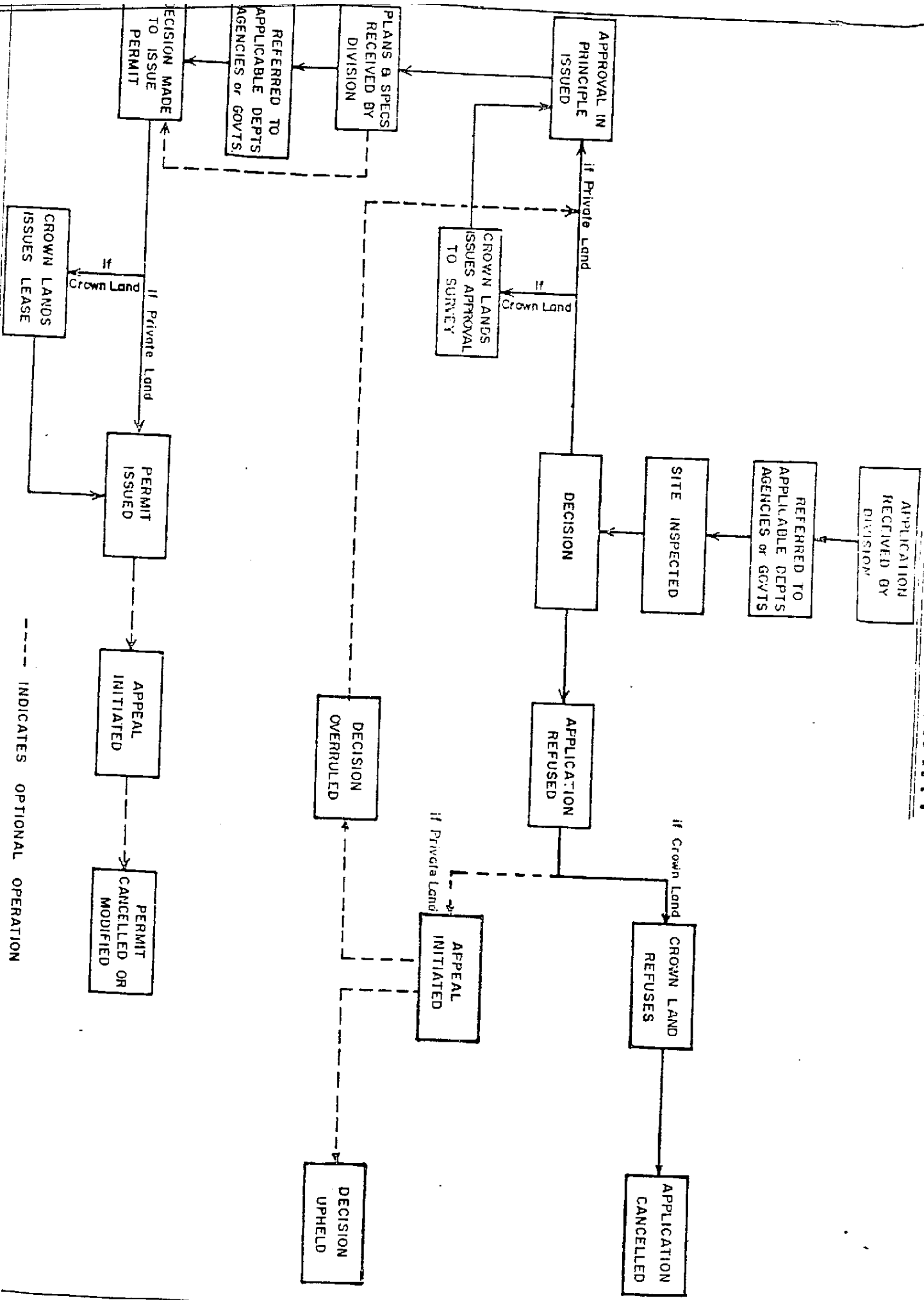
The purpose of these plans is to determine whether the design, appearance, structural soundness, safety, and use of the buildings and ancillary works, are in accordance with the regulations and standards set up under them. When approved, they are the working drawings

and specifications for construction guidance. They must therefore show the appearance; layout; and use, dimensions, and kind and sizes of material and construction details of all buildings and ancillary works including the method of water supply and sewage disposal.

APPENDIX C

FLOW CHART

FLOW CHART



--- INDICATES OPTIONAL OPERATION