

**AFFIDAVIT - NO OBJECTIONS**

**NEWFOUNDLAND AND LABRADOR**

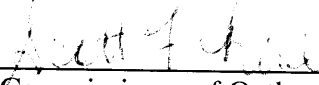
**CANADA**


**TO WIT**

I, Marjorie Dawson, hereby make Oath and say that:

1. The Town Council of South River gave notice of the adoption of the South River Municipal Plan 2017-27 and South River Development Regulations 2017-27 by advertisements inserted on the 21<sup>st</sup> day of November 2017 in the Compass newspaper and the 5<sup>th</sup> day of December 2017 in the Telegram newspaper.
2. The Town Council of South River set the 7<sup>th</sup> day of December 2017 at 7:00 PM at the Town Hall for the holding of a public hearing to consider objections and representations to the South River Municipal Plan 2017-27 and the South River Development Regulations 2017-27.
3. No objections or representations with respect to the South River Municipal Plan 2017-27 and South River Development Regulations 2017-27 were received at the South River Town Office within the time stipulated in the notice of public hearing.
4. The Town Council of South River cancelled the scheduled public hearing.
5. The Town Council of South River approved the South River Municipal Plan 2017-27 and South River Development Regulations 2017-27 as adopted on the 15<sup>th</sup> day of November 2017.
6. The attached South River Municipal Plan 2017-27 and South River Development Regulations 2017-27 are correct copies of the South River Municipal Plan 2017-2027 and the South River Development Regulations 2017-27 approved by the Town Council of South River on the 6<sup>th</sup> day of December 2017.

SWORN to at South River this 14 day of December 2017 before me

  
\_\_\_\_\_  
Commissioner of Oaths  
Notary Public, Justice of the Peace

  
\_\_\_\_\_  
Marjorie Dawson, Town Clerk

# **Town of South River**

## **Municipal Plan 2017-2027**

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*Prepared for*

**The Town of South River**

*Prepared by*

**Baird Planning Associates**

# Urban and Rural Planning Act 2000 Resolution to Adopt

## Town of South River Municipal Plan 2017 - 2027

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of South River adopts the South River Municipal Plan.

Adopted by the Town Council of South River on the 15<sup>th</sup> day of November 2017.

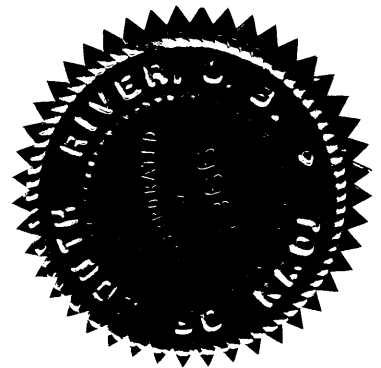
Signed and sealed this 14 day of December 2017

Mayor:

Scott Rose  
Scott Rose

Clerk:

Marjorie Dawson  
Marjorie Dawson

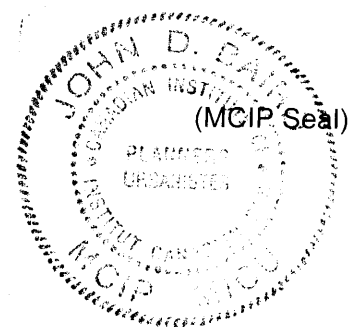


### Canadian Institute of Planners Certification

I certify that the attached Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

John Baird

John Baird, MCIP



# Resolution to Approve

## Town of South River Municipal Plan 2017 - 2027

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of South River

- (a) adopted by the South River Municipal Plan on the 15<sup>th</sup> day of November 2017.
- (b) gave notice of the adoption of the South River Municipal Plan by advertisement inserted on the 21<sup>st</sup> day of November 2017 in the Compass newspaper and on the 5<sup>th</sup> day of December 2017 in the Telegram newspaper.
- (c) set the 7<sup>th</sup> day of December 2017 at the Town Hall, South River for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of South River approves the South River Municipal Plan as amended to change the boundaries of the Coastal Protection designation.

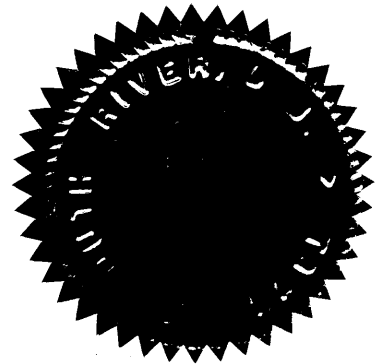
SIGNED AND SEALED this 14 day of December 2017.

Mayor:

Scott Rose  
Scott Rose

Clerk:

Marjorie Dawson  
Marjorie Dawson



4835-2017-001  
Jan 16/18  
Eddie Joyce

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## **1.0 INTRODUCTION**

### **1.1 Purpose of the Municipal Plan**

The South River Municipal Plan is a comprehensive policy document to manage development and growth within the South River municipal planning area over the ten-year planning period 2017-27. The Plan repeals and replaces the South River Municipal Plan 1995-2005. This document has been prepared in compliance with the *Urban and Rural Planning Act 2000*, (also referred to as the *Act*).

The Plan was drafted following a comprehensive review of the former Municipal Plan and Development Regulations and consultations with Council, residents, and appropriate government agencies. Relevant planning issues have been reviewed as required under the *Act*, including a study of land use, population change, economic and social issues, transportation, municipal services, and environmental issues.

### **1.2 Plan Preparation**

This Municipal Plan reflects the review of land use, environmental, demographic, social, and economic issues, consultations with Town Councillors and staff, and public comments received through the community participation process.

The Plan guides the future growth and physical improvement of the Town by identifying locations and policies for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, and Subdivision Regulations (generally referred to as the Development Regulations), which Council will administer through subdivision approvals and development permits. The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.



### **1.3 Contents of the Municipal Plan**

The Municipal Plan, comprising this document and the accompanying Future Land Use Maps, constitutes a legal document pursuant to the *Urban and Rural Planning Act 2000*. It contains:

- The aims of Council (goals and objectives).
- Land use policies for future development.
- Future Land Use maps, which allocate land for future development, environmental protection, and natural resource uses.

The Background Report in Section 2.0 describes conditions in the town at the time the Municipal Plan was prepared and provides the rationale behind policies contained in the Municipal Plan. The Background Report does not form part of the legal document.

### **1.4 Municipal Plan Administration**

After Ministerial approval of the South River Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect a building, or change the use of a building or land, or conversely, refusing to issue permits for developments that are not in accordance with the Plan, and
- By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

In accordance with Section 25 of the *Act*, Council may make amendments to this Plan and Development Regulations at any time. Amendments will be brought into effect by the same process used to bring the Municipal Plan into effect. Sections 14 to 25 apply to an amendment to the plan and development regulations.

## **1.5 Interpretation**

In this Municipal Plan:

- “Council” means the Council of the Town of South River.
- “Development Regulations” mean the South River Land Use Zoning and Subdivision Regulations.
- “Municipal Planning Area” means the South River Municipal Planning Area.
- “Town” means the Town of South River.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except where the boundary is delineated by a road or other prominent feature in which case it defines the exact limits between each designation.

Nothing in the Plan will affect the continuance of land uses that were lawfully established on the date that this Plan came into effect.

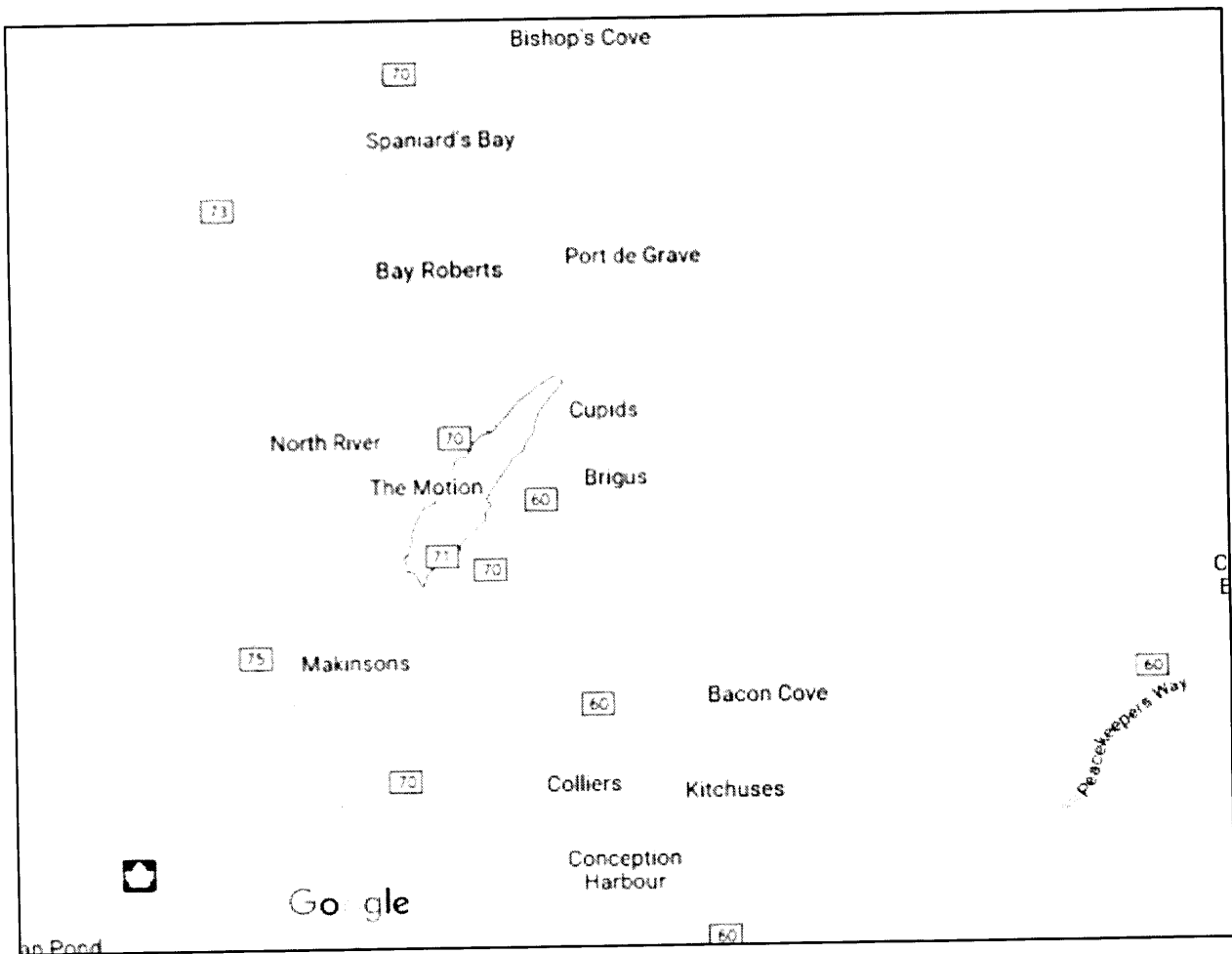
## 2.0 BACKGROUND REPORT

This section sets the context for the South River Municipal Plan and includes an analysis of key demographic, economic and social indicators, a population projection to 2026, and a forecast of future housing needs.

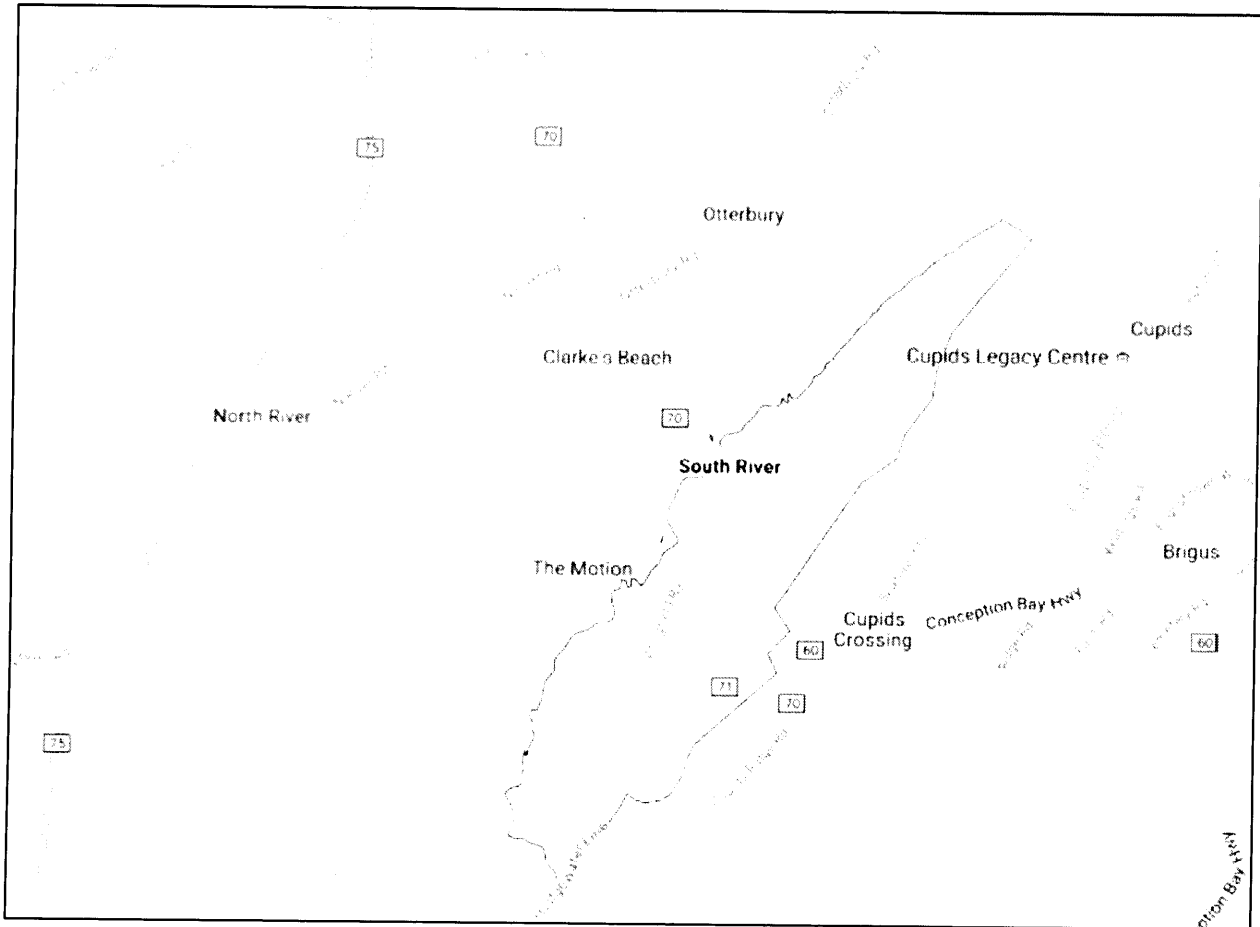
### 2.1 Geographical Setting

South River is located in Conception Bay North at the juncture of three highways - Conception Bay North Highway (Route 70), Hodgewater Line (Route 71), and Conception Bay Highway (Route 60). It connects to the Trans Canada Highway, approximately 15 kilometres away, via the Hodgewater Line and Veteran's Memorial Highway (Route 75). It borders the Town of Cupids to the east, the Town of Clarke's Beach to the west, and the Local Service District of Makinsons to the south.

Exhibit 2.1 – Regional Setting



**Exhibit 2.2 – Municipal Boundaries**



**2.2 Population**

Exhibit 2.3 compares population change in South River from 1996 to 2016 with Economic Zone 17, the region of which South River is a part, as well as the province as a whole. Over the 20-year period, South River's population increased by 15.5 percent from 560 to 647 residents, which compares to a decline of 5.8 percent over the same period in the province as a whole. South River's growth occurred mainly between 1996 and 2006, and slowed to less than one percent between 2006 and 2016.

Exhibit 2.3 also presents population age indicators. South River's population is aging quite rapidly, with the median age climbing by 5.9 years (40.1 to 46.0) from 2001 to 2011. This compares to increases of 4.1 years in Zone 17 and 5.6 years in the province as a whole. In contrast, the national median age increased by a much smaller margin of 3.0 years over the same period.

<b>Exhibit 2.3 - Population Characteristics</b> (Source: Census Profiles)			
	<b>South River</b>	<b>Zone 17</b>	<b>NL</b>
<b>Census Population</b>			
1996	560	44,196	551,792
2001	605	40,940	512,980
2006	649	39,850	505,470
2011	655	40,135	514,536
2016	647	n/a	519,716
<b>5-Year Population Change</b>			
1996-01	8.0%	-7.4%	-7.0%
2001-06	7.2%	-2.7%	-1.5%
2006-11	0.9%	0.7%	1.8%
2011-16	-1.2%	n/a	1.0%
<b>Median Age of Population</b>			
2001	40.1	38.0	38.4
2006	43.6	42.0	41.7
2011	46.0	42.1	44.0
<b>Percent of Population 19 Years and Younger</b>			
2001	25.6%	24.3%	25.0%
2006	20.6%	21.3%	22.2%
2011	19.9%	17.1%	20.7%
<b>Percent of Population 65 Years and Older</b>			
2001	14.9%	14.6%	12.4%
2006	15.0%	16.0%	14.0%
2011	12.8%	19.0%	15.9%

The aging of South River’s population is reflected by the declining proportion of young people. Between 2001 and 2011, the under -20 age group declined from 25.6 percent to 19.9 percent – a drop of 5.7 percent. This compared to a drops of 7.2 percent (24.3% to 17.1%) in Zone 17 and 4.3 percent (25.0% to 20.7%) in the province as a whole. The Town’s proportion of seniors (>64 years) decreased from 14.9 percent in 2001 to 12.8 percent in 2011 – a drop of 2.1 points. In contrast over the same period, the proportion went up from 14.6 to 19.0 percent in Zone 17 and from 12.4 to 15.9 percent in the province as a whole.

A town’s population changes as a result of natural change (i.e. births minus deaths) plus migration into and out of the community. Exhibit 2.4 shows the components of South River’s population change in the years 2008-2014. The estimate of net migration is estimated as the difference between actual population change and natural change.

Exhibit 2.4 shows that South River experienced a net in-migration of 65 residents over in the seven-year period, equal to about 10.5 percent of the population. In comparison, Zone 17 experienced a net in-migration of 3.3 percent while the province as a whole had 2.7 percent. This indicates that migration into South River has been a more significant contributor to population growth than in the surrounding region and the province.

While South River experienced a significantly higher rate of in-migration during the period than the regional and the provincial benchmarks, this occurred entirely before 2012. From 2008 to 2011, an estimated 115 more people moved into South River than moved out. The trend reversed from 2012 to 2014 when 50 more people moved out than moved in.

<b>Exhibit 2.4 – Components of Population Change</b>									
<b>(Source: Community Accounts – Tax Filer Indicators)</b>									
	<b>South River</b>						<b>Zone 17</b>	<b>NL</b>	
	<b>Pop'n Start</b>	<b>Pop'n End</b>	<b>Births</b>	<b>Deaths</b>	<b>Natural Change</b>	<b>Net Migration</b>		<b>Net Migration</b>	<b>Net Migration</b>
						<b>Number</b>	<b>Percent</b>		
2008	560	580	5	5	0	20	3.5%	0.6%	0.7%
2009	580	620	5	5	0	40	6.5%	0.8%	0.4%
2010	620	640	5	5	0	20	3.3%	-0.1%	0.1%
2011	640	670	0	5	-5	35	4.9%	0.4%	0.5%
2012	670	660	10	15	-5	-5	-0.8%	0.1%	0.2%
2013	660	640	15	10	5	-25	-3.8%	0.8%	0.4%
2014	640	620	5	5	0	-20	-3.1%	0.7%	0.4%
<b>Total</b>			<b>45</b>	<b>50</b>	<b>-5</b>	<b>65</b>	<b>10.5%</b>	<b>3.3%</b>	<b>2.7%</b>

<b>Exhibit 2.5 - Population by 5-Year Age Groups, 2011</b>							
	<b>South River</b>			<b>NL</b>			<b>Canada</b>
	<b>Total</b>	<b>Percent</b>		<b>Total</b>	<b>Percent</b>		<b>Percent</b>
0-4	30	4.5%		24,495	4.8%		
5-9	40	6.0%		25,100	4.9%		
10-14	35	5.3%	19.5%	27,030	5.2%	20.6%	23.2%
15-19	25	3.8%		29,585	5.7%		
20-24	35	5.3%		30,050	5.8%		
25-29	40	6.0%		28,310	5.5%		
30-34	35	5.3%	29.3%	29,280	5.7%	30.9%	32.9%
35-39	40	6.0%		33,375	6.5%		
40-44	45	6.8%		38,020	7.4%		
45-49	60	9.0%		42,225	8.2%		
50-54	60	9.0%	38.3%	43,185	8.4%	32.5%	29.1%
55-59	70	10.5%		42,645	8.3%		
60-64	65	9.8%		39,135	7.6%		
65-69	30	4.5%		28,740	5.6%		
70-74	20	3.0%		20,115	3.9%		
75-79	15	2.3%	12.8%	14,620	2.8%	16.0%	14.8%
80-84	20	3.0%		10,075	2.0%		
85+	0	0.0%		8,550	1.7%		
<b>Total</b>	<b>665</b>	<b>100.0%</b>	<b>100.0%</b>	<b>514,535</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

Exhibit 2.5 provides a breakdown of South River’s 2011 population by 5-year age intervals. It shows that 67.6 percent of the Town’s residents are in the main working age group of 20-64, compared to 63.9 percent in the province and 62.0 percent in Canada.

The under-20 age group comprises 19.5 percent of South River’s population, slightly lower than the provincial proportion of 20.6 percent and almost four points lower than the national proportion of 23.2 percent.

South River’s population of seniors, at 12.8 percent, is significantly lower than it is at the provincial level (16.0%) and national level (14.8%).

Exhibit 2.6 provides a population forecast for South River derived from Provincial government projections for Economic Zone 17 and the province. It assumes that population change in South River will be the median of the provincial and regional rates. If this holds true, the population can be expected to decrease from 655 in 2011 to 625 by 2031, a drop of 4.6 percent.

<b>Exhibit 2.6 Population Forecast</b>									
Year	Province			Zone 17			South River		
	Pop'n	5-Year Change		Pop'n	5-Year Change		Percent	5-Year Change	
		Number	Percent		Number	Percent		Number	Pop'n
	Actual			Actual			Actual		
2001	512,980			40,940					605
2006	505,470	-7,510	-1.5%	39,850	-1,090	-2.7%	7.3%	44	649
2011	514,536	7,066	1.8%	40,135	285	0.7%	0.9%	6	655
2016	519,716	5,180	1.0%	40,428	293	0.7%	-1.2%	-8	647
	Projected			Projected			Projected*		
2021	507,449	-12,267	-2.4%	38,736	-1,692	-4.2%	-3.3%	-21	626
2026	496,859	-10,590	-0.2%	37,604	-1,132	-2.8%	-1.5%	-9	627
2031	502,398	5,539	1.1%	36,769	-835	-2.2%	-0.6%	-4	623

Source: Projections for Province and Zone 13 are from NL Population Forecast – Medium Scenario.

\*South River projection assumes a rate of change equal to the median of the Province and Zone 17.

The population forecast for South River shows a decline of 24 residents, or 3.7 percent, from 2011 to 2031. This projection does not consider the possibility of a significant economic change affecting South River in the next few years. An economic stimulus in the region could positively impact the town’s population. Correspondingly a reduction in economic activity would have a negative population effect.

### 2.3 Households and Housing

Exhibit 2.7 compares household and housing characteristics in South River with the surrounding region (i.e. Zone 17) and the province as a whole. Between 2001 and 2011 the number of households in South River increased from 190 to 245, an increase of 41.1 percent, while the average number of residents per household dropped from 3.18 to 2.67. In 2011, the 2.67 residents per household in South River compared to 2.47 in the region and 2.43 in the province.

In 2011 family households made up approximately 77.6 percent of South River’s total households, compared to 74.5 percent provincially and 77.3 percent regionally. Non-family households made up 22.4 percent in South River compared to 25.5 percent provincially.

<b>Exhibit 2.7</b>				
<b>Household Characteristics (Community Accounts - Housing)</b>				
	<b>South River</b>		<b>Zone 17</b>	<b>NL</b>
<b>All Private Households 2001-11</b>				
2001	190		14,855	189,045
2006	220		15,540	197,185
2011	245		16,220	208,842
Change 2001-11	41.1%		9.2%	10.5%
<b>Average Household Size</b>				
Persons/Household 2001	3.18		2.76	2.71
Persons/Household 2006	2.95		2.56	2.56
Persons/Household 2011	2.67		2.47	2.43
<b>Household Type</b>				
One Family	190	77.6%	75.2%	72.7%
Multiple Family	0	0.0%	2.1%	1.8%
Non-Family	55	22.4%	22.7%	25.5%
	245	100.0%	100.0%	100.0%
<b>Family Households</b>				
Total Families	190	100.0%	100.0%	100.0%
Couple Families	160	84.2%	86.5%	84.7%
Lone-Parent Families	30	15.8%	13.5%	15.3%
With Children at Home	110	57.9%	53.6%	55.8%

Exhibit 2.8 compares South River’s occupied housing stock with the other benchmark areas. Occupied dwellings include all dwellings that are permanently occupied, but exclude dwellings that are not occupied on a full-time basis.

Detached dwellings dominate the housing stock in South River at 96.0 percent of the total. This is similar to the surrounding region, but is in contrast to the province as a whole, where detached dwellings comprise 73.4 percent, a much lower proportion of the housing stock.



<b>Exhibit 2.8 – Dwelling Types, 2011</b> (Community Accounts – Housing)				
	South River		Zone 17	NL
Detached house	240	96.0%	93.6%	74.3%
Apartments	5	2.0%	3.8%	5.8%
Other	5	2.0%	2.6%	19.9%
Total	250	100.0%	100.0%	100.0%

Exhibit 2.9 provides data on the age and condition of housing in South River and the benchmarks. As of 2011 58.8 percent of the town’s houses were more than thirty years old compared to 61.4 percent in Zone 17 and 56.8 percent in the province as a whole.

Exhibit 2.9 also compares the condition of housing in South River compared to the benchmarks. It shows that housing conditions in the town are similar to the regional and provincial benchmarks with 9.2 percent of houses requiring major repairs compared to 8.3 percent in Zone 17 and 8.2 percent in the province.

<b>Exhibit 2.9 - Housing Age and Condition</b> (NHS 2011 – Housing)				
	South River		Zone 17	NL
<b>Period of Construction</b>				
Before 1960	58	23.0%	26.0%	21.8%
1961-1980	90	35.8%	35.4%	35.0%
1981-1990	32	13.0%	17.1%	17.7%
1991-2000	44	17.8%	11.1%	11.9%
2001-2011	26	10.4%	10.4%	13.6%
	650	100.0%	100.0%	100.0%
<b>Condition of Dwellings</b>				
Needs regular maintenance	227	90.8%	91.7%	91.9%
Needs major repairs	23	9.2%	8.3%	8.2%

## 2.4 Agency Comments

This section presents information and comments received from government resource agencies on matters they would like to be addressed in the Municipal Plan review.

### 2.4.1 Provincial Archaeology Office

The Provincial Archaeology Office (PAO) has reviewed the above referral and has no archaeological concerns. There is always the possibility for archaeological resources to be discovered within the Municipal Planning Area. In the event that such resources are encountered contact should be made with the PAO immediately for further direction.

### 2.4.2 Service NL

Any development on the referenced property may require permits and/or approvals from the Government Service Centre. It is advised that prior to the start of any development, the proponent contact the Regional Office of the Government Service Centre, 7-9 Roddick Crescent, P.O. Box 512, Harbour Grace, NL, A0A 2M0, Telephone (709) 945- 3107, Fax 709-945-3114 to discuss any relevant permits and or approvals that may be required.

### 2.4.3 Water Resources Division, Department of Environment and Conservation

Under the authority of the *Water Resources Act*, the Water Resources Management Division is responsible for managing water resources of the province. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province.

#### General Comments

- Any effluent or runoff leaving the site will be required to conform to the requirements of the *Environmental Control Water and Sewage Regulations, 2003*.  
<http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>
- Application forms for permits and licences, fee schedules, and guidelines are available at <http://www.env.gov.nl.ca/env/waterres/regulations/appforms/index.html>.

#### Work in a Body of Water

- Proponents must apply for and obtain a permit under the *Water Resources Act*, specifically Section 48 (<http://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>) for any work in any body of water (including wetlands) prior to the start of construction. Contact: Manager, Water Rights & Investigations Section - (709) 729-4795.
- The Water Resources Management Division no longer requires permits under Section 48 of the *Water Resources Act* for works within 15 meters of water bodies (including wetland). This does not apply to Flood Risk Areas or work IN a body of water. The Regional Crown Lands office should be consulted to determine if work is being completed within a Crown Lands reservation (may be around waterbodies, streams, lakes, ponds, coastal areas, etc.)
- The Water Resources Management Division generally does not recommend approval for construction of residential (single dwelling or subdivision) properties, especially if un-serviced, within wetland areas. There is a risk that adjacent properties could have water quality or quantity issues from these developments. As well, the Water Resources Management Division does not recommend approval for the infilling of water bodies, nor the diversion of streams to accommodate residential development.

#### Wharf/Boathouse/Slipway/Breakwater

- A permit under Section 48 of the *Water Resources Act* is no longer required for the applied structures. However, proponents must follow the guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses available at: [www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines\\_for\\_Wharves.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/Guidelines_for_Wharves.pdf)

- Proponents must apply for and obtain a permit under of the *Water Resources Act*, specifically Section 48 for any infilling or dredging work associated with these structures or other works in any body of water prior to the start of construction.

### **Constructing a Non-Domestic Well**

- In the event any development that is not a single family home is considered and to be serviced by a groundwater well, the proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the *Water Resources Act*, specifically Section 58 for new drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Manager, Groundwater Section - (709) 729-2539

### **Unserviced Subdivisions**

- In the event of development of more than four residential lots on an individual well and septic the proponent will be required to complete a Level I Groundwater Assessment as per the Department of Environment and Climate Change's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells under the Water Resources Act, 2002, Section 62.

These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

Website:

[http://www.env.gov.nl.ca/env/waterres/regulations/appforms/unserviced\\_subdivision\\_gw\\_assessment\\_guidelines\\_dwh\\_revisions.pdf](http://www.env.gov.nl.ca/env/waterres/regulations/appforms/unserviced_subdivision_gw_assessment_guidelines_dwh_revisions.pdf)

Contact: Manager, Groundwater Section - (709) 729-2539

### **2.4.4 Climate Change Branch, Department of Environment and Conservation**

- Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline.
- CCB suggests that provincial climate change projections for St. John's Airport (nearest regional site) be considered in any development stages. These projections suggest that extreme precipitation events will become more intense. For example:
  - On a 24-hour basis, a 1-in-100 year storm is expected to bring 159 mm of precipitation by mid-century, an increase from the current climate's 136 mm (17% growth); and
  - On a 12-hour basis, a 1-in-100 year storm is expected to bring between 144 mm of precipitation by mid-century, an increase from the current climate's 121 mm (19% growth).

- More information on climate data can be provided by contacting Kyle (729-1394) or on pages C-100 (current climate) and D-11 (projected climate) at the following link: [www.exec.gov.nl.ca/exec/ccee/publications/idf\\_curve\\_2015.pdf](http://www.exec.gov.nl.ca/exec/ccee/publications/idf_curve_2015.pdf)
- Further, CCB suggests that coastal erosion and sea-level rise data be utilized in any development stages. Information is available at the following links:

Coastal Erosion:

[http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2015/Irvin\\_e-2015.pdf](http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2015/Irvin_e-2015.pdf)

Sea-level rise:

[http://www.nr.gov.nl.ca/mines&en/geosurvey/publications/CR2010/2010\\_Batterson-Liverman.pdf](http://www.nr.gov.nl.ca/mines&en/geosurvey/publications/CR2010/2010_Batterson-Liverman.pdf)

- CCB advises of recent updates (Section 9.36) to the National Building Code, which now includes energy efficiency requirements for new buildings. All municipalities in the province must comply with these new energy efficiency requirements for new developments within the municipality.

## **2.4.5 Mines and Energy Division (Mines Branch) Department of Natural Resources**

### **2.4.5.1 Comments on Mineral Workings, Mineral Exploration and Mining**

The Mines Branch, Department of Natural Resources, regulates quarrying, mineral exploration, and mining within the province. Quarrying (generally referred to 'mineral workings' in municipal and planning documents) and mineral exploration are widespread activities throughout the province. Quarrying in South River dates back decades in the still active Springfield Pit Quarry Area which is zoned Mineral Workings. The Town of South River Municipal Planning Area does not have a history of mineral exploration, at least not in recent decades. That being said, the Town of South River Municipal Planning Area may one day attract exploration interest

The Mines Branch offers the following general advice to consider when drafting or revising a Municipal Plan and Development Regulations.

1. Mineral exploration and mineral workings should be defined separately. Mineral workings refers to quarrying whereas mineral exploration refers to the search for mineral deposits. Mineral exploration ranges from hobby prospecting to advanced techniques such as trenching and diamond drilling. Mineral exploration generally has a much lower environmental impact than mineral workings and should not be subject to the same set of municipal regulations and zoning restrictions. Quarrying and mineral exploration are already highly regulated activities and the permitting process for each involves the municipality when the proposed activity is located within a municipal planning area; we ask that municipalities take this into account when developing their municipal plans and development regulations. The following are summaries of how quarrying and mineral exploration are regulated in the province:

- (a) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the Quarry Materials Act, 1998, under which quarrying may be approved by the issuance of either a quarry permit or lease. Quarry permits are issued for no longer than one year and are not subject to renewal, though the holder of a quarry permit one year gets the first opportunity to apply for a quarry permit covering the same area next year. Once a quarried area is no longer covered by a quarry permit, then the most recent quarry permit holder is required as a condition of that permit to rehabilitate the site by re-sloping pit sides and placing stockpiled organic materials back over the site. Quarry leases are issued instead of quarry permits where a longer term need has been demonstrated, are issued for a period no longer than 20 years, and require a development and reclamation plan and the posting of financial assurance with the Department of Natural Resources in an amount sufficient to complete the reclamation work outlined in the plan should the company be unable to. Development and closure plans and the amount of financial assurance are reviewed and approved by the department and are required to be kept up to date. All applications for quarry permits and leases for areas located within a municipal planning area are referred to the municipality, in addition to other government agencies, and terms and conditions are drafted to address any specific concerns raised during the referral process. The Mineral Lands Division has three regional quarry compliance officers who carry out inspections year-round to ensure that the terms and conditions of quarry permits and quarry leases are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any quarrying activity, whether before or after the issuance of a quarry permit or lease, the town should contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed.
- (b) The Mineral Lands Division, Mines Branch, Department of Natural Resources, administers the Mineral Act under which mineral licences are issued and within the bounds of which mineral exploration may be approved by the issuance of an "exploration approval". Exploration approvals are generally issued for no longer than one year. Applications for exploration approval involving areas within a municipal planning area and where the activities proposed may involve ground disturbance, wildlife disturbance, water quality impairments, or foreseeable land use conflict, are referred to the municipality (in addition to other government agencies), and terms and conditions are drafted to address any specific concerns raised during the referral process. That being said, basic environmental requirements for mineral exploration are already set out in the Mineral Regulations under the Mineral Act, for example, that all excavated, stripped, and grubbed sites be rehabilitated by backfilling or re-contouring, as appropriate, and then placing stockpiled organic materials back over the site. The Mineral Lands Division conducts inspections year-round to ensure that the Mineral Regulations and the terms and conditions of exploration approvals are adhered to, including that rehabilitation, once due, is completed as required. Should a town have concerns about any mineral exploration activity, whether before or after the issuance of an exploration approval from the Department of Natural Resources to conduct the work, the town should contact the Mines Branch, Mineral Lands Division in order to have the concerns addressed.

2. A distinction should be made between mineral exploration that is classed as development and not classed as development. Mineral exploration that is not classed as development by virtue of minimal or no visible impact (e.g. prospecting, ground geophysical surveys, geochemical sampling surveys) should be allowed anywhere in the planning area. Mineral exploration that is classed as development (commonly defined as involving significant ground disturbance or another conspicuous impact) should be at least a discretionary use in all zones, provided that the work is subject to conditions appropriate to the use zone and which address any other concerns specific to the location.
3. Mineral exploration associated with mineral licences (or mining leases or impost lands) whose issuance date is earlier than a zoning or other planning decision, which restricts or disallows mineral exploration, should be considered a non-conforming use as per section 108 of the Urban and Rural Planning Act, and allowed to continue accordingly.
4. Mineral workings (quarrying) at quarry sites established before a zoning or other planning decision which restricts or disallows mineral workings should be considered a non-conforming use as per section 108 of the Urban and Rural Planning Act, and allowed to continue accordingly.
5. Normally the Mines Branch advises that mineral workings should be a permitted use in areas zoned Rural and at least discretionary in other relatively undeveloped zones in order to ensure that there is adequate space for quarrying within the Planning Area to meet present and future demand for construction aggregate and fill in the town, however, the Town of South River already contains a large Mineral Workings zone. Policy 4 under Section 2.3.5 of the current Municipal Plan states that “Suitable areas under the Rural designation may be used for further quarry development should the need arise, provided all applicable policies and regulations are complied with,” however ‘mineral workings’ is not listed as a discretionary (or permitted) use for the Rural Zone. If the Town decides to retain this policy then ‘mineral workings’ should be added as a discretionary use for the Rural zone. I note that most municipalities in the province allow ‘mineral workings’ as a permitted or discretionary use in the Rural zone, however, that being said, most municipalities do not have a dedicated Mineral Workings zone like South River.
6. High-quality aggregate is a valuable and potentially scarce resource and the cost of construction aggregate increases significantly with transportation distance, and this is why it may not be prudent for municipalities to rely on more distant quarries to meet local demand. Low-lying parts of the Town of South River MPA, from Goulds Brook north to Salmon Cove, are recognized for their aggregate resource potential, and indeed the long established Springfield Pit Quarry Area is located in this expanse of low-lying ground.
7. Development Regulations typically establish minimum separation distances or buffers between mineral workings and adjacent uses. Development Regulations should also contain a statement to the effect that, where a minimum required distance was originally observed when choosing the location of the quarry, quarrying should not be discontinued or impeded where

the buffer is reduced to less than the required distance due to encroachment of development towards the quarry.

8. Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the Quarry Materials Act, 1998. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). In order to ensure that royalties due the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials is taking place or may take place. The Development Regulations should contain a statement to the effect that "For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Mineral Lands Division, Department of Natural Resources. Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat."
9. In the Table of Use Classes, mineral workings, mineral exploration, and mining should each be listed as their own, distinct Use Class. The same applies to petroleum exploration and extraction.

If there are any questions about any aspect of quarrying or mineral exploration or the above comments, please contact Stephen Hinchey, Exploration Monitoring and Land Use Geologist, Mines Branch, Department of Natural Resources, at 729-5748 or [stephenhinchey@gov.nl.ca](mailto:stephenhinchey@gov.nl.ca).

#### **2.4.5.2 General Comments on Municipal Plan Reviews**

Also, as part of this response, the following comments are provided as a general statement from the Geological Survey of Newfoundland and Labrador, Department of Natural Resources. Some of the areas of discussion may not apply to the community under review. More details can be provided by contacting: Martin Batterson, Director Geological Survey of Newfoundland and Labrador Phone (709) 729-3419.

Email: [martinbatterson@gov.nl.ca](mailto:martinbatterson@gov.nl.ca).

- Newfoundland and Labrador has a long history of geological disasters with over 290 incidences of geologically-related impacts having been recorded from 150 communities in the province over a 223-year period. There are likely numerous unrecorded events that have occurred in areas currently within municipal boundaries at a time when there was no impact on infrastructure. With community expansion and the pressure for development, these areas may be considered for residential or commercial uses. To assist the municipal planning process in identifying areas of geological hazard, the Geological Survey has begun a project to identify areas at risk of geologically-related events (landslide, rockfall, avalanche, coastal erosion, flooding) within municipalities in the Province.  
(<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>)

- The sections below on flooding, landslide and rockfalls, coastal erosion and climate change should be considered in planning decisions:

### **Flooding**

- Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths are particularly vulnerable during river flooding during periods of unusually high tide or storm events. Flood risk maps for many areas of the Province have been released by Environment Canada and the Newfoundland Department of Environment and Conservation. These maps indicate historical events and show areas of potential threat from 1:100 year flood events. The responsibility for flooding related issue lies with the Water Resources Division, Department of Environment and Conservation, and they should be consulted on this subject. Historical flood events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

### **Landslide and rockfall**

- Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential.
- These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity. The slope angle and sediment characteristics are important factors that influence slope stability. Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or through human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a 'shadow angle' is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°.
- Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep). Historical landslide events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).



### **Avalanches**

- Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice which may break off, falling to the slope below and triggering an avalanche. Historical avalanche events have been compiled in the Geological Survey's database of geological disasters (<http://www.nr.gov.nl.ca/mines&en/geosurvey/disasters/>).

### **Coastal erosion**

- Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.
- Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100 year life span for a structure, we recommend a setback of at least 30m (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial development. A longer limit should be considered in those areas where more active recession is noted.
- The Geological Survey has recently initiated a coastal monitoring program that will provide data on rates of coastal erosion for the Province. For more information on coastal vulnerability contact Melanie Irvine at the Geological Survey (729-3489 or [melanieirvine@gov.nl.ca](mailto:melanieirvine@gov.nl.ca)).

### **Climate Change**

- Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90 cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099 ([http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterson\\_livernan.pdf](http://www.nr.gov.nl.ca/nr/mines/geoscience/publications/currentresearch/2010/batterson_livernan.pdf)).
- Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on

the coast for residential development. **Based on the potential future impact of sea level rise and storm surge, areas below the present 2 m contour are considered to be highly vulnerable to coastal flooding.** Development within this area should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove

- these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding, including storm surge.
- The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/avalanches. Details of the climate change projections report can be found at: [http://www.turnbackthetide.ca/whatsnew/2013/nl\\_climate\\_change\\_projections\\_summary.pdf](http://www.turnbackthetide.ca/whatsnew/2013/nl_climate_change_projections_summary.pdf)

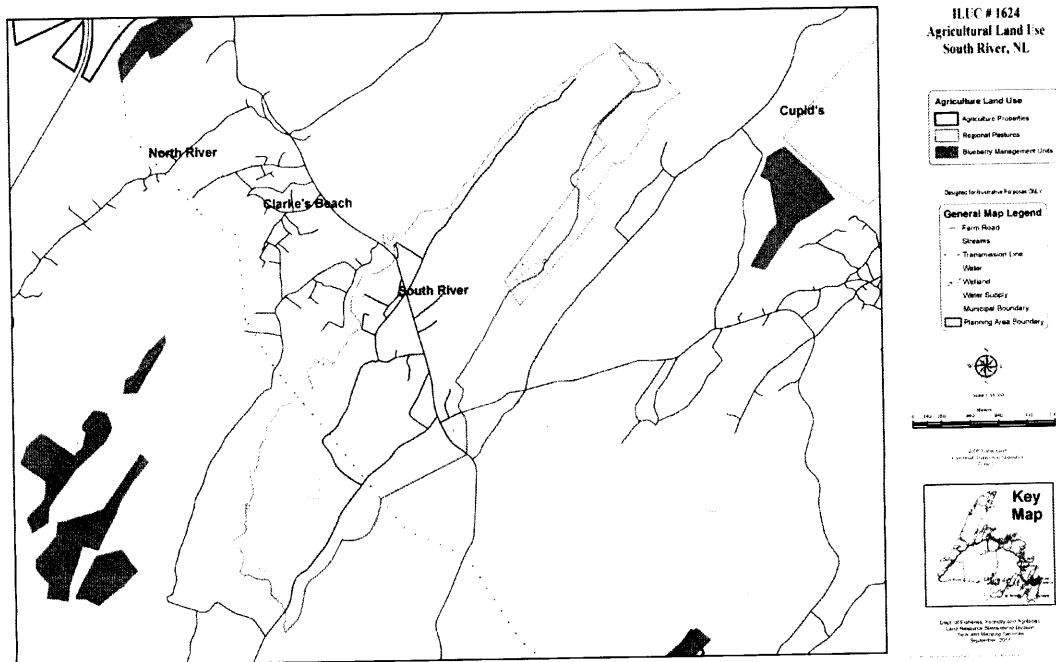
#### **2.4.6 Crown Lands, Department of Municipal Affairs**

- Crown land applications within the area are required to be accompanied by an approved Municipal Recommendation form.
- There are numerous existing titles and sites under application for Crown lands within the South River Planning Area – proposed plans should take this into account as well as to giving consideration to some possible future land uses.

#### **2.4.7 Agrifoods Development Branch, Department of Fisheries, Forestry, and Agrifoods**

- The Agrifoods Development Branch has reviewed the proposal submitted to ILUC by the Department of Municipal Affairs regarding the Town of South River's Municipal Planning Review. Attached for you information is a map containing the most recent information available to the Branch showing all known agricultural land use in the South River area.
- The Branch's mandate includes protecting existing and future agricultural activity, small or large scale. Land and soil for agricultural development is limited within this province and its protection is vital. Regarding the proposed Municipal Planning Review, existing 10 agriculture properties and development must not be negatively impacted and allowed to expand where permissible. This includes properties not identified on the attached map such as small-scale home gardens.

- As can be seen on the attached map there are several agriculture properties within the Proposed Municipal Planning Area. The zoning for these areas must have agriculture as a permitted use.
- Blueberry areas should be referred to as “agriculture areas” to encompass all agriculture activities.
- Part II of General Development Standards, Regulation 40(1)(b) states “The structure shall be at least 60 metres from the boundary of the property on which it is to be erected...” It should be noted that Provincial Guidelines recommend 45 metres.
- The definition for “Animal Unit” within the town plan is inconsistent with provincial guidelines and recognized definitions. The Branch requires that it be changed to reflect the definitions indicated in the attached documents from the Environmental Farm Practices Guidelines for Livestock Producers in Newfoundland and Labrador and the Environmental Farm Practices Guidelines for Poultry Producers in Newfoundland and Labrador.
- If changes are made to the Municipal Plan, the Branch would like to review/provide input on it prior to implementation.
- Should you have any questions or if you would like to discuss, please do not hesitate to contact Coolene Brake, Land Management Specialist at 637-2896 or cbrake@gov.nl.ca



**Animal Unit Equivalents (AU)**

Type of Livestock	Avg. Weight per Animal (kg)	Number of Livestock = 1 AU	Number of AU per Livestock
Dairy cows	545 – 640	1	1.2 – 1.4
Heifers	300	2	1.3 (0.66 each)
Veal	91	5	1 (0.2 each)
Bulls	545	1	1.2
Beef cattle	360	2	1.6 (0.79 each)
Sows (F to F)	454	1	1
Sows	150	3	1 (0.33 each)
Hogs	75	6	1 (0.165 each)
Boars	150	3	1 (0.33 each)
Sheep (ewes)	54	8	1 (0.119 each)
Sheep (lamb)	27	16	1 (0.059 each)
Goats	64	7	1 (0.141 each)
Foxes (w/Litter)	11.35	40	1 (0.025 each)
Mink	3	150	1 (0.007 each)
Rabbits	2.27	200	1 (0.005 each)
Laying Hens	1.8	252	0.00396
Broilers	.9	500	0.0019
Pullets	1.3	350	0.0029
Broiler turkey	6.5	70	0.0143
Heavy turkey	7.5	60	0.0165
Heavy toms	12	40	0.0264

Note: One animal unit is equivalent to 454 kg (1,000 lb.) live weight

Source: NL Department of Fisheries, Forestry, and Agriculture

**2.5 Public Consultations**

**2.5.1 Open House, July 13, 2016**

The initial public consultation session for the Plan Review took place on July 13, 2016 at the Town Hall. Organized as an Open House, 32 people attended including 5 Councillors and the Town Clerk.

The main issues raised included the following:

- Objections raised regarding gravel pits included creeping expansion towards residential areas, storage of scrap vehicles and equipment, dumping of contaminated soils and used construction materials, and whether operators have proper permits for what they are doing. It was suggested the Municipal Plan have more stringent regulations and require rehabilitation of pits that are no longer in use.
- Concern was raised that land development in the Jacksonville Estates is causing runoff and flooding problems for downslope properties. Council should ensure that land development in upslope locations include appropriate measures to prevent this.

- A landowner requested that Council allow residential development north of Jacksonville Estates on Salmon Cove Road.
- In some areas landowners are filling in roadside ditches, causing water to run onto the roads
- There are too many open fires around town. People are burning toxic materials
- How does Council deal with mobile homes?
- A concern was raised about the impact of the use of the public wharf on Wharf Road on adjacent property.

### **2.5.2 Second Open House – April 4, 2017**

The second public consultation session took place on April 4, 2017 to present and answer questions on the proposed Municipal Plan and Development Regulations. Organized as an Open House, it was attended by 10 people including 2 Councillors and the Town Clerk.

Issues raised included the following:

- A proposed new gravel pit in the mineral working area and how the new Plan will affect its development and access to it.
- Potential overland and underground drainage impacts of residential development along sloping land south of Salmon Cove Road. The Planner explained that the proposed Municipal Plan and Development Regulations include various provisions that authorize Council to implement measures to control stormwater impacts from new development.

### **3.0 GOALS AND OBJECTIVES**

This section outlines the Town's planning goals and objectives for the 2017-2027 period. A goal is a desired state, which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is an outcome or output desired by Council in less than 10-years.

#### **3.1 Community Structure and Character**

Goals: Encourage a growth structure for South River that ensures orderly development, efficient use and development of municipal services, compatibility between land uses, avoidance of sprawl, and retention of the Town's attractive features.

Objectives: Encourage and facilitate residential, commercial, and industrial development.

Encourage and facilitate new development through infilling along existing serviced streets, and keeping new streets in close proximity to existing streets and infrastructure.

Preserve and protect environmentally important and sensitive areas including water supply areas, coastal shorelines, ponds, streams, wetlands, steep slopes, and visually significant features.

Encourage lot layout designs that are efficient in the use of municipal infrastructure and sensitive to the existing physical form and character of the community.

Encourage preservation and maintenance of heritage areas and buildings.

Improve land and building accessibility standards to facilitate better mobility by disabled and elderly residents.

#### **3.2 Economic Growth and Development**

Goal: Encourage diversified and balanced economic development that fosters employment opportunities, promotes a high quality of life, contributes financially to the municipality, and protects the environment.

Objectives: Foster the economic growth of South River particularly in regard to the potential for fisheries, marine services, tourism, retail sales and services, light manufacturing, and housing development.

Encourage diversification of the local economy through the attraction of new businesses and support of existing businesses.

Encourage and accommodate compatible commercial, industrial, and tourism opportunities in suitable locations.

Allocate good quality land near major roadways for a range of business activities.

Allow for compatible mixed development of residential, commercial, and light industrial land uses.

Ensure that economic development activities are compatible as possible with neighbouring land uses.

Promote South River as an attractive place to live, drawing upon its advantageous location, community services, waterfront access, and recreational amenities.

Support resources and activities that enhance tourism such as the preservation and development of trails, shorelines, heritage sites and buildings, marine excursions, sport fishing, and visitor facilities.

Promote the main streets of South River for mixed development including retail and service outlets, public buildings, and outdoor public spaces.

Encourage home occupations that fit with the neighbourhood character and do not impinge on the reasonable enjoyment of neighbouring residential properties.

Encourage economic revitalization of older commercial areas and buildings.

### **3.3 Environment**

Goal: Conserve, protect, and enhance important and sensitive environmental resources.

Objectives: Provide municipal services at environmentally acceptable standards.

Conserve, protect, and enhance important and sensitive environmental resources, including lakes, streams, estuaries, wetlands, riparian areas, steep slopes, coastal resources, and scenic vistas.

Reduce stormwater flows, erosion, and impacts on receiving waters by improving how runoff is managed in developed and developing areas.

### **3.4 Health and Social Well-Being**

Goal: Provide for the welfare of all South River residents by addressing basic human needs, community services, and quality of life.

Objectives: Promote opportunities to meet the needs of residents for food, shelter, health care, education, employment, income, and safety.

Promote access to childcare, youth programs, family services, and seniors services.

Facilitate the housing needs of residents of all ages, income levels, and physical and mental abilities (also see Section 3.5).

Enhance South River as an accessible and age-friendly community by improving development standards for the mobility needs of disabled and elderly residents.

Promote opportunities for inclusion of low-income and disadvantaged residents into all aspects of community life.

### **3.5 Housing**

Goal: Promote and facilitate adequate housing for all residents regardless of age, income, abilities, and family status.

Ensure development proceeds in a way that maintains a pleasant residential environment.

Objectives: Allocate sufficient residential land to meet anticipated requirements for the next ten years.

Protect residential quality of life and property values.

Accommodate a range of housing types to satisfy market needs.

Ensure affordable housing is available for residents of different income levels, age groups, family structures, and disability needs.

Manage residential development in a manner that preserves and protects sensitive environments and public open space.

Encourage development of single, double, and multi-unit housing in appropriate locations through infilling along existing streets, new subdivisions, and adaptive reuse of existing buildings in mixed-use areas.



Encourage opportunities to redevelop vacant and underused buildings for residential use.

### **3.6 Transportation**

**Goal:** Maintain an efficient transportation network to serve motorized and non-motorized transportation needs in South River.

**Objectives:** Maintain safe and efficient access to all residential developments, commercial establishments, and recreational areas.

Ensure new development provides for traffic circulation that avoids congestion and hazardous intersections.

Ensure the needs of disabled and elderly residents are appropriately addressed in the planning and design of streets, sidewalks, crosswalks, parking areas, and trail systems.

### **3.7 Recreation and Open Space**

**Goals:** Designate appropriate natural areas, linear corridors, and outdoor facilities to accommodate active and passive recreational needs of all residents, including children, youth, and seniors.

**Objectives:** Encourage public participation in the planning of open space and recreational facilities.

Encourage and support recreational groups and community organizations in organizing sports, recreation, and festival activities and events.

Protect and enhance public access to the town's coastal and freshwater shorelines.

### **3.8 Culture and Heritage**

**Goal:** Develop and protect the town's cultural and natural heritage.

**Objectives:** Support efforts to showcase South River's history and culture.

Protect and enhance sites important to showcasing the town's natural and built heritage, including key lookout sites and trails.

### 3.9 Capital Works

Goal: Provide an acceptable and consistent level of water, sewer, and storm sewer services.

Utilize existing capacity prior to investing in new streets and municipal infrastructure.

Objectives: Maintain a water system within the Town capable of providing domestic water and fire flows to all feasible areas.

Provide a system of sanitary sewer trunk mains, outfalls and local service lines capable of accommodating existing and future sewage flows.

Improve stormwater management to protect properties, prevent erosion, and protect watercourses and other environmentally sensitive areas.

### 3.10 Governance

Goal: Provide municipal services and administration effectively, efficiently, and equitably to all residents within the fiscal capacity of the Town.

Collaborate with other levels of government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

Objectives: Encourage public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.

Deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act* and the *Urban and Rural Planning Act 2000*.

### **3.11 Municipal Finance**

**Goal:** Manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

**Objectives:** Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.

Encourage an enlarged economic base in the Town in order to generate more tax revenues.

Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.

## **4.0 COMMUNITY WIDE POLICIES**

### **4.1 Policy Framework**

This section provides the policy framework for the planning of South River as expressed in the Goals and Objectives outlined in Section 3.0.

The thrust of the Municipal Plan is to ensure the continuance of a vibrant and sustainable community, to facilitate economic development and housing needs, to maintain the town's attractive character and quality of life through a compatible mix of built-up land uses and green space, and to protect sensitive environmental resources. This is important in order to provide continuity with the past, achieve the Town's development vision, maintain a distinct identity, and contribute to economic, social and environmental sustainability.

To accomplish the overall intent of the Plan, the following policy initiatives are put forward:

- i) Areas that can be developed and serviced at the most reasonable long-term costs to the Town will be given priority for physical growth and expansion. Highest priority is placed on the infilling of vacant land along serviced streets. Second priority is placed on areas that are affordably close to existing streets and piped services. Development will be restricted in areas that would entail prohibitive or unnecessary costs to develop and maintain new infrastructure and provide services.
- ii) Prominent features that help to preserve community character, such as heights of land, shorelines, open space, and scenic vistas, will be preserved.
- iii) A high standard will be maintained for both the natural and built environments, particularly the protection of environmentally sensitive areas such as shorelines, wetlands, steep slopes, archaeological resources, and historic sites and buildings.
- iv) Streets and infrastructure will be designed to a high standard with respect to safety, traffic and pedestrian mobility, water and sewer distribution, and ease of maintenance.

- v) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

## **4.2 General Land Use Policies**

### **1. General Layout of the Town**

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads and service with water and sewer.
- (2) Council will give priority to the infill of vacant serviced land over the development of new streets and infrastructure.
- (3) Council may refuse to approve proposed developments in locations where municipal services are inadequate or would be uneconomic to provide and maintain.
- (4) Council will require land developments to include reasonable measures to reduce stormwater runoff from the site, including as necessary the setting-aside of green areas for stormwater control and infiltration.

### **2. Compatibility of Uses**

As much as possible, Council will ensure that new developments will not negatively affect existing land uses through the creation of hazards or nuisances such as noise, dust, odour, congestion, or unsightly appearance.

### **3. Non-Conforming Uses**

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed at the time of the registration of this Municipal Plan shall be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific

provisions concerning legal non-conforming uses are set out in the Development Regulations.

#### **4. Land Development and Subdivision Proposals**

##### **(1) Site Suitability**

When reviewing a proposed land development, Council will consider the site's suitability in terms of soils, geology, location of watercourses and wetlands, steepness of grades, and overall environmental sensitivity. When considering approval, Council will ensure that the development will have minimal negative effects on water resources and surrounding properties.

##### **(2) Professional Review**

If in Council's opinion, a proposed development could result in undesirable environmental effects or could create problems for nearby properties, at the proponent's expenses, it may require an assessment of the proposal by a certified planner, engineer, or similar professional.

Among other matters, the review shall evaluate the adequacy of the development's proposed site grading, drainage, stormwater control, and landscaping, as well as the potential of the development to negatively affect nearby properties and bodies of water due to storm drainage, erosion, or pollution.

##### **(3) Land Needed for Environmental Protection**

When approving a development, Council may require portions of the proposed site to be set aside from development or clearing of vegetation in order to reduce and control stormwater drainage and erosion. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

**(4) Land for Public Use**

In accordance with Section 37 of the *Act*, for each subdivision approval, Council may require the developer to convey an area of land to the Town for open space or other public use. This conveyance would be equal to no more than ten per cent of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money that is equivalent to the value of the land that would have been conveyed.

**(5) Coordination with Surrounding Development**

Subdivisions and other developments will be coordinated with existing and proposed nearby developments, the street network, and municipal infrastructure. Developments may be required to provide for access to adjacent undeveloped lands.

**(6) Municipal Services and Access**

The provision of municipal services and access must be appropriate to the type and scale of development. Council will ensure that a new development will make efficient use of existing streets and infrastructure and will not create unreasonable servicing demands or costs.

**(7) Public Input**

Council may seek input from nearby residents and landowners when reviewing development proposals.

**(8) Council Decision**

Council will review each development application on a case by case basis and may:

- (a) Approve the development as proposed,
- (b) Approve the development subject to certain terms or conditions,

- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Not approve the development if it concludes that it would be unsuitable for the location, would be prohibitively expensive to service or maintain, or would create environmental or other problems that cannot be sufficiently corrected or mitigated.

**(9) Subdivision Agreement**

Council may require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

**5. Consolidation and Infill of Serviced Areas**

- (1) Council will encourage intensification of development in areas that are accessible to piped water and sewer services. This can occur through infilling of vacant land along existing roads and keeping new street development in close proximity to existing infrastructure.
- (2) Site plans for infill development and land use intensification must meet the approval of Council. Developments must be compatible with the existing neighbourhood character and in accordance with Council's development standards with respect to lot size, frontages, road widening, alignments, installation of municipal services, environmental protection, retention of open space, and matters concerning current or future public works.

**6. Public Streets**

Subject to conditions to mitigate environmental impacts, new public streets are generally permitted in all areas except within the Environmental Protection and Coastal designations.



**7. Public Access to Watercourses and Coastal Shorelines**

Council will ensure that sufficient and appropriate public access is maintained to ponds, watercourses, and coastal shorelines provided that such access does not unreasonably impinge on the use and enjoyment of abutting private lands.

**8. Comprehensive Development**

- (1) In order to accommodate a desirable but unconventional development (for example, a planned unit development), Council may permit a comprehensive development that, except for overall density and use classes, does not comply with the lot size, frontage, and minimum yard standards of the zone in which it is located.
- (2) A comprehensive development will not be permitted on a site that Council considers to be unsuitable for development due to insufficient land area or other physical, locational, or environmental constraints.
- (3) Council may require a comprehensive development to provide for higher standards than normal for environmental protection, provision of land for open space or public use, and protection of heritage sites and scenic landscapes.
- (4) A comprehensive development must be compatible with adjacent land uses.

**9. Adaptive Re-use of Existing Buildings and Properties**

Council will encourage the adaptive reuse of existing buildings and properties for developments that are permitted within the designation and would be compatible with nearby existing land uses.

**10. Heritage and Archaeological Resources**

- (1) Council will encourage the preservation of individual sites and buildings that have archaeological or heritage significance.
- (2) Council will cooperate with landowners to identify new or enhanced uses for older buildings and make owners aware of public programs aimed at preserving built-heritage.
- (3) Archaeological sites are protected under the *Historic Resources Act*. If such a site is discovered, development will stop and the Provincial Archaeology Office will be notified and consulted on how the development should best proceed.

**11. Discretionary Uses**

Council may decide that a land use should be set out as a discretionary use in a particular zone in the Development Regulations, where:

- (a) the suitability of the use is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,
- (b) Council determines that the use could negatively affect the predominant land uses in the zone and, in order to mitigate this impact, it would be desirable to consult with the public prior to issuing, issuing subject to conditions, or refusing a development permit, or
- (c) it is necessary to attach conditions to an approval to ensure that the use is developed in a way that is compatible with nearby uses and the predominant uses of the zone.

**12. Mineral Exploration**

- (1) Subject to other provisions of this Municipal Plan, mineral exploration that is not classed as a development (by virtue of drilling, appreciable ground disturbance, or construction of access roads) may be permitted anywhere in the Planning Area, subject to approval by the Town.

- (2) In accordance with Sections 12 and 13 of the *Mineral Act*, no exploration of any type will be permitted on privately owned land without the consent of the landowner.
- (3) Mineral exploration that is classed as a development (see definition in Development Regulations) may be permitted in certain designations, provided that adequate provision is made for environmental protection, site reinstatement, landscaping, buffering, or mitigations of impacts on residential, commercial, industrial, institutional and recreational areas.
- (4) Mineral exploration will be permitted only if all necessary Provincial approvals have been obtained.

**13. Mineral Working**

- (1) Mineral working operations, where permitted, will be subject to terms and conditions to minimize impacts on environmentally sensitive areas and nearby existing development.
- (2) Mineral working operations will take measures to minimize negative impacts on water resources and other sensitive environmental resources.

**14. Forest Resources and Trees**

Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, and stormwater control.

**15. Trails**

Recreational trail corridors designated by Council will be protected. Proposals for alternative use of land containing a trail will not be approved except where the proponent makes provision to relocate the trail with minimal disruption to the trail's continuity.

**16. Utilities**

**(1) Utility Easements and Facilities**

Utility facilities, such as transmission lines, communication towers, stormwater drains, water and sewer pipes and treatment facilities, energy generation facilities, and pollution control, may be permitted in all land use designations subject to conditions set by Council.

Council may restrict or place conditions on the development of certain utilities within the Environmental Protection and Coastal designations.

**(2) Alternative Energy Facilities**

Wind, small hydro, and solar energy generation facilities may be permitted in certain areas subject to conditions set by Council, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation distance between a wind generator and nearby buildings and structures.
- (c) Energy utilities are subject to required approvals by relevant provincial and federal departments.

**17. Provision for the Disabled and Elderly**

Council will consider the mobility needs of disabled and elderly residents in the planning and design of municipal streets, buildings, and recreational facilities, and when approving commercial, public, and collective residential buildings and facilities.

### **4.3 General Environmental Policies**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas and preventing stormwater impacts, soil erosion, and watercourse sedimentation. Land use decisions will duly consider environmental sustainability and biodiversity objectives.

#### **1. General Environment**

##### **(1) Protection of Sensitive Areas**

Environmentally sensitive lands, including watercourses, riparian areas, wetlands, coastal areas, steep slopes, wet and unstable soils, and important habitat, will be protected from potentially damaging development.

##### **(2) Consideration of Environmental Impacts**

Potential environmental effects will be considered when reviewing development applications. At its discretion, or in accordance with other statutory requirements, Council may refer development proposals for advice and/or regulatory approval to departments such as Environment and Conservation, Service NL, Health and Community Services, Fisheries and Oceans Canada, and Environment Canada.

#### **2. Watercourse and Wetland Protection**

(1) Development in the vicinity of a watercourse or wetland will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.

(2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, and pollution.

(3) Where it believes that a proposed development may affect a wetland, at its discretion, Council may:

(a) require the developer to have the wetland delineated by a qualified consultant,

- (b) establish a sufficient buffer from the edge of the wetland in which development may not be permitted,
- (c) require such other conditions or restrictions to protect the wetland, and/or
- (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

**3. Unstable and Poorly Drained Soils and Geology**

- (1) Development in areas that are environmentally sensitive or hazardous due to wet or unstable soils, a high water table, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.
- (2) Development will not be permitted on lands with soil and drainage conditions that, in the opinion of Council, are incapable of or unsuitable for the proposed use.

**4. Coastal Land**

Development in the vicinity of coastal shorelines shall be carried out in a manner that minimizes potential environmental impacts, protects natural features, and preserves existing public accesses to and along the shoreline.

**5. Steep and Unstable Slopes**

Steep and unstable slopes may be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to humans and properties resulting from development.

**6. Storm Drainage**

- (1) Development will not be undertaken in a manner that causes excessive increases in stormwater runoff such that it could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, or other sensitive areas.

- (2) In areas where there is concern that development may contribute to excessive stormwater increases, Council may require developers and landowners to:
- (a) Set aside open space areas where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
  - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
  - (d) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
  - (e) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
  - (f) Immediately reestablish vegetative cover on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

**7. Use of Discretionary Authority**

Council may exercise its discretionary authority to prohibit or set conditions on development when, in its opinion, the development might result in undesirable environmental impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, scouring or siltation of streams, or exposure of contaminated soils.

**4.4 Transportation Policies**

The transportation system in South River includes a hierarchy of arterial, collector, and local roads, as well as public trails and walkways.

**1. Consideration of Environmental Impacts**

New highways, streets, water crossings, and associated infrastructure will be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

**2. Arterial Roads**

**(1) Description**

South River has three Arterial Roads.

- Conception Bay North Highway (Route 70) extends 2.0 kilometres between the Town's southeastern and northern boundaries.
- Hodgewater Line (Route 71) extends 2.5 kilometres from Route 70 to the Town's southwestern boundary.
- Conception Bay Highway (Route 60) extends for only 200 metres from Route 70 to the Town's eastern boundary with Cupids.

**(2) Purpose**

Arterial roads in South River serve two main functions: (1) to provide safe and efficient traffic flow for vehicles travelling to and through the Planning Area and (2) to distribute traffic between major points and local streets within the Town.

**(3) Individual Accesses**

Council will use its discretionary authority if necessary to prevent development of any driveway and other private access along Routes 70, 71 and 60, where it deems that such access would adversely affect traffic safety or efficiency.

**3. Collector Roads**

**(1) Description**

Collector roads in South River include Springfield Road and Salmon Cove Road.

**(2) Purpose**

The primary purpose of a collector road is to distribute traffic between major points and local streets within the Town.



**(3) Individual Accesses**

Access to abutting properties on collector roads will not be restricted but will be properly planned to ensure they do not impede safety and traffic efficiency.

**4. Local Streets**

**(1) Description**

Local streets include all streets not referred to as arterials or collectors.

**(2) Purpose**

Local streets are intended to serve properties located on the street and generally are not used by traffic except to access these properties and adjoining local streets.

**(3) Local 1 and Local 2 Streets**

South River has two categories of local streets.

Local 1 streets include those that generate significant traffic on their own or have potential to be accommodate more development that will generate higher traffic in future years.

Local 2 streets include smaller and dead-end streets that are unlikely to ever be extended or accommodate significant additional development.

The following table lists South River’s Local 1 and Local 2 streets.

Local 1 Streets	Local 2 Streets	
Dawe’s Road	Batten Place	Manning Hill
Forest Road	Boone’s Road	Meadow Lane
Hearn’s Road	Bridge Road	Neville’s Road
Hillview Place	Butler’s Road	Neville’s Place
Jacksonville Estates	Caplin Cove Road	Reid’s Road
Mill Road	Drung Road	Salmon River Road
Old Cart Road	Foley’s Hill	Taylor’s Road East
	Love Lane	Taylor’s Road West

**(3) Future Road Connections**

Council will ensure that appropriate street reservations are reserved along Local Streets to provide for future connections to backland areas with development potential.

**5. Street Design and Construction**

- (1) The location, design, and construction of public streets will meet Council's minimum requirements for public safety, traffic efficiency, access to adjoining land, and construction quality.
- (2) Except where it is not physically feasible, new streets shall be located such that there will be sufficient land to develop lots on both sides in accordance with the development standards of the zone.
- (3) The layout of a new street will provide adequate reservations to accommodate road extensions and access to backland areas for future development.
- (4) The costs of constructing and connecting new streets to the municipal street system will be the sole responsibility of the developer.

**6. Provision for the Disabled and Elderly**

Streets, sidewalks, public walkways, parking areas, and access points to public and commercial buildings will be designed to facilitate easy access and movement by disabled and elderly persons.

**4.5 Infrastructure Policies**

**1. Water Supply System**

- (1) Council will maintain its water supply distribution system in good working order to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities.

- (2) Adequate fire flows will be maintained in all areas served by municipal water.

**2. Sanitary Sewer System**

Council will maintain the town's sanitary sewer system in good working order.

**3. Stormwater Management**

Council will maintain storm drainage ditches and facilities in good working order.

**4. Water and Sewer Requirements for New Development**

- (1) All water and sewer infrastructure associated with new land development must meet the minimum standards of the Town and be approved by the Town's engineer.
- (2) The costs of installing water and sewer services and connecting new lots to the municipal system will be the sole responsibility of the developer.

## **5.0 LAND USE DESIGNATIONS**

Land use designations are set out on the Future Land Use maps. The policies in this section relate to the individual designations.

### **5.1 Environmental Protection**

#### **1. General Intent**

- (1) In the Environmental Protection designation, highest priority is given to protecting sensitive areas from the adverse impacts of development.
- (2) The Environmental Protection designation will protect environmentally sensitive areas, including but not limited to rivers, streams, estuaries, riparian areas, wetlands, and steep slopes.

#### **2. Land Use**

- (1) Conservation uses, including buildings and structures associated with conservation, will be permitted.
- (2) At its discretion, Council may permit open space uses such as walking trails, picnic tables, and boardwalks. Before approving such developments, it must be clearly demonstrated to Council that potential adverse effects on the site, adjacent water bodies, and aquatic, waterfowl, and seabird habitat will be minimal. Also Council must be satisfied that a proposed development will not create an unreasonable obstruction to public access to or along the shoreline.
- (3) At its discretion, Council may permit transportation developments, for example, road crossings of streams, bridges, culverts, and stormwater drains, but only if alternative locations are not feasible and Council considers the proposed development to be in the public interest. Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any such development.

- (4) Excavation and infilling of land and water will not be permitted unless it is to redirect stormwater or is a public work that has been approved by the Water Resources Division of the Department of Environment and Conservation.

## **5.2 Coastal Protection**

South River has approximately three kilometres of coastal shoreline. Approximately one kilometre of this abuts built-up development, residential, fisheries, marine, and institutional properties. The remaining two kilometres is characterized by high steep slopes rising from the shoreline, with a town street running close to the top of the slope.

### **1. General Intent**

- (1) In the Coastal Protection designation, priority is given to protecting sensitive and scenic coastal areas and accommodating commercial, community, and marine activities that have a bona fide need for shoreline access.
- (2) Conservation buffers and other measures will be used to protect coastal beaches, beach banks, abutting steep slopes, and other sensitive coastal features from the impacts of development.
- (3) Approval of all coastal uses will be contingent on terms and conditions aimed at maintaining reasonable public access to and along the shoreline.

### **2. Land Use**

- (1) Conservation uses and open space uses such as walking trails will be permitted.
- (2) At its discretion, Council may permit fisheries, marine, and marina facilities that are deemed to be coastal-location essential, as well as recreational docks and slipways.
- (3) No residential development will be permitted in the Coastal Protection designation.

- (4) Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any development in the Coastal designation.

### **3. Development Conditions**

Development in the Coastal designation will be carried out in a manner that minimizes potential for environmental impacts and protects natural features. Approval of all coastal uses will be contingent on terms and conditions aimed at maintaining reasonable public access to and along the shoreline.

### **4. Excavation and Infilling of Coastal Land**

Excavation and infilling of land above and below the water line will not be permitted except where it is related to a public work or marine facility that has been approved by the Department of Environment and Conservation, Fisheries and Oceans Canada, and other applicable agencies.

## **5.3 Residential**

### **1. General Intent**

- (1) Areas are designated Residential in order to accommodate new housing needs and preserve the amenity of existing residential areas.
- (2) Highest priority for residential development will include infill along existing streets and areas that can be economically connected to existing streets and piped services.

### **2. Guiding Principles**

In guiding residential growth, Council will endeavour to achieve a balance between the following principles:

- (a) New residential development will maintain the Town's natural and scenic character.

- (b) New development will accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents.
- (c) New development will ensure that municipal infrastructure and services can be delivered and maintained at a reasonable cost to taxpayers.

**3. Land Use**

- (1) Permitted housing in all areas designated Residential includes single dwellings and subsidiary apartments in single dwellings.

Accessory buildings are permitted on residential lots subject to standards and conditions required by Council.

Other permitted uses include conservation and open space.

Crop agriculture that is subsidiary to a residential use will be permitted as well.

- (2) At Council's discretion, residential uses that may be permitted in areas with municipal water and sewer services include double dwellings, townhouses, apartment buildings, boarding houses, and residential care facilities. These uses will not be permitted if municipal water and sewer services are not available.
- (3) At Council's discretion, a home occupation may be permitted within a residential dwelling or within an accessory building on the same lot in accordance with conditions required by Council.
- (4) Other discretionary uses include childcare, bed and breakfasts, communications, emergency services, energy generation facilities, recreational open space, small-scale livestock agriculture, kennels, transportation, and mineral exploration.

## **5.4 Mixed Development**

The Mixed Development designation recognizes the existing mix of residential, commercial, and public uses that has evolved over time in particular areas, notably on Hodgewater Line and Conception Bay North Highway.

### **1. General Intent**

- (1) Council will carefully manage new development in this designation to allow a compatible mix of commercial, light industrial, residential, and public uses.
- (2) Council will encourage the revitalization of Mixed Development areas that have suffered from economic decline by promoting and facilitating adaptive reuse and redevelopment of vacant and underused buildings and properties.

### **2. Land Use**

- (1) The Mixed Development designation will accommodate a compatible mix of commercial, public and residential uses in the vicinity of Conception Bay North Highway and Hodgewater Line.

The designation will allow for the development of various types of housing, low-impact commercial and light industrial uses, public buildings, and open space.

- (2) Single dwellings, double dwellings, subsidiary apartments, and residential care homes, and residential accessory buildings will generally be permitted except where they are deemed by Council to be inappropriate for the area due to incompatibility with existing commercial or other non-residential uses.

Shops, childcare, cultural and civic uses, educational uses, emergency services, indoor markets, medical services, offices, personal services, and public buildings will be permitted except where they are deemed by Council to be incompatible with existing residential uses.



Conservation and open space are complementary uses that will be permitted.

Crop agriculture that is subsidiary to a main use will be permitted as well.

- (3) Residential uses that may be permitted at Council's discretion include townhouse dwellings, apartment buildings, and boarding houses.
- (4) At Council's discretion, a home occupation may be permitted within a residential dwelling, or an accessory building on the same lot, in accordance with conditions required by Council.
- (5) Bed and breakfasts, commercial accommodations, tourist cottage establishments, and campgrounds may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing land uses.
- (6) Other uses that may be permitted at Council's discretion include catering, cemeteries, clubs and lodges, commercial outdoor recreation, communication uses, drinking establishments, energy generation facilities, entertainment uses, funeral homes, garden centres, general assembly uses, general services, indoor assembly uses, kennels, light industry, mineral exploration, outdoor assembly uses, outdoor markets, places of worship, recreational open space, service stations, shopping centres, take-out food services, transportation uses, and veterinary services.

### **3. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Development areas, Council will pay particular attention to ensure new development is compatible with existing uses and the general character of the area.

- (2) Before approving a non-residential development, Council must be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (3) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize nuisance impacts on existing uses. These may address proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities.

**4. Guidelines**

The following principles will be pursued within the Mixed Development designation:

- (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that it is compatible with the area and, in Council's opinion, will contribute to revitalization of the area.
- (b) The preservation and enhancement of buildings of architectural or historic interest will be encouraged.
- (c) The appearance, scale, siting, and use of new buildings, as well as expansions and renovations to existing buildings, will have regard for and not detract from, the character of the surrounding area.
- (d) Restoration and reuse of dilapidated buildings and sites will be encouraged.

**5. Other Municipal Plan Requirements**

Other requirements for public, commercial and residential development expressed elsewhere in this Plan shall, where relevant, apply to development within the Mixed Development designation.

**6. Use of Discretionary Authority**

If Council deems that a proposed development in the Mixed Development designation will adversely affect the character of the area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.

## **5.5 Commercial**

### **1. General Intent**

The commercial strip along Conception Bay North Highway is designated Commercial to recognize its status as South River's main business area and to facilitate business growth and development. This designation allows for a range of retail, service, assembly, and institutional uses.

### **2. Land Use**

- (1) Permitted uses include catering, childcare, communications, cultural and civic, educational services, emergency services, general assembly, general services, indoor assembly, indoor markets, medical services, offices, outdoor markets, personal services, public buildings, residential care homes, shops, take-out food services, transportation, and veterinary services.

Conservation and open space are complementary uses that will be permitted.

- (2) Apartment buildings may be permitted at Council's discretion.

Subsidiary apartments may be permitted if they are deemed to be necessary for the operation of a main use.

Visitor accommodation facilities that may be permitted at Council's discretion include campgrounds, commercial accommodations, and tourist cottage establishments.

Other uses that may be permitted at Council's discretion include clubs and lodges, commercial outdoor recreation, drinking establishments, energy generation facilities, entertainment uses, funeral homes, garden centres, kennels, outdoor assembly, places of worship, recreational open space, service stations, shopping centres, light industry, and vehicle sales and services.

**3. Compatibility with Neighbouring Areas**

- (1) New development will be permitted to the extent that it will not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, smell, traffic, pollution, and related factors.
- (2) Council may impose conditions to require commercial and light industrial uses to maintain an attractive appearance and minimize undesirable impacts on nearby residential areas. Conditions may address site layout, outdoor storage, parking areas, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing, berms, and/or appropriate plantings of trees and shrubs.

**5.6 Industrial**

**1. General Intent**

Land is designated Industrial in the vicinity of the existing concrete plant at corner of Hodgewater Line and Dawe's Road. The purpose of this designation is to recognize the existing use of the area and to facilitate additional industrial growth.

**2. Land Use**

- (1) Permitted uses include light industry, emergency services, energy generation facilities, general services, service stations, communications, and offices.

Conservation and open space are complementary uses that will be permitted.

- (2) A subsidiary apartment in a business property may be permitted at Council's discretion if it is considered necessary to the security or efficient operation of the business.
- (3) General industry and hazardous industry may be permitted at Council's discretion.

- (4) Other uses that may be permitted at Council's discretion include mineral working, mineral exploration, and transportation uses.
- (5) No development will be approved that is not complementary to and compatible with the primary purpose of the Industrial designation, which is to facilitate industrial activities beneficial to the local economy and municipal tax base.

**3. Compatibility with Neighbouring Areas**

- (1) New development will be permitted to the extent that it will not unreasonably affect nearby residential areas with respect to noise, dust, glare, vibration, smell, traffic, pollution, and related factors.
- (2) Council may impose conditions to require industrial uses to maintain an attractive appearance and minimize undesirable impacts on nearby residential areas. Conditions may address site layout, outdoor storage, parking areas, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing, berms, and/or appropriate plantings of trees and shrubs.

**5.7 Open Space**

**1. General Intent**

Land is designated Open Space is to preserve and protect natural areas and scenic resources, as well as to set aside land for community parkland, trails, and other passive and low-impact recreational uses. The designation includes the old railway corridor, which is used as a recreational trail.

**2. Land Use**

- (1) Within this designation, permitted uses will include conservation and open space uses such as trails, community parks, and associated facilities.

- (2) Other uses that may be considered at Council's discretion include cemeteries, crop agriculture, energy generation facilities, mineral exploration, outdoor markets, recreational open space, temporary take-out food services, and transportation.

### **3. Take-out Food Services**

Take-out food services will be limited to temporary uses related to special events and other short-term needs.

## **5.8 Mineral Working**

### **1. General Intent**

Areas are designated Mineral Working to recognize their importance for aggregate extraction and related industrial activities.

### **2. Land Use**

- (1) Permitted uses within this designation will include conservation, open space, communications, energy generation facilities, and mineral exploration.
- (2) Developments that Council may permit at its discretion include mineral working, light and general industrial use, and transportation.

### **3. Environmentally Sensitive and Scenic Areas**

Council may restrict or set conditions on mineral working activities in locations where it deems that the use may adversely affect watercourses, wetlands, steep slopes, geologically unstable areas, and other sensitive areas. In these areas, protection and conservation will take priority over development.

**4. Mineral Working**

- (1) Mineral working operations will be carried out in a manner that protects existing land uses and environmental resources. Minimum separation distances and buffering requirements will be required between pits and quarries and nearby residential uses, public highways and streets, watercourses, and wetlands.
- (2) Proposals for new mineral working operations shall be subject to an assessment of impacts on environmental and scenic resources and existing nearby residential dwellings.
- (3) Council will establish standards in the Development Regulations aimed at reducing potential impacts of mineral working operations on nearby residential and environmentally sensitive areas, and may require measures to:
  - (a) Protect watercourses, wetlands, steep slopes, and other environmentally sensitive areas.
  - (b) Restrict mineral working near existing residential areas and important recreational areas.
  - (c) Restrict operating schedules.
  - (d) Establish conditions for site management, upkeep, and rehabilitation
  - (e) Progressively rehabilitate pits and quarries at specified points in their development.

**5.9 Rural**

**1. General Intent**

Areas are designated Rural to recognize their importance for natural resource uses, habitat management, outdoor recreation, open space uses, and certain industrial activities that may not be suitable in or near built-up areas of South River.

**2. Land Use**

- (1) Permitted uses within this designation will include conservation, crop agriculture, energy generation facilities, forestry, mineral exploration, and open space.
- (2) Developments that Council may permit at its discretion include campgrounds, cemeteries, commercial outdoor recreation, communications, livestock agriculture, mineral working, recreational open space, and transportation.

Light and general industrial uses, outdoor markets, and shops may be permitted at Council's discretion but only if they are subsidiary to an approved main use.

**3. Environmentally Sensitive and Scenic Areas**

Council may restrict or set conditions on land uses and resource extraction activities in locations where it deems that the use may adversely affect steep slopes, geologically unstable areas, wetlands, watercourses and other sensitive areas. In these areas, protection and conservation will take priority over development.

**4. Mineral Working**

See Mineral Working policies in the Mineral Working designation (Section 5.8.4).

**5. Forest Management**

- (1) Forest harvesting and management activities on Crown Land will be subject to the requirements and supervision of the Forestry Branch of the Department of Natural Resources.
- (2) Forest harvesting activities shall respect the Town's objectives for environmental protection, scenic preservation, and recreation areas.



## **6.0 IMPLEMENTATION**

The South River Municipal Plan will be implemented over the next 10 years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan
- Public participation
- Development Regulations
- The basis of development control, and
- The procedure for considering amendments to the Municipal Plan.

### **6.1 Administration of the Plan**

The South River Municipal Plan is comprised of goals and objectives (Section 3 of this document), community-wide land use policies (Section 4), designation-specific land use policies (Section 5), and a program of implementation (Section 6). The Background Report (Section 2) provides information but does not form part of the legally binding South River Municipal Plan. All development applications will be evaluated as to their conformity to the policies in the Municipal Plan.

#### **1. Map Interpretation**

- (1) For the purpose of administering the Municipal Plan, **Future Land Use Maps 1, 2 and 3** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Maps** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the South River Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

**2. Development Applications**

- (1) A person wishing to develop land for any purpose within the South River Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the South River Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of South River in the best long-term interest of residents.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

**3. Subdivision Proposals and Agreements**

- (1) Evaluations of proposed subdivisions of land for development will include the following:
  - (a) An investigation of the physical and environmental conditions and features of the site to assess the site's capability and suitability to accommodate the proposed development.
  - (b) A demonstration of how the proposed subdivision will connect to existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.

- (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
  - (d) An examination of proposed municipal services and the long-term costs to the Town of providing and maintaining these services.
  - (e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
  - (f) Consideration of how the development may affect important and sensitive environmental resources.
- (2) Before major land developments are approved in the South River Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. Such an agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

**4. Non-Conforming Uses**

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the *Act*.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.

- (3) A non-conforming use under this Municipal Plan:
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50 percent or more of the value of that building, structure or development has been destroyed,
  - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations
  - (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50 percent of the existing building
  - (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
  - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50 percent or more of the value of that building or structure is destroyed.

## **6.2 Public Participation**

The Municipal Plan is an expression of the goals and aspirations of the citizens of South River, therefore, the periodic review of the Plan provides the opportunity for public participation and input, and can be an invaluable tool for the successful implementation of planning.

Council will take advantage of opportunities to involve the public in decision-making processes with respect to future planning and development of the community.

### **6.3 Development Regulations**

Pursuant to Section 35 of the *Urban and Rural Planning Act 2000*, Council has adopted the South River Land Use Zoning and Subdivision Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the South River Planning Area.

#### **1. Council Responsibility**

In accordance with Section 35 of the *Urban and Rural Planning Act 2000*, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the South River Municipal Plan.

#### **2. Content**

The Development Regulations:

- (a) divide the Planning Area into land use zones
- (b) indicate permitted and discretionary uses of land in each land use zone,
- (c) set out municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
- (d) set out the administrative procedures for dealing with development permit applications and the issuing of development and building permits,
- (e) set out the regulations respecting the non-conforming development and use of land,
- (f) set the minimum notice periods for Council decisions respecting discretionary land uses, non-conforming land uses, and variances,
- (g) set out the regulations and procedures respecting appeals of Council decisions, and
- (h) set out the regulations respecting the enforcement of permit requirements.

## **6.4 Development Control**

### **1. Municipal Plan is Binding**

The South River Municipal Plan is a legal document that is binding upon all persons and organizations including Council.

### **2. Council Responsibility**

Council shall exercise appropriate control over development in the South River Planning Area in accordance with the Municipal Plan and the Development Regulations.

### **3. Subdivision and Development Applications**

(1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications form and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.

(2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

### **4. Right to Appeal**

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the South River Development Regulations.

### **5. Provincial and Federal Referrals**

If Council deems that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.

## **6.5 Amending the Municipal Plan and Development Regulations**

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if circumstances change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

### **1. Municipal Plan Amendment**

If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the *Urban and Rural Planning Act 2000*, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is outlined in Sections 14 to 24 of the *Act*.

### **2. Stand-Alone Amendment to the Development Regulations**

- (1) If Council decides to adopt an amendment to the Development Regulations that does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the *Act*.
  
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal Affairs and for registration under Section 24 of the *Act*.