

# Municipal Plan 2022-2032



Town of Old Perlican

TRACT

#### CONTACT INFORMATION

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**TOWN OF OLD PERLICAN  
RESOLUTION TO APPROVE  
MUNICIPAL PLAN, 2022-2032**

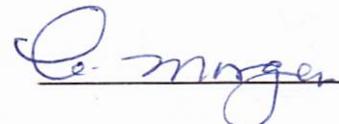
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- a) Adopted the Town of Old Perlican Municipal Plan, 2022-2032 on the 3rd day of October, 2023;
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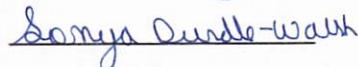
Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Old Perlican approves the Municipal Plan, 2022-2032, as adopted.

SIGNED AND SEALED this 23 day of January, 2024.

Mayor:



Town Manager:



(Council Seal)

**Municipal Plan/Amendment  
REGISTERED**

Number 3595-0004-2024

Date 28 OCT 2024

Signature John Richard

**TOWN OF OLD PERLICAN**  
**RESOLUTION TO ADOPT**  
**MUNICIPAL PLAN, 2022-2032**

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Adopted by the Town Council of the Town of Old Perlican on the 3rd day of October, 2023

Signed and sealed this 23 day of January, 2024.

Mayor: L. Moger

Town Manager: Sonya Sunde-Walsh

(Council Seal)

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*.

MCIP:

AMyers

Member, Canadian Institute of Planners (MCIP)



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## **1.0 INTRODUCTION**

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

The purpose of the Municipal Plan, 2022-2032 is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This updated Municipal Plan shall replace the current Municipal Plan, 2009.

This updated plan provides an up to date policy framework to influence, manage, and regulate future growth and change in the Town of Old Perlican.

### **1.2 Authority**

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. They apply throughout the Municipal Planning Area established under the *Urban and Rural Planning Act, 2000*. The Municipal Planning Area boundary is the same as the Municipal Area boundary under the *Municipalities Act, 1999*.

The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in Appendix A.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35); these form a separate companion document to the plan. The Development Regulations enable the Council to administer the policies of the Municipal Plan. The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

The Municipal Plan 2022-2032 that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette, and at that point the Municipal Plan, 1984-1994, is repealed and replaced by the new Municipal Plan, 2022-2032.

## 1.4 Organization of the Plan

The Municipal Plan is organized into five chapters:

- Chapter 1 sets the legal context of the planning process;
- Chapter 2 sets out the Vision of the Town of Old Perlican and the Objectives (Section 13) to achieve that vision that apply generally throughout the community;
- Chapter 3 sets out the Land Use Policies, by land use classification (as required under Section 13 of the *Urban and Rural Planning Act, 2000*); and,
- Chapter 4 sets out the policies related to the General regulations to be addressed in the Development Regulations and specific Provincial Government requirements that were highlighted in the Interdepartmental Land Use Committee report that apply throughout the Municipal Planning Area as relevant to development in any land use designation or zone; and,
- Chapter 5 sets out the approach to the implementation of the Municipal Plan.

In the appendices, specific provincial policies that were referenced in the Interdepartmental Land Use Committee requirements are provided in Appendix A; and the Future Land Use Map in Appendix B indicates the land use designations corresponding to the land use policies set out in the plan.

## **2.0 Community Vision and Objectives**

The community vision articulates the overarching goal of the Municipal Plan reflecting the aspirations and needs of the residents of the Town of Old Perlican.

The vision and objectives are implemented through the policies set out in Chapter 3 which shall provide a sustainable framework for the land use and development policies that shall be administered through the Development Regulations.

### **2.1 Community Vision**

The Town of Old Perlican Municipal Plan Review process is mindful of the Community Vision as set out the Town's Integrated Community Sustainability Plan:

*The Town of Old Perlican's vision to achieve community sustainability into the future requires that the town must enhance and improve the quality of life for all residents by providing infrastructure and services to insure Old Perlican continues as the thriving economic hub of the Bay de Verde Peninsula.*

### **2.2 Community Objectives: Healthy community, viable economy and environmental sustainability**

The objectives for a clean and safe sustainable healthy community include:

- 1) Provide a pleasant, healthy, and safe living and working environment in Old Perlican;
- 2) Develop community identity and pride by creating opportunities to celebrate the Town's heritage, culture, people and landscape through a preservation and development of local heritage and archaeological resources;
- 3) Manage future growth in an orderly manner that:
  - a. ensures that land uses are properly allocated so that conflicts between non-compatible uses are avoided;
  - b. creates a balanced and attractive community by considering its physical characteristics and location; and,
  - c. ensures the economic use of municipal services.
- 4) To achieve a balance between the operations and expansion of the fish plants, the needs of nearby residents and business operators, the preservation and development of nearby heritage and cultural and recreational sites and other users of the same general harbourfront area;
- 5) To provide recreation needs of the community for both indoor facilities and outdoor activities in open space, parks and trails;

- 4) Develop a business-friendly environment while striving to maintain current levels of business service and attract new developments to the town.
- 5) To facilitate home-based businesses by including provisions regarding home business opportunities in the regulations that shall help residents augment their income, such as, providing products for seasonal tourism, without detriment to the primary permitted use;
- 6) To ensure compatibility of non-residential and residential development in a Town with of the size and geography of Old Perlican through buffers, such as physical structures, landscaping, or separation distances;
- 7) Facilitate promotion of the Town of Old Perlican as a tourist attraction by providing land for development of tourism facilities and attractions, and protecting the natural assets contributing to tourism, such as built heritage, archaeological sites, viewscapes and storefront natural setting.

The objectives for environmental sustainability include:

- 1) Ensure the protection of the natural environment in and around the community;
- 2) Ensuring ongoing maintenance and improvements are made to water and sewer services;
- 3) To preserve scenic views of the shoreline and hills recognizing their value to residents and visitors for recreation and tourism, and the preservation of the rural character of the Town;
- 4) To protect naturally significant areas, such as:
  - a. water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands,
  - b. lands recognized by Council as having natural significance;
  - c. lands that contribute to important ecological functions; and,
  - d. lands containing other natural physical features which are desirable for open space use for parks and trails, or preservation in a natural state.

# Municipal Plan 2022-2032



Town of Old Perlican

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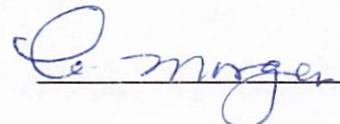
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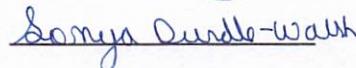
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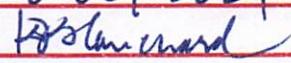
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ANNA MYERS

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## **1.0 INTRODUCTION**

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## 1.3 The Municipal Planning Process

The process for preparing a plan is set out in Part III of the *Urban and Rural Planning Act, 2000* (Sections 14 – 25) and it can only be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A background report was prepared to inform the Municipal Plan review. It provides the key findings of statistical research, community site visits and discussions with the Town staff and Council, a questionnaire to elicit resident preferences and concerns, information gleaned from Provincial agencies and community representatives, including public consultation.

The background report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the Town of Old Perlican. As well, an analysis was undertaken of the 1984 planning documents and mapping. The background report provides the foundation for preparation of the plan update. It can be found in Appendix A.

As part of the planning process, the Local Governance and Land Use Planning Division circulates the proposed planning documents and mapping to other government agencies through the Interdepartmental Land Use Committee (ILUC). These specific requirements are also integrated into the planning documents. As this ILUC report is an internal government document, it cannot be reproduced in the Municipal Plan.

An important part of this process is the public consultation requirements which ensure that residents and stakeholders have adequate access to information regarding land use and development regulation proposals including an adequate opportunity to respond to these proposals. There are a minimum of three key opportunities for public participation:

1. at the outset of the plan review project to solicit ideas and concerns of residents, stakeholders, business owners, Council and Town staff; This effort included a community survey with 101 responses session (summarized in the background report) and a public consultation on September 23, 2020;
2. when the draft proposed planning documents and maps were prepared, another public consultation session was held on September 28, 2021 for comments; then the document and maps were made ready for provincial review under Section 15; and,
3. the Public Hearing is the next opportunity for objections or submissions to be submitted to a public hearing commissioner regarding the planning documents and maps released from the Section 15 review and adopted by Council.

The Municipal Plan must address the future land use and development of the Municipal Planning Area for a 10-year period. The Municipal Plan must be reviewed every five years (Section 28), and reviewed comprehensively again at 10 years' time as the scope of the plan is required to anticipate the needs of the Town of Old Perlican for a 10-year period.

Amendments can be made to the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (Sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (Section 25).

A *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

## 1.4 Organization of the Plan

The Municipal Plan is organized into five chapters:

- Chapter 1 sets the legal context of the planning process;
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### **2.2 Community Objectives: Healthy community, viable economy and environmental sustainability**

The objectives for a clean and safe sustainable healthy community include:

- 1) Provide a pleasant, healthy, and safe living and working environment in Old Perlican;
- 2) Develop community identity and pride by creating opportunities to celebrate the Town's heritage, culture, people and landscape through a preservation and development of local heritage and archaeological resources;
- 3) Manage future growth in an orderly manner that:
  - a. ensures that land uses are properly allocated so that conflicts between non-compatible uses are avoided;
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- 4) To achieve a balance between the operations and expansion of the fish plants, the needs of nearby residents and business operators, the preservation and development of nearby heritage and cultural and recreational sites and other users of the same general harbourfront area;
- 5) To provide recreation needs of the community for both indoor facilities and outdoor activities in open space, parks and trails;

- 6) To ensure sufficient lands for public institutional services that serve the needs of the community and region;
- 7) To enable the use of alternative renewable energy sources, such as, wind and solar energy, and promote the development of industries that use clean renewable sources of energy.
- 8) To apply healthy community principles in evaluating development applications and infrastructure renewal:
  - a. 'People First' design –Emphasize human-scale and quality-of-life features such as 'walkability' (active transportation) to recreation, parks and trails, and shopping services.
  - b. Foster varied urban environment that is laid out to make social engagement easy recognizing that mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement;
  - c. Keep Nature in the built-up urban areas: Green design, parks, open space and landscaping enhances everyday life (biophilic design);
  - d. Develop paths, walkways and trails to connect different neighbourhoods, commercial and recreation areas to encourage walking, cycling and any other form of active transportation;
  - e. Include public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.

The objectives for economic viability and sustainability include:

- 1) To support the key economic employer, the fish processing plant, in the community by providing adequate area for operation and expansion;
- 2) To enable employment-generating activities, by protecting expansion needs of existing businesses and making land available to attract new ventures to Old Perlican, such as:
  - a. commercial development meeting the needs of the region as well as the town;
  - b. create a multi-purpose harbourfront area that not only satisfies the requirements of the Town's major industries, but also provides for tourists – marina for recreational watercraft, tourist accommodation, and leisure and cultural opportunities; and,
  - c. tourism-related initiatives related to heritage and archaeological resources and the harbour for recreational boating and related activities.
- 3) Partner with the Harbour Authority or other organizations to develop the local economy through consideration of development of land in the vicinity of the harbour; for example, to create a multi-purpose attractive harbourfront area that not only satisfies the requirements of the Town's major industries, but also provides for tourists, such as marina for recreation watercraft

- 4) Develop a business-friendly environment while striving to maintain current levels of business service and attract new developments to the town.
- 5) To facilitate home-based businesses by including provisions regarding home business opportunities in the regulations that shall help residents augment their income, such as, providing products for seasonal tourism, without detriment to the primary permitted use;
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- 1) Ensure the protection of the natural environment in and around the community;
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  - c. lands that contribute to important ecological functions; and,
  - d. lands containing other natural physical features which are desirable for open space use for parks and trails, or preservation in a natural state.

## **2.3 Municipal Governance**

The objectives for sustainable municipal governance include:

- 1) To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town;
- 2) Ensure information and adequate social programs are available to all residents.
- 3) Ensure the municipality is operated with fiscal responsibility and accountability through land use, financial and strategic planning, while engaging the public whenever possible
- 4) Developed partnerships with organizations, such as the Port Authority, to accomplish goals identified by the council and residents.
- 5) To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
- 6) To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability, aiming for maximum return on investment, and responsibly manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- 7) To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*.
- 8) Strive to provide the quality-of-life amenities and infrastructure services to promote a vibrant economy and secure future for the community;
- 9) Take an active role to facilitate a more diversified economic base to generate more revenues.
- 10) To facilitate timely decision-making and implementation, including enforcement, by developing a Policies and Procedures Manual;
- 11) To undertake regular review of Municipal Plan and Development Regulations to ensure a clear and effective planning process, including monitoring compliance;

## **2.4 Municipal Services**

The objectives for providing sustainable municipal services include:

- 1) To provide, where possible, a full range of municipal services to Old Perlican to residents and businesses in the most economical fashion.
- 2) To ensure that on site services meet the standards of the Service NL;
- 3) To provide municipal services at environmentally acceptable standards;

- 4) To permit new subdivision development in areas which can be easily connected to municipal services.
- 5) To provide fire protection to all residents.
- 6) Develop and maintain an Asset Management Plan;
- 7) To undertake continued improvements to the municipal roads through a regular maintenance program.
- 8) To aim for a proper road system by connecting streets which require a second access, such as existing cul de sacs which exceed the maximum length requirement.
- 9) To reserve land for future access to backlands.
- 10) To prohibit alterations which shall adversely affect adjacent property, for example, where there is concern that development may contribute to excessive storm-water increases,
- 11) To consider the utilization of sustainable green technologies,
- 12) To maintain its water supply system to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities;
- 13) Ensure that all water and sewer infrastructure associated with new development meets the minimum standards of the Town and be approved by the Town's engineer before being turned over to the Town and ensure that the costs of installing water and sewer services and connecting new lots to the Municipal system does not create a financial liability to the Town, and ultimately the taxpayers;
- 14) Develop, monitor and test Emergency Preparedness Plan;
- 15) Undertake an Energy Audit on Town-owned facilities;
- 16) To ensure that municipal services and utilities, such as telecommunications, pollution control and electric utilities, are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses;

## 3.0 LAND USE CLASSES AND POLICIES

The following sections outline objectives of the Municipal Plan for the Town of Old Perlican Municipal Planning area (Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

### 3.1 Interpretation

#### 3.1.1 Land Use Classes

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning area of the Town of Old Perlican is divided into land use classes. The policies in each class of land use reflect the vision (goals) and objectives of the community.

The Town of Old Perlican's Future Land Use Designations are mapped on the Future Land Use map. Within each designation, the policies of the Municipal Plan shall indicate the zones that shall be on the Land Use Zoning map of the Development Regulations.

LAND USE CLASS	LAND USE DESIGNATION	LAND USE ZONE
• Commercial	COMMERCIAL	1. Commercial General
• Conservation	CONSERVATION	2. Environmental Protection 3. Open Space, Parks & Trails 4. Protected Water Supply
• Industrial	INDUSTRIAL-COMMERCIAL	5. Harbourfront
• Mixed Use	MIXED USE	6. Mixed Use
• Public Institutional	PUBLIC INSTITUTIONAL	7. Public Institutional
• Residential	RESIDENTIAL	8. Residential 9. Residential Comprehensive Development Area 10. Residential Rural
• Rural	RURAL	11. Rural

### **3.1.2 Permitted, Discretionary and prohibited uses**

The objectives of the Municipal Plan as articulated in Chapter 2 are implemented by the policies for each Land Use Class in the Old Perlican Municipal Planning area.

Based on the overall goals and objectives of the Municipal Plan, the land use policies shall:

- 1) Set out Permitted Uses in each zone;
- 2) Set out Discretionary Uses in each zone. The following considerations must be taken into consideration when reviewing a Discretionary use, whether the proposed use:
  - a. is appropriate for the site and the immediate surrounding area;
  - b. is consistent with the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation shown on the Future Land Use Maps in which the use is located.
  - c. has any potential impacts on adjacent properties or services and whether, after consulting with the public and possible affected parties, it is possible to mitigate these by attaching conditions to the approval of the proposed Discretionary use;
- 3) Set out the uses that are permitted in all designations and zones: conservation uses (environmental protection and open space, parks and trails); mineral exploration that is not a development (as defined under the *Urban and Rural Planning Act, 2000*); public utilities and municipal services; wharf/boathouse/slipways/breakwaters as an accessory use to a principal use with the exception includes a storage building and workshop only if it does not detract from the nature of the neighbourhood; and, Accessory Uses and Accessory Buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.
- 4) Set out the scope of regulations and standards to be included in the Development Regulations (see Section 4.1), including the requirements of Section 35 of the *Urban and Rural Planning Act, 2000*.

Council may add or revise the uses, standards and conditions for development in any land use zone by an amendment to the Development Regulations, provided the changes are consistent with the objectives of this Plan.

### **3.1.3 Accessory Uses & Buildings and Home Businesses**

The policies regarding regulations for Accessory uses and buildings and Home Businesses are:

- 1) To ensure that Accessory uses and buildings and Home Businesses are a subsidiary and complimentary to the principal use on the site;
- 2) To set standards in the Development Regulations regarding size or footprint on the lot and external structural or containment measures to address exterior appearance or visual or potential nuisance issues;

- 3) To permit home businesses that facilitate the ability of residents to augment their income that are compatible with the character of the neighbourhood in which they occur; and, to set out which home businesses may be considered as permitted uses and which may be considered as discretionary uses;

#### **3.1.4 Future Land Use Map**

The Future Land Use Designations are illustrated on the Future Land Use Map, which can be found in Appendix C.

The boundaries between land uses classes are meant to be general, except where they coincide with prominent physical features, where they are intended to define the exact limits. The boundaries of the designations overlap water bodies; and where a boundary is along a road, the boundary on each side of the road is intended to meet in the centre of the road.

**Legal version of map:** Note that the paper copy of the Future Land Use map is version with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Old Perlican, and a second copy is in the Minister's Registry with the Local Governance and Land Use Planning Division.

## **3.2 Commercial Land Use Class Policies**

### **Objectives**

The objective of the commercial land use class includes

- 1) To provide for an adequate quality, quantity and mix of commercial land to serve the present and future needs of the community;
- 2) To encourage diversified and balanced economic growth, promote development and diversify the local employment base; and,
- 3) To protect existing businesses and to ensure their continued operation.

### **Policies**

It is the policy of Council to:

- 1) Establish a Commercial land use designation on the Future Land Use mapping;
- 2) Within the Commercial designation, establish a Commercial General zone on the Land Use Zoning map of the Development Regulations to provide an opportunity for a general mix of commercial activities. In the Commercial General (CG) zone:
  - a. Permitted Uses include: Commercial Land Use Class, including Amusement Establishment/Use; Auto Body Shop; Automotive Repair Shop; Bar/Licenced Liquor Establishment; Building Supply Store; Child Care- Non-residential; Club and Lodge for Community groups; Contractor, Limited (Small); Convenience Store; Custom

Manufacturing Service and Sales-small/artisan; General Service/Repair Shop; Hotel or Inn; Marina; Medical or dental clinic/office; Motel; Outdoor Market ; Personal Service; Offices: Professional, Financial and Associated Support Services; Resort; Restaurant-Take-Out; Full-Service Restaurant ; Mobile Take-Out or Street Vendor; Retail; Service Station; Veterinarian Clinic, EXCLUDING Amusement Park/Attraction; Campgrounds; Resort; Institutional Public Land Use Class, including Institutional use (health, education, convention, recreation complex, and non-residential personal care facilities), Protective and Emergency Services, Public Gathering Places-Indoor, Public Gathering Places-Outdoor, Sports and Recreation Facilities; EXCLUDING Cemetery; Emergency shelter;

b. Discretionary Uses include: Apartment building with commercial on main floor; Assisted Living-Residential; Public Gathering-Indoor; Outdoor Storage.

3) Designate the areas for Commercial General focussing along Routes 70 and 80 and key intersections along major thoroughfares or collector streets in order to complement existing businesses, reinforce a regional focus for services, and reduce commercial traffic in the residential areas;

4) Commercial General use development standards shall be set out in the Development Regulation;

5) Ensure that lands within areas identified for commercial use are developed in a manner that maximizes the use of land by encouraging development of multi-storey buildings with a high percentage of lot coverage;

6) Outside storage shall not be permitted in the front of the building; outdoor storage in a side yard is only allowed at the discretion of council;

7) To prevent or minimize the adverse effects of any commercial development on adjacent residential uses, proper site layout and buffering shall be required, including mitigative measures such as separation distances, fencing, landscaping or any combination of these.

### **3.3 Conservation Land Use Class Policies**

The objectives for the Conservation Land Use designation are to:

- 1) To set out Open Space, Parks and Trails zoning in the Development Regulations that shall provide the appropriate level of protection of land for open space, park and trail use and protect the capital investments made to enhance use of these resources;
- 2) To set Environmental Protection zoning to protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have geophysical features that would be a hazard to development such as steep slopes or areas susceptible to flooding.
- 3) To set out a Protected Water Supply zone for Bell Pond and Cook's Cove Pond to ensure that the Town of Old Perlican has a secure clean and safe water supply.

**Policies:**

It is the policy of Council to:

- 1) Establish a Conservation designation on the Future Land Use mapping which shall have the following zones set out on the Land Use Zoning map of the Development Regulations:
  - a. Environmental Protection (EP);
  - b. Open Space, Parks & Trails (OSPT);
  - c. Protected Water Supply (PWS).
- 2) In the **Environmental Protection (EP) zone:**
  - a. Permitted Uses include: Environmental Protection; Municipal wastewater (sewer) treatment facility;  
Discretionary Uses include: Uses as permitted under the provincial policy W. R. 97-1 by the Water Resources Management Division (WRMD), subject to referral to WRMD (refer to Appendix B): marinas, boathouses, jetties, wharves, moorings and other docking facilities and the extension and upgrading of existing buildings; Open Space, Recreation and Trails uses and campground; Mineral exploration-'development'; Forest activities-domestic harvest only;
  - b. Prohibit development in environmentally sensitive areas, such as, steep slopes, areas prone to landslides and rockfall and lands having drainage and flooding conditions;
  - c. Apply the EP zone:
    - i. in areas where development must be restricted, such as shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable;
    - ii. in areas known to flood, such as flood plain lands areas in order to reduce the potential for property damage and loss of life due to flooding;
- 3) In the **Open Space, Parks and Trails zone:**
  - a. Permitted Uses include: Conservation – All uses; Sports and Recreation facilities; Outdoor Market;
  - b. Discretionary Uses include: Public gathering places-outdoor; Restaurant-Mobile Take Out/Street Vendor only.
  - c. Apply the OSPT zone:
    - i. in areas where the Town has invested in recreation and sport facilities and wishes to protect this investment;
    - ii. in areas that provide vegetation and natural features that enhance the natural beauty of the community and contributes to aesthetic values of the Town;
  - d. Allow the above OSPT permitted uses in all zones throughout the community in order to encourage a network of Open space, Parks and Trails throughout the Town;

- e. Protect and enhance the natural environment for its aesthetic and recreational values by including landscaping standards in the Development Regulations;
- f. The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.

4) In the **Protected Water Supply** zone:

- a. Permitted Uses which must be consistent with the 'Policy Directive on Land and Water Development in Protected Public Water Supply Areas' by the Water Resource Management Division (Refer to Appendix B) and approved by the Division, which include: Environmental Protection (see (i) below)Cottage/seasonal residential; Forestry; Natural Resource Use; Commercial Agriculture; Conservation;
- b. To ensure that land use and development within the Protected Water Supply does not compromise the watershed as a source of potable water for the Town of Old Perlican;
- c. To use the boundaries defined by the Water Resources Management Division under the *Water Resources Act, 2002* as the boundaries for the Protected Water Supply zone.

### **3.4 Industrial Land Use Class Policies**

#### **Objectives**

The objectives for Industrial-commercial land use designation are:

- 1) Provide for an adequate quality, quantity and mix of industrial land to serve the present and future needs of the community;
- 2) To permit a mix of commercial uses compatible with industrial uses in order to offer a wider range of opportunity to new businesses and expansion of existing businesses;
- 3) Provide for buffers such as separation distance standards between residential and non-residential uses, fences, landscaping and other means in order to minimize conflict between incompatible uses.

#### **Policy**

It is the policy of Council to:

- 1) Establish Industrial-Commercial Future Land Use designation on the Future Land Use mapping which shall include the Harbourfront zone on the Land Use Zoning map of the Development Regulations. The Harbourfront zone will have the following:
  - a. Permitted Uses: Fishery-related Use; Industrial- General; Industrial-Light; Natural Resource-related Industries; Contractor-General; Marina; Protective and Emergency Services; Retail-only related to primary use in a minor capacity;

- b. Discretionary Uses: Apartment; Townhouses; Single Detached Dwelling; Public Gathering-Outdoor; Public Gathering-Indoor; Energy Generation Facilities; Retail; Restaurant; Personal Services; Motel; Hotel; Resort-Tourist Establishment; Convenience Store;

- 2) Ensure development standards that maximize use of the land;
- 3) Ameliorate incompatible contiguous land uses: Property owners with unsightly uses shall be required to store their materials in the rear yard. Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent properties.
- 4) A Comprehensive planned development application may be required by Council;
- 5) Minimize the impact of commercial traffic on adjacent land uses and, on the traffic, carrying capacity of adjacent roads by allowing Council to require a statement regarding traffic impact as part of the development application and review;

### **3.5 Mixed Use Land Use Class Policies**

#### **Objective**

The objective of the mixed land use class is:

- 1) Create opportunities for a mix of residential development interspersed with attractive commercial buildings that have doors and windows facing streets and parking areas which encourage interconnected, walkable streets to create a sense of community;

#### **Policies**

It is the policy of Council to:

- 1) Establish a Mixed Use designation on the Future Land Use map;
- 2) Within the Mixed Use designation, establish a Mixed Use zone on the Land Use Zoning map of the Development Regulations; The Mixed Use zone shall have the following:
  - a. Permitted Uses: Amusement establishment/use; Apartment building; Business support service; Club and Lodge; Convenience store; General Service/repair; Medical or Dental Clinic; Personal Service; Offices; Restaurant full service; Retail; Townhouse; Public Gathering Place – indoor;
  - b. Discretionary Use: Single detached dwelling; Double dwelling; Bar .
- 3) The Mixed Use zone shall be applied to former commercial lands in the former Town zone to protect these locations for a either resumption of commercial use or development of higher density residential uses. As well, lands along the Provincial Highway #70 between the Commercial General zone and Residential zone shall be zoned for Mixed Use which reflects

the traditional development pattern of the Town and provides much needed opportunity for residential development.

- 4) Ensure that development standards are set out in the Development Regulations to ensure that the non-residential uses allowed in this zone are compatible with the residential uses with due attention to hours of operations, noise levels, traffic levels, and other nuisance factors.

### **3.6 Public Institutional Land Use Class Policies**

The objectives of the public institutional land use class are:

- 1) Ensure that there is sufficient land for Public Institutional uses and developments that provide services (such as health, recreation or other government) to the general public and have a community-wide or regional catchment area to serve the present and future needs of the community. Generally, these uses represent a significant investment by local, provincial or federal governments, as well.
- 2) Protect existing Public Institutional developments and adjacent lands by the PI designation to ensure potential future expansion;
- 3) Provide suitable locations to accommodate the level of pedestrian and vehicular traffic and activities associated with public and institutional uses in a safe, efficient manner with appropriate buffers to reduce potential impacts on adjacent land uses;
- 4) Provide recreation spaces, facilities and programming to appropriately address the recreational and social needs for all age groups in the Town;

#### **Policies**

It is the policy of Council to:

- 1) Provide for a Public Institutional Future Land Use designation on the Future Land Use mapping;
- 2) Within the Public Institutional designation, establish a Public Institutional zone on the Land Use Zoning map of the Development Regulations;
- 3) In the Public Institutional zone:
  - a. Permitted Uses include: Institutional Public Uses – ALL including but not limited to: hospitals, government offices, educational facilities, convention centres or major cultural centres, such as Provincial arts and culture centres, recreation complex, such as an arena, multi-use sports and entertainment centres, swimming pools; and, personal care facilities (larger than residential home), such as nursing or senior's homes, family and group care centres; Assisted Living-Residential; Non-profit housing;
  - b. Discretionary Uses include: Club and lodge; Outdoor Market.

As the determination of the need for these services (i.e., school boards, hospitals boards, provincial government) and land selection process is controlled by the agencies having jurisdiction, existing Public Institutional uses were grandfathered. (formerly called Community and Social Service). No new future sites have been identified as these shall be reviewed on their own merit on a site-specific basis and possibly subject to a Municipal plan amendment; however, land has been identified for expansion wherever possible.

- 4) Public Institutional land uses shall be located on arterial and collector roads that can accommodate the traffic generated by such uses;
- 5) Ensure through the requirement of a Planned Unit Development application review that:
  - a. Public Institutional uses are compatible with surrounding development in terms of size, scale and layout of buildings;
  - b. operation of recreational facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation through appropriate conditions to development approval;
  - c. where needed appropriate buffers, fences or separation distances, and appropriate signage will be conditions to a development permit;
  - d. access/egress and onsite parking and loading considerations are addressed.
- 6) To promote an aesthetically pleasing form and better pedestrian connectivity of public institutional development by:
  - a. allowing buildings to be located close to the street;
  - b. providing sidewalks, landscaping and streetscape amenities.

### **3.7 Residential Land Use Class**

#### **Objectives**

The objectives of the residential land use class are:

- 1) To provide an adequate amount of serviced land to accommodate future residential development within the municipality over the 10-year timespan of the plan;
- 2) Accommodate housing needs for current and future residents for a range of age, income, abilities, and family status with a range of housing types in the residential zones by including options for more diverse housing densities;
- 3) Build livable neighbourhoods by preserving and enhancing the amenity of existing residential areas in terms of landscaping and open space, parks and trails which shall protect quality of life and property values;
- 4) Develop aesthetically pleasing residential streets with a diverse and interesting streetscape through alternating setbacks;

- 5) To allow subsidiary apartments in single detached dwellings as an accessory use.
- 6) To protect land and access to these lands for future residential development and ensure that no ad hoc development occurs that would compromise future residential use.
- 7) New subdivision development should accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents; such as innovative housing forms and other efficient and uses of land that are financially accessible to a range of household types and income groups including first-time home owners, young families, seniors and those with disability needs

### **Policies**

It is the policy of Council to:

- 1) Establish a Residential Land Use designation on the Future Land Use mapping;
- 2) Within the residential Future Land Use designation, establish the following Residential zones in the Development Regulations, in order to provide a range of housing options to meet the needs residents:
  - Residential
  - Residential Comprehensive Development Area
  - Residential Rural

### **Zone policies:**

- 1) Residential zone which shall have the following:
  - a. Permitted Uses: Single detached dwelling; Semi-detached (double) dwelling; Townhouse; Apartment building; Mini-homes; Assisted Living-Residential; Non-profit housing; Subsidiary Apartment; Home businesses-all, except those listed as Discretionary use;
  - b. Discretionary uses: Supportive housing (group home); Convenience store; Home business: personal service, day care-residential, bed and breakfast; Public Gathering Places-Indoor; Energy generating facility-residential only; Urban agriculture;
  - c. The Residential zone shall be applied to the area previously zoned 'Town' and expanded to include suitable adjacent lands that are already serviced or have been identified as being serviceable;
- 2) Residential Comprehensive Development Area (RCDA) zone is established, subject to the following:
  - a. The RCDA is for the purpose of residential development;
  - b. The Development Regulations shall allow existing uses to continue in an area designated as a Residential Comprehensive Development Area;
  - c. A Planned Unit Development application must be prepared in order to ensure orderly development and maximize use of land and address the requirements for subdivision development (as appropriate);

- d. The Comprehensive Development Area scheme shall incorporate the principles from the 'Smart Growth', 'Complete Community' and 'Healthy Community' planning concepts, as appropriate, such as:
  - a. Mix of land uses;
  - b. Take advantage of compact building design.
  - c. Create walkable neighbourhoods and a range of housing opportunities and choices;
  - d. Foster distinctive, attractive communities with a strong sense of place;
  - e. Preserve open space, farmland, natural beauty, and critical environmental areas;
  - f. Strengthen and direct development towards existing communities;
  - g. Make development decisions sustainable, predictable, fair, and cost effective.

3) Residential Rural zone shall have the following:

- i. Permitted Uses: Single detached dwelling; Semi-detached dwelling; Subsidiary apartment; Discretionary Uses: Townhouse; Mini-homes; Apartment building; Group Home; Convenience store; Urban agriculture; Public Gathering Places- Indoor; Energy generating facility—residential only; Domestic sawmill.

**General residential policies:**

- 3) Permit uses related to open space, parks and trails in the residential designation to increase community amenity;
- 4) Provide for a range of discretionary uses that complement the concept of a complete community, such as home-based businesses, urban agriculture, subsidiary apartments;
- 5) Increase the lot coverage in order to allow for more built form on the lot which reduces the amount of land needed per home and allows for larger accessory buildings for storage;
- 6) Ensure that landscaping requirements are set out in the Development Regulations for Council to consider during application review;
- 7) Allow for provisions regarding alternative energy within a built-up residential area which shall be limited to a single energy-generation unit that serves an individual property;
- 8) Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, (2) Subdivision Plans, including development standards of the Town's Development Regulations, engineering site plans, landscape plans and building designs must meet the approval of Council;

**Subdivisions**

- 9) For subdivision development with 5 lots or more, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
  - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
  - b. Conformity to a Comprehensive Planned Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
  - c. A description of the subject lands;

- d. Consideration of land ownership as it shall affect the layout of streets and the optimal use of land and municipal services;
- e. Access to the site from existing roads and internal road layout;
- f. Extension and development of municipal piped services for new subdivision;
- g. Demonstration of the long-term viability of any proposed on-site servicing system through a site assessment which shall accurately depict the conditions of the site;
- h. Provision for lot layout scheme including the phasing of development;
- i. Provision for 10% public lands or alternative measures if requested by Council;

### **3.8 Rural Land Use Class Policies**

#### **Objectives**

The objectives for the Rural Use designation are to:

- 1) To preserve the Town's natural resource lands outside the urban core for rural uses, such as agriculture, forestry, mineral resources, outdoor recreation and protect the rural character of the community;
- 2) Retain the present rural character of the resource zone by setting out the permitted and discretionary uses in a manner that maximizes the resource potential and protects the rural setting of the community;
- 3) To allow specific general industrial uses that would not be compatible with the urban community provided they do not detract from the primary resource related uses of the rural area;
- 4) Ensure responsible management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture by participating in the development of management plans by the various government agencies mandated to prepared such plans;
- 5) Ensure coordinated and organized development of resource lands that may have significant economic and recreational value to the Town;

#### **Policies**

It is the policy of Council to:

- 1) Establish for a Rural designation on the Future Land Use mapping;
- 2) Within the Rural designation, establish a Rural zone on the Land Use Zoning map of the Development Regulations that shall allow the following:
  - a. Permitted Uses: Commercial Agriculture; Hobby Farm; Forestry Activities; Mineral Exploration-development; Mineral Working; Conservation class; Natural Resource-related industries; Cottage; Contractor-General; Domestic Sawmill; Protective and Emergency Services; Resort;

- b. Discretionary Uses: Veterinary Clinic, Outdoor Market; Cemetery, Campground; Public Gathering-Indoor; Public Gathering-Outdoor; Amusement Park/Attraction; Service Station, Kennel; Marina, Residential: (1) Single detached dwelling only in association with a permitted use; Heavy or hazardous industry.
- 3) Consult with the natural resource agencies regarding applications and management plans; Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;
- 4) Cottage subdivisions are permitted in the Rural zone. Sites shall be carefully considered to ensure that there will not be any future demand for Municipal services or conversion to these cottages to permanent homes.
- 5) In the Rural zone, a 30 metre buffer on waterbodies shall be designated as natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). This 30 metre minimum undisturbed natural vegetated green belt shall be a standard requirement when dealing with any type of land use activity; however, wider green belts are recommended when bordering land uses include agricultural practices.
- 6) For developments requiring removal of vegetation, Council shall consider measures to maintain landscape connectivity, preserve green belts to connect to forested areas to other habitat patches and to create travel corridors for various wildlife species.
- 7) Vegetation clearing shall be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
- 8) Ensure that development of resource lands does not block future access for other future opportunities for land use and development;

## **4.0 GENERAL DEVELOPMENT & PROVINCIAL INTEREST POLICIES**

### **4.1 General Development Policies**

The following policies provide the enabling context for the Development Regulations for the implementation of the Municipal Plan. These apply throughout the Old Perlican Municipal Planning area. These meet the requirements of Section 13 (2) 2 of the *Urban and Rural Planning Act, 2000*.

It is Council policy to:

#### **Administration of the Development Regulations**

- 1) Establish a Municipal Plan which applies to the Town of Old Perlican Municipal Planning area for a period of 10 years as required by Section 13 (2) (g) of the *Urban and Rural Planning Act, 2000*;
- 2) Establish a transparent application review process that enables Council to more comprehensively evaluate proposed development, involve the public, and consider alternatives during the review process of development proposals. The Development Regulations will address: when a permit is required and information requirements for all applications, discretionary use applications and planned unit development applications, and the obligations of the applicant and Town in the application process for all applications.
- 3) Set out provisions in the Development Regulations for: variances, non-conforming use (Sections 12 and 13 of the *Ministers Development Regulations 3/01*), and the amendment process for the Municipal Plan and/or Development Regulations as per the *Urban and Rural Planning Act, 2000* and Minister's *Development Regulations 3/01*.
- 4) The Development Regulations will address special conditions for development, including planned unit developments, Development Agreements, Planning Impact Analysis, as well as service levies (under the *Municipalities Act, 1999*( Part VI)).
- 5) Set out the application decision-making process in the Development Regulations including, but not limited to, the decision-making authority of Council, including premature development, written reasons for refusal, and the responsibility to inform applicants of the appeal process (Refer to Part VI of the *Urban and Rural Planning Act, 2000* and Sections 5-14 of the *Ministers Development Regulations 3/01*).
- 6) Set out overarching discretionary powers of Council as follows: in considering an application for a permit to carry out development, take into account the policies expressed in the Municipal Plan and any further scheme, plan or Development Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of the Development Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in the Development Regulations, approve with conditions, or refuse the application;

- 7) Undertake regular review of Municipal Plan and Development Regulations as required under the *Urban and Rural Planning Act, 2000*;

#### **Planned Unit Development**

- 8) Establish application requirements for planned unit development (PUD) in the Development Regulations. A PUD may include a residential, public institutional, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces) which may be treated as a single development and where services are to be provided and maintained privately and internally. It must front on a publicly maintained road; Infrastructure must meet the Town standards for roads and servicing. Where Municipal services are not feasible, the provision of on-site services must meet requirement of the Town and Provincial agencies, in particular, Water Resource Management Division and Service NL.
- 9) Uses in the PUD must comply with the uses in the applicable use zone table.
- 10) In a Planned Unit Development, Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero lot line development provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, and the overall density conforms to standard set out in the Use Zone Table.

#### **Planning Impact Analysis**

- 11) Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

#### **Compliance with federal and provincial regulations**

- 12) The Development Regulations shall state the responsibilities with regard to compliance of land use and development within the Municipal Planning Area boundary with the policies and land use designations of the Municipal Plan and Future Land Use Map, and the conditions and standards set out in the Development Regulations, subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines. State in the Development Regulations that the Town of Old Perlican is subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines.
- 13) Notwithstanding (12) above, the Development Regulations will incorporate specific provincial and federal interests in the Municipal Plan and Development Regulations (Refer to 4.2);

#### **Existing Non-Conforming Use**

- 14) Nothing in the Plan shall affect the continuation of a development which was legally existing on the day that this Plan is registered by the Minister of Municipal and Provincial Affairs as outlined in Section 108 of the *Urban and Rural Planning Act, 2000* regarding discontinuance and resumption of use, alterations, repair; and Sections 14 -17 in the Minister's *Development Regulations 3/01*.

### **Development to Front onto a Publicly Maintained Road**

- 15) Require that all development fronts on to a publicly maintained road (Provincial or Municipal) and have independent, approved access. Exceptions include: (1) a development within a Planned Unit Development where there may be an internal road plan (which will be set out in the Development Regulations); however, the PUB must front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc.
- 16) A Planned Unit Development must front on to a publicly maintained road, but within the Planned Unit Development, the following types of development may be allowed on lots that front on to a private road provided that arrangements are made for the maintenance of the on-site road, but that the road is not maintained by a Council at public expense:
  - a. commercial rental cottages;
  - b. seasonal commercial uses related to tourism;
  - c. resort developments;
  - d. seasonal cottage developments not intended for permanent residential use; and,
  - e. vacant land condominium subdivisions.

### **Site requirements**

- 17) Establish standards and conditions regarding buildings, lot siting, landscaping, buffers, nuisance and unsightly development in the Development Regulations.

### **Landscaping**

- 18) The Development Regulations shall address general landscaping and subdivision landscaping requirements.

### **Character of town and compatible development**

- 19) Require that non-residential land uses located near and/or within residential areas will be laid out and designed in a manner that is:
  - a. compatible with the neighbourhood; and,
  - b. minimizes potential nuisance factors.

### **Signs**

- 20) Establish standards and conditions in the Development Regulations pertaining to advertisements and signage that will promote the amenities, natural and cultural resources and businesses of the community;
- 21) Incorporate the requirements of the *Highway Sign Regulations, 1999* into the Development Regulations; a permit may be required from Service NL; A permit is required for any sign erected within designated control lines of a highway.

### **Access to streets, Roads, Parking, and Off-Street Loading**

- 22) Set out standards in the Development Regulations regarding access to the public street in order to keep the street safe and efficient for both vehicles and pedestrians. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

- 23) Require a proper road system with connecting streets by ensuring that cul-de-sacs do not exceed a maximum length before providing a second access for emergency access purposes;
- 24) Include requirements for adequate off-street parking, loading and safe access to the street in the Town's Development Regulations.

#### **Require Land Conveyed for Public Work Purpose**

- 25) Require, for a development not involving a subdivision, a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

#### **Slopes**

- 26) Restrict development in areas with slopes greater than 15 percent, recognizing that development in such areas may result in environmental damage and higher costs for servicing and maintenance and set out conditions for exceptions;

#### **Municipal Service standards**

- 27) Require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development;
- 28) Ensure that no on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse;
- 29) Require that municipal services and utilities, telecommunications, pollution control and electric utilities, are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses;

#### **Future Development and Subdivisions**

- 30) Allocate land for future development as a comprehensive development area on the basis of its best use considering its physical characteristics and location; and, reserve land for future road access to back-lands (showing access protection on the Land Use zoning mapping of the Development Regulations);
- 31) Prioritize new subdivision development in areas that can be easily and economically connected to municipal services provided that the existing service have sufficient capacity;
- 32) Require that, within serviced areas, development shall be connected to municipal water and sewer services unless the connection is unfeasible, in which case, subject to the approval of the Service NL;
- 33) In areas where it is uneconomic to provide municipal servicing, ensure that:
  - a. on site services meet the standards of the Service NL and the Water Resources Management Division with respect to un-serviced residential or cabin lots;
  - b. where unserviced development is greater than 5 lots, a referral to the Water Resources Management Division is made to determine if a groundwater assessment is required;

- 34) Require groundwater assessments as per the process set out by the Water Resource Management Division for areas where more than 5 residential or cottage lots are developed using private water supply and/or sewage disposal systems;
- 35) Prevent premature development that would create unreasonable servicing demands or costs; therefore, un-serviced development that may in the future demand servicing at the expense of the Town will not be allowed and development requiring services that will place an unsustainable maintenance burden on the Town will not be allowed;
- 36) Establish requirements for the subdivision of land and the standards of development, including a development standard, landscaping, applications requirements including provision for development agreements in the Development Regulations;
- 37) Comply with Section 37 of the *Urban and Rural Planning Act, 2000* requires up to 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated.

**Cost/Benefit analysis for development proposals**

- 38) Implement 'Smart Growth' principles in the residential comprehensive development area, such as maximizing efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance. In considering proposals for development, Council shall consider the costs and benefits to the Town;
- 39) Support development consistent with this Plan, where it is determined to have a net positive fiscal impact on the Town;
- 40) Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits; and,
- 41) Review and revise development levies so that they adequately reflect the public costs of development and are fairly and equitably applied.
- 42) To provide landscaping provisions in the Development Regulations:
  - a. For existing development: landscaping and property maintenance standards to enhance the appearance of the community and instil community pride and stewardship values, including standards for property maintenance and measures to reduce sand and dust nuisance;
  - b. For public realm areas such as streets and publicly owned lands and buildings: undertake beautification measures such as landscaping, signage and street furniture;
  - c. Consider option of implementing Town/landowner agreements for Town trees or landscaping on private property;

## 4.2 Provincial Interest Policies

In preparation for the Municipal Plan Review, the Local Governance and Land Use Planning Division referred the Town of Old Perlican Plan review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction. In order to incorporate the ILUC comments in to the Development Regulations, the Municipal Plan must state the policy intent of Council. The following items are from ILUC report .

Notwithstanding the general compliance policy regarding all federal and provincial statutes, regulations, policies and guidelines (see 4.1 (9), it is the policy of Council to:

- 1) **Climate Change:** Consider available data regarding provincial climate change projections for the nearest regional sites when considering land for future developments that are in close proximity to a river, floodplain or coastline. 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.

According to the Climate Change Division, provincial climate change projections for St. John's (nearest regional site) should be considered in development stages. Their projections suggest that extreme precipitation events shall become more intense. For example:

- a. On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and
- b. On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

- 2) **Control Monuments:** Inform the GIS and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument (see list of Overlays below).
- 3) **Archaeology:** Any public works project or major land development that results in ground disturbance must be sent to Provincial Archaeology Office (PAO) for review. As well, all accidental discoveries of historic resources must be reported to the PAO.
- 4) **Agriculture:** Consult with the Land Resource Stewardship Division regarding development applications that occur within the 'Bay de Verde Regional Pasture' which is identified on the Future Land Use and Land Use Zoning maps as 'Regional Pasture';
- 5) **Mineral Resource Lands:**
  - a. Ensure ongoing access and operation of quarry resources in the future by implementing the quarry buffer in the Development Regulations to prevent conflict between incompatible uses;
  - b. Indicate that mineral exploration that is not a development is allowed as a permitted use in all zones and that mineral exploration that is a development is indicated as a discretionary use; and development requirements regarding potential mining should be incorporated into the regulations;

- 6) **Service NL:** Ensure that applicants for a development or building permit from the Town are aware of Service NL requirements;
- 7) **With regard to NL Hydro services:**
  - a. Provide a definition of easements for public utilities in the Development Regulations and indicate that:
    - i. no development, including quarrying, will be allowed in these easements; and,
    - ii. access by service providers will be protected.
  - b. As part of the application review process, refer new development applications to NL Hydro and require that approval must be received prior to construction commencing;
- 8) **Transportation and Infrastructure:**

Ensure that the provincial Building Near Highways Regulation are complied with along any provincial highway, within the Municipal Planning area.
- 9) **Water bodies:**
  - a. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act, 2002* including Policy Directives: W.R.91-1-Infilling Bodies of Water, W.R. 97-1-Development in Shore Water Zones and W.R. 97-2-Development in Wetlands, the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and, Environmental Control Water and Sewage Regulations, 2003 for any effluent or runoff from a site.
  - b. The installation of any water or sewer mains requires approval of ENVC under Sections 36 and 37 of the Water Resources Act. Water and sewer shall be designed according to the NL Guidelines for the Design, Construction and Operation of Water and Sewerage Systems.
  - c. Where fish habitat is affected, requiring appropriate approvals from Fisheries and Oceans Canada;
  - d. Maintaining, where possible, existing vegetation along banks and shorelines for protection of riparian habitat;
- 10) **Wildlife:**
  - a. Consider the services of staff involved with in the Wildlife Division who work with the Eastern Habitat Joint Venture to discuss the incorporation of wildlife and conservation values in municipal plans and associated development regulations.
  - b. Wherever possible, particularly in the Rural zone, Council shall consider general wildlife habitat and landscape connectivity during application review, such as:
    - i. a riparian buffer of 30-metre minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near any type of land use activity.

- ii. Maintain landscape connectivity with green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
- iii. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;

The following provincial interest overlays are indicated on the Future Land Use and Land Use Zoning Maps. The following requirements apply to these Overlays:

- 1) Regional Pasture: The Bay de Verde Regional Pasture is shown on the Land Use zoning map and any applications for development must be referred to the Land Resources Stewardship Division;
- 2) Protected Road Buffer: The Building Control Line is established under the Protected Road Zoning Regulations, 1996; all development must apply for a Development Permit with Service NL.
- 3) Control Monument: There are approximately 18 survey monuments in the municipal planning area for the Town of Old Perlican. The GIS and Mapping Division is required to be contacted (GMD@gov.nl.ca) if works within the Town have the potential of disturbing an existing Control Survey Markers. The markers shall be indicated on the KML (Google Earth) version of the Land Use Zoning mapping in order to facilitate referral to the GIS and Mapping Division;
- 4) Dump Buffer: Within this 1.6 kilometre referral buffer around a former waste management site, all development applications must be referred for approval to the Waste Management Division.
- 5) Order in Council: The basin of the harbourfront is subject to Order-in-Council 193 and any development in this area must be referred to the Department of Fisheries, Forestry and Agriculture for comment.
- 6) Heritage House: Beckett House was designated as a Registered Heritage Structure by the Heritage Foundation of Newfoundland and Labrador on September 15th, 2001, and was restored in the summer of 2002. Designation by Heritage NL is commemorative only and does not place any particular restrictions on the owner. However, to maintain its heritage status, a building must retain its heritage character, as follows:
  - The property owner agrees to maintain the heritage character of the property including the use of historical building materials.
  - The property owner maintains all rights to the building and is able to adapt the building as long as any changes are in keeping with its heritage character and integrity and the owner consults with Heritage NL.
  - The owner becomes eligible for restoration and maintenance grants. A building must be designated prior to submission of a grant application.
  - A plaque, owned by Heritage NL, will be placed on the building that tells of its historical significance.
  - The structure is listed on the Provincial Register of Historic Places.

## **5.0 IMPLEMENTATION**

### **4.1 Development Regulations**

In order for the Town of Old Perlican to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council shall need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Issue development permits for new development, change of use, or to subdivide land, in accordance with the Development Regulations;
- Implement a Capital Works program consistent with the Municipal Plan policies;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town shall review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### **4.2 Amendments to the Plan**

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. An associated amendment may be required to the Development Regulations. As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development Regulations) must follow the process set out in Sections 14 -25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;

- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects ; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.

#### **4.3      Review of the Plan**

The Council for the Town of Old Perlican shall undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

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## 1.0 Setting the Context

### 1.1 Introduction

The purpose of the Background Report to the Municipal Plan Review is to provide an overview of the sustainability framework and a socio-economic profile of the community, highlight land use observations, and identify key strategic issues that appear to characterize the community.

These key findings, in addition to information to be gathered from the initial public consultation sessions, supplementary planning research, and direction from Council, shall provide the basis to define the Town's primary sustainability and land use planning objectives and priorities.

The Municipal Plan objectives shall guide the development of Municipal Plan and Development Regulations, including land use designations and zoning maps to guide the future development of the Town for the next 10 years.

The Municipal Plan and Development Regulations are living documents, that is, over the 10-year life of the Municipal Plan, amendments are permitted under the *Urban and Rural Planning Act, 2000* in order to accommodate changes over time that were not anticipated at the time that the planning documents were prepared.



## 1.2 The Geography and History of Old Perlican

### 1.2.1 Location and Natural Setting

The town of Old Perlican is located at the intersection of Routes 70 and 80 - and is approximately 60 km from Carbonear, 50 km from Heart's Content, and 166 km from St. John's. Old Perlican is a thriving service centre for the collection of smaller communities at the head of Trinity Bay and Conception Bay.



Situated on the tip of the Bay de Verde Peninsula, and in close proximity to the famous fishing grounds off Baccalieu Island, it has always been one of the leading fishing communities in the province. The Bay de Verde Peninsula is the largest peninsula that makes up part of the Avalon Peninsula of the province of Newfoundland and Labrador. The Bay de Verde (which means green bay) peninsula separates both Trinity Bay and Conception Bay. It is located close to several fishing grounds, historically around Baccalieu Island and currently, the Grand Banks and Labrador Sea. According to the 2016 Census, Old Perlican has a population of 625 residents.

Old Perlican is one of Newfoundland's oldest fishing communities, serving as the major fishing station in Trinity Bay for migratory fisherman from England in the 17th century. To this day, the major economy is the fishery. Crab and Shrimp processing facilities are major employers during the fishing and production season. Other species processed here include lump, mackerel, capelin, and whelk. Fortunately, for Old Perlican, the cod moratorium of the early 1990s did not devastate the economy of the area.

The surrounding landscape is classified as Maritime Barrens, more specifically, the 'Northeast Barrens subregion 6A'. It dramatically reflects the glacial activity that occurred here more than 10,000 years ago resulting in widespread barrens and peatlands. Most of the area is covered by gently rolling ground moraine, but scattered through are boulders left by retreating glaciers. The hummocky terrain is also a result of glacial activity. Barrens are the most common landscape feature and slope bogs; basin bogs and fens occur regularly reflecting general poor drainage combined with a wet climate. Until recent times the area was covered by forest except on high ridges and coastal headlands, but due to burning by settlers and fires associated with the railway, the forest was gradually destroyed and can only be found in protected valleys. Needless to say, the focus for settlers was the fishery, and agricultural activities offered supplemented their diet.

### **1.2.2 Historic Influences on the Built Community**

Old Perlican is one of the oldest communities in Newfoundland, appearing on maps in 1597. One of the first references to Old Perlican comes from a report written by Captain Charles Leigh in 1597. He says that a Spanish vessel had been fishing out of a place he called 'Parlican' that summer. By at least 1612 people had begun to call the place Old Perlican. John Guy mentions Old Perlican a number of times during his trip into Trinity Bay that year. Its name was recorded as "Parlican" as early as 1597, with the "old" being added sometime later to distinguish it from New Perlican further up the bay. Nonetheless, it is one of the oldest fishing communities in Newfoundland, serving as the major fishing station in Trinity Bay for migratory fisherman from England in the 17th century.

Old Perlican was settled by at least 1640. The first Newfoundland census lists fourteen planters there in 1675. But, in, 1697 the French under D'Iberville captured Old Perlican. They reported that there were "19 houses, several stores, more than thirty head of horned cattle, and a number of sheep and pigs". During King Shaliam's War, the village was destroyed in the Avalon Peninsula Campaign. A "planter" (an early settler or colonist) named John Barrett (1654-1714) lived there after arriving from Poole, England in 1711. One of, if not, the oldest recorded English land transaction in Newfoundland archives is between John Barrett and John Carter in 1711 in Old Perlican. The original is in the St. John's archives and a photocopy hangs in the Old Perlican Town Hall.

By 1729, Old Perlican was one of 11 harbours in Newfoundland to warrant the appointment of a Justice of the Peace. In 1774, Methodism was introduced by John Hoskins, an English schoolteacher. Much later, in 1914, Reid Newfoundland Ltd. built a railway line in the general area, which ran as far as Bay de Verde until the 1930s. In 1936, the Old Perlican Cottage Hospital was built, one of the few in rural Newfoundland.

The Town of Old Perlican was incorporated by the Province as a municipality on March 31, 1971. The first Council met in a small building owned by Eric Strong on Main Street. The present municipal building was built in 1975 and an extension added in 1988. The building currently houses the Town office and Council chambers, the Old Perlican Public Library, an RCMP satellite office and the Old Perlican Ambulance Service. An arms' length organization, the Old Perlican Ambulance Service operates through a funding agreement with Eastern Health. It has personnel trained to various levels of pre-hospital care, including one primary care paramedic. The service prides itself on its excellent delivery of patient care to residents of the area. Ambulance services are dispatched from the local hospital.

When John Hoskins Elementary School closed in 1997, the town acquired the building from the Avalon North School Board. In 1982 the town had cost-shared with the board to build a gymnasium on the school. Community leaders convinced the school board to turn over the building to the town. It is now used as a community centre and continues to undergo renovations to make it a centre of attraction for the town. The Recreation Commission volunteers are tireless in their efforts to provide recreation and social activities for the residents. Other recreation facilities in the town include a soccer field, softball field and playground.

The Old Perlican Heritage Committee works to encourage awareness of the Town's proud heritage as a fishing community. Local residents donated property in the centre of town for the development of a Memorial Park to honour the many residents who left Old Perlican to serve in World Wars. The War Memorial, surrounded by flags of all provinces and territories of Canada, is the scene of annual Remembrance Day ceremonies. The adjacent park has a 0.4 km boardwalk which, along with the Beckett Heritage Home (a registered heritage structure), and replica fishing store, are featured as tourism attractions for the Town.



The Town of Old Perlican is a commercial service hub for the towns located at the tip of the Bay de Verde peninsula. It continues to be the fishing centre for the south side of Trinity Bay and the north shore of Conception Bay. The crab, shrimp and ground fish plants as well as the large concentration of fishing boats and harbour infrastructure has maintained the town's prosperity. The commercial and industrial activities and land uses shall be discussed in more detail in Chapter 3 in an assessment of employment-generating lands.



Old Perlican is also a hub for health and education services. In 2001, a new health centre, which is operated by the Eastern Health Authority, replaced the old cottage hospital which had served the area since the mid-1930s. The Dr. A.A. Wilkinson Memorial Health Centre is a state-of-the-art acute care facility, with modern laboratory and x-ray facilities.

In September 2002 Baccalieu Collegiate (grades 7-12) opened its doors in Old Perlican. Elementary (K-6) students from Old Perlican attend TriCon Elementary in nearby Bay de Verde.

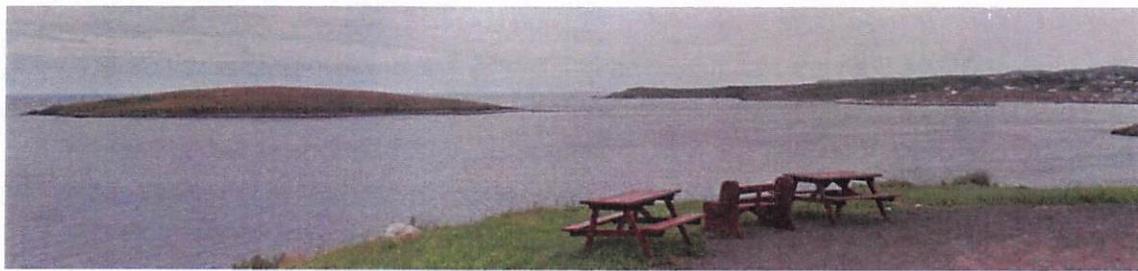
### **1.3 The Current Municipal Plan (In Effect)**

The Town's Municipal Planning area boundary under the *Urban and Rural Planning Act, 2000* is the same as the Town's Municipal Area Boundary as established under the *Municipalities Act, 1999*. The Town is empowered under this legislation to apply planning policies and regulations and to levy taxes on the properties for services within these boundaries.

The current Municipal Plan and Development Regulations were prepared in 2009. The Municipal Plan and the Development Regulations have only been amended 2 times.

Section 28 of URPA requires plans to be reviewed every 5 years; and the plans are developed with a 10-year timeframe.

It is timely for the Town of Old Perlican to undertake the Review in order to set the legal framework for the next 10+ years of growth and development.



## 1.3 Community Site Observations

### 1.3.1 Community survey prior to site visit

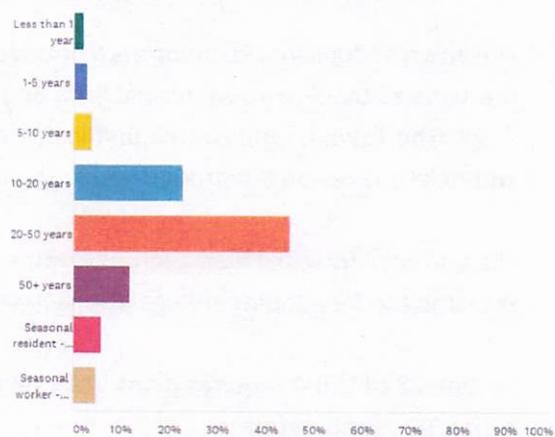
In coordination with the Town Council and staff, a community survey was conducted to explore the values and concerns of the residents, both seasonal and permanent. The survey was available via the Town Facebook page and posters were distributed throughout the community as well. The survey was conducted between July 5 and August 18, 2020.

There were 101 responses to Town of Old Perlican Community Survey. The results are provided below.

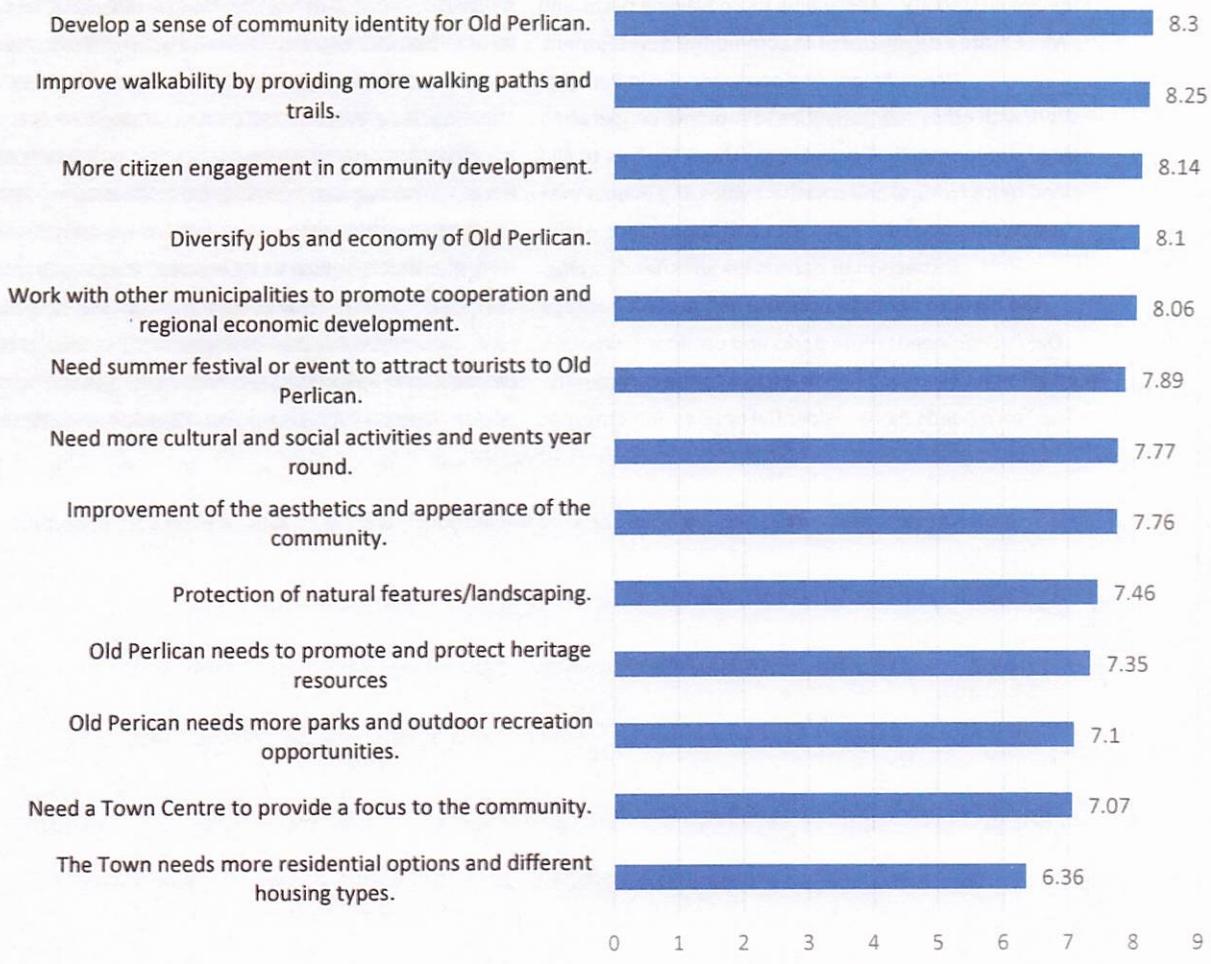
#### Q1 How long have you lived in Old Perlican?

The majority of respondents had lived in the town between 20-50 years (45%); the next most frequent respondents were 10-20 years (23%) and only 11% were seasonal residents with a primary residence elsewhere.

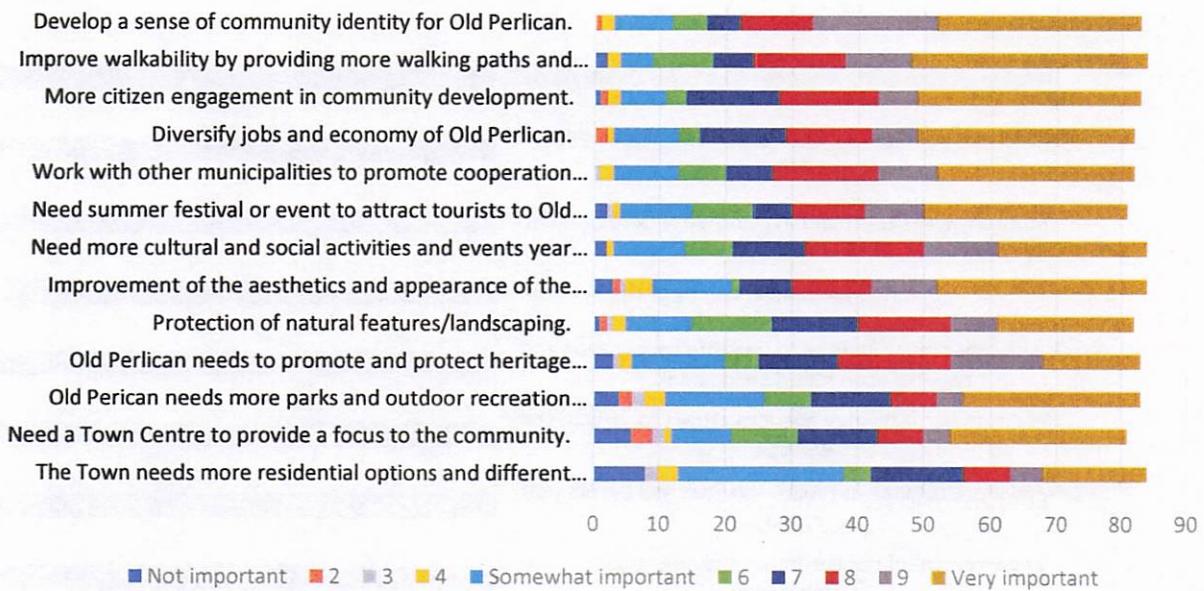
#### Q1 How long have you lived in Old Perlican?



**Q2. How important are the following factors in improving your community? (1=not important; 5=somewhat important; 10=very important)**



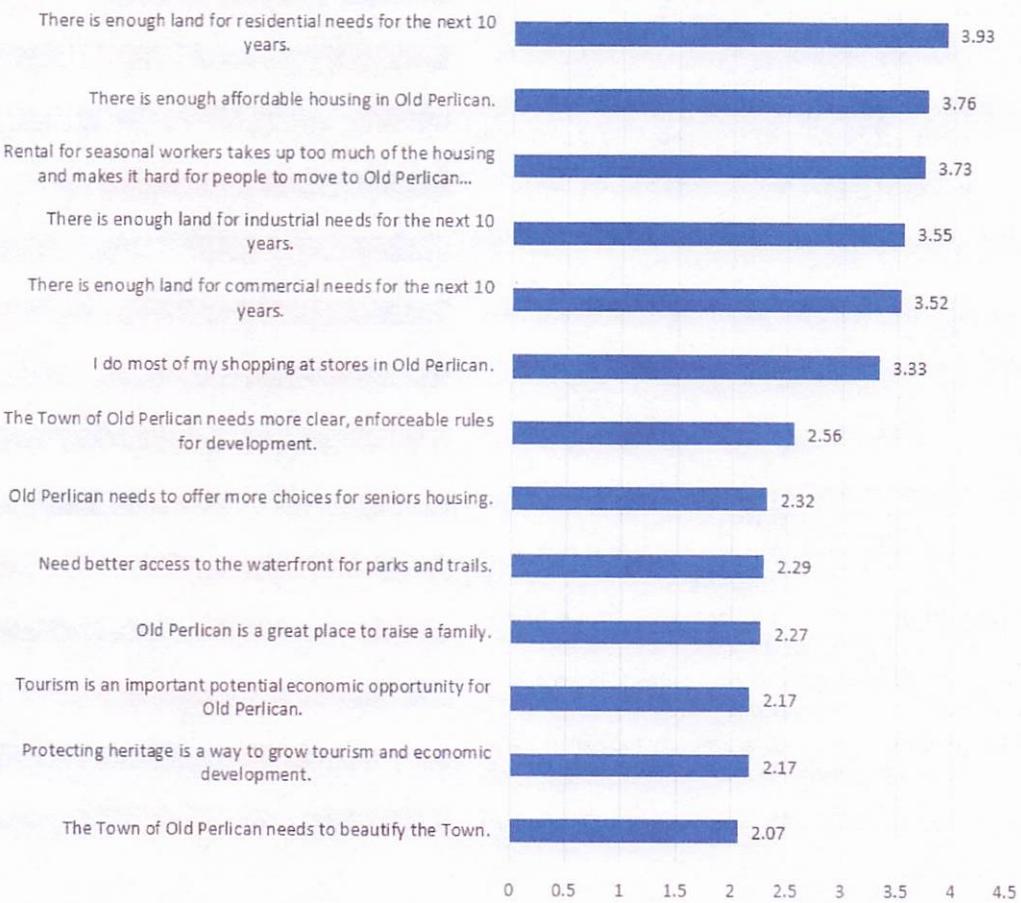
## Q2. How important are the following factors in improving your community?



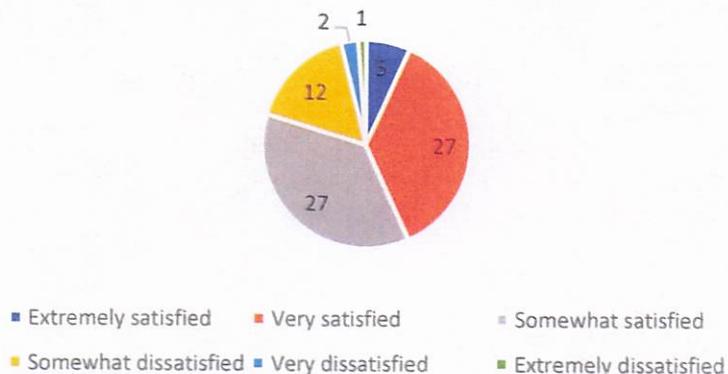
### Q3. To what extent do you agree or disagree with following statements?



**Q3. To what extent do you agree or disagree with following statements? Weighted Average  
(1=strongly agree; 6=strongly disagree)**



**Q4. In general, how do you feel about living in Old Perlican? (74 responses)**



**Q5 If you could recommend three Community Improvement Projects for the Town, please share them and indicate their importance (1 to 3)**

1	Trailer area, community swimming area, youth area
2	Extend the rural planning infill line to allow people to apply for crown land adjacent to existing housing.
3	Continue with the rink Walking trails
4	Improve local roads
5	Boardwalk along the harbour front and out towards the harbour authority; housing project geared towards seniors;
6	Clean up residential lots. Should be free of debris and fishing equipment. 3
7	Roof over the rink. Keep the beaches clean. Get involved with ocean's Canada. Stop the dumping of old nets on shoreline. Develop a trailer park
8	1-Replace town waterlines not patch. 2-when hiring students for summer jobs why not have them pick up litter (maybe once a week). And place garbage bins in strategic places around town (where you see the most litter) between high school and Gasland, on the wharf! (Seen BDV with bins made out of blue plastic barrels with a cover attached-inexpensive)
9	Community centre, for meeting place.
10	Better park areas to bring in tourist
11	1. More clean-up, including around the town hall. 2. Improved pathway from rec centre to joy button park. 3. Better oversight of ATV's and dirt bikes. Gravel is all over the pavement and riders are not respecting town's residents (speed, noise, etc.)
12	Clean up the beach. Walking trails. improve roads.
13	Walking trails to invite visitors
14	Housing development Schooners Heritage Site Walking Trails
15	Rest stops with information boards and picnic tables
16	Heritage boards in important areas of town
17	Boardwalk by Heritage
18	Information heritage boards around town or on walking trail
19	Annual beach clean up
20	Softball field
21	Basketball court
22	Brewery
23	1. Trails and parks that tourists and locals can enjoy. 2. Improved playground and addition of other recreational facilities and programs for youth in the area. 3. Commercial opportunities to entice tourists and locals to stay and spend money here as well as job creation for a declining population.
24	Beautifying various items that are of importance but require a facelift. I.e. old and crooked telephone poles. Ugly wire displays. Side road and main roadway drains for grass maintenance.

**Q5 If you could recommend three Community Improvement Projects for the Town, please share them and indicate their importance (1 to 3)**

	More attractive community lighting. Sidewalk improvements everywhere. An emergency community sound system. Just to mention a few. Thanks for this opportunity.
17	An indoor pool. Great recreational sport for the young and old and could be utilized year-round.
18	Improve snow clearing More organized recreation activities (sports, cards, dart, dances etc.) Upkeep roads
19	N/A
20	1. High road through town. Municipal government needs more communication with Provincial Government to upkeep the Main Road. Lineage, ditches, potholes. ( this road is overlooked by Council as it owned by Province) but it serves as main thoroughfare in community and needs more Council voice in upkeep!!  2. Community Spirit. I know you can't change people, but attitude starts with Council and when you can't get along in there and as I see by some of the survey questions. Point fingers at new residents or seasonal residents (like less of importance or part of community) this is a major disservice to the community as a whole and its possible future growth  3. Allow more possibility for commercial growth. Our community currently is run by Quinlans. Own most if commercial space and properties... no possibility for new entrepreneurs wanting to undertake new business... community support is not there... this can only change as council attitude changes. Not everyone works the plant... not everyone is fisherman!! We need to be forward thinking... aging population. places to shop local... not controlled by one entity. As we see in other communities. plants may not last forever... what then?? Almost of these equal importance. Far more than trails or beautification. As these are foundation of community. Without good foundation, like building a home; new coat of paint shall not make difference if house falls down!!
21	More emphasis on cultural and historical development of the community to attract tourism. More walking/hiking trails for residents and visitors to avail of. Development of a serviced park/trailer park area for people to use.
22	Enforce people to clean up their property. Make property owners Clean up the marsh beside the road going to wharf Enforce fisherman to put their crab pots on the wharf instead of their land around the houses it's an eyesore! It brings property value down
23	Basketball court for the kids.
24	Clean up of roadsides and waterfront of garbage
25	Areas for safe walking
26	none
26	1. Community track for walkers 2. Community fitness gym (weights, treadmills, bikes etc.) Business
27	An improved water system for the town is a very important asset that should have been addressed many years ago. The water is terrible and a new system should be put in place.

**Q5 If you could recommend three Community Improvement Projects for the Town, please share them and indicate their importance (1 to 3)**

28	1) Recreation facilities improvement at parks.... benches, playground equipment, etc. 2) Restoration of older buildings perhaps as rentals for tourists 3) Cleanup of waterfront area /beaches
29	1. Clean up the waterfront. The garbage is ridiculous and a deterrent to anyone. 2. Consider what tourists would come to see. We don't have lookouts or trails. 3. Clear signage to what's available
30	A restaurant near the waterfront, everyone loves an ocean view .. also, a bed a breakfast near the waterfront would be a great idea also and would probably bring more business to the area ..
31	1)Ballfield 2) basketball court 3) tourist attractions
32	1. More walking trails 2. More heritage projects outside of heritage house 3. Signage, beautification and pride in community projects
33	A new fire truck needs to be purchased to replace a very old machine. It's very important for the safety of our community
34	Walking trails. Beautify the town. More festivals or community garden.
35	New fire truck
36	Splash pad 2 Trailer park 2 Seniors complex Housing 3
37	1. Improve the playground 2. Outdoor events venue 3. Opportunities for community organizations to showcase their abilities and services. More town sponsored events to include ALL organizations in the town and promote the work that all the organizations do through Town means and avenues.

**Q6 In your opinion, are there development features or approaches in another Town or area from which the Town of Old Perlican could learn/benefit?**

1	A lot of towns do annual improvements (recreational and beatification)
2	The town should be approachable by the citizens and should listen to what they have to say
3	Bay de Verde did a lot of nice things around the area
4	Heart's Content seems to have more community involvement with and by the town. Little information is shared in Old Perlican.
6	Bay de Verde with their heritage spots
7	Bay de Verde has a number of stop areas with picnic tables and info boards
9	The splash pad in Bay Roberts. The trail that turns into a skate way in CBS. Other places have things like golf courses, B&Bs, dinner theatres, gift stores, boat tours etc. That we could avail of.
10	There always is.
11	Look at town of Winterton much nicer to visit

	Archeological site exploration in Cupids™ with their interpretation centre depicting the plantation of John Guy.
	Ferryland - the Colony of Avalon
	Red bay - Labrador- the Basque Fishery
13	Why not develop something similar with the Dorset findings at Old Perlican - the Eastern most location of artifacts to be found.
15	Developing of a residential housing area
17	Increased opportunities for tourism.
18	Not sure on this one but an idea would be a camping type area down in Cooks Cove with some sites made, picnic tables, some fire pits, a place where families could go that cannot afford to travel far
19	Community involvement is a big thing that's lacking in this town. Just a select few doing select things isn't going to help grow this community and make it better in the future.
20	A community garden should be put in place
21	The efforts that RHC have put into the fairy trail is enviable and the work in the many heritage sites in BDV is impressive. Residents in the surrounding appear to support their community much more and for some reason many residents in OP do not have the same community pride.

**Q7 Thank you for your participation in the community survey. Please feel free to comment on other issues or provide additional comments that may be informative to the Municipal Plan Review project.**

1	Increase taxes on property owners who don't keep their property clean.
2	Lots of room for improvement
3	Thanks
4	Sidewalks would be nice as well as more street lights. A fall harvest and an increase in activity around our Christmas parade along with an Easter parade would be nice or relationship building in this town.
5	Council needs to be more transparent and honest
6	A road which is not accessible is being used as a driveway but still considered a road. Which in turn makes it impossible for us to put up a privacy fence. So, some rezoning would be great.
7	N/A
8	Many of the Town Development Regulations need to be more clearly written - more precise and updated. Businesses, sea food processors, in the Town must see Old Perlican as a place to invest in not just simply a place to process a product. People coming here to work seasonally need to see that this Town has a future and worth living in well into the future.
9	Council needs to strictly adhere to rules and regulations....to avoid past mistakes.
10	👍
11	In order to make this community better the people here have to learn to work together more and stop worrying about what others are doing or not doing to their liking. The town needs to be more open to ideas and implement them openly and honestly. This shall help people outside of council understand what's being done to make this community what it should be and not the laughing stock that it has become in the past while. With the size of this

	town, this community should be flourishing. I for one would like to see Old Perlican become the community that you can be proud to say you come from once again.
12	Old Perlican is a wonderful place to live but we don't have enough to bring people here. Tourism is a big thing; we have beautiful trails that need to be developed and add more attractions.
13	Summer concerts and events take place but we can sure use more.

**Summary of the Community Survey:** There were 101 respondents to the Community Survey for the Town of Old Perlican. Most of them were long-time residents (over 20 years), of which 36% are very satisfied and 36% are somewhat satisfied with living in Old Perlican.

The 6 top most important factors in improving the community (out of 13) were:

1. Develop a sense of community identity;
2. Improve walkability (trails & paths);
3. More citizen engagement in community development;
4. Diversity jobs & economy;
5. Work with other municipalities to promote cooperation and regional economic development; and,
6. Need summer festival or event to attract tourists to Old Perlican.

Out of 14 statements, residents agreed on 7 initiatives: to beautify the Town, protect heritage as it is tied to promoting tourism, family-friendly, and needs better access to waterfront parks and trails, more choices for seniors housing and more clear, enforceable development rules.

In an open-ended question, the most popular community improvement projects mentioned included: clean up (public and private property); walking trails, tourism-related improvements with emphasis on heritage; improved roads; and more playgrounds. There were many other valid individual suggestions.

A few thoughtful comments were made regarding the Town reaching out to involve community organizations in town projects.

Also, with regard to other towns, respondents focused on heritage interpretation initiatives all over the Avalon and the potential for Old Perlican to add a different thread to that story.

### **1.3.2 Community site visit**

The preliminary site visits to the community confirmed the need for updated Municipal Plan and Development Regulations in order to manage change associated with land uses of residential, commercial, industrial, parks, recreation and natural area environments of the community.

During the preliminary consultations and site visit in 2020 and subsequently at the Community Public Consultation held September 23, 2020, discussions were held regarding key planning topics. The following table summarizes some the key observations shared with Tract.

STRENGTHS AND OPPORTUNITIES IN THE TOWN OF OLD PERLICAN	
STRENGTHS	OPPORTUNITIES FOR IMPROVEMENT
	<b>HOUSING CHOICE</b>
<ul style="list-style-type: none"> <li>Well-kept housing;</li> <li>Mostly single-family dwellings, but new seniors housing developed;</li> <li>Still reasonable land costs</li> <li>Property taxes (?) higher/lower than most communities in the area</li> <li>Some newer large homes being built</li> </ul>	<ul style="list-style-type: none"> <li>Residential development standards to ensure that new housing is compatible with the character of the existing community;</li> <li>Need to create opportunities for future growth, such as, preserving access to backlands;</li> <li>Need to address issue of privately owned land not available for development;</li> </ul>
	<b>TOURISM/ECONOMIC DEVELOPMENT</b>
<ul style="list-style-type: none"> <li>Beckett Heritage House Museum;</li> <li>Memorial Park and boardwalk in Town Centre;</li> <li>Significant archaeological finds that support rich heritage of Town;</li> <li>The Town has a commercial zone along Route 80 which has exposure to passing traffic and reduces vehicular conflict in the town (note: this should not be used for detached dwellings);</li> </ul>	<ul style="list-style-type: none"> <li>Bacalieu Trail scenic route bypasses the Town as the main road (Route 70) goes to Bay de Verde and Grates Cove;</li> <li>Need to develop tourism infrastructure to encourage tourists to stop and stay in the community;</li> <li>Need more landscaping and beautification;</li> <li>Town needs a new modern logo and slogan to promote community identity;</li> <li>Town website needs a facelift and to be fixed so that it is not identified as a virus!</li> <li>The Town needs a program to encourage tourism projects building on the Town's rich history;</li> </ul>
	<b>BUSINESS GROWTH</b>
<ul style="list-style-type: none"> <li>The town is a regional service hub for surrounding communities;</li> <li>Strong economic foundation with major seafood processing facility in town;</li> <li>Location of only Marine Service Centre in Trinity and Conception Bays, except for Harbour Grace;</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>The proximity of a variety of shopping opportunities in Carbonear and Bay Roberts challenges the viability of local businesses;</li> <li>Need clear regulations to facilitate home business opportunities;</li> </ul>
	<b>DEMOGRAPHICS</b>
<ul style="list-style-type: none"> <li>Between 2006-2016, Town population dropped by 6%, less than surrounding areas (Bay de Verde and Subdivision G) which lost about 17%;</li> </ul>	<ul style="list-style-type: none"> <li>Continue to focus recreation development and programming for families with children and for aging residents as well;</li> </ul>

STRENGTHS AND OPPORTUNITIES IN THE TOWN OF OLD PERLICAN	
STRENGTHS	OPPORTUNITIES FOR IMPROVEMENT
<ul style="list-style-type: none"> <li>• Stable number of families with children;</li> <li>• Aging population;</li> </ul>	
ACCESS TO RECREATION AND COMMUNITY SERVICES	
<ul style="list-style-type: none"> <li>• The Memorial Park is a focus in the community with walking trail;</li> <li>• Recreation Commission offers Recreation Programs at the Community Centre;</li> <li>• Town has a playground, soccer pitch, softball field and basketball court;</li> <li>• There is a Lion's Club and one of the oldest active Orangeman's Lodge;</li> <li>• St. Andrew's By the Sea United Church;</li> </ul>	<ul style="list-style-type: none"> <li>• Residents would like more trails for active living for all ages and allow Tourists to explore;</li> </ul>
TRANSPORTATION	
<ul style="list-style-type: none"> <li>• Provincial Highway Routes 80 and 70 come together at Old Perlican, connecting it with the region and beyond;</li> </ul>	<ul style="list-style-type: none"> <li>• Town roads are of varied standards in terms of width, paving or gravel and need continued maintenance which is costly and must be budgeted for in long term;</li> </ul>
GOVERNANCE, SERVICING AND INFRASTRUCTURE	
<ul style="list-style-type: none"> <li>• Not a full slate of Councilors;</li> <li>• Regular meetings open to residents;</li> <li>• Well-managed services;</li> <li>• Good relations with other governments;</li> <li>• Balanced budget</li> <li>• Fair taxation rate &amp; stable revenue sources;</li> <li>• All residential development is serviced;</li> <li>• Access to high speed internet</li> <li>• Location of regional institutions: hospital, school, government, Post office, RCMP, Public Library;</li> </ul>	<ul style="list-style-type: none"> <li>• Town needs an Asset Management Plan;</li> <li>• Regular elections;</li> <li>• Partnering for services</li> </ul>
BUILT AND CREATED BEAUTY	
<ul style="list-style-type: none"> <li>• The Town developed a Memorial Park with a sitting area and walking trail;</li> <li>• The historic building, Beckett Heritage House, is in very good condition and in a prime location;</li> </ul>	<ul style="list-style-type: none"> <li>• Need to create an 'entrance' to the Town;</li> <li>• Heritage committee to consolidate information on history and heritage of the Town for interpretation opportunities;</li> <li>• Archaeological sites and old cemeteries contribute to interpretation opportunities;</li> </ul>
COMMUNITY ENGAGEMENT	
<ul style="list-style-type: none"> <li>• Town has webpage and Facebook page to post events and news;</li> </ul>	<ul style="list-style-type: none"> <li>• Need to encourage turnout for municipal elections;</li> </ul>

STRENGTHS AND OPPORTUNITIES IN THE TOWN OF OLD PERLICAN	
STRENGTHS	OPPORTUNITIES FOR IMPROVEMENT
Some level of volunteerism for community events	<ul style="list-style-type: none"> <li>• Encourage volunteers to assist with community events;</li> <li>• Need volunteers for Council committees for heritage protection, tourism development, and trail development;</li> <li>• Need volunteers for community activities;</li> </ul>
IMPROVEMENTS DESIRED IN NEW MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS	
<ul style="list-style-type: none"> <li>• Zones to reflect development that has happened since 2009;</li> <li>• Clear procedures for decision-making and implementation;</li> <li>• Zone uses need to reflect needs and preferences of the community for the future;</li> <li>• Need to respect sustainability of infrastructure maintenance when zoning new development areas and allow for infill opportunities that are compatible with the town character, yet responsibly allow for greater use of existing services;</li> </ul>	

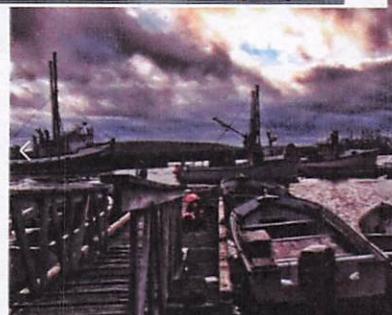
## PROVINCIAL ARCHAEOLOGY OFFICE NEWSLETTER

Volume 3

ARCHAEOLOGY IN NEWFOUNDLAND AND LABRADOR 2004



GOVERNMENT OF  
NEWFOUNDLAND  
AND LABRADOR  
Department of  
Tourism, Culture  
and Recreation  
January 2005



### 1.4 Integrated Community Sustainability Plan

The Town of Old Perlican prepared an Integrated Community Sustainability Plan in 2010 to meet the requirements of the Federal/Provincial Gas Tax Agreement.

The Town of Old Perlican's vision to achieve community sustainability into the future requires that the town must enhance and improve the quality of life for all residents by providing infrastructure and services to insure Old Perlican continues as the thriving economic hub of the Bay de Verde Peninsula. The document was aptly entitled 'Charting the Course'.

To ensure sustainability, the ICSP indicated that the Town shall:

- Ensure the protection of the natural environment in and around the community;
- Develop a business-friendly environment while striving to maintain current levels of business service and attract new developments to the town.
- Ensure information and adequate social programs are available to all residents.
- Ensure the celebration of our history, culture and people through a variety of programs and events.
- Ensure the municipality is operated with fiscal responsibility and accountability through land use, financial and strategic planning, while engaging the public whenever possible;
- Ensure that relationships with others in the community are developed and enhanced, engaging partners to accomplish goals identified by the council and residents.

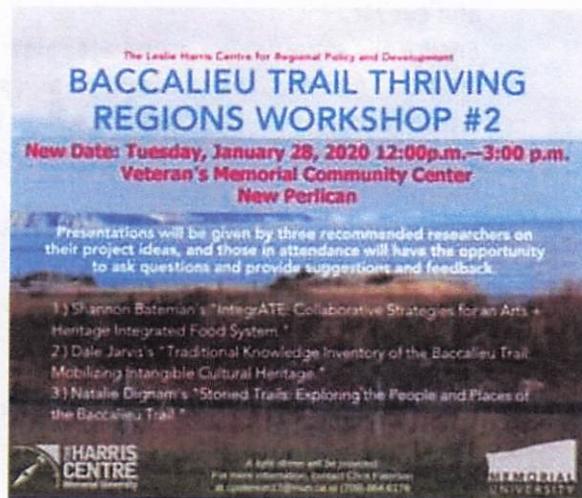
Old Perlican is currently a major service centre with a hospital, high school, senior's home, funeral home and various other businesses and amenities. The ICSP commits the Town to strive to maintain the existing business base, as well as encourage new business to develop in Old Perlican.

The ICSP summarized significant goals for the four pillars of sustainability as follows:

- **Environment:**
  - New Regional Waste Management facility/Hazardous waste disposal
  - Sewage Treatment Outfall
  - Soda Ash treatment for domestic water system
  - Residential water/sewer improvements
  - Study electricity consumption for municipal buildings (possibly install solar panels) (green fund assistance)
  - Improve/increase green spaces (parks, trees) in the municipality
- **Governance:**
  - Update town plans and policies
  - Explore Human resource options to maintain or possibly expand staff levels Streamline decision making processes
  - Maintain equipment and facilities
  - Ensure appropriate financial resources are in place
- **Economic:**
  - Partner with the Harbour Authority on marina development
  - Encourage existing/new businesses
  - Water supply upgrade for commercial customers
  - Develop tourism activities and visitor sites
- **Social/Cultural:**
  - Develop walking trails
  - Community Service award/volunteer of year
  - Develop recreation programs for youth and seniors, especially in winter-walking programs, etc.
  - Encourage activities of senior's groups (50+ groups)
  - Self-improvement programs/workshops

- Continue to press for increased cellular service in the region

The region continues to be an interest for tourism development as evidenced by the 'Thriving Region' workshop sponsored by Memorial University focused on bringing the region together to develop the Baccalieu Trail (see posters below).



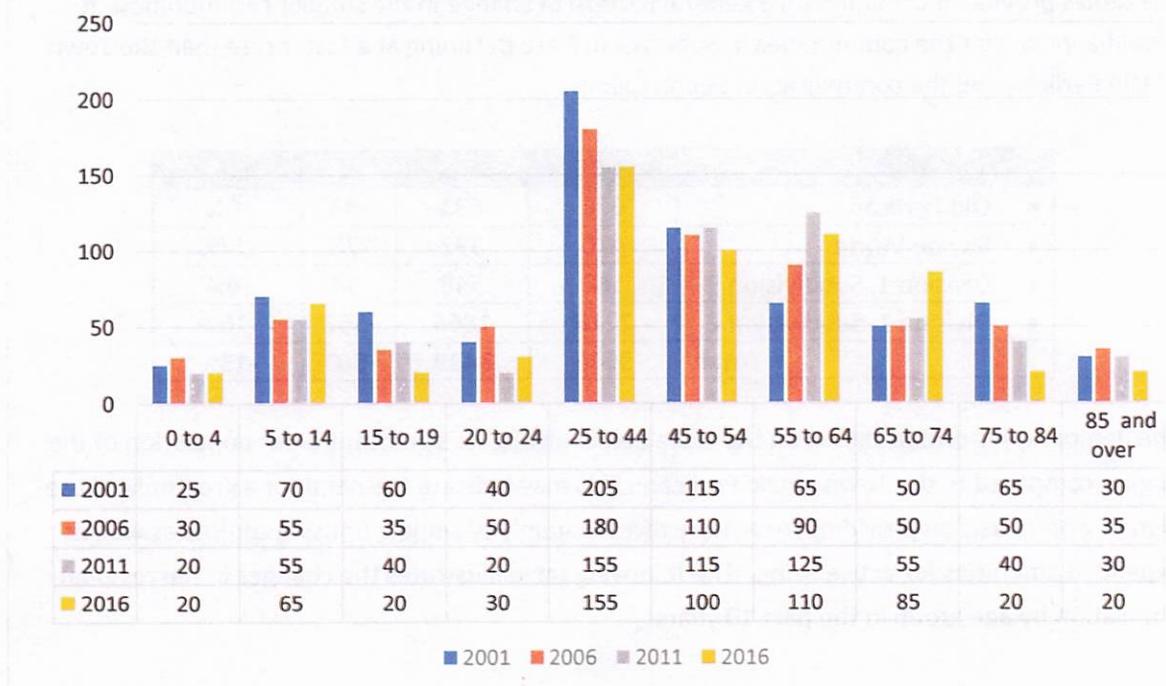
## 2.0 Profile of the People of Old Perlican

### 2.1 Population and Demographic Trends

The Town has 633 residents as of the 2016 Census. In the last 10 years, the population of Old Perlican has decreased by 6% (or 43 people). Statistics Canada provides median age information, that is, half the population is older than the median age and half the population is younger than the median age. In 2006 the median age was 43.3, slightly higher than the provincial median of 41.7, and in 2016, the median age was up to 48.4 years of age, again higher than the provincial median of 46. The population is definitely ageing, and the age profile is older than elsewhere in the province

However, to get a better sense of the change in the age groups in the Town, the following table shows the census data for 2001, 2016, 2011 and 2016.

**Old Perlican - Population Trends,  
by Age Group, 2001-2016**



The number of children in the age groups 0-4 and 4-14 decreased slightly, whereas the 15-19 group (high school) dropped by 75%. The 20-24 (post-secondary) overall decreased by 25%, but only after having a sharp decline between 2006-11 and rebounding in 2016.

The new entrants to the workforce (25-44) declined by 32%; but the 45-64 group was basically stable, losing only 15 individuals, perhaps representing a committed workforce whose lives are invested in the community.

The pre-retirement group (55-64) increased significantly by 41% (after a peak in 2011 showing 15 more people than in 2016. The early retirement group (65-74) was stable between 2001-2011, then spiked by 41% to 85 people in 2016; this could be due to the retirement facility. The 75-84 group decreased dramatically by 70%, and the 85+ population was stable and only decreased in 2016 by 30%.

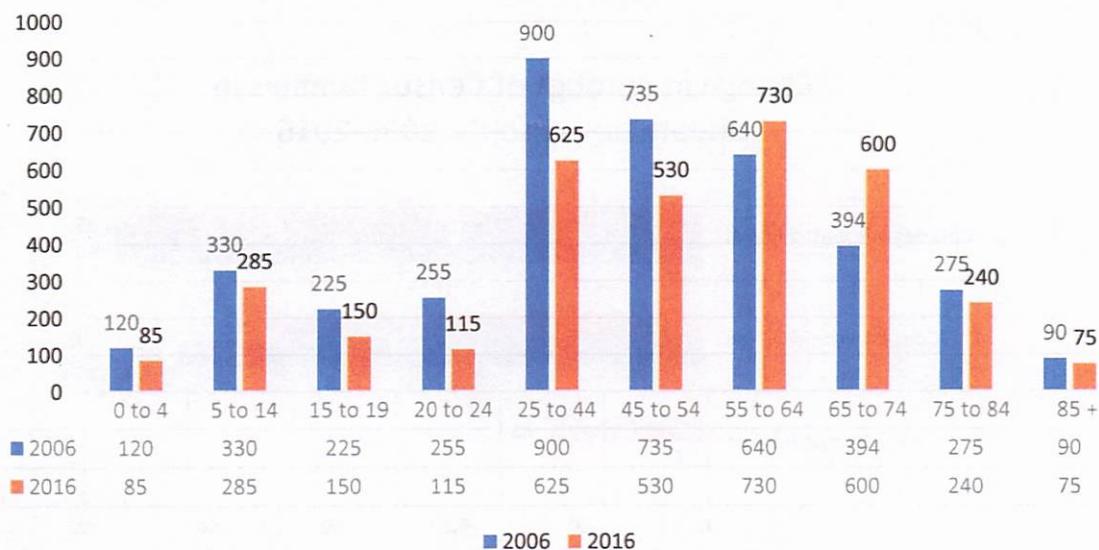
These trends show that the working age groups dominate the population of the community representing almost 60% people living in the Town; therefore, their needs and expectations need to be explored and provided for, particularly if the Town wishes to retain young adults.

The Town of Old Perlican acts as a hub for services to the surrounding region, therefore, the regional demographic trends were explored. Census Canada collects statistics for the Towns of Old Perlican and Bay de Verde, and the smaller surrounding communities are generally captured in the Census Subdivisions F (east side of the peninsula) and G (west side of the peninsula). While it is not possible to know the shopping pattern for the residents in smaller communities, the tables provide information on a general pattern of change in the smaller communities. It would appear that the communities in Subdivision F are declining at a faster rate than the Town of Old Perlican and the communities in Subdivision G.

CENSUS AREA:	2006	2016	#	% change
• Old Perlican	676	633	-43	-6%
• Bay de Verde	470	392	-78	-17%
• Division 1, Subdivision F	582	548	-34	-6%
• Division 1, Subdivision G	2218	1866	-352	-16%
<b>Total:</b>	<b>3946</b>	<b>3439</b>	<b>-507</b>	<b>-13%</b>

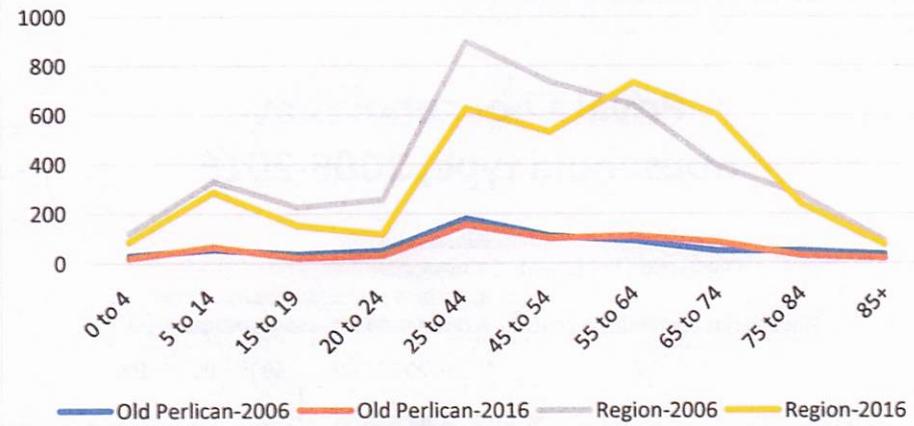
The demographic profile shown on the table below highlights significant older population of the Region compared to the Town of Old Perlican. This may indicate the need for a greater land use planning emphasis on providing for a more diverse supply of seniors housing choices as well as expanded amenities for active living. The following table illustrates the changes in the regional population by age group in the past 10 years.

## Regional Population Change by Age Group 2006-2016



The table below illustrates this aging of the Region more graphically. This aging population shall have different purchasing needs and housing needs in the near future. All considerations to be taken into account by local retailers and housing developers.

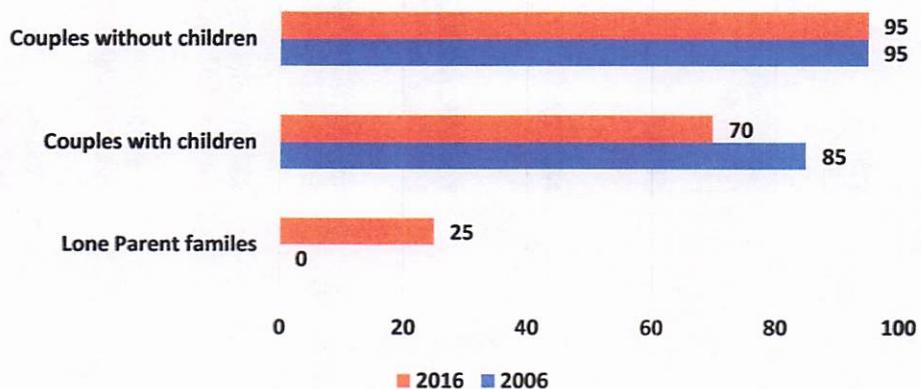
### Comparison of Age Group Change, 2006-2016 Older Perlican and Region



This aging trend has an impact on the composition of households and the type of housing that is needed. Average household size is diminishing from 2.6 in 2006 to 2.4 in 2016. Interestingly,

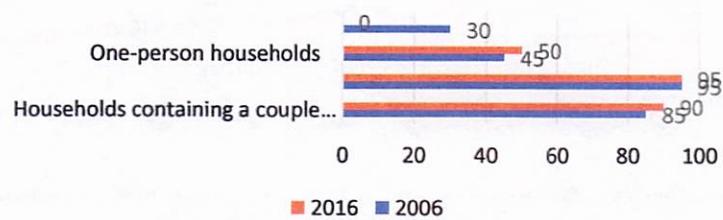
though, between 2006-2016, there are the same number of census families of couples without children, fewer couples with children and more lone parent families. It may be speculated that the smaller family size may be in terms of the number of children per family.

### Change in number of Census families in private households, 2006-2016



The following table shows a broader look beyond just census families. It reflects a balance between census families with or without children. What is surprising is the number of one-person households which represent 21% of private households (50 of 235) in the community, up by 5 from 2006. This would suggest that there may be a need for residential housing that would allow for downsizing for these households, rather than the big change from moving out of the family home to a room in a retirement centre.

### Private households by household type, 2006-2016



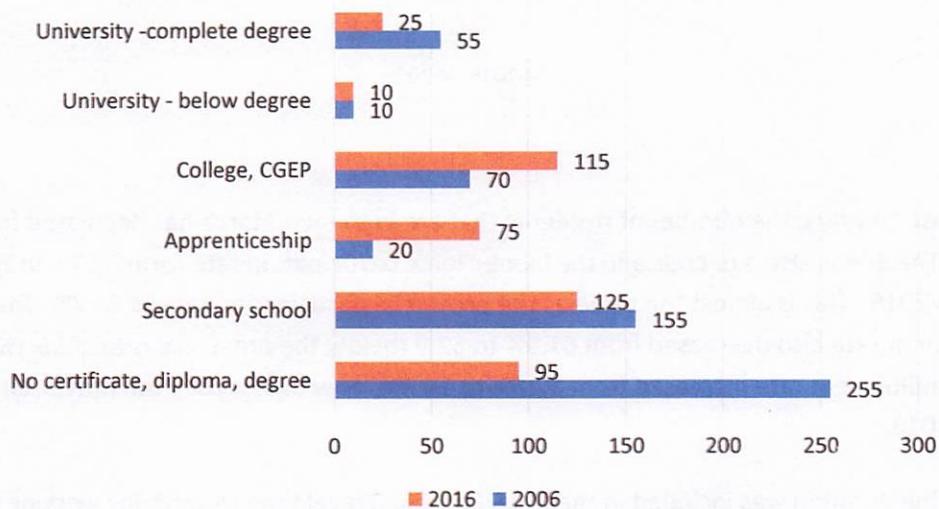
Note: In both 2006 and 2016, there were no multiple-census family households and no 'two-or-more' person non-census family households. This is more of a phenomena for larger centres where there are more low income families struggling to find housing.

Overall, the residents of the Town of Old Perlican are quite satisfied with living in the town. According the Community Accounts statistics calculated by the Provincial Government regarding **community well-being**, 80% indicate that they are very satisfied or satisfied with life in general. Also 78% indicate a strong sense of community; and about 57% self-reported that they were in excellent or very good health.

## 2.2 Education, Mobility, Employment and Income

The education level of residents of Old Perlican has improved for a wide range of post-secondary achievement, as shown on the graph below. Between 2006-2016, there is a dramatic decrease in individuals without some certification or diploma or degree (from 255 to 95). Education is the key to employment and better lifestyle opportunities. There is also a dramatic increase in the number of individuals who have completed some kind of apprenticeship and College.

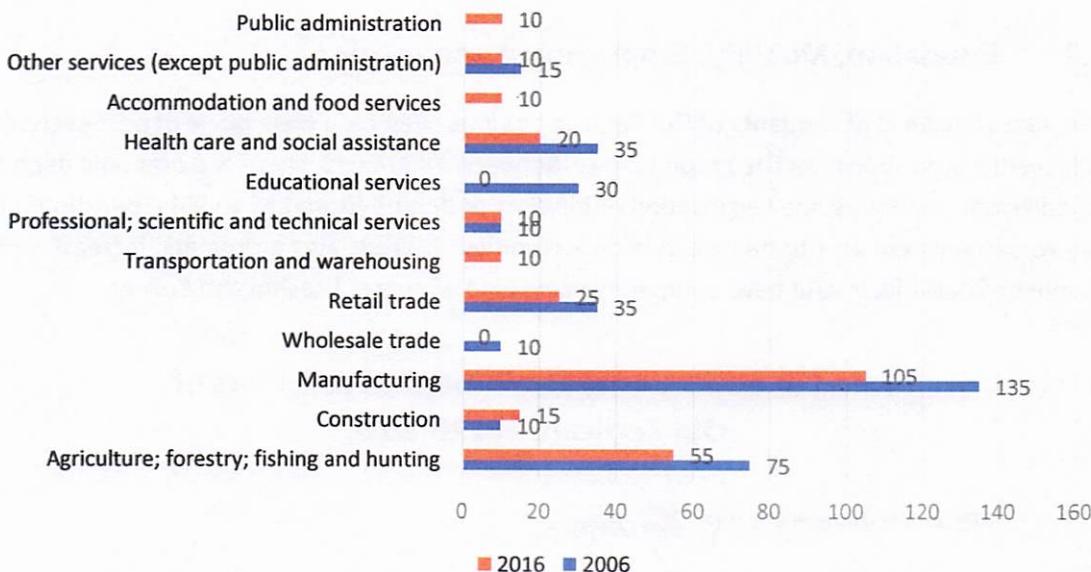
**Trend in educational attainment of residents of Old Perlican, 20116-2016**



Mobility statistics indicate that in the 1 year before the census in 2016, the population consisted of local people as 95% were non-movers. Of the 5% that were movers, half moved within the province and half from other provinces. Five years before the census, 89% were non-movers. Of the 11% that were movers, these were internal migrants (within the province). This is consistent with the fact that the Fish Processing plant has provided secure employment for a long time and residents have been able to rely on having an income in their community or region.

A comparison of the change in employment by industry categories in the past 10 years reflects this employment stability as affected by the overall decrease in population. The 'manufacturing' jobs at the Fish Plant predominate, and the only new category is 'public administration' which would reflect government services based in the Town of Old Perlican.

### Change in employment by Industry categories, 2006-2016



In the past 10 years, the number of residents that are in the workforce has decreased from 565 to 435. There was also a decrease in the labour force participation rate from 63.7% in 2006 to 62.1% in 2016. This is almost the same as the provincial participation rate of 62.7%. The employment rate also decreased from 61.9% to 52.9 (below the provincial rate of 56.1%) and the unemployment rate increased from 12.8% to 14.8%, now higher than the provincial rate of 10.5 in 2016.

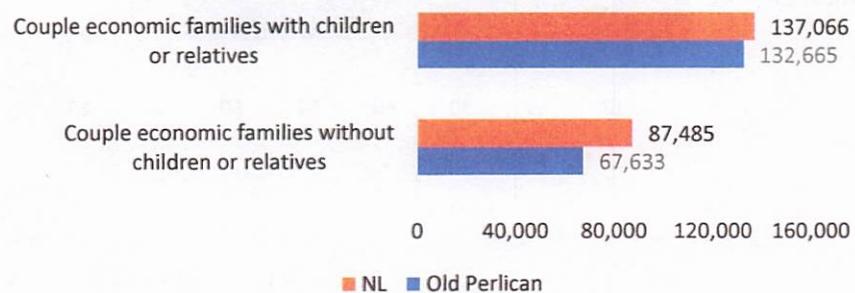
Commuting duration was included in the 2016 Census. Travel time to work for working Old Perlican residents indicates that employment is not far away:

< 15 minutes:	40%
15 – 29 minutes:	24%
30-44 minutes:	14%
45-59 minutes:	8%
60 minutes+	14%

To provide an indication of the income of families living in Old Perlican, the statistics were compared for economic families both in the community and in the rest of the province – see

table below. (Note that 'economic family' refers to a group of two or more persons who live in the same dwelling and are related to each other by blood, marriage, common-law union, adoption or a foster relationship. ... By definition, all persons who are members of a census family are also members of an economic family).

### Average total income (\$) of economic families in private households, 2016

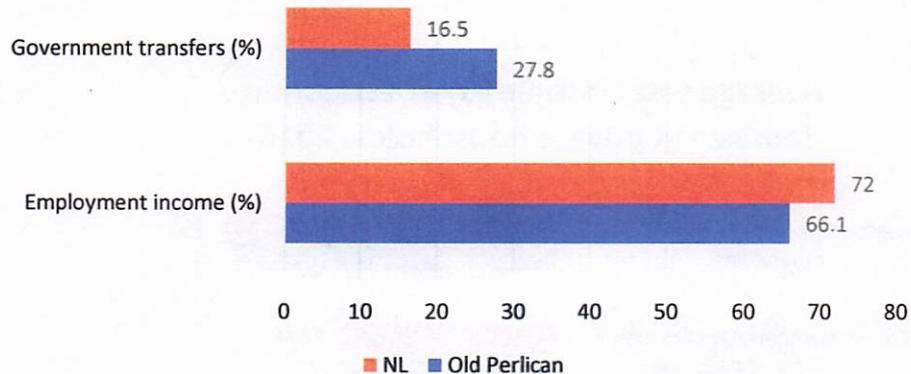


*Note that for Old Perlican there was nothing recorded for lone parent economic families or for persons 15 years + not in an economic family.*

Families with children are most likely to have parents working, so it is no surprise that the income difference is only \$5000; whereas, families without children would most likely include pensioners whose lower income brings this category to \$20,000 lower than the provincial average. However, as this factor would be true for the rest of the province, it could point out to some other factor in effect in the community.

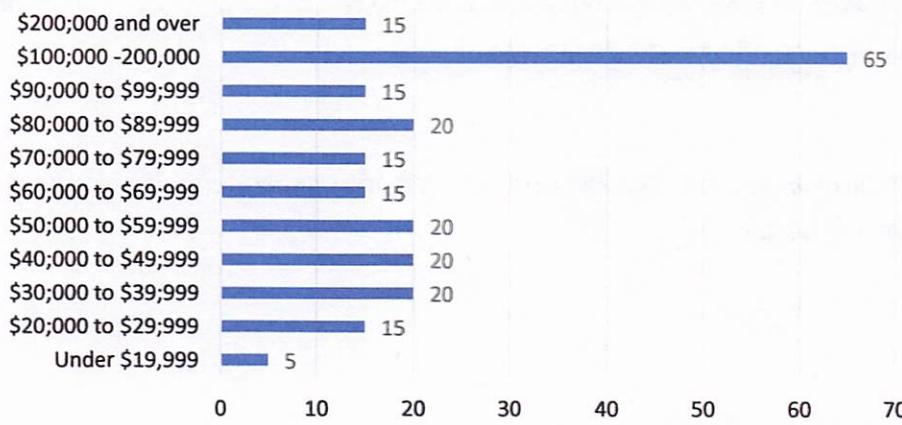
Most of the income earned in Old Perlican (72%) is market-generated or employment income, as shown on the table below.

## Comparision of Source of Income, Old Perlican and the Province, 2016



There are 60 households whose total income is less than \$50,000; of these only 5 are < \$19,999. There is considerable affluence in the community as 33% earn over \$100,000 and many households (43%) have a comfortable income ranging from \$50,000 to \$100,000.

## Total income of Private Households, 2016 Old Perlican



Furthermore, when looking at the Census Canada calculation for the prevalence of low income in communities, in 2016, only 7.1% of the population qualified (as a percentage of income after tax), as compared to 15.4% for the rest of the Province.

These income levels are an important consideration when looking at the type of community services that the Town should invest in to meet the needs of residents. Obviously, those with higher incomes have different purchasing and recreation options than those with lower incomes.

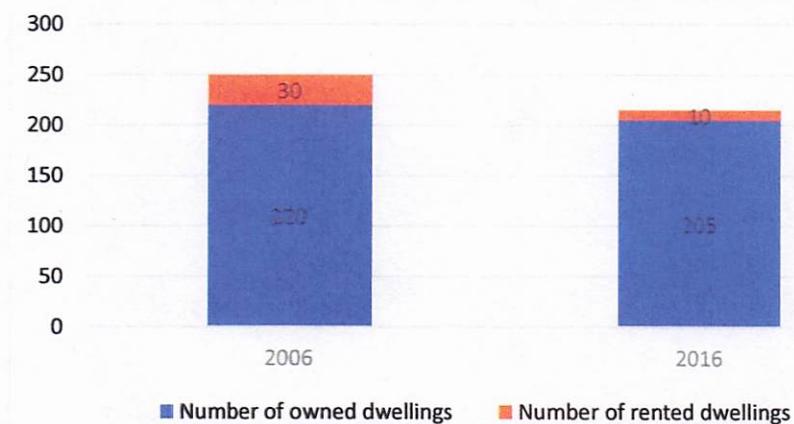
### 3.0 Shaping Development: Land Use Patterns & Future Options

The local circumstances, needs and priorities of the municipality may have changed since 2009 and a new and more relevant community planning approach may be needed to manage land use challenges and opportunities. This chapter shall provide observations and describe the existing patterns of development with varied land uses of the community.

#### 3.1 Residential Development

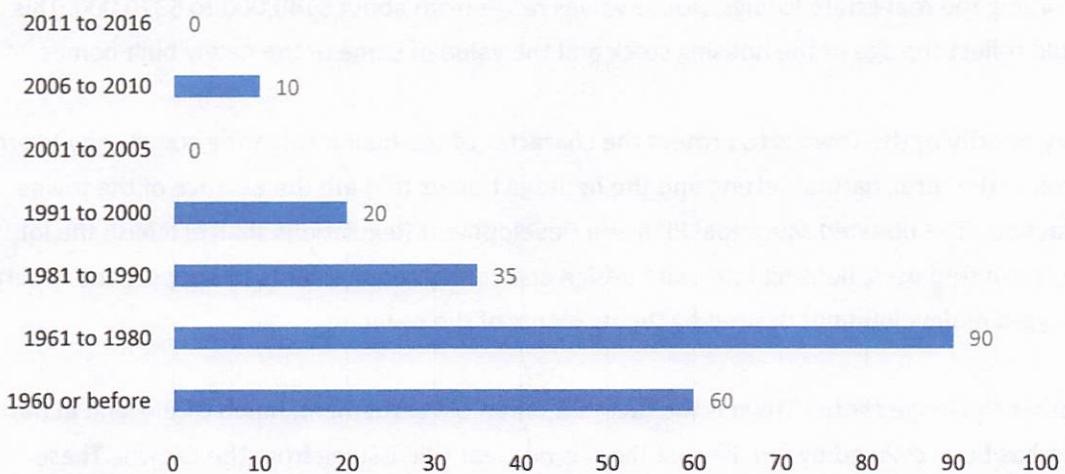
There are 215 total private dwellings in Old Perlican; 35 less than in 2006 (250). Home ownership has always been dominant, and has become even more so over the past 10 years with only 10 homes shown as rental properties. Home ownership at 95% is much higher than the rest of the province at 77%.

**Trend in Owner versus Renter, 2006-2016**



According to Census Canada, the age of housing stock shows that 84% of the housing stock is over 36 years old, and 5% is less than 10 years old (see table below). However, looking at the real estate pages it would appear that there are newer homes on the market that may not have been captured in the statistics. Interestingly, while these new homes contribute to a variety of styles, shapes and sizes, older homes are also varied in style from heritage homes to bungalows, and two-storey houses. There is considerable housing style variety in the community for single detached dwellings, but no apparent housing opportunities for down-sizing, for example, to townhomes for seniors or first-time home buyers.

## Private Dwellings by Period of Construction, 2016



In terms of reporting the need for major repairs, the reported number is basically consistent between 2006 to 2016 at 4.5% (10) indicating that, despite the age, the residential stock is generally in good condition.

The Single detached dwelling continues to be the predominant dwelling form representing 96% of housing stock. Since 2006, there are fewer recorded row housing units and apartments recorded, 20 in 2006 and 10 in 2016. (including the 'other attached' category). The retirement home does not appear to be included in these numbers. Kingsway Living Baccalieu is a state-of-the art Level I, II, and Enhanced Care Personal Care Home with 45 suites for private or community living.



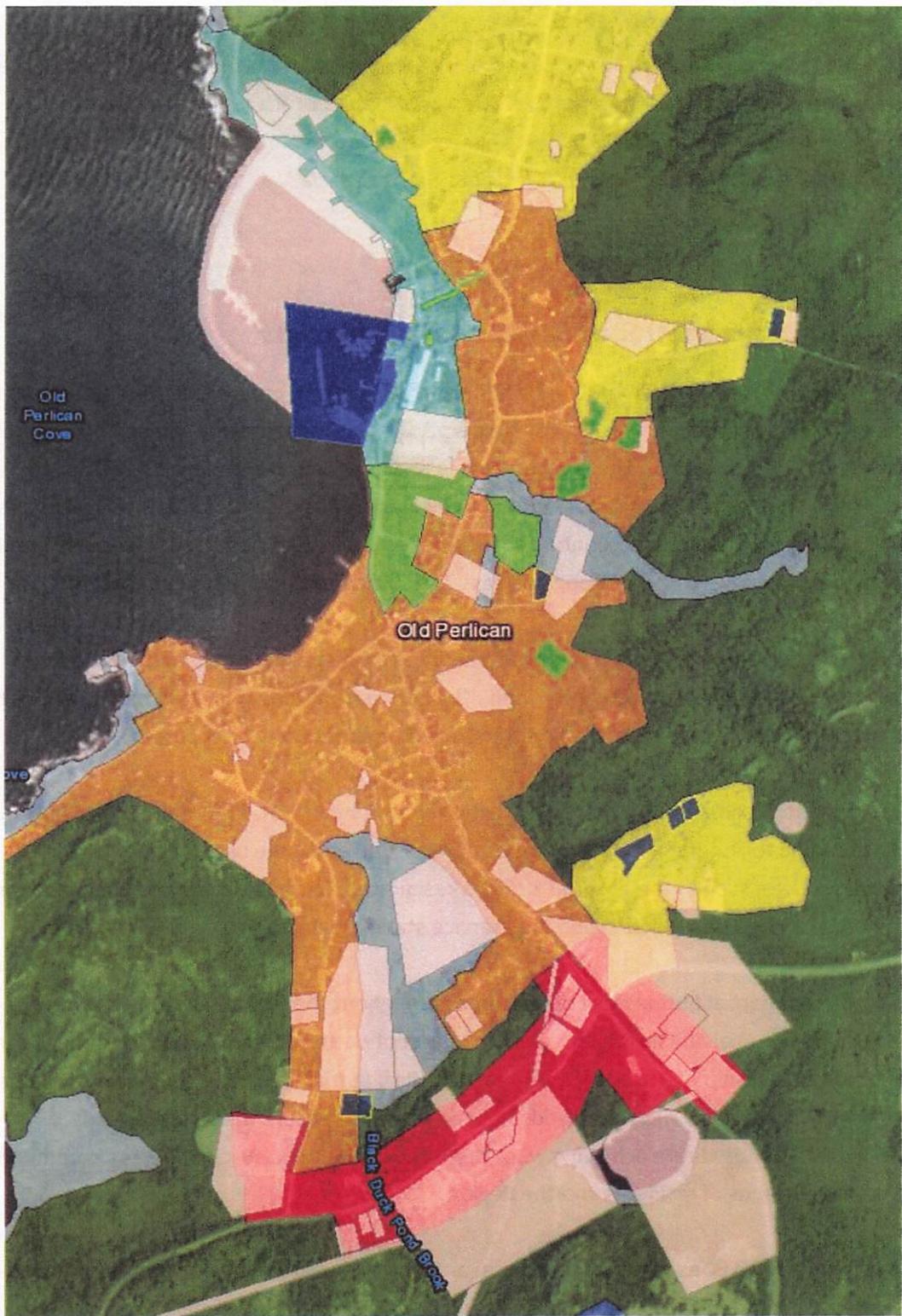
According to Census Canada, the average value of a private dwelling in 2006 was \$80,168 (or \$95,440 in 2016 dollars). By 2016, the value of private dwellings was \$139,944. This is an almost \$45,000 increase in value; however, it is significantly less than the provincial average value of \$243,157; and considerably less than the price of homes in the Avalon Peninsula that

average about \$349,753. Therefore, overall, the housing stock is attractive to potential residents.

According to the real estate listings, house values range from about \$140,000 to \$370,000. This would reflect the age of the housing stock and the value of some of the newly built homes.

A key priority of the Town is to protect the character of the built form in the community in order to retain the rural, natural setting and the heritage homes that are the essence of the town's attraction. The updated Municipal Plan and Development Regulations shall establish the lot size, permitted uses, housing form, site design and zoning requirements to support and facilitate the types of development desired by the residents of the town.

Another challenge for the Town is the fact that, as an old settlement, much of the land in the town has been claimed by families yet there is no clear title issuing from the Crown. These claims have not been settled through any Quieting of Title process under the *Quieting of Titles Act, 1999* or Section 36 process under the *Lands Act, 1991*; therefore, ownership remains questionable. This ties up serviced land from future development. The Town needs to develop a strategy to encourage these lands to be made available for development before investing in new infrastructure that shall be a future maintenance burden.



*The beige-pink colour indicates land alienated from the Crown; so it is evident that most of the developed community does not have title from the Crown*  
About 50 ha are zoned 'Residential', of which about 30 ha are already used. Of the remaining 20 ha that appear to be available, much of this land has challenges in terms of access and services.

The 'Town' zone is predominantly occupied by residential uses interspersed with commercial uses. Homes are located with varied densities and setbacks which reflect the historical settlement of the community. While this enhances the charm of the town, it also poses a challenge for identifying opportunities for infill. This is especially desirable on streets which already have services.

### **3.2 Employment-Generating Land: Commercial**

For a small town, Old Perlican has a wide variety of commercial enterprises. This reflects its role as a service hub for the tip of the Bay de Verde peninsula. These include, funeral home, seniors' retirement home, drugstore, two gas bars (Irving and Esso) and convenience stores, two hardware stores, large supermarket, automotive garage, variety store, a marine supply store, cabinet makers, hair salons, accounting and insurance businesses, fast food take-outs, licensed liquor store, contracting and trucking business, in addition to the processing facilities.

The key challenge for the Town is to ensure that the commercially zoned land is used for commercial use and not for residential infill. The commercial zone is located mostly on Route 80 and onto Route 70, where most traffic enters/exits the community or bypasses it.

Of the total approximately 24 ha area currently zoned commercial, 11.6 are used, leaving about 12 ha available for future commercial development. Currently, the uses located here are regional services, such as the hospital, senior's residence, pharmacy, and high school and the commercial enterprises include Foodland, service station, paint store and funeral home.

The other commercial businesses are scattered throughout the 'Town' zone. This zone is a mixture of residential and businesses with no apparent pattern to the location of either. The 'Town' zone is about 85 ha in size, larger than the 'Residential' (about 50 ha) and 'Commercial' zone (24 ha) combined. This zone needs to be reviewed to ensure that the uses and development standards are achieving what the Town needs to be sustainable as a community and meet the needs of residents and the Region.

As well, the Town wishes to promote tourism and more tourism-related opportunities need to be addressed in the updated Municipal Plan and Development Regulations. Some of these measures could include, allowing for home businesses related to the arts, crafts and artisan workshops, or providing a Town Centre focus for tourism facilities that provide more visual presence and create a cluster of attractions.

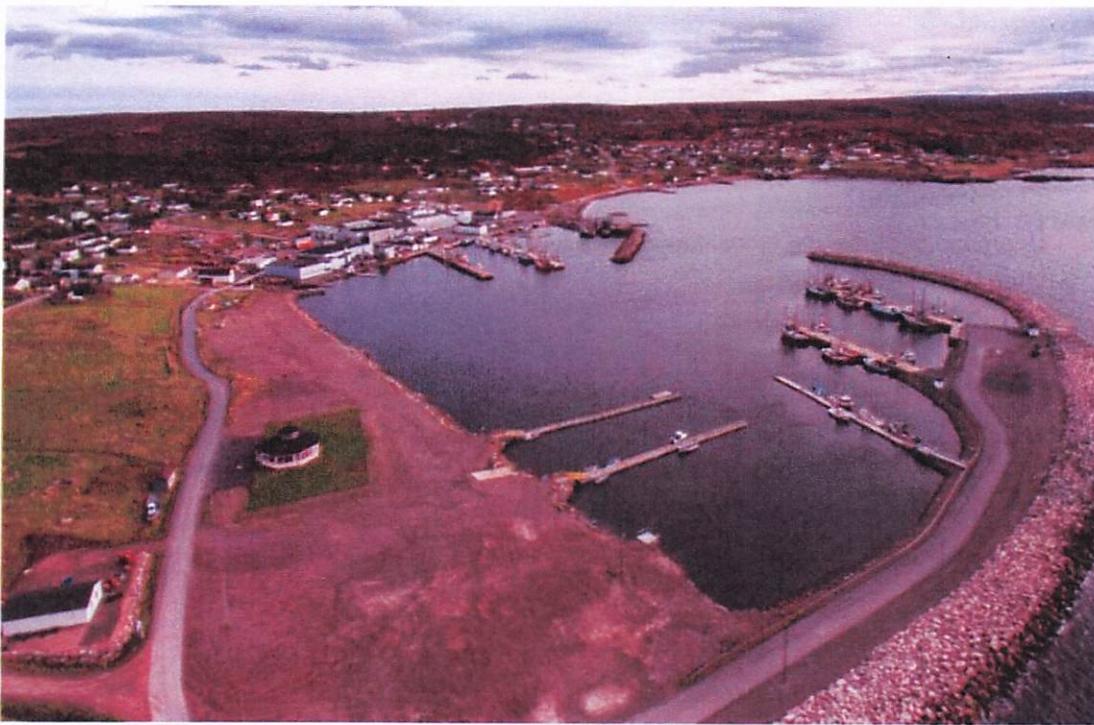
**Services/Retail:**

Bacalieu Builders Ltd  
Button's Marine/ Castle Building Supplies  
Donnas Beauty Salon  
Foodland Ltd  
Gasland Ltd, Jungle Jim's Eatery, Robin's Donuts  
Glamour Beauty Salon  
Hopkins Services  
Hopkins Funeral Home  
Howell's Cabinet Shop  
Melanie's Pet Grooming  
Munn Insurance  
Newfoundland and Labrador Liquor Corporation (is this referred to as 'LOBA')  
Noonan's Accounting and Income Tax Services  
P. Kelly's Electrical  
Quinlan Brothers Apartments  
Reg Hopkins & Sons  
Tizzards Quick Stop- Esso  
Tricon Pharmacy

Note that there are no accommodations within the community, not even AirBnBs. The local Bacalieu Lions Club has a building for their service club activities.

### **3.3 Employment-Generating Land: Industrial**

Industrial development is focused on the Fish Processing plant and harbour. Quinlan Brothers has been a major part of the town's history and a major contributor to the growth, development and sustainability of the region. Founded in 1954, Quinlan Brothers Ltd. is now a third-generation family owned and operated business. The operation has evolved from a traditional local fish processing operation, to a multi-species player in the global fishing industry, exporting our quality products to over twenty countries worldwide. There are two companies, Quinlan Brothers Ltd and Quinsea Fisheries.



As a major fishing port, Old Perlican's harbour facilities are managed by the Harbour Authority of Old Perlican, a locally run corporation associated with Small Craft Harbours, Department of Fisheries and Oceans. The Authority is responsible for berthing and gear storage facilities for fishers, as well as providing water and electrical services to commercial and pleasure boats. The Authority has ongoing plans for harbour improvements. Most recently, a new Canadian Coast Guard Search and Rescue Lifeboat Station was built at Old Perlican to allow for better response to marine emergencies on the east coast of Newfoundland. The Bay de Verde Peninsula was selected based on identified gaps in the Coast Guard's maritime search and rescue response capacity as well as an anticipated increase in vessel traffic in the area.



The processing plant and the harbour are located in the 'Harbourfront' zone. While the plant site is densely developed, there is still a considerable area to the north zoned 'Harbourfront' (about 9 ha) which is available for future development. This area would be suitable for

expansion of plant facilities as well as harbour-related facilities for both commercial and recreational vessels.



The diversity of industrial and commercial services is evident in the following list:

- Barry Group (The)
- Harbour Authority/Marine Service Centre
- Ocean Choice International
- Quinlan Brothers Ltd
- Quinsea Fisheries
- Canadian Coast Guard

Maritime Search and Rescue



Marine industry is a key element of Old Perlican's economy and is an important part of the town's identity. The town's location on the water and its proximity to the Bay of Fundy make it an ideal location for fishing and other marine-related activities. The town's waterfront is well-maintained and provides a safe haven for fishing boats and other marine vessels.

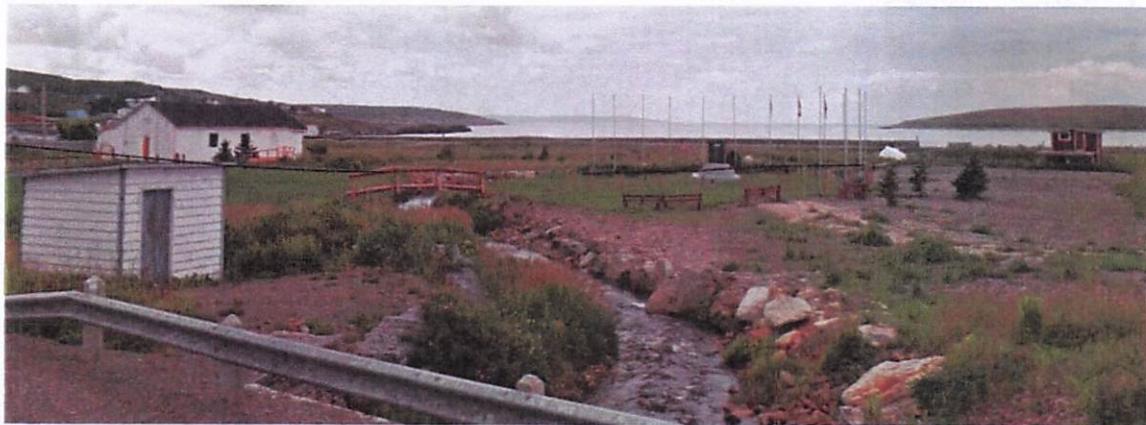
### 3.4 Environmental Protection

The Town is located along the coastline on the Trinity Bay side of the Bay de Verde peninsula. Note that Old Perlican island is not included in the Municipal Planning area boundary for the Town.

Generally speaking, it is proposed that a minimum 15 m shoreline buffer be designated around waterbodies and it shall be widened around areas of value as wetlands or areas otherwise not suitable for development, due to slope or other natural impediments.

### **3.5 Open Space, Parks and Trails**

The Town has only two areas designated for park purposes. The Memorial Park is well developed for multi-age use with a designated boardwalk, and it is used for Memorial Day services as well. This playground located behind the Fire station is also designated as 'Park' zone and contains facilities for young children, Joy Button Playground, as well as a softball diamond.



Within the community, there are no other areas specifically identified for park or trail development.

There is an interest in developing trails and associated facilities and these areas could be identified under this zone to provide protection from other uses encroaching on the primary trail use. Also staging areas for other outdoor adventures in the vicinity of the community could be explored for the use of residents and tourists alike.

It is proposed that the Open Space, Parks and Trails uses be permitted in all zones. However, for areas where these uses need to be protected, the zone can be used and then the Permitted and Discretionary uses must be compatible with the intent of the zone.

### 3.6 Town Centre

As mentioned earlier, the 'Town' zone encompasses a wide variety of uses; however, there is no sense of the Town Centre conveyed by either the built environment or signage. The Town invites visitors to '...view the harbour and browse through the Beckett Heritage Home and Twine Loft with their many artifacts, read the history board and observe the War Memorial, all located in the developing Memorial Park...' However, the area needs more development to provide a greater impact as a destination.

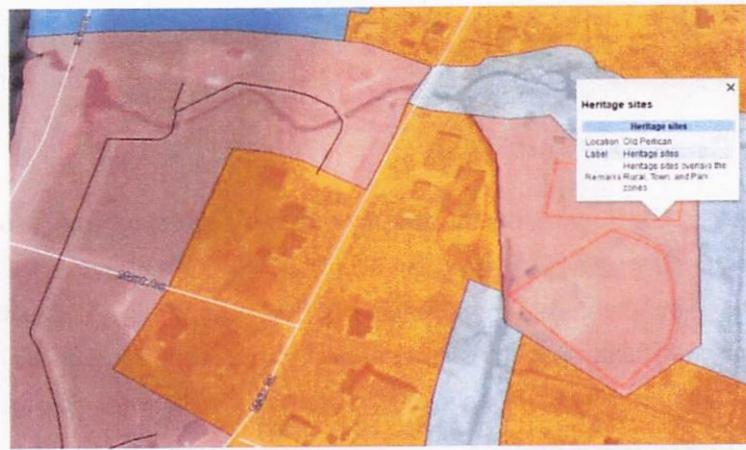
The 'centre' of the Town appears to be in the location around the following uses:



- Town Hall
- Beckett Heritage Home
- Fire Hall
- Memorial Park
- St. Andrew's by the Sea United Church



The rich historical record, combined with archaeological resources and sites, need a creative interpretive approach to modernize the area as a 'must see' destination.



### 3.7 Public Institutional

The range of government services further supports the role of the Town as a regional hub which is evident in the following list of services:

- Town Hall
- Canada Post office
- Public Library
- NL Power
- RCMP
- Service Canada
- Baccalieu Collegiate and Brandon Harris Field
- A. John Hoskins Community Center & Rink

### 3.8 Protected Water Supplies

The Town has a water system that takes advantage of two water sources, Bell Pond and Cook's Cove Pond. These areas are designated as Protected Surface Water areas by the Water Resources Management Division and shall continue to be identified on the zoning as Protected Water Supply Areas.

### 3.9 Rural

The rural zone encompasses much of the countryside surrounding the community. There are very few activities occurring in this zone in terms of harvesting of natural resources. There are no commercial forestry operations and only a few quarry operations.

Residents have trails for ATV and snowmobile use and some participate in domestic harvesting of firewood and berry picking activities.

### 3.10 Land Use Planning Objectives

As required by the *Urban and Rural Planning Act, 2000*, the Old Perlican Municipal Plan shall contain planning objectives that shall help to guide management of growth and development within the community and within its Municipal Planning area boundary over the next ten-year period.

The land use planning objectives are:

- *To establish effective land use policies, environmental management approaches and development standards to enable the Town to proactively encourage and manage sustainable land and building development;*
- *To pursue economically efficient and wise use of the developable land supply;*
- *To preserve the scenic historical and rural character of the residential areas of the Town of Old Perlican;*
- *To provide appropriate protection to environmentally sensitive and natural areas, steep slope and flood risk locations, archaeological significant sites, valued local views, and other important local features;*
- *To promote infill land development in areas of existing municipal services;*
- *To respond to the emerging local housing needs for seniors and younger families;*
- *To present options for innovative housing forms for compact lots, panhandle lots and other efficient and affordable residential uses of land;*
- *To encourage expansion of employment generating commercial business growth wherever feasible;*
- *To maximize public access, recreational and economic opportunities of the waterfront in Old Perlican;*
- *To devise pragmatic policy responses to each of the identified Provincial Agency referral comments; and,*

- *To achieve an enhanced sense of community for the residents of the Town of Old Perlican.*

## 4.0 The Role of the Municipality

### 4.1 Town Operations and Finances

The Town of Old Perlican operates under a seven-member Council. The next election shall be in September 2022. The Committees of Council include:

- Fire Department
- Old Perlican Ladies Auxiliary (Support/ Raise funds for the Fire Department)
- Ambulance Services
- Old Perlican Recreation and Arena Committee (OPRAAC)
- Youth Recreation Program (Summer Activity & Soccer Program for the youth)

There are also no plans or strategies developed for these topics.

The Town has a balanced budget of about \$1.9 million and a debt servicing ratio of 6%, well below the provincial limit of 15%. In terms of property tax income, there are about 283 homes taxed at a 5.5 mil rate and 45 taxes at a minimum tax method; 21 businesses taxes at a 7.4 mil rate and 38 at a minimum tax method and 2 providing grants in lieu; and there are 134 vacant land lots charged \$50 per annum.

The Town has seven staff members:

- Town Clerk/ Manager - The Town Clerk handles all administrative and financial responsibilities as well as the land use and development permits;
- Administrative Assistant
- Town Foreman
- Heavy Equipment/ General Maintenance
- General Worker
- Recreation Coordinator
- Janitor

Old Perlican has an excellent relationship with its neighbouring municipalities and unincorporated communities. The town is a member of the Joint Mayors' Association of Trinity-Bay de Verde, and together with the other 8 municipalities on the Trinity /Conception Bay shores the group meets on a monthly basis to discuss common issues and enjoy a night of fellowship and networking. Additional, as the major service centre on the tip of the Bay de Verde Peninsula, smaller neighbouring communities rely on the Old Perlican Volunteer Fire Dept and the Old Perlican Ambulance Service in times of need.

The Town's Volunteer Fire Department provides fire protection to Old Perlican and several smaller communities in the area. The department operates from the Fire Hall on Main Street.

Other departments of the town include the Old Perlican Ambulance Service and the John Hoskins Recreation Commission.



The OPVFD has mutual aid agreements with the Bay de Verde and North Shore Fire Dept, and the OPAS has the same arrangement with the North Shore and Winterton Ambulance Services. In time of need all groups pull together to help their fellow citizens. These arrangements have been in effect for over 30 years and one group would not be able to provide the high level of service it does, without the other's involvement.

## 4.2 Engineering Infrastructure and Services

The water from the Bell Pond and Cook's Cove Pond supplies the town with water.

The Town provides sanitary sewer services but lacks any level of sewage treatment and dumps raw sewage directly into the waters of Trinity Bay.

The Town does not have a climate change program to reduce greenhouse gas emissions, energy consumption, potential impacts of climate change especially potential sea-level rise along the shoreline.

All the roads within the Municipal Planning area, except for the provincial highway (Routes 70 and 80), are the responsibility of the Town. Many are narrow and there are many non-conforming setbacks from the road right-of-way due to the historical development of the town.

Waste management is managed by the Eastern Waste Management Corporation and the Waste Recovery Facility is located on the former Old Perlican incinerator site and services Trinity Conception North.

## Appendix: The planning process

### 1. Role and Purpose of Municipal Plan

The primary purpose of the Municipal Plan is to outline the land use intent and supportive land use policies for land located within the Town of Old Perlican Municipal Planning area so as to encourage and provide for the effective management of land development within the community. The Municipal Plan represents opportunity to pursue new and resourceful approaches to managing future change in the community through considerations of sustainability, a comprehensive understanding of the land base and its potential, meaningful and achievable policy objectives.

The Municipal Plan shall serve as the principal land use planning framework for Town Council to follow in managing the community's land base. The Municipal Plan is intended to provide for positive support and opportunity to local residents, businesses, community organizations, land developers and external agencies and departments, in protecting and preserving what is valued, and in identifying locations and the methodology for considering where, what density, and what specific types and uses of land and building development may occur.

### 2. Municipal Plan Content

#### Required Content

Section 13.0 of the *Urban and Rural Planning Act, 2000* identifies the required content of a Municipal Plan as follows:

- Statement of objectives of the Municipal Plan;
- Policies to be implemented under the Municipal Plan;
- Provision for a 10-year planning horizon;
- The division of land into varied land use classes and permitted uses within; and,
- How the Municipal Plan shall be implemented.

#### Permissive Content

The *Urban and Rural Planning Act, 2000* also identifies the permissive content that may be considered for inclusion within the Municipal Plan; some of the provisions are briefly noted as follows:

- Describe and determine the physical, economic and social environment of the Municipal Planning area;
- Provide for the protection, use and development of environmentally sensitive lands;
- Provide for the protection, use and development of natural resources;

- Establish areas for comprehensive development;
- Establish locations, provisions for and policies with respect to housing and facilities for senior citizens;
- Provide for and recommend the attraction, location, development and diversification of economic activity;
- Describe existing and proposed transportation networks and proposed networks of streets;
- Provide for the use and conservation of energy;
- Provide for the non-removal of trees and vegetation... and require that environmental studies be carried out prior to undertaking specified developments;
- Provide for storm water and erosion control;
- Provide for garden suites and back lot development;
- Propose the phasing in of a development; and,
- Make other proposals that in the opinion of Council are necessary.

### Intended Content

The intent of the Old Perlican Municipal Plan is to utilize the planning direction identified by the *Urban and Rural Planning Act, 2000* and to complement this content with additional policy statements that shall help to further strengthen the long term environmental, economic and social sustainability of the community, and that are financially affordable to the Town.

## 3. Development Regulations

Once the Municipal Plan is prepared, Section 35 of the *Urban and Rural Planning Act, 2000* outlines the mandatory requirement for the preparation of Development Regulations. The issues to be addressed in the Development Regulations, that are the tool to implement the policy direction and objectives of the Municipal Plan, are set out below:

**35. (1) A council or regional authority shall, to ensure that land is controlled and used only in accordance with the appropriate plan or scheme, make development regulations**

- (a) respecting land use zoning and shall require for that zoning, a map that divides the Municipal Planning area into land use zones;**
- (b) indicating permitted, prohibited and discretionary uses of land in each land use zone;**
- (c) respecting the requirements for residential lots and access to residential lots;**
- (d) respecting the development of and requirements for subdivisions;**
- (e) respecting development permits including**

  - (i) different types of permits,**
  - (ii) the application for and issuance of permits,**
  - (iii) required fees, forms and information with respect to permits,**

- (iv) approval in principle of permits,
- (v) processing, cancellation, suspension and refusal of permits,
- (vi) conditions applicable to a permit or type of permit,
- (vii) length of time for which permits are valid, and
- (viii) the discretion and variance powers available to the council or regional authority with respect to the issuance of a permit;

- (f) requiring that an applicant for a permit be provided with available information and requirements applicable to the application;
- (g) requiring that a decision of a council or regional authority with respect to a permit be in writing and state reasons for a refusal of or conditions placed upon a permit;
- (h) respecting reasonable minimum notice periods for the council or regional authority for decisions respecting discretionary land use, non-conforming land use and variances;
- (i) respecting public notice for permit applications and requiring that the cost of that notice be borne by the applicant;
- (j) respecting the non-conforming development and use of land;
- (k) respecting financial guarantees of applicants with respect to a proposed development;
- (l) respecting appeals of decisions to boards; and
- (m) respecting the enforcement of permit requirements.

- (2) Regulations made under subsection (1) shall be administered and enforced by the appropriate council or regional authority and shall conform to the requirements of this Act.
- (3) Sections 14 to 24 apply, with the necessary changes, to regulations made under this section.
- (4) A permit issued under regulations made under subsection (1) only applies to the land for which the permit is given regardless of the transfer, sale or exchange of that land.
- (5) Notwithstanding subsection (3) and section 25, where there is a proposed change in a regulation made under this section that has not occurred as a result of a change in a plan, a council or regional authority responsible for the changed regulation shall only give notice of those proposed changes in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the regulations to the minister for registration under section 24.

#### **4. Consultation and Comments**

Town Council provides the primary influence to the character, content and policy direction of the Municipal Plan. The Municipal Plan also reflects the desires and needs of local residents, businesses, community groups and organizations, government agencies and departments, and is

responsive to regional considerations. As part of the Municipal Plan preparation process, varied opportunities to engage and to receive comment from members of the local public and larger community have been, or are to be, pursued, as illustrated below:

- Meetings with members of Town Council;
- Initial public consultation;
- External agency review and input;
- Circulation of 'draft copy' of Municipal Plan for review and comments;
- Public consultation on the proposed planning documents and land use zoning maps;
- Revisions to draft Municipal Plan;
- Public Hearing;

As the Municipal Plan (2022-2032) is implemented, community and regional partnerships, and public involvement, is intended to be ongoing.

## **5. Process for Adoption, Approval and Registration of the Municipal Plan**

Following the public consultation and Council review of the draft planning documents and mapping, these drafts are submitted to the Provincial Government for review under Section 15 of the Urban and Rural Planning Act, 2000. Once released from the Section 15 review, the Municipal Plan and Development Regulations (2022-2032) are formally adopted through a resolution by Old Perlican Town Council under Section 16 (1) of the *Urban and Rural Planning Act, 2000*. A notice of Public Hearing is to be advertised (twice). At the Public Hearing, a Commissioner who is appointed by Town Council, shall hear and receive any representations and objections to the Municipal Plan, and submit a report with recommendations to Council for consideration.

Council may approve the Municipal Plan, or approve the Municipal Plan with the revisions that may be recommended by the Commissioner, or through other amendments as deemed necessary. The Municipal Plan is thereafter submitted to the Minister of Municipal Affairs and Environment for review to ensure conformance to all applicable provincial law and policy, prior to registration of the Municipal Plan within the provincial planning registry.

The Municipal Plan becomes effective on the published date of notice of registration of the Municipal Plan within the Newfoundland and Labrador Gazette. The Town Council shall also proceed to have published a notice of registration within the local Advertiser newspaper.

## 6. Administration, Legal Effect and Authority of Municipal Plan

The Municipal Plan is a land use policy document of Council that shall be administered by the designated staff members of the Town of Old Perlican such as the Town Clerk as under the direction of Town Council.

Upon provincial registration of a Municipal Plan by the Minister of Municipal Affairs and Environment, the Municipal Plan is deemed to be a legal and binding document on Council's land use planning decisions and consideration of development application proposals, and binding on all other persons, property owners, businesses, corporations and organizations.

### No Compensation

Section 5 of the Act additionally identifies in part that:

*"A person is not entitled to compensation for a reduction in the value of that person's interest in land nor for a loss or damage to that person's interest in land resulting from application of this Plan."*

In other words, the greater public good of the planning direction and land use designations adopted by Council through the Municipal Plan supersedes the Municipal Plan's potential effect on individual property.

## 7. Relationship to Other Plans and Legislation

The policy statements of the Municipal Plan do not exist in isolation to other planning initiatives of the Town. Under Section 29 of the *Urban and Rural Planning Act, 2000*, Town Council may prepare and adopt more detailed development or local improvement schemes, or land and/or building acquisition proposals, for the purpose of pursuing specific strategies identified within the Municipal Plan. Other land use planning documents and regional/provincial influences also impact local growth and development.

### Development Regulations

The Municipal Plan has been updated in concert with the companion Development Regulations, the land use regulatory document that specifies the more detailed permitted, accessory, prohibited and discretionary uses of land, conditions of use, land development standards, and other requirements that are applicable to property located within the Town's Municipal Planning Area. The content of the Development Regulations is varied, and includes land use zone categories for all properties located within the Municipal Planning Area, subdivision requirements, advertising and signage regulations, the minimum and/or maximum land use density of specific locations within the community, and general development design guidelines that may apply to new and expanded land and building developments and related activities within the community.

## Regional and Provincial Influences

The updated Municipal Plan is also intended to work generally in concert with the applicable interests of the provincial and federal governments, federal and provincial legislation, regulations and policies and guidelines continue to apply within the Town Municipal Planning area.

Successful ongoing implementation of the Municipal Plan shall further entail coordination with the Local Governance and Land Use Planning Section of the Department of Environment, Climate Change and Municipalities.



## **POLICY FOR LAND AND WATER RELATED DEVELOPMENTS IN PROTECTED PUBLIC WATER SUPPLY AREAS**

### **POLICY DIRECTIVE**

Division:	Water Resources Management	P.D.	W.R. 95-01
Prepared By:	Haseen Khan, P.Eng.	Issue Date:	April 7, 1995
Approved By:	Wasi Ullah, Director	Re-Issue Date:	March 10, 1999
Approved By:	David Jeans, ADM	Review Date:	
Authorized By:	John M. Fleming, DM	Superseded:	
Kevin Aylward	Minister	Cancelled:	
Subject:			
<b>Policy guidelines for land and water related developments in protected public water supply areas.</b>			

### **1.0 OBJECTIVES**

The policy shall establish a mechanism for issuing a certificate of environmental approval under Section 39 of the Water Resources Act, SNL 2002 cW-4.01 for all development activities in a designated water supply area. The implementation of the policy guidelines shall ensure sustainable development of natural resources without adversely affecting water quality.

### **2.0 LEGISLATION**

Water Resources Act, SNL 2002 cW-4.01, Section 39

### **3.0 POLICY**

The existing and proposed development activities in protected water supply areas shall be subject to the following policy guidelines established under Section 39 of the Act.

### **4.0 DEFINITIONS**

“Act” means the Water Resources Act, SNL 2002 cW-4.01.

“Development” means the carrying out of an activity or operation on, over, or under land or water for social or economic benefits, or the making of any change in the use of the intensity of use of any land, water, building or premises.

All other definitions appearing in the Act shall equally apply to this policy when employed herein.

### **5.0 APPLICATION OF THE POLICY**

- 5.1 This policy shall apply to public water supply areas designated under Section 39 of the Act.
- 5.2 Existing resource development and other activities shall be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.
- 5.3 If it is established that a particular activity is a source of pollution, then appropriate measures as outlined in Sections 11, 12 and 13 of this policy directives shall apply.
- 5.4 The Minister may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.

5.5 No development shall be carried out in a designated area except in accordance with this policy.

5.6 No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

## 6.0 ACTIVITIES NOT PERMITTED IN A DESIGNATED AREA

6.1 Placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water and sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality.

6.2 Using an intake pond, lake or specified buffer zone for any activity detrimental to water quality and not permitted in the Act.

6.3 Using ice covered water body for transporting logs, riding skidoos/motor vehicles/all-terrain vehicles, leading of animals, or any other activity which impairs or has potential to impair water quality.

6.4 Using or operating existing facilities in such a manner which impairs or has potential to impair water quality.

6.5 Residential development (a sub-division of four or more lots), vehicle maintenance facilities, warehouses, service stations, industries, and chemicals and salt storage depots.

6.6 Storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.

6.7 Clear cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants.

6.8 Resorts, hotels/motels, and golf courses.

6.9 Activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes.

6.10 Application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures.

6.11 Aquaculture development and associated activities having potential to impair water quality.

6.12 Processing and manufacturing plants having potential to impair water quality.

6.13 Cemetery, waste disposal facilities, and any other storage or disposal facilities that the Minister considers environmentally unacceptable.

## 7.0 ACTIVITIES REGULATED IN A DESIGNATED AREA

In a designated area, no person shall undertake any of the following activities without obtaining prior written approval from the Minister:

7.1 Expansion and upgrading of the existing activities, operations or facilities.

7.2 Construction of residential, commercial, industrial and institutional facilities or any other related activity including land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities.

7.3 Development of farm lands for crop production, forage production, vegetable production, and blueberry and other fruit production.

7.4 Forest logging, resource road construction and use, stream crossing for controlled access, preparation of skid trails and landing areas, silvicultural activities, tree farming, and other environmentally acceptable forestry operations.

7.5 Recreational activities or facilities including cottage development, fishing, swimming, boating, hiking, camp grounds, or canoe routes, vacation or other camps, or recreational facilities.

7.6 Mineral exploration related activities and aggregate extraction, or any other construction activity incidental to mining and quarrying including access roads, stream crossings, land drainage with adequate treatment, land clearing and excavation.

7.7 Installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes.

7.8 Construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines.

7.9 Modification to intake structures, pumphouse, reservoir, etc. shall require approval under Section 37 of Act.

7.10 Any other development or activity which, in the opinion of the Minister, has caused impairment or has potential to impair water quality.

## 8.0 APPROVAL PROCESS

8.1 The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Minister for approval.

8.2 The Minister may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.

8.3 The proponent shall obtain separate approvals from the Minister under Section 48 of the Act, for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.

8.4 The proponent shall also obtain licences, permits or approvals under other acts and regulations as required prior to commencing the approved work.

8.5 The proponent of the approved development shall notify the municipal authority or the person responsible for the operation and maintenance of the waterworks by providing a copy of the approval issued under this policy before commencing the work.

8.6 The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.

8.7 The Minister may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.

8.8 The Minister may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

8.9 The Minister encourages the departments and agencies responsible for resource management and affected by this policy to develop environmental protection guidelines for resource utilization in protected water supply areas, for compliance by proponents or developers.

## 9.0 BUFFER ZONES

9.1 The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

Water Body	Width of Buffer Zones
Intake pond or lake	a minimum of 150 metres
River intake	a minimum of 150 metres for a distance of one km upstream and 100 m downstream
Main river channel	a minimum of 75 metres
Major tributaries, lakes or ponds	a minimum of 50 metres
Other water bodies	a minimum of 30 metres

9.2 No development activity shall be permitted in buffer zones except those which are intended to promote vegetation.

#### 10.0 RESPONSIBILITIES OF MUNICIPAL AUTHORITY

The municipal authority or person responsible for the operation and maintenance of a waterworks shall:

- 10.1 Ensure that no development activities are undertaken in a designated area without approval from the Minister.
- 10.2 Ensure that approved development activities are undertaken in strict compliance with the terms and conditions of the approval.
- 10.3 Where an approval or this policy is violated, serve a stopping order on the violator after obtaining prior approval from the Minister for stopping any work or operation either permanently or temporarily which is not carried out according to the terms and conditions of the approval and has impaired or has potential to impair water quality.
- 10.4 Request the Minister for the appointment of a Watershed Monitoring Committee and the development of a watershed management plan, if the designated area is under increasing pressure for multiple development activities.

#### 11.0 CORRECTION OF HARMFUL CONDITIONS

If the quality of water has been impaired by any activity, practice, or action taken deliberately, negligently or accidentally, the Minister may order the proponent

- to provide alternate water supply for the affected community for as long as is necessary to restore the existing water supply system;
- to restore the water quality to its original condition; or
- to take necessary measures including the removal of facilities, undertakings, cabins, etc. and to rehabilitate the affected area at his/her expense in order to rectify the water pollution related problems.
- 

#### 12.0 CERTAIN POWERS OF THE MINISTER

##### (A) Cancellation of Approval

The Minister may revoke an approval:

12.1 For failure of the proponent of any development or activity to comply with the terms and conditions stipulated in the approval.

12.2 Where the approval was issued in error on the basis of incorrect or incomplete information.

12.3 Where the approved activities or operations are causing or have potential to cause impairment of water quality for reasons not anticipated at the time the approval was issued.

**(B) Changing Boundaries**

The Minister may change the boundaries of a designated area either to enlarge or reduce its size.

**13.0 OFFENCE**

A person who undertakes any development or activity in a designated area without prior written approval from the Minister is guilty of an offence under the Act.

## POLICY FOR DEVELOPMENT IN SHORE WATER ZONES

### POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 97-1
Prepared By:	Anil Beersing	Issue Date:	June 3, 1997
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
	Oliver Langdon Minister	Cancelled:	

### Subject:

#### Development in Shore Water Zones

### 1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

### 2.0 OBJECTIVES

This policy shall establish the criteria for issuing a permit under Section 48 of the Water Resources Act, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

### 3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

### 4.0 DEFINITIONS

*Body of Water* (Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

*Shore Water Zone* "Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

**Development** “Development” means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

## 5.0 POLICIES

### 5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

### 5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which could aggravate flooding problems shall not be permitted.

5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have unmitigable adverse water quality impacts on the shore water zones shall not be permitted.

5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones shall not be permitted.

5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of the shore water zones shall not be permitted.

5.2.5 Construction of extensive paved surfaces along a shore water zone which changes the intrinsic character of the shore water zone shall not be permitted.

### 5.3 Developments Requiring Written Permission

The following developments on or along shore water zones shall be permitted subject to the prior written permission of the Minister of Environment and Climate Change (the “Minister”) in accordance with the Act:

5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.

5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.

5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.

5.3.4 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., along shore water zones.

#### 5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone shall require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

#### 5.5 Restoration Measures

The terms and conditions of the environmental approval shall specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

## POLICY FOR DEVELOPMENT IN WETLANDS

### POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 97-2
Prepared By:	Anil Beersing	Issue Date:	June 2, 1997
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
	Oliver Langdon Minister	Cancelled:	

### Subject: Development in Wetlands

#### 1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

#### 2.0 OBJECTIVES

This policy shall establish the criteria for issuing a permit under Section 48 of the Water Resources Act, SNL 2002 cW-4.011, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

#### 3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

## 4.0 DEFINITIONS

*Body of Water:* (Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water

*Wetland:* (Statutory definition from the Act) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas

*Wetland development:* "Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions.

## 5.0 POLICIES

### 5.1 Developments Not Permitted

5.5.1 Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts shall not be permitted.

5.5.2 Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells shall not be permitted.

5.5.3 Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands shall not be permitted.

### 5.2 Developments Requiring Written Permission

The following developments affecting wetlands shall be permitted subject to the prior written permission of the Minister of Environment and Climate Change (the "Minister") in accordance with the Act:

5.2.1 Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.

5.2.2 Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.

5.2.3 Removal of the top soil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.

5.2.4 Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.

5.2.5 Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.

5.2.6 Development related to recreational activities including the setting up of camp grounds, permanent and semi-permanent facilities, etc., on wetland areas.

5.2.7 Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

### 5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands shall require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

### 5.4 Restoration Measures

The terms and conditions of the environmental approval shall specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.

## POLICY FOR INFILLING BODIES OF WATER

### POLICY DIRECTIVE

Division:	Water Resources Management	P.D.	W.R. 91-1
Prepared By:	Martin Goebel, P.Eng.	Issue Date:	April 1, 1991
Approved By:	Martin Goebel, Director	Re-Issue Date:	Jan 17, 2001
Approved By:	Ken Dominie, ADM	Review Date:	
Authorized By:	Paul L. Dean, DM	Superseded:	
	Oliver Langdon Minister	Cancelled:	

**Subject:**  
**Infilling Bodies of Water.**

### 1.0 OBJECTIVE

To adopt a consistent approach to development proposals involving infilling bodies of water in order to protect the water resource, the adjacent lands and the development itself.

### 2.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

### 3.0 INTRODUCTION

A recent trend has been observed by the Water Resources Management Division for various developers and proponents to request environmental approval for infilling bodies of water. The purpose of most of such requests is to make new land for property development for a variety of uses. Granting of approvals without reasonable justification gives a mistaken impression that this department is not consistently and adequately protecting the water resources of this province as required under the Act.

Proponents can be classified into several categories:

- private individuals
- municipalities or community councils
- voluntary or service organizations
- commercial developers

Infilling projects affect the natural environment in terms of the ecology, hydrology, hydraulics and aesthetics of flood plains, ponds and lakes as well as coastal marine areas. Such infilling often does not give due recognition to the value of the water resource involved nor does it recognize common hazards such as flooding and erosion.

The proximity of water to such developments is creating an additional future liability for the province. Should there be flooding or erosion of the filled area, shall the province be obliged to undertake emergency rescue or protection of occupants and property? Would the province be obliged to provide compensation for damage. If flood protection measures are implemented in the future, shall the province be forced to expropriate the owners in order to gain access to the body of water?

Current literature on the topic of climate change indicates that global warming may cause increases in sea levels. In a report by Environment Canada entitled "Socio-Economic Assessment of the Physical and Ecological Impacts of Climate damage? on the Marine Environment of the Atlantic Region of Canada – Phase 1" the impact on coastal infrastructure based on a one metre rise in mean sea level over the next 50 years is projected to cost in the billions of dollars. Losses include urban waterfront land, buildings with a life expectancy of 50-75 years, breakwaters, bridges and causeways, roads and railways. It can be safely assumed that areas presently prone to flooding shall be prone to more severe and more frequent flooding in the future.

#### 4.0 POLICY

4.1 The highwater level is taken to be the 1:100 year return period water level. For freshwater this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations the level must include maximum tides, waves, wind setup, storm surge and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

4.2 Any proposed infilling within fifteen (15) metres of a body of water measured horizontally inland perpendicular to the shoreline at the highwater level of that body of water as defined in the Act shall be subject to Section 48 of the Act.

4.3 Any request for approval involving infilling within a minimum of fifteen (15) metres of the highwater level of a body of water may only be permitted in exceptional circumstances where no other reasonable alternative exists. The onus shall be upon the proponent to show that land more suitable for the intended purposes cannot be obtained in or near the community or area.

4.4 Infilling required in connection with marine related development such as fishing facilities, wharves, fish plants, boathouses, marinas and such developments, which of necessity must be located on riparian or coastal lands, may be permitted subject to Section 48 of the Act.

4.5 Infilling to permit municipal or public sector projects which are essential to the public good such as infilling to permit the placement of roads, bridges, hydro lines, sewer and water facilities or similar undertakings, may be permitted subject to Section 48 provided that no other reasonable alternatives are available and that the land shall remain public property.

4.6 Infilling to permit industrial expansion as for instance in mining, oil development, power development or any other beneficial undertaking may be permitted subject to Section 48 of the Act provided that the project has been registered and released from all further requirements under the Environmental Assessment Act and that the registration and any subsequent Environmental Preview Reports or Impact Statement clearly discussed all infilling requirements.

4.7 Infilling of very small ponds or freshets that do not appear on 1:50,000 scale Newfoundland topographic maps and where the land is better utilized for agricultural or other purposes may be permitted subject to Section 48 of the Act.

4.8 Infilling to permit improvements to the environment may be permitted subject to Section 48 provided that the land and facilities shall remain public property. Examples of such projects may

include community recreation areas, playgrounds, nature areas, public beaches, breakwaters, and other similar land uses.

4.9 Any land created by approved infilling must not be vulnerable to flooding and related effects such as erosion. Furthermore, permitted infilling may in no way impact on or increase any risk of flooding or alter the drainage of any adjacent property.

4.10 Applicants for Crown Lands shall be advised that their application shall not be considered for approval unless the proposed use(s) shall meet the requirements of this policy directive.



## APPENDIX C: FUTURE LAND USE MAP

## **APPENDIX A: BACKGROUND REPORT**

# TOWN OF OLD PERLICAN

PHASE ONE: UNDERSTANDING THE COMMUNITY

SEPTEMBER 2020



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