

TOWN OF TORBAY
MUNICIPAL PLAN 2015 - 2025



MUNICIPAL PLAN AMENDMENT No. 7, 2023
WATERSHED To RURAL
WATERSHED To CONSERVATION
WATERSHED To COMPREHENSIVE DEVELOPMENT AREA-
INDUSTRIAL
WATERSHED To INDUSTRIAL

JUNE 2023

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF TORBAY
MUNICIPAL PLAN AMENDMENT No. 7, 2023

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay.

- a) Adopted the Torbay Municipal Plan Amendment No. 7, 2023, on the 15th day of October, 2024.
- b) Gave notice of the adoption of the Town of Torbay Municipal Plan Amendment No. 7, 2023, by advertisement inserted on the 25th day of October, 2024 in the digital publication of The Telegram newspaper, and on the 1st day of November, 2024 in the hard copy publication of The Telegram newspaper.
- c) Set the 14th day of November, 2024 at 6:30 pm at the Torbay Town Hall, 1288 Torbay Road, for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay approved the Town of Torbay Municipal Plan Amendment No. 7, 2023, as adopted.

SIGNED AND SEALED this 27th day of November, 2024

Mayor:  (Council Seal)

Clerk: 

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF TORBAY
MUNICIPAL PLAN AMENDMENT No. 7, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay adopts the Town of Torbay Municipal Plan Amendment No. 7, 2023.

Adopted by the Town Council of Torbay on the 15th day of October, 2024.

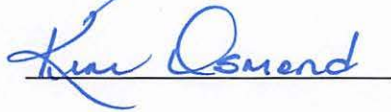
Signed and sealed this 22nd day of October, 2024.

Mayor:



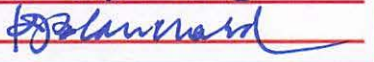
(Council Seal)

Clerk:



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Torbay Municipal Plan Amendment No. 7, 2023, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Municipal Plan/Amendment	
REGISTERED	
Number	<u>5125-0035-2025</u>
Date	<u>31 JAN 2025</u>
Signature	



TOWN OF TORBAY

MUNICIPAL PLAN AMENDMENT No. 7, 2023

BACKGROUND

The Town of Torbay proposes to amend its Municipal Plan. The Town has received a request to redesignate property at 7 Pump House Road from *Watershed* to *Industrial* for general industrial use. The private property at 7 Pumphouse Road forms part of a larger area that is currently designated Watershed. Torbay had designated three ponds as possible water supply: North Pond, South Pond and Great Pond. Due to contamination of the South Pond watershed resulting from activities at St. John's International Airport, South Pond Watershed is no longer suitable as a potable water supply, in 2012, the Environment Minister of the day repealed the provincial protection of South Pond as a watershed.

OTHER EXTERNAL INTERESTS

Airport Noise Exposure Forecast (NEF)

Portions of South Pond Watershed are in the vicinity and flight paths of St. John's International Airport. The Town's Planning & Development Department recommends that any new residential development be prohibited within the 30 NEF Contour Line. Commercial/Industrial development may be considered.

Domestic Cutting Area

Much of the land in the South Pond Watershed is located in a Domestic Cutting Area, regulated by the Forestry Branch. More than 100 households in Torbay use this area for firewood and as a fuel source.

Referrals

Since receipt of the application to rezone land, Town staff held meetings with three provincial departments to ascertain provincial interests in rescinding the South Pond Watershed Designation. A Memo, prepared by the Town's Planning & Development Department dated April 5, 2023, summarizes discussions and is attached for reference. Key points are summarized as follows:

- The Department of Municipal and Provincial Affairs is supportive of rescinding the entire Watershed Designation in and around South Pond, subject to consultation with the Departments of Transportation & Infrastructure and Environment and Climate Change, Water Resources Management Division for provincial interests.
- Water Resources Management Division does not support development between North Pond and South Pond. They recommend buffers to ensure continued

integrity of North Pond Water Supply. Due to the contamination issue, a 'one-of' well and septic system may potentially be considered for single development off Pump House Road. The remaining lands are recommended to be developed with municipal water.

- The Department of Transportation & Infrastructure do not object to William Manning Drive Intersection being used for access. Development would be subject to a traffic light and a traffic impact assessment. Pump House Road is municipal jurisdiction, and may require upgrades.
- Forestry Division advises that Domestic Wood Cutting area is being utilized by over 100 Torbay households for fuel source and remains one of the largest forested areas in the municipality.

ANALYSIS

IN considering the request for redesignation of the South Pond Watershed, the Town recommended a more comprehensive Amendment would be required. The Town recommends four considerations This Amendment proposes to redesignate land as follows:

1. **WATERSHED to RURAL** – for lands that are located in the Domestic Cutting Area boundary and between the North Pond and South Pond buffer zones.
2. **WATERSHED to CONSERVATION** – for lands in and around waterbodies and wetlands and associated buffers.
3. **WATERSHED to COMPREHENSIVE DEVELOPMENT AREA – INDUSTRIAL** for all lands except the property at 7 Pump House Road and all Rural and Conservation lands.
4. **WATERSHED to INDUSTRIAL** for the property at 7 Pump House Road and lands west of William Manning Drive.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The St. John's Urban Region Regional Plan Map has designated the land proposed in Municipal Plan Amendment No. 7, 2023, as **WATERSHED** on the Regional Plan map. It is determined that an amendment to the St. John's Urban Region Regional Plan is required to redesignate land from **WATERSHED** to **URBAN DEVELOPMENT, REGIONAL INDUSTRIAL, RURAL** and **RESTRICTED** to bring the proposed Municipal Plan Amendment No. 7, 2023, into conformity with the Regional Plan.

Area Municipality Responses

The Town received 2 responses from Regional Municipalities:

1. Town of Conception Bay South - No comment or objection.
2. Town of Paradise - No objection, however, emphasizing importance of protecting natural assets and taking necessary steps to protect North Pond water supply from potential contamination from future development.

Copies of the email responses are attached for reference.

PUBLIC CONSULTATION

Further to the December 13, 2023 letter by the Minister of Municipal and Provincial Affairs requesting consultation on the proposed St. John's Urban Region Regional Plan Amendment to re-designate the decommissioned water supply lands of the South Pond Watershed from Watershed Protection to Restricted Development, Regional Industrial, Rural and Urban Development, the Town placed an advertisement in the mid-January 2024 edition of the locally distributed North East Avalon Times newspaper advising of the proposed regional, municipal plan and development regulation amendments and requesting a written response by the noted deadline of 12:00 noon Monday February 5, 2024. A copy of the newspaper ad is attached for reference.

The Town also posted the consultation advertisement on its website and via its social media channels.

Area property owners within a 150-metre radius of the amendment lands plus all property owners in the Pineridge Subdivision (a total of 246 letters) were sent via postal mail, as well as the amendment documents were available for viewing at Torbay Town Hall, 1288 Torbay Road. Copies of the social media postings and letter sent are attached for reference.

As per the requirement of the *Urban and Rural Planning Act, 2000*, all area municipalities subject to the Regional Plan were contacted by email to determine any commentary, considerations or objections there may be. Copies of the referral letter to regional municipalities are attached for reference.

In addition, the Town referred the proposed amendments to St. John's International Airport Authority.

The Town received the following responses to the public notification.

Resident Responses (3)

The Town received three (3) replies from area residents and one (1) request for an in-person meeting. The commentary can be summarized as follows:

1. Requesting more background information.
2. Question about how amendments relate to Areas of Concern 1 and 2.
3. Current medium and long term development plans.
4. Question about difference between RUR and RLL Land Use Zones.
5. Concern about watershed protection being lifted considering environmental impact, community well-being, and long term sustainability, particularly as it relates to ground water supply.

Copies of emails are attached for reference

Area Municipality Responses (2)

The Town received 2 responses from regional municipalities.

1. Town of Conception Bay South:
 - a. No comment or objection
2. Town of Paradise
 - a. No objection
 - b. However, emphasizing the importance of protecting natural assets and taking necessary steps to protect North Pond water supply from potential contamination from future development.

Copies of emails are attached for reference

St. John's International Airport Authority

As part of the public consultation process, the Town referred the proposed Amendments to the Airport Authority with regards to height restrictions (OLS) and noise exposure forecast (NEF). The Airport Authority prepared an overlay map as attached, and advised:

1. No issues. Areas that would be subject to land use application to NAVCan will not be developed.
2. No Transport Canada engagement required.

The referral response and associated map are attached for reference.

Copies of all referrals and responses, advertisements, social media postings, postal mailout, public consultation report and draft amendment documents are attached for reference.

COMMISSIONER APPOINTMENT AND PUBLIC HEARING PROCESS

Further to the Minister adopting the SJURRPA #7, 2023 amendment on August 15, 2024, the Torbay Town Council adopted MPA#7, 2023 and DRA #13, 2023 at its public Council meeting of October 15, 2024 and, concurrently with the provincial appointment, appointed the Independent Commissioner for the Public Hearing Process at the same regular public meeting of Council and set a Public Hearing date for Thursday, November 14, 2024.

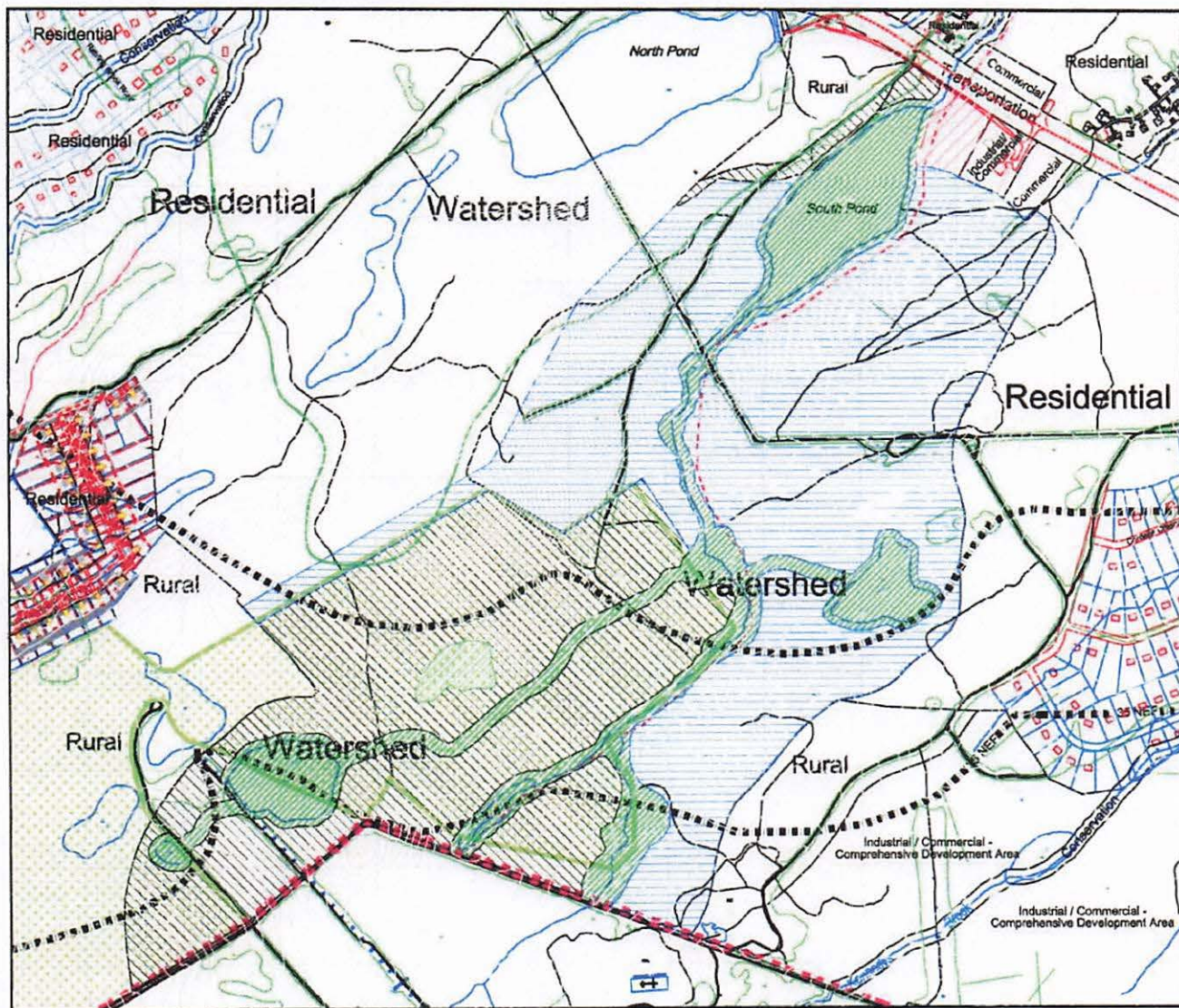
The Town of Torbay posted an advertisement on October 25, 2024 in the online publication of the Telegram (Saltwire) that is posted repeatedly for a number of days, and the hard copy advertisement in the hard copy publication of the Telegram (Saltwire) in the November 1, 2024 publication in accordance with the notification timelines for public hearings as per *Urban and Rural Planning Act, 2000*. Council also posted the public hearing notice for the proposed three amendments on its website as of October 25, 2024, send letters by postal mail to 15 property owners within the amendment area in keeping with the Town's public notification policy and requirements of URPA, 2000.

The public hearing was originally scheduled for Thursday, November 14, 2024 with a submission deadline of 3 pm Tuesday, November 12, 2024, two days in advance of the public hearing. The Town did not receive any written objections or representations. The Town received one inquiry from one of the property owners that are subject to the proposed amendments, who requested an explanation on the status and next steps in the amendment process, as well as one inquiry from an online business news magazine. Based on no written objections or representations having been received, the Town of Torbay cancelled the public hearing in accordance with Section 21 of URPA, 2000. Cancellation notices were distributed via social media, on the Town's website, email, and posting on front door of Torbay Town Hall on the evening of the planned public hearing. Copies of the public hearing advertisements and cancellation notices are attached for reference.

AMENDMENT No. 7, 2023

The Town of Torbay Municipal Plan is amended by:

- A) *Changing*** an area of land from "**Watershed**" to "**Conservation**", Map A
- B) *Changing*** an area of land from "**Watershed**" to "**Industrial**" Map A
- C) *Changing*** an area of land from "**Watershed**" to "**Rural**" and Map B and
- D) *Changing*** an area of land from "**Watershed**" to "**Comprehensive Development Area-Industrial**", Map B an area of land from as shown on the attached portion of the Torbay Future Land Use Maps A and B:



TOWN OF TORBAY
MUNICIPAL PLAN 2015-2025

FUTURE LAND USE MAP

MUNICIPAL PLAN
AMENDMENT No. 7, 2023 MAP "A"



Area to be changed from: "Watershed" to
"Conservation"



Area to be changed from: "Watershed" to
"Industrial"

PLAN-TECH



ENVIRONMENT

Dated at Torbay

This 27th Day of November 2023

[Signature] Mayor
[Signature] Clerk

Seal



Scale: 1:12,500

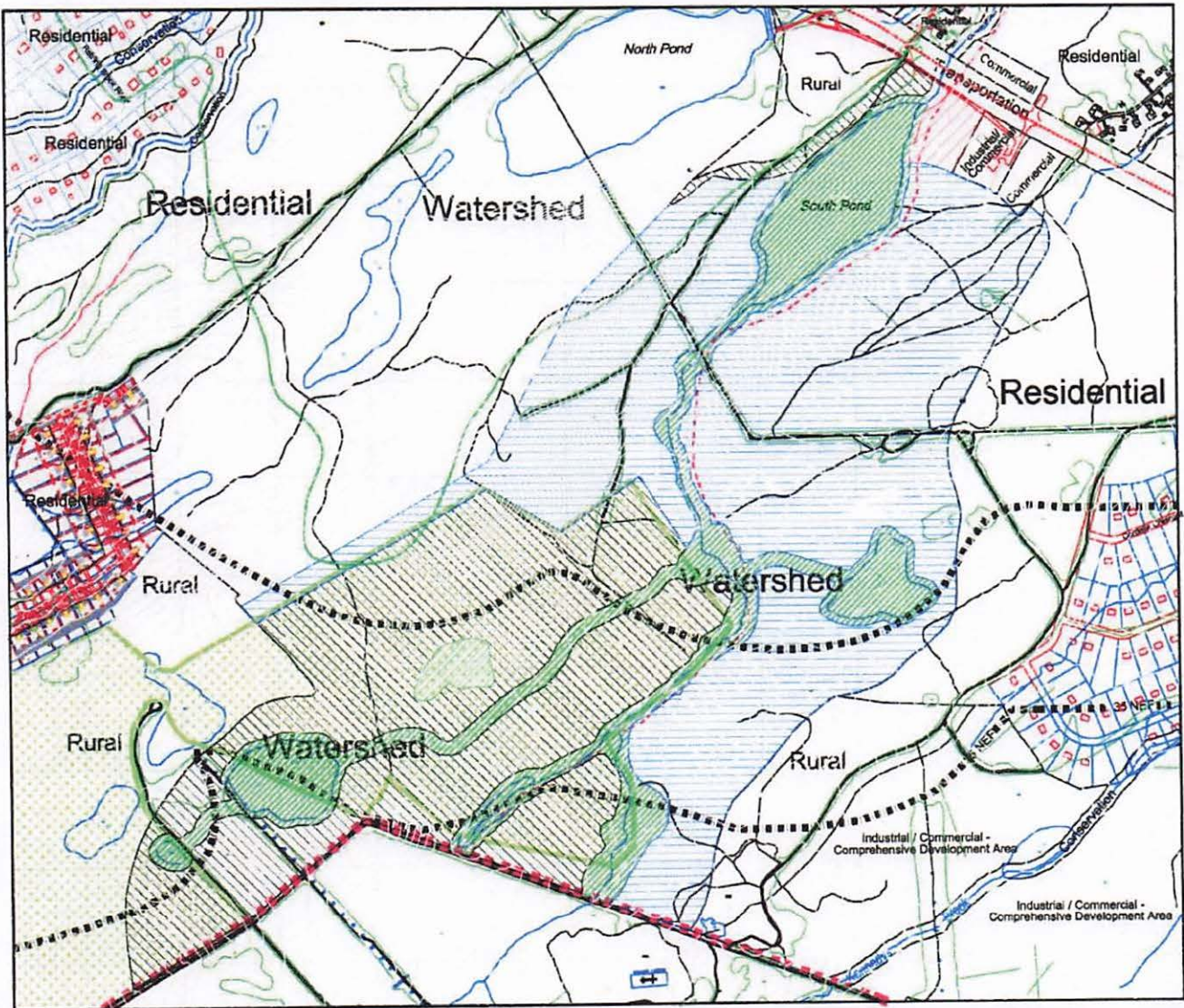
REGISTERED

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Number 5125-0035-2025

Date 31 JAN 2025

Signature [Signature]



TOWN OF TORBAY
MUNICIPAL PLAN 2015-2025

FUTURE LAND USE MAP

MUNICIPAL PLAN
AMENDMENT No. 7, 2023 MAP "B"



Area to be changed from: "Watershed" to
"Rural"



Area to be changed from: "Watershed" to
"Comprehensive Development Area-
Industrial"

PLAN-TECH



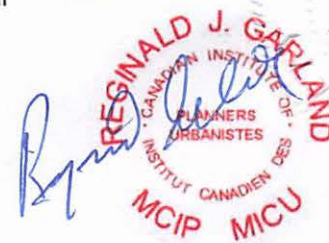
ENVIRONMENT

Dated at Torbay

This 27th November 2024

[Signature] Mayor
[Signature] Clerk

Seal



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