



January 31, 2025

Mayor Craig Scott and Council  
Town of Torbay  
1288 Torbay Road  
P.O. Box 1160  
Torbay, NL A1K 1K4

Dear Mayor Scott and Council

**TORBAY**  
**MUNICIPAL PLAN AMENDMENT NO. 7, 2023**  
**DEVELOPMENT REGULATIONS AMENDMENT NO. 13, 2023**

**IN CONJUNCTION WITH ST. JOHN'S URBAN REGION REGIONAL PLAN**  
**AMENDMENT NO 7, 2023**

I am pleased to inform you that the St. John's Urban Region Regional Plan Amendment No. 7, 2023, as adopted by the Minister on the 15<sup>th</sup> day of August, 2024 has now been registered. In general terms, the purpose of St. John's Urban Region Regional Plan Amendment No 7, 2023 is required to redesignate land from Watershed to Urban Development, Regional Industrial, Rural and Restricted in order to being the proposed Development Regulations Amendment No. 13, 2023 into conformity with the Regional Plan.

The Town of Torbay's Municipal Plan Amendment No. 7, 2023 and Development Regulations Amendment No. 13, 2023 have now been registered. These registered amendments are legal documents and should be saved in a secure location.

Council must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The amendments to the Regional Plan and the Torbay Municipal Plan and Development Regulations come into affect the date this notice appears in the gazette. The notice must also appear in a local newspaper.

Please ensure that the notice of registration in the Newfoundland and Labrador Gazette and the local newspaper includes references to the St. John's Urban Region Regional Plan Amendment No. 7, 2023, in conjunction with Municipal Plan Amendment No. 7, 2023 and Development Regulations Amendment No. 13, 2023.



The Newfoundland and Labrador Gazette is published every Friday. **Notice must be submitted a week in advance.** Council can submit the notice by email [kingsprinter@gov.nl.ca](mailto:kingsprinter@gov.nl.ca) , by fax 729-1900, or by mail Kings Printer, P.O. Box 8700, St. John's, NL A1B 4J6.

A copy of the St. John's Urban Region Regional Plan Amendment No. 7, 2023 is enclosed for your records.

Yours truly,

A handwritten signature in black ink that reads "Kim Blanchard".

Kim Blanchard, MCIP  
Manager of Land Use Planning

cc: Julia Schwarz, Director of Planning and Development

**ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976**

**AMENDMENT No. 7, 2023**

**South Pond Watershed Protection Redesignation  
Torbay**

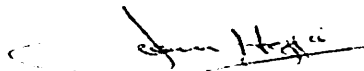
January 2025

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 7, 2023**

Under the authority of section 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal and Provincial Affairs:

- a) adopted the St. John's Urban Region Regional Plan Amendment No. 7, 2023 on the 15<sup>th</sup> day of August 2024;
- b) gave notice of the adoption of the St. John's Urban Region Regional Plan Amendment No. 7, 2023 by advertisement inserted on the 1<sup>st</sup> day of November 2024 in **The Telegram** newspaper and from October 25<sup>th</sup> to November 12<sup>th</sup>, 2024, in the electronic version of **The Telegram** (Saltwire); and
- c) set the 14<sup>th</sup> day of November 2024 for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal and Provincial Affairs hereby approves the St. John's Urban Region Regional Plan Amendment No. 7, 2023, as adopted, on the 15<sup>th</sup> day of August 2024.

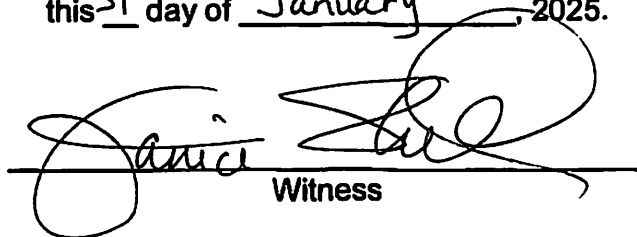


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Minister of Municipal and Provincial Affairs

Signed and sealed before me at St. John's, Newfoundland and Labrador

this 31 day of January, 2025.



Witness

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 7, 2023**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Minister of Municipal and Provincial Affairs hereby adopts St. John's Urban Region Regional Plan, 1976 Amendment No. 7, 2023.



Minister of Municipal and Provincial Affairs

Signed and sealed at St. John's, Newfoundland and Labrador  
this 15<sup>th</sup> day of August, 2024.

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached St. John's Urban Region Regional Plan, 1976 Amendment No. 7, 2023 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



Regional Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>SJURRP-0108-2025</u>
Date	<u>31 JAN 2025</u>
Signature	<u>[Signature]</u>

## **BACKGROUND**

The Town Council of Torbay is proposing to amend its municipal plan and development regulations. The Urban and Rural Planning Act, 2000 (the "Act") sets out the process for amending a plan and development regulations. The St. John's Urban Region Regional Plan, 1976 (the "regional plan") sets out a framework for growth and development within the St. John's Urban Region. Amendments to municipal plans prepared by municipalities in the St. John's Urban Region must be consistent with the regional plan.

This regional plan amendment will be processed simultaneously with the following proposed amendments to the Town of Torbay Municipal Plan and Development Regulations 2015-2025:

Municipal Plan Amendment No. 7, 2023 and Development Regulations Amendment No. 13, 2023 - the Town of Torbay has requested amendments to the regional plan map to change the regional plan designation of lands located on the west side of Torbay Bypass Road on the south side of South Pond, from 'Watershed Protection' to 'Urban Development', 'Regional Industrial', 'Rural', and 'Restricted', and from 'Urban Development' to 'Rural' to accommodate potential new land use in the South Pond Watershed area where provincial protection was repealed by the Minister of Environment and Conservation for use of South Pond as a municipal potable water supply.

In general terms, the Town's municipal plan amendment proposes to redesignate the subject lands from 'Watershed' to 'Rural', 'Conservation', 'Industrial', and 'Comprehensive Development Area – Industrial'. The Town's development regulations amendment proposes to rezone the subject land from 'Watershed' to 'Rural', 'Conservation', 'Industrial General', and 'Comprehensive Development Area – Industrial'.

## **ST. JOHN'S URBAN REGION REGIONAL PLAN**

According to E. Urban Development (c) The Local Centres of the Regional Plan, land Portugal Cove-St. Philip's is identified as a local centre. Land within such centres shall be used in accordance with the policies of the relevant municipal plan.

The Regional Plan outlines guidelines for Municipal Plans for local centres including:

- a focus on low density development;
- encouraging infilling and consolidation of areas once municipal services are in place; and
- improvements to the local street system.

### **E. URBAN DEVELOPMENT** **(c) The Local Centres**

#### *Policy:*

*The detailed development of the local centres designated on the Regional Plan Map shall be according to the policies in Local Area or Municipal Plans that might be prepared from time to time. Such plans shall conform to the following guidelines:*

- i) The local centres shall be able to develop to the fullest extent possible within the areas shown on the Regional Plan Map, consistent with the constraints set out in Objective No. 11...*
- iv) Two prime aims in the local centres will be to encourage the infilling and consolidation of presently semi-development areas once essential public services to existing development are installed and to develop improved local road systems so that better circulation of traffic may be facilitated.*

## **ANALYSIS**

The Town of Torbay is proposing to amend its Municipal Plan to redesignate the subject site to 'Rural', 'Conservation', 'Industrial', and 'Comprehensive Development Area – Industrial' and to amend its Development Regulations to rezone the same lands according to the same Municipal Plan land use classes and policies plus refinement of the 'Industrial-General' zone. In April, 2012, the Minister of Environment and Conservation formally repealed the public water supply status of South Pond due to contamination and acknowledging the watershed area be removed from watershed protection. Given the lands are no longer suitable for water supply, the Town is proposing that other land use classifications and policies be applied to the lands to enable other land uses and associated developments to occur. The proposed redesignations and rezonings align with existing designations and zoning of the surrounding area and are suitable in terms of land use compatibility.

## **PUBLIC CONSULTATION**

The Town of Torbay is responsible for conducting public consultations regarding the amendments. The Town advertised the proposed amendments in **The Telegram** on November 1, 2024, as well as via the electronic version of **The Telegram** (Saltwire) from October 25 to November 14, 2024. The Town also advertised the amendments on its website starting on October 25, 2024.

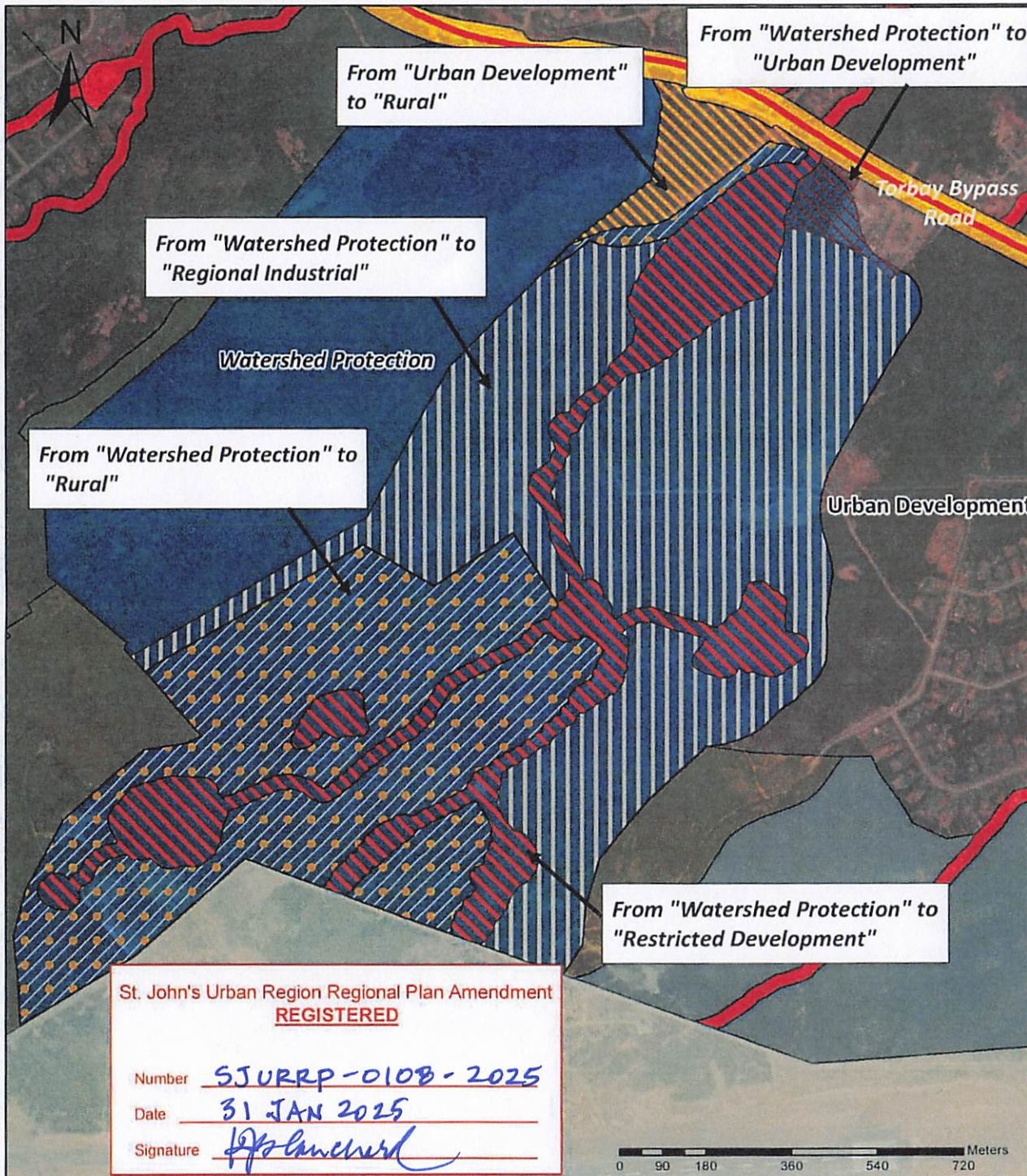
Additionally, the Town also consulted with the 14 other municipalities within the St. John's Urban Region about the proposed amendments and requested comments be supplied. No objections or concerns were identified by the municipalities.

## **St. John's Region Regional Plan, 1976**

### **Amendment No. 7, 2023**

The proposed St. John's Urban Region Regional Plan amendment would re-designate lands on the west side of Torbay Bypass Road and south side of South Pond from 'Watershed Protection' to 'Urban Development', 'Regional Industrial', 'Rural', and 'Restricted', and from 'Urban Development' to 'Rural' in accordance with the attached map.





**St. John's Urban Region  
Regional Plan Amendment No.7, 2023  
In relation to Torbay MPA7 & DRA13, 2023**

- From "Urban Development" to "Rural"
- From "Watershed Protection" to "Restricted Development"
- From "Watershed Protection" to "Regional Industrial"
- From "Watershed Protection" to "Rural"
- From "Watershed Protection" to "Urban Development"
- Torbay Bypass Road



Signed this 30<sup>th</sup> day of January, 2025.

Minister of Municipal and Provincial Affairs

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached St. John's Urban Region Regional Plan Amendment No.7, 2023 has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.



MCIP: \_\_\_\_\_



**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 15<sup>th</sup> 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 25<sup>th</sup> day of October, 2024 in the digital publication of The Telegram newspaper, and on the 1<sup>st</sup> day of November, 2024 in the hard copy publication of The Telegram newspaper.
- c) Set the 14<sup>th</sup> 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 27<sup>th</sup> 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 15<sup>th</sup> day of October, 2024.

Signed and sealed this 22<sup>nd</sup> day of October, 2024.

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

**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	
<b>REGISTERED</b>	
Number	<u>5125-0035-2025</u>
Date	<u>31 JAN 2025</u>
Signature	<u>[Signature]</u>



# **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.

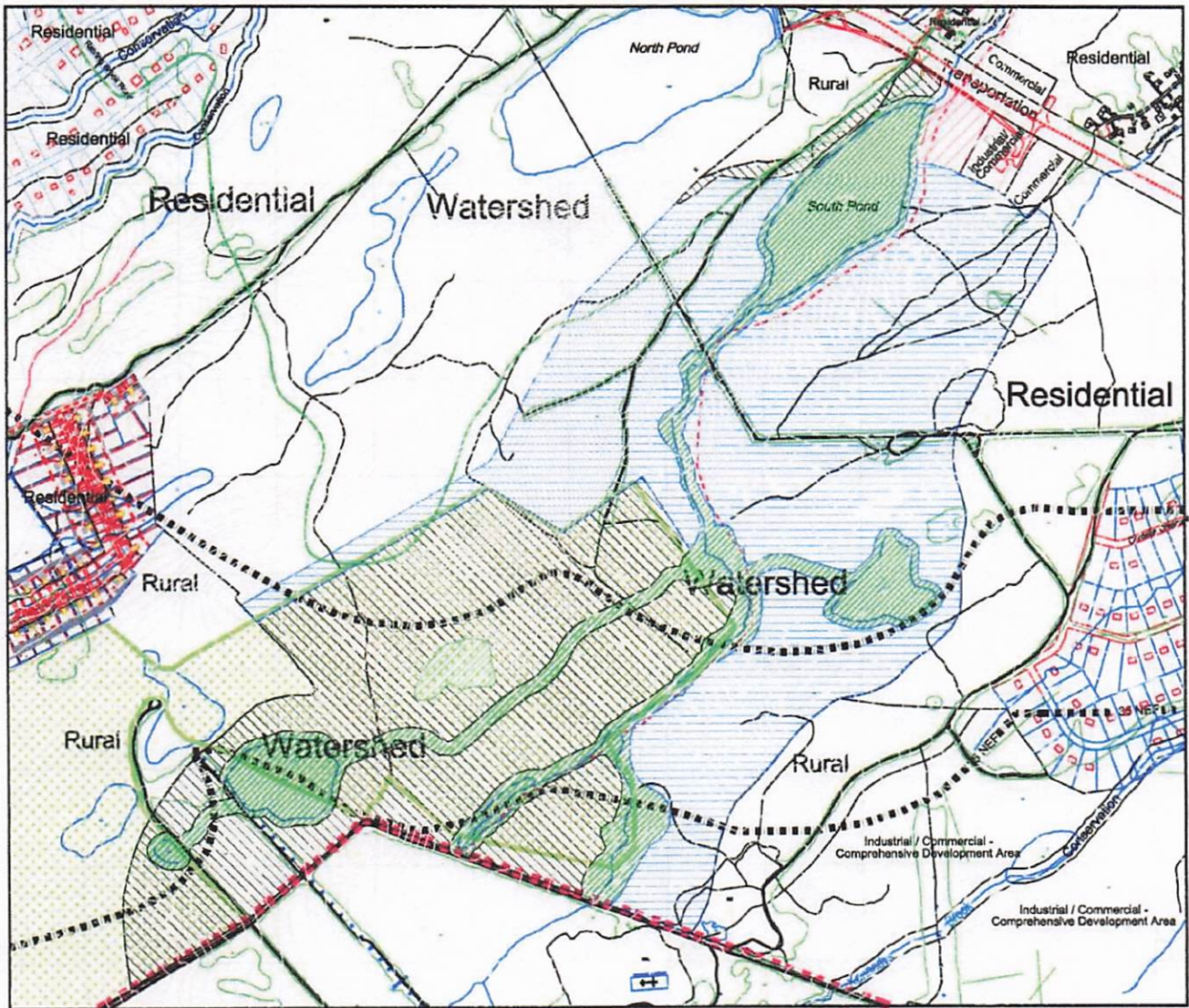
The Town of Torbay posted an advertisement on October 25, 2024 in the online publication of the Telegram (Saltwire) that is posted repeatedly for a number of days, and the hard copy advertisement in the hard copy publication of the Telegram (Saltwire) in the November 1, 2024 publication in accordance 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

Municipal Plan/Amendment  
Scale: 1:12,500  
**REGISTERED**

Dated at Torbay

This 27<sup>th</sup> Day of November 2023

[Signature] Mayor

[Signature] Clerk

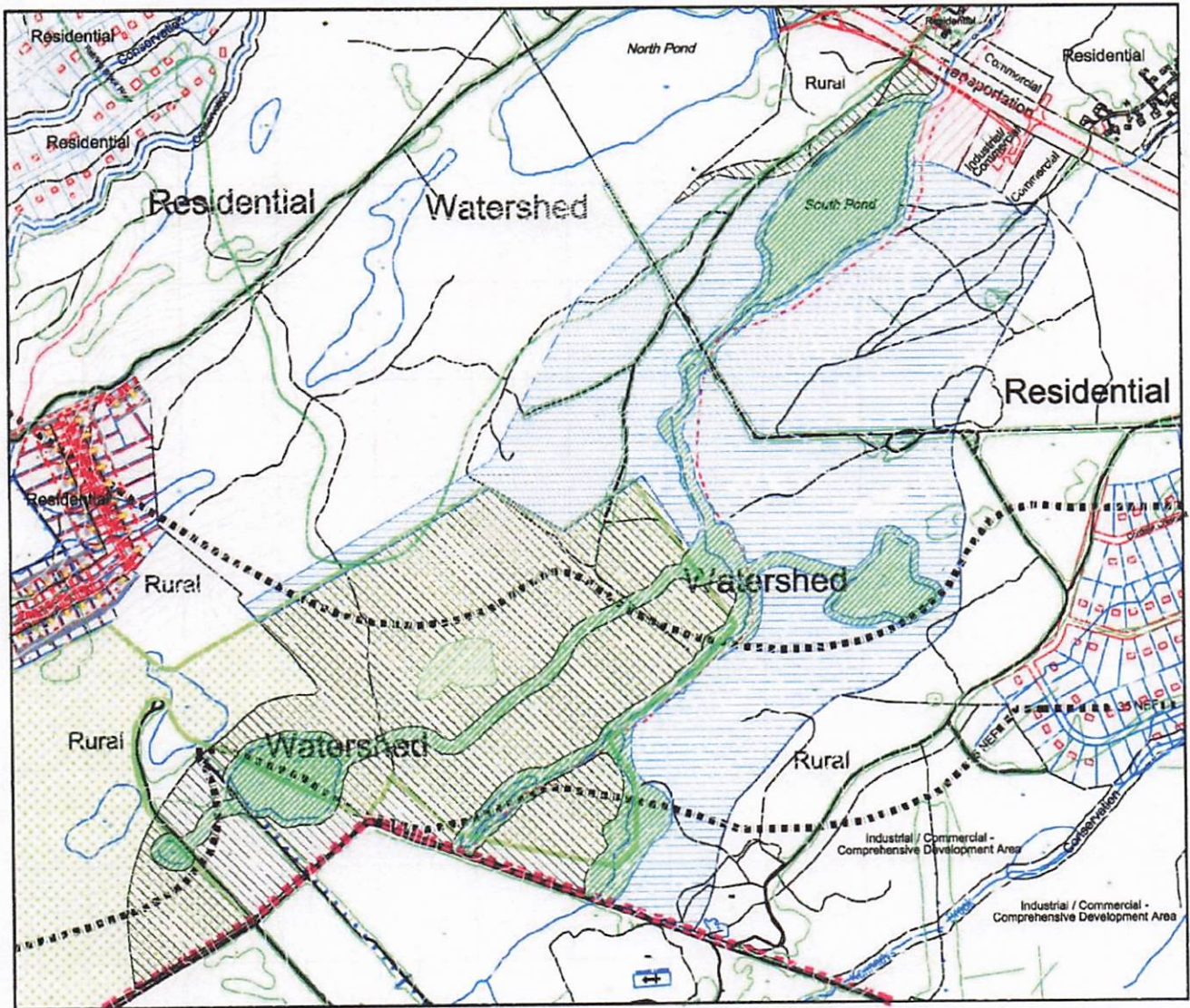
Seal



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.

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 27<sup>th</sup> Day of November 2023

[Signature] Mayor

[Signature] Clerk

Seal



Municipal Plan/Amendment

Scale: 1:12,500

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.

Number 5125-0035-2025

Date 31 JAN 2025

Signature [Signature]



**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS 2015 - 2025**



**DEVELOPMENT REGULATIONS AMENDMENT No. 13, 2023**

**WATERSHED (WAT) To RURAL (RUR)**  
**WATERSHED (WAT) To CONSERVATION (CON)**  
**WATERSHED (WAT) To COMPREHENSIVE DEVELOPMENT**  
**AREA-INDUSTRIAL (CDA-I)**  
**WATERSHED (WAT) To INDUSTRIAL-GENERAL (IG)**

**JUNE 2023**

**PLAN-TECH**



**ENVIRONMENT**

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 13, 2023**

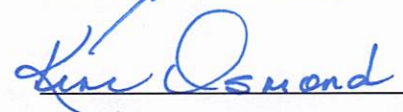
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay.

- a) Adopted the Torbay Development Regulations Amendment No. 13, 2024 on the 15<sup>th</sup> day of October, 2024.
- b) Gave notice of the adoption of the Town of Torbay Development Regulations Amendment No. 13, 2024 by advertisement inserted on the 25<sup>th</sup> day of October, 2024 in the digital publication of The Telegram newspaper, and on the 1<sup>st</sup> day of November, 2024 in the hard copy publication of The Telegram newspaper..
- c) Set the 14<sup>th</sup> 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 Development Regulations Amendment No. 13, 2023 as adopted (or as amended).

SIGNED AND SEALED this 27<sup>th</sup> day of November, 2024

Mayor:  (Council Seal)

Clerk: 

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 13, 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 Development Regulations Amendment No. 13, 2023.

Adopted by the Town Council of Torbay on the 15<sup>th</sup> day of October, 2024.

Signed and sealed this 22<sup>nd</sup> day of October, 2024.

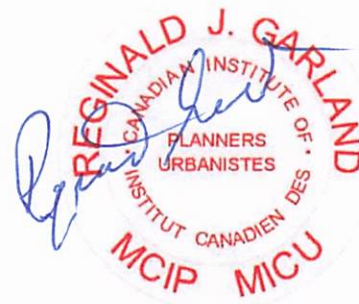
Mayor: [Signature] (Council Seal)

Clerk: [Signature]

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Development Regulations Amendment No. 13, 2023, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

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



# **TOWN OF TORBAY**

## **DEVELOPMENT REGULATIONS AMENDMENT No. 13, 2023**

### **BACKGROUND**

The Town of Torbay proposes to amend its Development Regulations. The Town has received a request to rezone property at 7 Pump House Road from *Watershed* to *Industrial-General* for general industrial use. The private property at 7 Pumphouse Road forms part of a larger area that is currently zoned Watershed. Torbay had zoned three ponds as possible water supplies: 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 fire wood and as a fuel source.

### **ANALYSIS**

IN considering the request for rezoning of the South Pond Watershed, the Town recommended a more comprehensive Amendment would be required. In this Amendment, the Town is recommending four considerations. This Amendment proposes to rezone land as follows:

1. **WATERSHED (WAT) to RURAL (RUR)** – for lands that are located in the Domestic Cutting Area boundary and between the North Pond and South Pond buffer zones.
2. **WATERSHED (WAT) to CONSERVATION (CON)** – for lands in and around waterbodies and wetlands and associated buffers.



3. **WATERSHED (WAT) to COMPREHENSIVE DEVELOPMENT AREA – INDUSTRIAL (CDA-I)** for all lands except the property at 7 Pump House Road, and all Rural and Conservation lands.
4. **WATERSHED to INDUSTRIAL-GENERAL (IG)** 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** in order to bring the proposed Development Regulations Amendment No. 13, 2023, into conformity with the Regional Plan.

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

### **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 .

## **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.

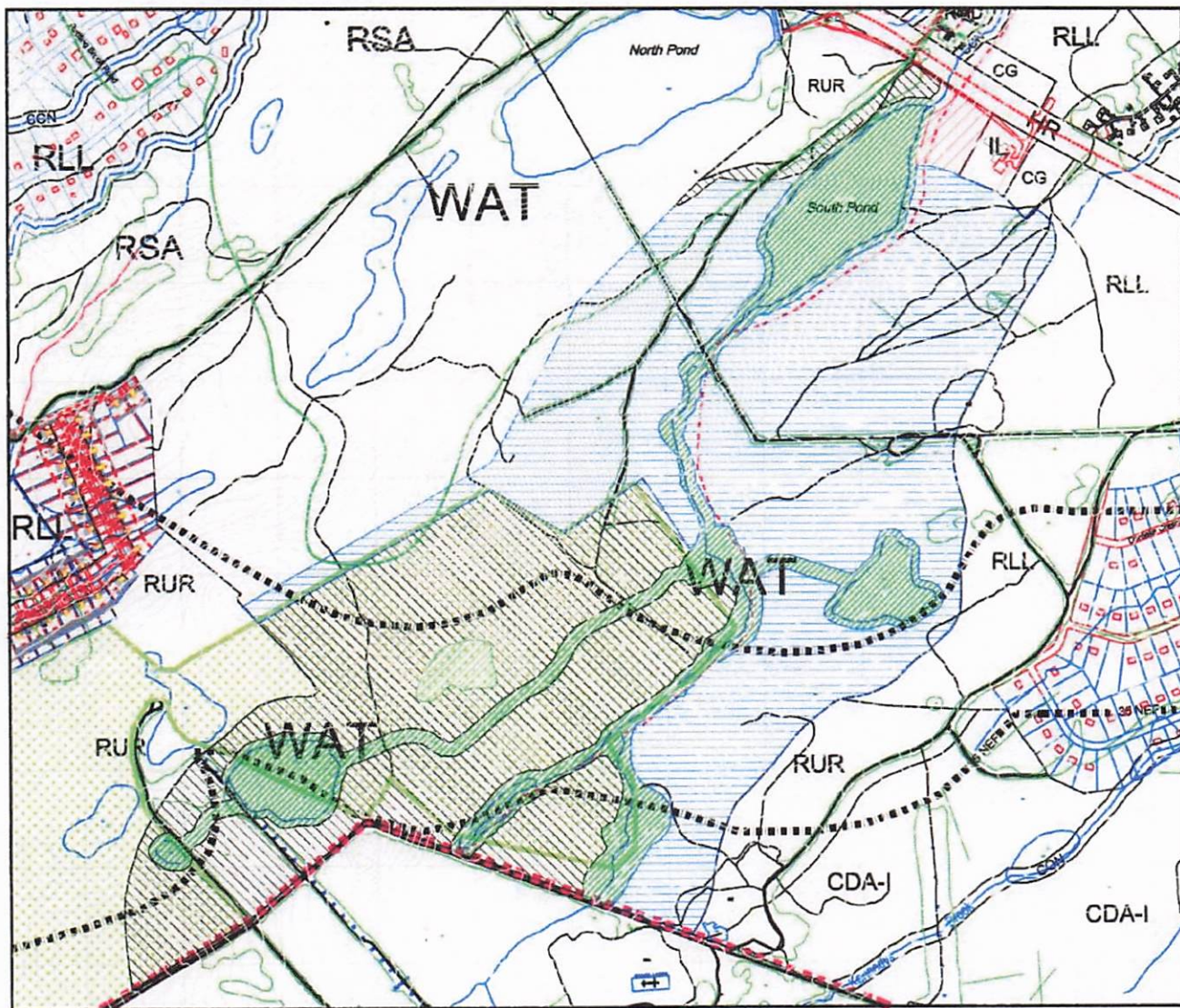
The public hearing was originally scheduled for Thursday, November 14, 2024 with a submission deadline of 3 pm Tuesday, November 12, 2024, two days in advance of the public hearing. The Town did not receive any written objections or representations. The Town received one inquiry from one of the property 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.

## **DEVELOPMENT REGULATIONS AMENDMENT No. 13, 2023**

The Town of Torbay Development Regulations is amended by:

- A) *Changing*** an area of land from "**Watershed (WAT)**" to "**Rural (RUR)**", Map A
- B) *Changing*** an area of land from "**Watershed (WAT)**" to "**Conservation (CON)**", Map A
- C) *Changing*** an area of land from "**Watershed (WAT)**" to "**Comprehensive Development Area-Industrial (CDA-I)**", Map B and
- D) *Changing*** an area of land from "**Watershed (WAT)**" to "**Industrial-General (IG)**", Map B as shown on the attached portion of the Torbay Land Use Zone Maps A and B.





TOWN OF TORBAY  
MUNICIPAL PLAN 2015-2025

LAND USE ZONE MAP

DEVELOPMENT REGULATIONS  
AMENDMENT No. 13, 2023 MAP "A"



Area to be changed from: "Watershed (WAT)" to "Conservation (CON)"



Area to be changed from: "Watershed (WAT)" to "Industrial General (IG)"

PLAN-TECH



ENVIRONMENT

Dated at Torbay

This 27<sup>th</sup> November 2024  
Day of 2023

[Signature] Mayor  
[Signature] Clerk

Seal



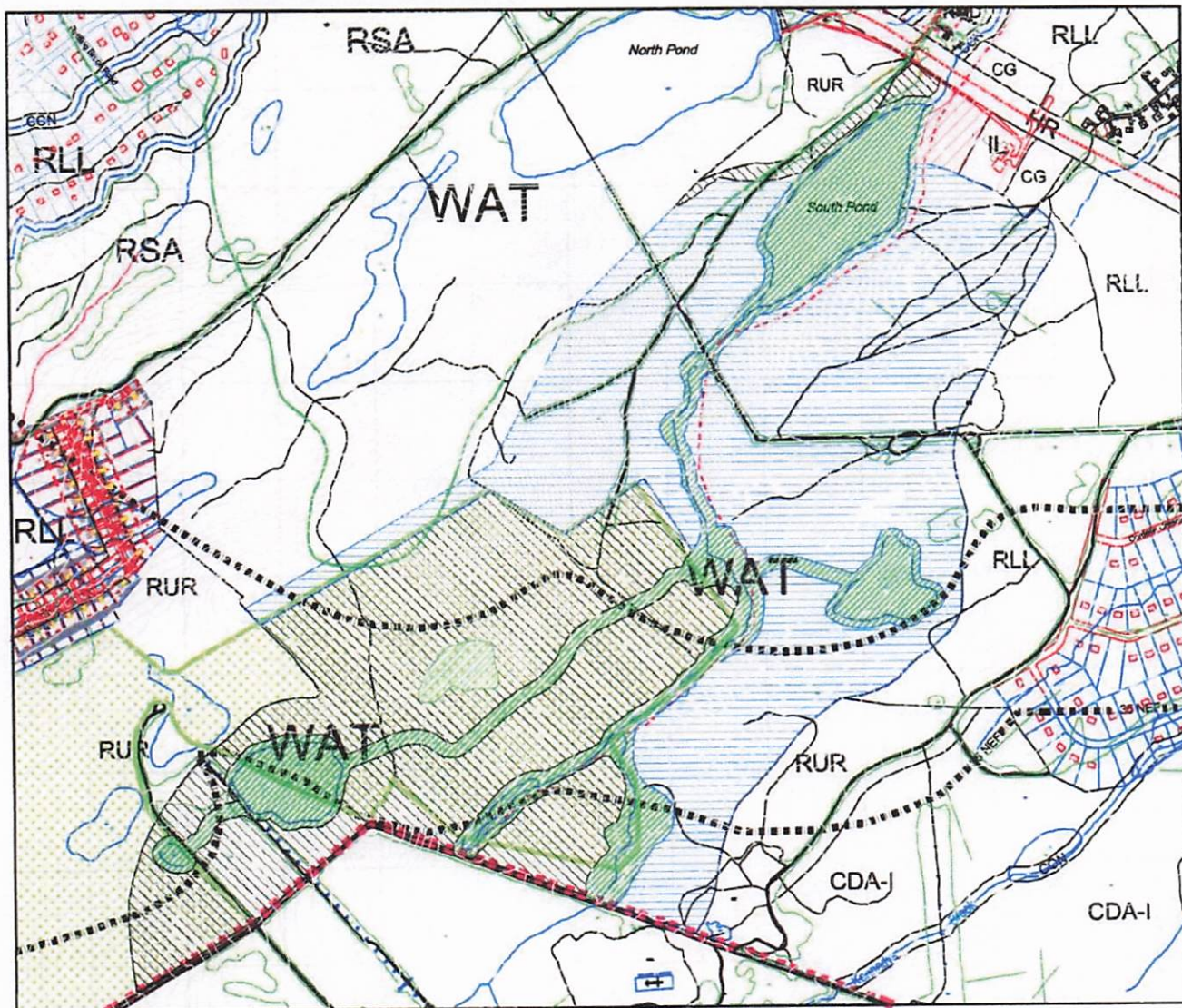
Development Regulations/Amendment  
**REGISTERED**

Scale: 1:12,500

I certify that the attached Town of Torbay Development Regulations Amendment No. 13, 2023 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Number 5125-0035-2025  
Date 31 JAN 2025  
Signature [Signature]





TOWN OF TORBAY  
MUNICIPAL PLAN 2015-2025

LAND USE ZONE MAP

DEVELOPMENT REGULATIONS  
AMENDMENT No. 13, 2023 MAP "B"



Area to be changed from: "Watershed (WAT)" to "Rural (RUR)"



Area to be changed from: "Watershed (WAT)" to "Comprehensive Development Area-Industrial (CDA-I)"

PLAN-TECH



ENVIRONMENT

Dated at Torbay

This 27<sup>th</sup> Day of November 2024 2023

Mayor

Clerk

Seal



Development Regulations/Amendment

Scale: 1:12,500

**REGISTERED**

I certify that the attached Town of Torbay Development Regulations Amendment No. 13, 2023 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Number 5125-0035-2025

Date 31 JAN 2025

Signature [Signature]