



Government of Newfoundland and Labrador
Municipal and Provincial Affairs
Local Governance and Land Use Planning

October 22, 2024

Mayor Craig Scott
Town of Torbay
P.O. Box 1160
1288 Torbay Road
Torbay, NL A1K 1K4
Email: jschwarz@torbay.ca

Dear Mayor Scott:

**TOWN OF TORBAY
DEVELOPMENT REGULATIONS AMENDMENT NO. 16, 2024**

I am pleased to inform you the **Town of Torbay's Development Regulations Amendment No. 16, 2024**, as adopted by Council on June 17, 2024, has now been registered.

Council, pursuant to **Section 24(2)** of the **Urban and Rural Planning Act, 2000**, must publish a notice in the **Newfoundland and Labrador Gazette** within 10 days of this letter. The registered amendment will come into legal effect on the date the notice appears in the Gazette. Council must also place a notice of registration in the local newspaper, if available, and by posting a notice of registration on its website and social media pages and by placing posters in prominent locations throughout the community.

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

Attached is Council's registered copy of the **Town of Torbay's Development Regulations Amendment No. 16, 2024**. As this is a legal document, it should be reserved in a safe place.

Yours truly,

Kim Blanchard, MCIP
Manager of Land Use Planning

cc: Reginald Garland, MCIP, Plan-Tech Environment
Julia Schwarz, MCIP, CSLA, Director of Planning and Development, Town of Torbay

TOWN OF TORBAY
DEVELOPMENT REGULATIONS 2015 - 2025



DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2024
(Jones Pond Amendment)

“Residential Subdivision Area” to “Residential Large Lot”
(Mapping Amendment)

April 2024

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF TORBAY
DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2024

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. 16, 2024.

Adopted by the Town Council of Torbay on the 17th day of June, 2024.

Signed and sealed this 30 day of July, 2024.

Mayor:



(Council Seal)

Clerk:



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Torbay Development Regulations Amendment No. 16, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
REGISTERED	
Number	<u>5125-0034-2024</u>
Date	<u>21 OCT 2024</u>
Signature	<u>[Handwritten Signature]</u>



TOWN OF TORBAY

DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2024

BACKGROUND

The Town of Torbay proposes to amend its Development Regulations. The Town is in receipt of a rezoning application pertaining to the acquisition of a 7.614 hectares of Crown land east of Torbay Road, north of Jones Pond and west of Torquay Place for purpose of extending Torquay Place in a westerly direction for development of a 14-lot residential subdivision. The proposal is to access the approx. 7.614 hectares sized property by 274 metres of road access via extension of Torquay Place and Sallesnik Lane. The proposal area is unserviced.

The area is currently zoned Residential Subdivision Area (RSA), as per the Torbay Development Regulations 2015-2025's Land Use Zoning Map. A mapping amendment (rezoning) to the Land Use Zoning Map is required to allow for a Crown land application to proceed.

ANALYSIS

A Residential Subdivision Area (RSA) is not a Development Scheme as outlined under s.29 of the *Urban and Rural Planning Act, 2000*. Residential Subdivision Areas are tracts of undeveloped land which border developed residential areas. They may be suitable for large-scale residential development in the future. RSA's do not require an amendment to the Municipal Plan. However, a development proposal for the whole area between Marine Drive and Torbay Road is required to be able to consider the amendment. This would include defining road access, park and recreation spaces etc.

ST. JOHN'S URBAN REGION REGIONAL PLAN

This Amendment consists of a map change to the Torbay Development Regulations. The St. John's Urban Region Regional Plan has the same area designated as Urban Development. Residential Development is a permitted use under this designation. It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 16, 2024.

SERVICING

The proposed development will be developed with on-site well and septic. As per Municipal Plan Policy 3.1.2.2(A), new subdivisions shall require a groundwater assessment be undertaken to determine the acceptable quality and quantity of drinking water. The *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced, by Individual Private Wells*, provide administrative and technical guidance to developers. On-site sewerage disposal system shall be in compliance with the requirements of the Department of Digital Government and Service NL.

CS

The proposed development shall be designed to conform to storm and construction water management so as not to alter the natural flow of water or result in run-off from land or a development causing damage to other properties as outlined in the Town's Development Regulations.

TORBAY MUNICIPAL PLAN 2015-2025

The Municipal Plan has the area for the development proposal designated as Residential. Residential development is permitted under this designation.

TORBAY DEVELOPMENT REGULATIONS 2015-2025

The subject property is located east of Torbay Road, north of Jones Pond and west of Torquay Place and is currently zoned RSA. The purpose of this Amendment is to rezone land required for the development proposal from **Residential Subdivision Area (RSA)** to **Residential Large Lot (RLL)** as per the Land Use Zoning Map of the Torbay Development Regulations 2015-2025. The preparation of a development scheme is required in accordance with the RSA Land Use Zone for an amendment to be considered. The proponent has provided a draft concept for the proposal lands for consideration.

PUBLIC CONSULTATION

During the preparation of this amendment and in keeping with the requirements of the *Urban and Rural Planning Act, 2000*, and the Town's public notification policy, Council undertook the following initiatives so that individuals and groups could provide input to the proposed Development Regulations Amendment. These initiatives included:

1. The Town posted the proposed Jones Pond amendment documents on its website and via social media,
2. The Town placed an ad in the April 2024 edition of the Northeast Avalon Times (attached), which is published at the middle of each month.
3. Approximately 120 property owners within 150 metres of the proposed amendment area were written by postal mail and advised of the proposed amendment.
4. The amendment was also available for viewing at Torbay Town Hall, 1288 Torbay Road.

Written responses were requested by a deadline of May 3rd 2024.

SUMMARY of CONCERNS

The Town received two written responses, as well as one inquiry. The Town met with the two property owners having responded. One of the property owners is citing their objection to the proposed amendment as they believe it may potentially infringe on their plans for the land. Copies of the written representations are attached for reference.

CS

The main concerns and questions relate to the future road access plans, how they may affect their property, as well as what plans there are to actually build that road. The other question related to the preservation of old Jones Pond Road for public walkway purposes instead of using it as the actual future road itself.

The Town's Recreation Master Plan allows for a regional walkway connection between Torbay Road and Marine Drive.

Referrals

The proposed amendment was referred to the Town of Logy Bay-Middle Cove-Outer Cove (LBMCO), the Torbay Environment Advisory Committee (TEAC), Eastern Habitat Joint Ventures (EHJV) and the Water Resources Management Division (WRMD) requesting comments. Copies of the referral responses are attached for reference.

EHJV

- No objections
- Confirming Habitat Management Buffer for Jones Pond being 30 metres wide.
- Supportive of joint trail connection around the whole pond and potential partnership on this with LBMCO

TEAC

- No major concerns
- Encouraged by maintaining existing buffers
- Make property owners aware of what is permitted in buffers, what not
- Good idea to maintain Jones Pond Road

LBMCO

- No objection
- Looking to coordinate locations for best connection points for a walkway around the pond.
- Similar proposal on LBMCO with associated amendments. Referrals forthcoming

WRMD

- Awaiting reply. Development subject to meeting WRMD conditions

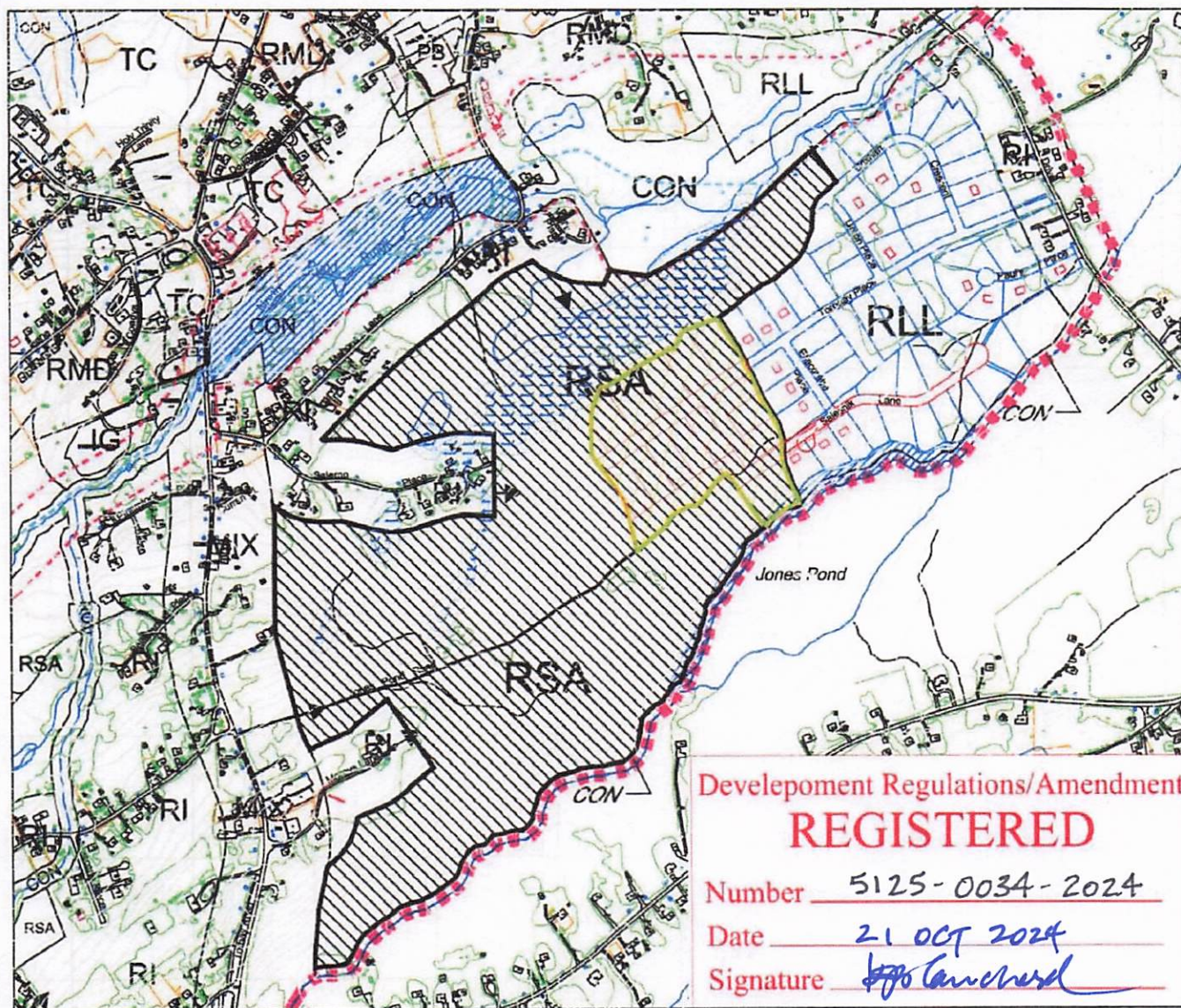
CS

DEVELOPMENT REGULATIONS AMENDMENT No. 16, 2024

The Town of Torbay Development Regulations Amendment No. 16, 2024 is amended by:

- A) **Changing** the Land Use Zoning map for the property east of Torbay Road, north of Jones Pond, west of Torquay Place from **Residential Subdivision Area (RSA)** to **Residential Large Lot (RLL)** Land Use Zone as shown on the attached copy of the Torbay Land Use Zone Map.

CS



Development Regulations/Amendment
REGISTERED

Number 5125-0034-2024

Date 21 OCT 2024

Signature [Signature]

TOWN OF TORBAY
MUNICIPAL PLAN 2015-2025

LAND USE ZONE MAP

DEVELOPMENT REGULATIONS
AMENDMENT No. 16, 2024

Dated at Torbay

This 30 Day of July 2024

[Signature] Mayor
[Signature] Clerk

Seal



Area to be changed from: "Residential
Subdivision Area" to "Residential Large Lot"

PLAN-TECH



ENVIRONMENT

Scale: 1:10,000

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I certify that the attached Town of Torbay Development Regulations
Amendment No. 16, 2024 has been prepared in accordance with the
requirements of the Urban and Rural Planning Act, 2000.

CS