

# TERMS OF REFERENCE

## Requirements for Land Use Impact Assessment Report 12 Commodore Place Town of Conception Bay South

Issued for Public Review  
July 22, 2022

### Application to Develop an Extension to an Existing Wharf at 12 Commodore Place Including Relocation of a 1.5m Right of Way and Relocation of Sanitary Sewer Infrastructure and Easement.

Proponent: H&S General Contracting Limited

#### Background

H&S General Contracting is proposing to develop an extension to an existing wharf in order to accommodate for larger watercraft. The existing wharf is located on the shoreline of the channel between outer and inner Long Pond (the "channel"), adjacent to the northern boundary of 12 Commodore Place. The proposal would see the wharf extended inland and would require the excavation and removal of material in and adjacent to waters of the channel. The wharf would be associated with the future residential use of 12 Commodore Place.

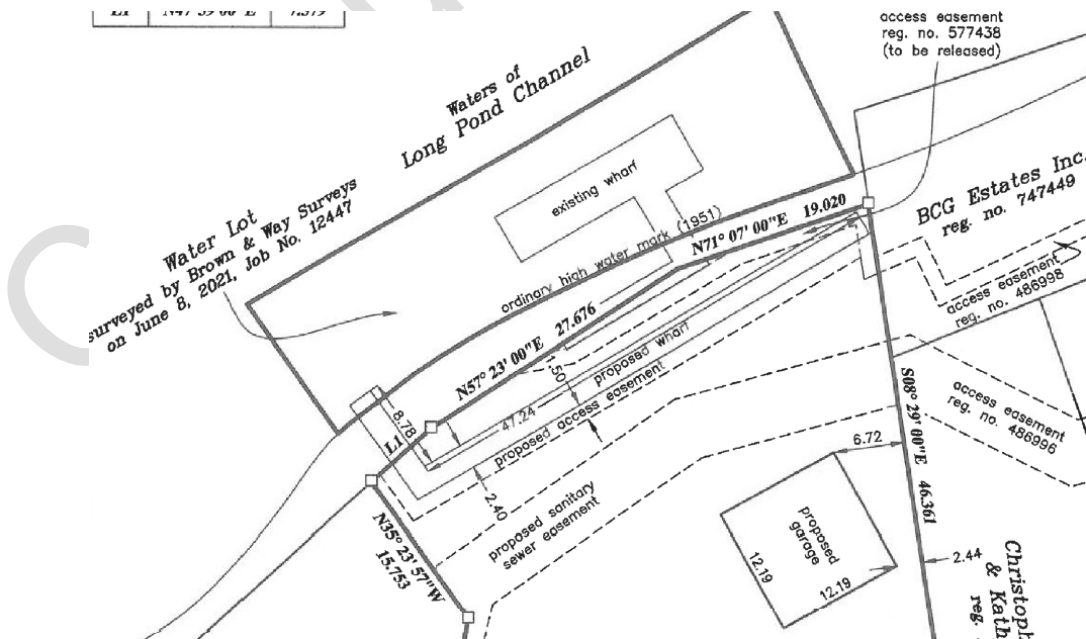


Figure 1: Proposed Development Plan

The applicant has provided the drawing above to illustrate the proposed development.

The owner of 12 Commodore Place also holds a Water Lot Lease from the Town of Conception Bay South where the expanded wharf would be built. A revision to the water lot lease may be required should the new wharf extend beyond the limits of the current water lot lease.

## **Regulatory Context**

The property at 12 Commodore Place is zoned Residential Low Density (R-1). The majority of the proposed wharf extension structure is within the limits of the R-1 zone and partially extends onto the shoreline of the channel between outer and inner Long Pond. Excavation and removal of material would be both within the waters of the channel and on the shoreline.

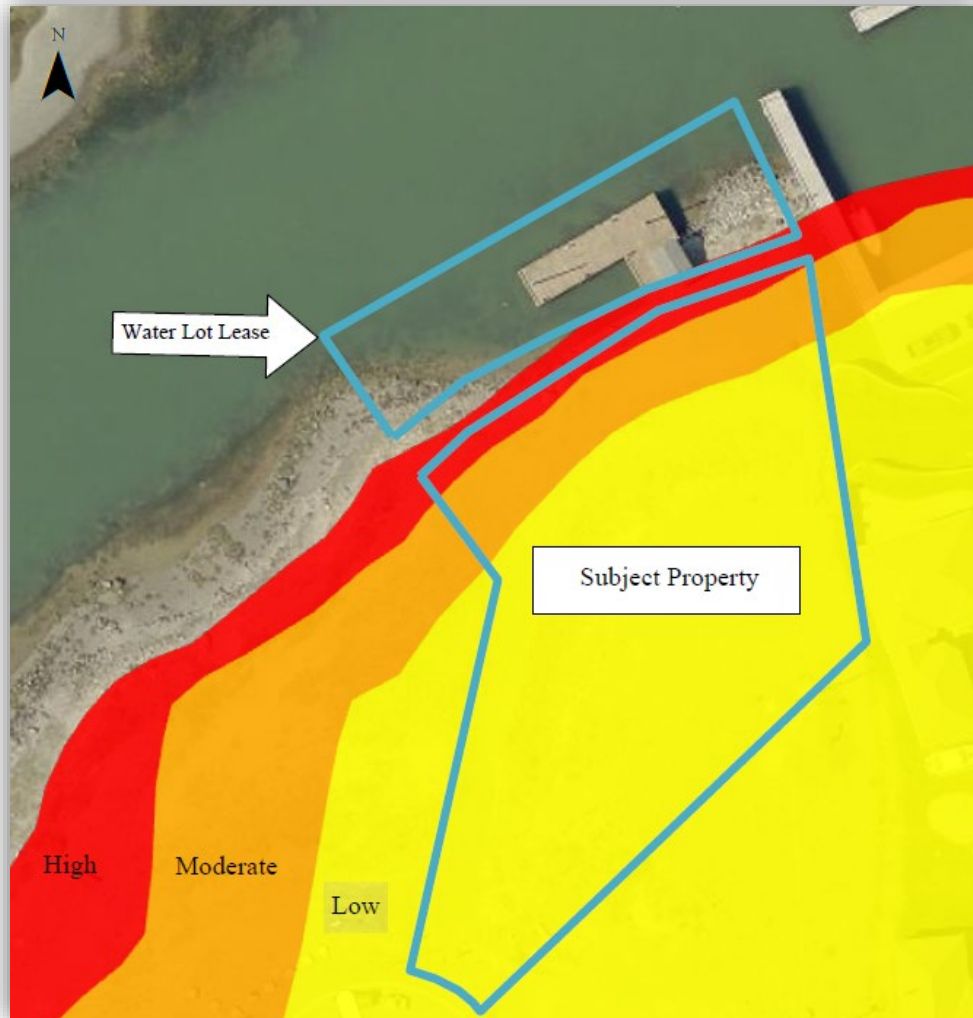
The Town issued an Approval in Principle in accordance with Section 4.10 of the Town's Development Regulations subject to a number of conditions, including that the applicant complete a Land Use Impact Assessment Report. Before any development can proceed, the Town will have to consider the Land Use Impact Assessment Report, and if deemed acceptable, a final development approval would be required.

The shoreline of the channel between outer and inner Long Pond is identified as high and moderate geological hazard risk on the Environmental Overlay Map of the Conception Bay South Municipal Plan. The moderate and high-risk areas are illustrated by orange (moderate) and high (red) in the excerpt from the Town Geographic Information System in Figure 2. Figure 2 also includes the property boundaries (outlined in blue) for the overall land / water lot held by the proponent.

The geological hazard classifications are derived from a report and hazard map prepared by the Geological Survey Division of the Department of Natural Resources with the Government of Newfoundland and Labrador<sup>1</sup>. The high-risk area coincides with the immediate shoreline and low-lying areas adjacent to the shoreline. The report recommended further study, analysis and delineation of the hazard areas identified to confirm site specific conditions when proposed development is considered within the moderate and high hazard areas.

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<sup>1</sup> Batterson M. and Stapleton N. 2011. Report on Vulnerability to Geological Hazard in the Town of Conception Bay South. Geological Survey Division, Department of Natural Resources.



*Figure 2 Geological Hazard Classifications, Conception Bay South Municipal Plan*

The Town's Municipal Plan also includes statements regarding the need for further studies and information when proposal may have impacts on the natural environment. The Municipal Plan provides a mechanism for a Land Use Impact Assessment Report to assist with identifying potential impacts and how those impact could or should be mitigated.

The purpose of the Land Use Impact Assessment Report is to assess both the long and short-term implications in the vicinity of the proposed development and to recommend appropriate cost-effective mitigation measures to address any adverse effects that may be caused by the development.

Policy 4.3.8 of the Town of Conception Bay South Municipal Plan outlines under what scenarios a land use impact assessment report would be required and what it is to include. Policy 4.3.8 states:

*“Where a development or use is proposed that cannot be adequately evaluated, the Town may require the preparation of a Land Use Assessment Report. A Land Use Assessment Report is a report prepared by suitably qualified persons to assess any significant impacts a use or development may have on the urban environment and/or surrounding lands or neighbourhood. The report and any supporting documentation shall be prepared at the expense of the developer unless otherwise determined by Council. The report shall evaluate the impacts identified in a Terms of Reference prepared by the Town, evaluate their importance and recommend measures of control and mitigation where appropriate.”*

Additionally, policy 4.3.14 of the Municipal Plan relates to “Natural Hazard Areas”, and states:

*“Anticipating and addressing the impacts of climate change will become increasingly important over the planning period. Of particular importance is the identification of lands that are susceptible to geological hazards such as low-lying coastal areas and areas of steep slopes. Schedule A – Environmental Overlay Map identifies areas vulnerable to geological hazard in Conception Bay South based on work carried out by the Geological Survey Division, Department of Natural Resources.*

- 1) Residential development shall be prohibited in areas identified in Schedule A (of the Municipal Plan) as high hazard.*
- 2) Residential development may be considered in areas identified as moderate hazard subject to site specific study to determine the level of hazard risk and suitability of the site for development.*
- 3) In areas identified as moderate or high hazard, development of commercial, industrial or other non-residential uses may require a site specific study, prepared by suitably qualified persons to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed development to storm surges. Such studies will consider elevation, topography and erodibility (geomorphology).*
- 4) Development in any area identified as moderate or high hazard may also be required to assess the biophysical impact on the coastal ecosystem including the potential to contaminate (such as, hazardous materials storage), harmful disruption of natural habitats and disruption of natural coastal processes such as littoral drift.*
- 5) In approving a development in an area with known or potential hazard, the Town may require additional engineering design or other measures to*

*mitigate identified hazards as a condition of development. In any event, no private development in an area of known or potential hazard risk shall result in public liability or public cost.*

- 6) *The Town will continue to monitor and address the impacts of climate change and, where necessary, introduce new standards and operational approaches to reduce climate change impacts.”*

The Town of Conception Bay South Development Regulations provide requirements for how the Town should manage the development, review and consideration of a Land Use Impact Assessment Report.

Section 4.15 of the Town’s Development Regulations, titled “Land Use Impact Assessment” states:

1. *Assessment Required – The Authority may require a Land Use Impact Assessment to evaluate any proposed land use or development that affects the policies contained in the Municipal Plan.*
2. *Terms of Reference – The Terms of Reference for a Land Use Impact Assessment shall be prepared and approved by the Authority.*
3. *Impact Assessment Report - The report and any supporting studies shall be prepared at the expense of the applicant unless otherwise determined by the Authority.*
4. *Mitigation Plan – The report shall identify significant impacts, evaluate their importance, and recommend measures of control or mitigation, where appropriate.*
5. *Public Review –The Authority shall provide adequate time for public review and comment with regards to the items to be addressed in the Terms of Reference for the Land Use Impact Assessment. The Authority may provide an opportunity for public review and comment on the Land Use Impact Assessment report prior to its approval.*

The Town will develop and make public an initial draft of the Terms of Reference for the Land Use Impact Assessment Report. After receiving and considering input from the public, the Town will develop a finalized Terms of Reference.

The Town may decide that there will be further public and stakeholder consultation upon submission of the Land Use Impact Assessment Report before Council makes a final development decision on the application.

## **TERMS OF REFERENCE**

### **A. GENERAL REQUIREMENTS**

- a. Provide a description of the development project;
- b. Identify the name of property owners, legal description and survey of the related property and water lot, and street address/geographical location;
- c. Provide a site plan which identifies the proposed use of all land within the limits of the development proposal;
- d. Locate the property including land servicing components in relationship to the Town's land use plan and zoning map;
- e. Describe how the development project relates to the Town's land use policies and zoning in effect for the property;
- f. Describe how the development proposal relates to the surrounding land uses and neighbourhood;
- g. Acknowledge that the report is prepared as a pre-condition for the consideration of development approval and any development permits; and,
- h. Identify that the report has been prepared for and at the expense of the owner of the subject property and the qualified persons conducting the report have not acted for or as an agent of the Town of Conception Bay South in preparation of the report.

### **B. REPORT REQUIREMENTS**

The report shall provide a detailed description of the project, including site plans, details on construction plans and timelines. Details during construction should include impacts on marine traffic within the channel between outer and inner Long Pond.

The proponent shall identify impacts, and if present, outline necessary efforts to mitigate those impacts on all aspects of the proposed project. All information is to be submitted under one report in a form that can be reproduced in hard and digital copy for dissemination and review. The number and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of this Terms of Reference shall be included as part of the report.

A list of those person/agencies who prepared the Land Use Impact Assessment Report shall be provided as part of the report. The list should include the expertise of each person or agency relevant to the assessment.

In addition, the following items shall be addressed by the proponent at its expense:

1. A description of the site conditions (including reference to technical reports, research studies and/or technical experts), that were reviewed/consulted to

- evaluate elevation, topography, geomorphology, etc. Evaluate the level of hazard and/or risk in relation to the areas susceptible to flooding, storm surges, erosion and the suitability/acceptability of the site for the proposed wharf extension.
2. A description of the potential impacts, positive or negative, on adjacent land and water uses (ie. adjacent wharves, marine traffic in the channel between outer and inner Long Pond). The report must identify potential impacts on the area both during construction and after completion. Recommended mitigation measures must be identified within the report.
  3. A description of environmental impacts of the proposal, including but not limited to: aesthetic impact, impacts to habitats and ecosystems whether they be marine or on land, impacts related to the removal of material from the area, heavy equipment working in close proximity to the water, etc. Mitigation measures must be identified within the report for any noted impacts. The report must also provide a plan for identifying, mitigating and rectifying any accidental environmental issues (ie. fluid spills from excavating equipment, trucks, etc.).
  4. Assess excavation or dredging requirements for the construction phase and any potential maintenance dredging or excavation, including its environmental impacts and impacts on marine traffic.
  5. Any correspondence, or previously issued approvals, from applicable regulatory bodies.
  6. Provide a list of regulatory approvals required from federal or provincial agencies required for the development of this project, including but not limited to Fisheries and Oceans Canada, Transport Canada, the Provincial Department of Environment and Climate Change, Water Resources Management Division and Environmental Assessment Division, and the Town of Conception Bay South.
  7. Provide a full set of site plans and construction plans for the project, prepared by an engineer or surveyor licensed to practice in Newfoundland and Labrador, identifying exact existing locations and dimensions of the walking trail right of way, sanitary sewer infrastructure and easement, and wharf, and identifying the proposed dimensions and location of the new sewer main and easement relocation, proposed new walking trail right of way location and proposed new wharf extension. Plans must include detail on the construction materials to be used in this development.

### **C. DOCUMENTS TO BE INCLUDED**

All documents required under Section B – Report Requirements plus,

1. Inclusion of a Location Plan showing the location of the proposed development in relation to the surrounding area
2. Any technical reports, studies, or data reference throughout the report.
3. Inclusion of estimated quantities of material to be removed the site (both on land and in water) in order to accommodate for this project.

### **D. SUBMISSION**

- a. A digital copy of the report in PDF format
- b. Digital copies of all maps and plans produced in AutoCAD or ARC GIS compatible file formats.

A digital copy of the Land Use Impact Assessment Report, along with any appendices, design drawings, field data, in adobe PDF format and AutoCAD DXF or DWG files for design drawings, should be submitted to:

Planning and Development  
Department of Community Development  
11 Remembrance Square  
P.O. Box 14040, Stn. Manuels  
Conception Bay South, NL A1W 3J1  
Email: [planning@conceptionbaysouth.ca](mailto:planning@conceptionbaysouth.ca)