Draft for public presentation 31 January 2024

TOWN OF ST. GEORGE'S

MUNICIPAL PLAN AMENDMENT No. 1, 2024

a. **Change of designation of an area for a salt mine project from Residential to Rural, and,**
b. **Generic policies for use of the existing "haul road" a.k.a. "Flintkote Road" and other routes and means of conveyance to move mineral and petroleum products from sources in the Rural designation to Turf Point harbour.**

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HMJ Consulting Limited

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TOWN OF ST. GEORGE'S - MUNICIPAL PLAN FOR 2019 to 2029

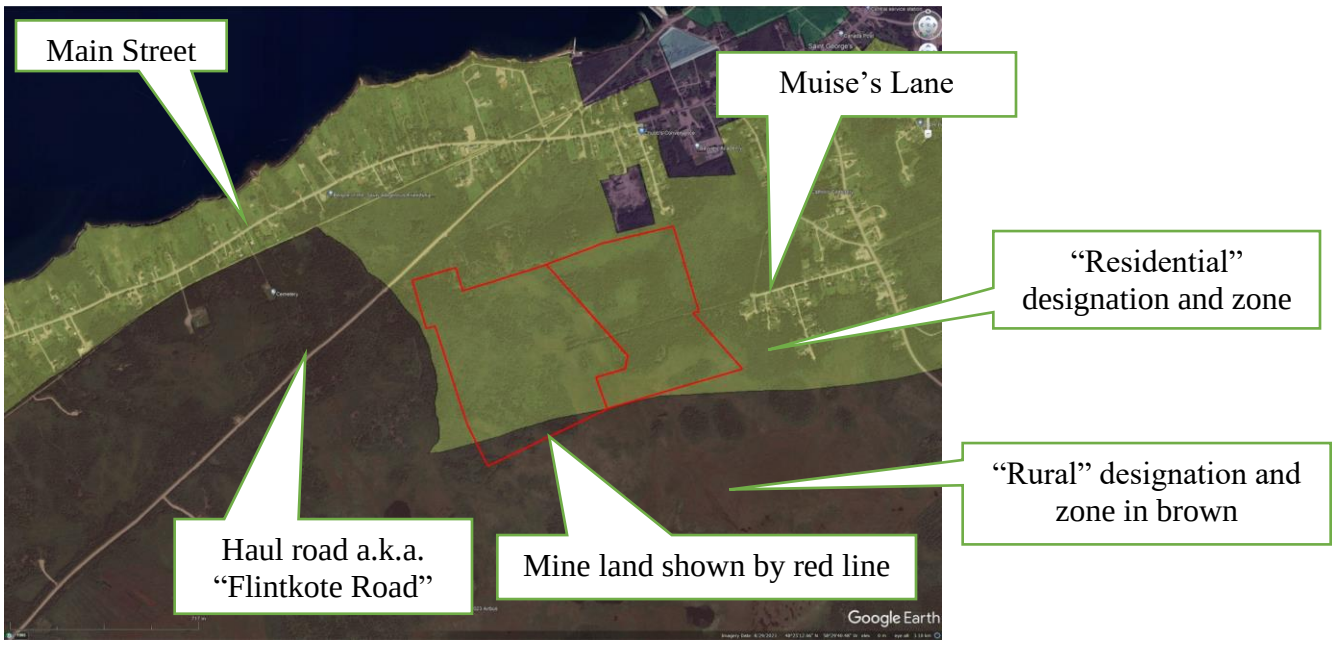
AMENDMENT No. 1, 2024

BACKGROUND

The Town Council of St. George's proposes to adopt this amendment to its Municipal Plan. The Development Regulations will be amended concurrently in like fashion.

Council has received a proposal from Atlas Salt Inc. for a major salt mine project located within the Town of St. George's municipal planning area. Most of the area of the lands involved in the project does not lie within a designation in the Municipal Plan which would enable Council to consider approving it. Council is generally favourable to the project for its economic development benefits, and is prepared to amend the Municipal Plan and Development Regulations (the "planning documents") to be able to do so.

The mine project lands are shown below superimposed on the current Municipal Plan designations for the general area. The underlying aerial photograph and depiction of planning areas are from the provincial government's land use planning registry website. The plot is approximate but it shows the effect of the proposed amendment which will make all of the mine lands plus some fringe areas adjacent to it to be Rural in designation. The land use zones in the Development Regulations have the same names and boundaries as the designations in the Municipal Plan.



The mine project involves use of a new overland conveyor system to move mine products to the Turf Point harbour. It will run from the mine property to the existing haul road (also known as the "Flintkote Road" and then along the haul road to Turf Point harbour. The existing use of the haul road is to move product by highway truck from a gypsum mine lying west of the proposed salt mine to Turf Point. That existing use can continue as a non-conforming use in the various lands over which it passes, but a new overland conveyor would represent a new development.

A planning policy analysis prepared by Council's professional planning consultant, Mr. Jens Jensen,P.Eng.,MCIP, HMJ Consulting Limited, is presented next, followed by a statement of Council's plans for public consultation and notes on the permitting process which will apply to specific development applications which will follow after the amendment comes into effect.

PLANNING POLICY ANALYSIS

The planning documents are those that are now in legal effect in the St. George's municipal planning area, ie: the Municipal Plan and Development Regulations for the Town of St. George's for 2019 to 2029. The planning documents were approved by Council on 2 November 2020 and were notified in the *Newfoundland and Labrador Gazette* on 12 March 2021, on which date they came into legal effect. There have been no amendments to the planning documents since then.

Council is attracted to the potential for appropriate developments which will enhance and strengthen the local economy while respecting valued amenities of surrounding owners, as they would be in keeping with the objective of the Municipal Plan (Section 3.3) quoted as follows:

> *To develop and maintain St. George's in an attractive natural and built setting which accommodates a diversity of housing needs and which provides for sustainable economic and other development while maintaining the integrity of the natural marine and terrestrial environments.*

The development concept set out in Section 5.0 recognizes the potential for exploration and development of mineral and petroleum resources in growing the local economy as a general matter in point 11) therein as follows:

11. *It is recognized that exploration for minerals and petroleum resources is important to the economic development of the province, and are permitted at Council's discretion except where it is inadvisable, specifically not to be approved in the two protected water resources supply areas, the site of the future sewage treatment plant, and environmentally sensitive areas. Mineral workings, mining and petroleum extraction*

> *uses are permitted at Council's discretion but only in the rural areas lying outside the areas named above.*

Some detailed context concerning mining, mineral deposits, and potential for petroleum development is given in Section 6.2.13, which concludes with:

> *Council's policy is to include requirements in the Development Regulations to endeavour to minimize negative impacts on the areas affected by exploration and extraction, for example to do with restoration of areas where ground has been disturbed, removal of vehicles, equipment and trash when finished, and on points which are not in Council's authority by recommending conditions to the Mineral Lands Division as part of the provincial approval process.*

The Development Concept in Section 5.0 goes on in the section describing the land use designations to give the specific role of the Rural designation in point 5 as follows:

> *Land in the Rural designation is intended to accommodate developments which are not well suited to urban settings, such as low density housing on private water supply and sewage disposal systems, forestry, mining, mineral workings, petroleum extraction, kennels, livestock farming, and very large commercial or industrial developments. Council will endeavor to protect the natural environment from unacceptable effects and to require adequate screening of unsightly structures and activities from view along streets and highways.*

Finally, the Municipal Plan sets out specific requirements for each designation, for which the Rural designation policies are found in Section 6.1.9 as follows:

1. *Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment, as well as some other uses which are usually found in urban areas, such as low density residential development, but which nevertheless may be acceptable.*
2. *Permitted uses are:*
    - *a) Agriculture class, including gardening and horticultural activity*
    - *b) Forestry class, including domestic cutting for fuel wood*
    - *c) Conservation class*
    - *d) Existing mineral exploration class*
    - *e) Existing mineral workings and mine class*

f) Existing cemeteries

3. *All other uses may be considered as discretionary uses, in order to ensure full review of proposals for other development classes and to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.*
4. *Council will evaluate each development proposal to determine potential environmental and other effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities*
5. *New development may be serviced with extensions of the Council's central water and sewer systems at the proponent's expense and subject to Council's approval of capacity and technical standards and by way of a specific development agreement.*
6. *Private water supplies and private sewage disposal systems are acceptable but are subject to the proponent securing Certificates of Approval from provincial government authorities.*
7. *Mineral workings, mining and petroleum extraction structures and disturbed areas are required to be separated by a substantial buffer distance from public highways, streets and trails, protected water supply areas, sensitive lands, and the areas intended to be developed as urban areas, as detailed in the Development Regulations.*
8. *Mineral working, mining and petroleum extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent developments. All such operations are required to submit a site rehabilitation plan as a part of the development application. Council, when issuing a permit, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions may refer to the following subjects and matters:*
    a. *Landscaping, screening and fencing;*
    b. *Rehabilitation;*
    c. *Noise, dust and pollution control.*

It is evident that the mine project will displace a considerable area of the Residential designation and zone. Council has considered the adequacy of other undeveloped or underdeveloped lands designated Residential for future residential development, and is satisfied that the balance of interests favours this amendment.

The appropriate designation and zone for the mine project is Rural. There is an Industrial designation and zone in the planning documents but it is used only to apply to the harbour works at Turf Point. In the Industrial category, mining is not a permitted use nor is mining eligible to be considered for a discretionary land use approval. The Rural designation permits mining among other land uses at Council's discretion. Council's intention to be able to consider the

mine project necessitates the change of designation and zone of the mine lands illustrated above not already Rural, to Rural, and to consider approval of an associated overland conveyor from the mine to Turf Point harbour.

Consideration of the existing and future uses of the haul road and various means of conveyance of the natural resource products (gypsum, salt, other minerals, and potentially petroleum) prompts Council in looking forward to make this amendment to the Municipal Plan to include generic provisions to enable Council to consider a conveyor development, or any other form of conveyance of products of mineral workings, mines or petroleum extraction, across lots of land which are not the sites of the sources of the material. Such developments would be simply accessory uses to main uses of lots on which the extraction activity takes place, but outside of those lots the conveyances would be new developments.

Amending the planning documents does not represent an approval of a permit to develop the Atlas Salt Inc. mine or the associated overland conveyor. The amendment enables Council's consideration of such an application which would follow this amendment and would be subject to a review of compliance with the amended planning documents.

Designating the subject lands as Rural to enable consideration of a mine application and providing generic policies for various means of material conveyance would be entirely in keeping with the objectives and policies of the Municipal Plan. Those policy points would guide Council in its deliberations concerning an actual application from the company, following the coming into effect of the amendments.

PUBLIC CONSULTATION

The Town of St. George's will conduct a public consultation process presenting the proposed amendments and hearing the views of the public. The proposed amendments will be publicized by advertisement in the Saltwire West Coast newspaper, posted on the Town website, posters in the community, and social media customarily used by the Town of St. George's. The notices will specify that the proposed amendments as well as the whole existing Municipal Plan and Development Regulations will be available to be sent as pdfs to those asking for them, and available to view in hard copy at the Town office.

Council's retained professional planner will present the proposed amendments to the public. The notice period for the presentation should be at least two weeks. The presentation will conclude with an invitation to interested parties to send submissions to Council within about two weeks.

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STEPS TO LEAD TO A PERMIT

When this amendment and the concurrent amendment to the Development Regulations come into legal effect, the only effect will be to enable Council's consideration of the mine project, and to provide for consideration of new means of conveyance of products of mineral workings, mines and petroleum extraction from their sources to Turf Point harbour.

At that point, the proponent needs to make an official application to Council with the details of their proposed mine and overland conveyor developments. Council's approval of such applications is subject to the amended Municipal Plan and Development Regulations, which state the conditions which an application must satisfy. The permit will only be approved if the conditions were satisfied.

THE AMENDMENT

The actual amendment to the Municipal Plan comprises revisions of the text and to the maps. As noted in the Background, a concurrent amendment is to be made to the text and maps in the Development Regulations.

AMENDMENT 1 – 2024 TO THE MUNICIPAL PLAN FOR 2019 – 2029

The Municipal Plan for 2019-2019 is amended as follows:

1. Municipal Plan Future Land Use Maps 1 and 2 are amended as shown on the accompanying official map.

2. Section 6.2.13 *Minerals, Mining and Petroleum Exploration and Extraction* is amended by addition of the following paragraph to the end of the text thereof:

> "The private haul road noted above has served to accommodate movement of mineral and mine products from their mineral workings and mines to Turf Point harbour, by use of highway trucks. It is possible that such movement may in the future be accomplished by off-highway trucks, overland conveyors or pipelines in addition to or instead of trucks. Those means of conveyance are essential to the successful operation of mineral workings, mines and petroleum extraction activities. Therefore, for clarity and to provide context for suitable regulations to

apply to such conveyances where they are located outside the lots on which the extraction of products takes place, Council's policies are:

(a) The existing use of the haul road from points of extraction of such materials to Turf Point harbour, solely by way of highway trucks, is recognized as an existing use, which shall be listed among the permitted uses in each of the designations across which the existing haul road crosses.

(b) Development of any means of conveyance of products of mineral working, mining or petroleum extraction, such as by overland conveyor, highway trucks, off-highway trucks, and pipelines, shall be listed among the discretionary uses for each of the designations across which the existing haul road crosses and for all of the Rural designation.

(c) Development of any means of such conveyance located on the same lot on which the mineral working, mine or petroleum extraction takes place is recognized as an accessory use thereto on those lots.

3. The following sections are amended by adding the following use to their respective "permitted uses" lists: *"existing use of the haul road from points of extraction of mineral working and mine products to Turf Point harbour, solely by way of highway trucks":*
    a. Section 6.1.1 Residential designation
    b. Section 6.1.2 Mixed Development designation
    c. Section 6.1.7 Environmental Protection designation
    d. Section 6.1.9 Rural designation

4. The following sections are amended by adding the following use to their respective "discretionary uses" lists: *"means of conveyance of products of mineral working, mining or petroleum extraction, such as by overland conveyor, highway trucks, off-highway trucks, and pipelines*":
    a. Section 6.1.1 Residential designation
    b. Section 6.1.2 Mixed Development designation
    c. Section 6.1.7 Environmental Protection designation
    d. Section 6.1.9 Rural designation

5. Sections 6.1.1, 6.1.2, 6.1.7 and 6.1.9 are further amended by adding an additional policy point in each as follows: "*See Section 6.2.13 Minerals, Mining and Petroleum Exploration and Extraction"*.