

# INFORMATION NOTE

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<b>Title:</b>	<b>Noise Exposure Forecast Zones (130 Aberdeen Avenue, MPA1900006)</b>
<b>Date Prepared:</b>	February 17, 2021
<b>Report To:</b>	Committee of the Whole
<b>Councillor and Role:</b>	Councillor Maggie Burton, Planning & Development
<b>Ward:</b>	Ward 1

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## **Issue:**

Updated Noise Exposure Forecast (NEF) Zones proposed by the St. John's International Airport Authority are more stringent than the policies and regulations in the St. John's Urban Region Regional Plan and the St. John's Development Regulations and will have a significant effect on the rezoning application for 130 Aberdeen Avenue.

## **Discussion – Background and Current Status:**

The City has received an application to rezone land at 130 Aberdeen Avenue from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) and Residential High Density (R3) Zones for the purpose of a residential subdivision with a mix of housing types. This application is being reviewed by staff and will be brought to Council for consideration soon. A number of revisions were required on the initial submission.

From Section 11.2 of the St. John's Development Regulations, any development in the vicinity of the St. John's Airport is subject to the St. John's Urban Region Regional Plan (SJURRP) concerning Noise Exposure Forecast (NEF) Zones and Bird Hazard Zones. The City uses the policies in the Regional Plan for these applications. The NEF system is used by Transport Canada to evaluate the extent of noise impacts and depends on factors such as the number of air traffic movements, type of aircraft in use, the runways used, the slide and approach paths, and other factors. The higher the NEF number, the louder the noise and thus the greater the noise impacts. The aim is to ensure that land uses which are sensitive to noise (such as residential uses where people could be awakened at night by aircraft noise) are kept away from the airport.

The Airport Authority promotes the important economic role of the airport, including its ability to operate 24 hours a day. There are many airports where overnight operations are not allowed due to the presence of residential areas close by. With the geographic location of St. John's at the extreme east of Canada, the airlines start their day very early in order to move westward across the provinces. Also, many flights may end their run in St. John's well after midnight. Years ago, the Airport Authority advised the City that any threat to 24-hour operation could put the airport in a real bind for accommodating the needs of the airlines.

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Relevant sections of the Regional Plan are attached for Council's reference. The Regional Plan recognizes that aircraft and helicopter movements are noisy and aims to minimize adverse impacts. The Plan sets minimum requirements for development using the NEF. New residential uses are limited to areas outside of the 35 NEF Zone (that means NEF numbers lower than 35) and recommends that any residential development between the 30 and 35 NEF Zone have sufficient sound insulation. Please note that the Regional Plan's NEF Zones are from 1996 and have not been updated since. Using these lines, the proposed rezoning and development at 130 Aberdeen Avenue would fall between the 25 and 30 NEF Zones and thus would be permitted under the St. John's Development Regulations and the Regional Plan.

However, as part of the standard review for applications near the airport, the application was referred to the Airport Authority for comment. The Airport Authority were not concerned about building elevations in the proposed development (taller buildings may pose a problem on the approach to a runway) but expressed concern about their noise maps. According to their most recent NEF data (attached), the proposed development is bisected by the 30 NEF contour and they believe that new residential development is not suitable above the 30 NEF contour. They recommended that the developer rearrange the site plan to keep residential uses on the low side of the 30 NEF contour. This information is different from the Regional Plan, where the NEF map is different and where the policy allows new residential between the 30 and 35 NEF Zones.

In follow-up correspondence, the Airport Authority maintained their initial recommendation against new residential development between the 30 and 35 NEF Zones, which would be more restrictive than the Regional Plan and the City's Development Regulations. The noise from the airport would be a source of complaints from people living nearby. In isolated cases where the 30 NEF contour might bisect a residential lot, they could consider recommending a dwelling, but did not support general residential development above the 30 NEF Zone. With respect to maps, the Airport Authority recently reviewed the NEF contours and strongly cautioned against using old NEF contours. This information was passed along to the applicant.

Noting that the recommendation from the Airport Authority is more stringent than the policies in the Regional Plan, the City put the Authority in touch with the appropriate planner at the NL Department of Environment, Climate Change and Municipalities in September 2020 to discuss updating the Regional Plan. We note that there have been many changes to the airport since 1996. The Airport Authority was interested to see aviation policies updated regionally, as there is some policy variation among the municipalities surrounding the airport. We are not aware of any action taken.

The Province did note that there have been discussions and recommendations over the past years to review the NEF requirements to make them more stringent. They advised that the Regional Plan is a minimum and municipalities can set more stringent requirements. They also pointed out the Regional Plan, Section 4.12, which states in part:

- *That no noise sensitive uses, particularly residential ones, be permitted in existing and future high noise impact areas.*

- *That noise levels, noise level forecasts and airport developments be monitored, and that the land use policies of this plan be reviewed on the basis of variations or forecast variations.*

Which NEF Zone mapping and policies are used (the Regional Plan or the Airport Authority's) will determine if the applicant can proceed with the rezoning and development as proposed. The site is zoned Commercial Regional where commercial and industrial development is permitted with the 30 and 35 NEF Zone. The concern with NEF Zones is raised because of possible residential development. The City's options are:

1. Follow the existing policies and maps of the Regional Plan and the St. John's Development Regulations, ignore the Airport Authority, and consider residential rezoning.
2. Maintain the policies regarding residential development between 30 and 35 NEF but use the Airport Authority's recommended new map. Council could still consider residential rezoning of the subject property, with extra sound insulation required above 30 NEF.
3. Accept the recommendations of the Airport Authority on policy and new maps, thus allowing consideration for residential rezoning only below the 30 NEF. This will have a significant impact on the proposed development at 130 Aberdeen Avenue.

#### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Applicant; neighbouring residential and property owners; St. John's International Airport Authority; NL Department of Environment, Climate Change and Municipalities.
3. Alignment with Strategic Directions/Adopted Plans:  
*St. John's Strategic Plan 2019-2029 - A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Amendments to the St. John's Development Regulations may be required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Rezoning requires a public meeting. Further discussion with the Airport Authority and the Province will likely be needed.
7. Human Resource Implications: Not applicable.

8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Conclusion/Next Steps:**

Should Council wish to use the updated noise exposure forecast (NEF) Zones used by the St. John's International Airport Authority, and/or if Council wishes to adopt the Airport Authority's recommended policy requirements for new residential development regarding the NEF Zones, more research would be required by staff on the best approach to update the St. John's Development Regulations. Using updated NEF Zones will affect the application to rezone and develop 130 Aberdeen Avenue for residential use as proposed.

### Report Approval Details

Document Title:	Noise Exposure Forecast Zones (130 Aberdeen Avenue, MPA1900006).docx
Attachments:	- NEF IN - Attachments.pdf
Final Approval Date:	Feb 18, 2021

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Feb 18, 2021 - 8:53 AM**

**Jason Sinyard - Feb 18, 2021 - 4:21 PM**