URBAN AND RURAL PLANNING ACT, 2000

Section 40-46

Appeal # : 15-006-094-020

Adjudicator: Lorilee A. Sharpe

Appellant(s): Scott and Amanda Strickland

Respondent / Authority: Digital Government and Service NL (DGSNL)

Date of Hearing: October 16, 2026

In Attendance

Appellant: Amanda Strickland

Respondent/Authority: Karen Tucker

Appeal Officer: Robert Cotter, Appeals Officer, Departmental Program Coordinator, Municipal and Community Affairs

Technical Advisor: Steven Maclnnes

Adjudicators Role

The role of the Adjudicator is to determine if the Authority acted in accordance with the *Urban and Rural Planning Act, 2000* and the *Protected Road Zoning Regulations 996'96* when it refused an application to develop a residential cottage.

Hearing Presentations

Planner's Presentation

The role of the planner is to act as a technical advisor to the appeal process and act as an expert witness.

Under the Rules of Procedure:

(a) there shall be a technical advisor to the Board who shall provide data relative to the Municipal Plan or other Scheme in effect and an interpretation on whether or not the proposal under appeal conforms, is contrary to, or could be discretionarily approved pursuant to the Municipal Plan, Scheme or Regulations.

The Planner from Municipal and Provincial Affairs shall provide the framework with respect to the appeals process under the Urban and Rural Planning Act, 2000 and provide an overview of how an application was received from a developer and processed by Council as prescribed in their roles and responsibilities.

The Adjudicator heard from the planner that this appeal relates to an application to develop a cottage on property that is located within the building control lines of Route 1 which is a protected Road under the *Protected Road Zoning Regulations 996/96* enacted under the *Urban and Rural Planning Act.* The proposed location of the cottage is in the Rural Conservation Zone under the *Trans Canada Highway-Channel Port aux Basques to Corner Brook Protected Road Zoning Plan (2004).*

The Appellant's Presentation and Grounds

The Appellant, Amanda Strickland, presented evidence on her own behalf in this appeal. The Appellant's ground of appeal was that she had previously applied to develop a second septic system and travel trailer on the property in 2019/2020 and was refused on the basis that it was a Cottage Zone. Her current application is to develop a cottage, and this time the Authority refused her application on the basis that it is located in a Rural Conservation zone. The Appellant advised that the Authority did not make any mention of a Rural Conservation Zone when she applied to develop in 2019/2020.

In response to questions from the Adjudicator, the Appellant acknowledged the zoning map submitted by the Authority at page 16 of the appeal package accurately depicted the location of the proposed cottage in the current application being located within the Rural Conservation Zone.

Authority's Presentation

The Authority presented evidence that the Appellants' property is divided in terms of its use zones with part of the property being in the Cottage Zone and part of the property being in the Rural Conservation Zone. The Authority advised that one of the cottages had been approved because it was located in the cottage zone, whereas the other was rejected in accordance with the recommendation of Municipal and Community Affairs-Land Use Planning division as it was located in the Rural Conservation Zone where a cottage is not a permissible use.

Adjudicator's Analysis

In addition to the presentations made at the appeal hearing, the Adjudicator reviewed the submissions and documentation provided by the Appellant and Respondent in the Appeal package, *The Urban and Rural Planning Act, 2000,* the *Protected Road Zoning Regulations 996.96 ,* and the Technical report.

Section 32 of the *Urban and Rural Planning Act* enables the Minister to declare protected roads and develop a plan for same which pursuant to Section 33(2)(b) are then binding on persons undertaking development in those areas:

> *32. (1) The minister may declare an existing or proposed highway, road or way as a protected road for the purpose of controlling development alongside that protected road. (2) The minister shall develop a plan for a highway, road or way declared as a protected road under subsection (1).*

(3) The minister is responsible for the administration of plans made under this section and may delegate that responsibility to a division of a department of the government of the province other than that of the minister.

33. (1) Sections 14, 19, 20, 21, 22, 24 and 25 apply, with the necessary changes, to plans made under this Part.
*(2) **A local area, protected area and protected road** plan made under this Part is **binding upon***
(a) municipalities and councils within the area governed by the plan; and
(b) a person undertaking a development in the area governed by the plan.

[Emphasis added]

All uses within the protected road zoning plan must comply with the uses permitted in Schedule "A" for the use zone established in the applicable plan. Section 9(3) of the *Protected Road Zoning Regulations 996/96* states:

***9.** (3) Permitted uses, lot dimensions and development standards shall apply to **use** zones established in protected road zoning plans in accordance with Schedule A.*

The Trans Canada Highway Channel — Port aux Basques to Corner Brook Protected Road Zoning Plan [2004] use zone mapping shows the location of the proposed cottage development to be in the Rural Conservation Zone. Cottage development is not listed as a permitted use within the Rural Conservation Zone under Schedule A of the *Protected Road Zoning Regulations 996 96.* Accordingly, the proposed cottage development clearly does not conform with the requirements of *Protected Road Zoning Regulations, 996/96.*

Adjudicators Conclusion

Urban and Rural Planning Act, 2000

Decisions of adjudicator

44. (1) In deciding an appeal, an adjudicator may do one or more of the following:

(a) confirm, reverse or vary the decision that is the subject of the appeal;

(b) impose conditions that the adjudicator considers appropriate in the circumstances; and

(c) direct the council, regional authority or authorized administrator to carry out its decision or make the necessary order to have the adjudicator's decision implemented.

(2) Notwithstanding subsection (1), a decision of an adjudicator shall not overrule a discretionary decision of a council, regional authority or authorized administrator.

(3) An adjudicator shall not make a decision that does not comply with

(a) this Act;

(b) a plan and development regulations registered under section 24 that apply to the matter being appealed; and

(c) a scheme, where adopted under section 29.

(4) An adjudicator shall, in writing, notify the person or group of persons who brought the appeal and the council, regional authority or authorized administrator of the adjudicator's decision.

In accordance with the analysis outlined above, the Adjudicator concludes that the Authority correctly applied the applicable Act, Regulations and plan in its refusal of the Appellants development application due to its location in the Rural Conservation Zone. As such, the decision of the Authority is confirmed.

The Appellants claims with respect to an officially induced error stemming from failure of the Authority to provide fulsome information respecting the two zones when they submitted a previous development application in 2019/2020 is outside the jurisdiction of the Adjudicator.

Order

The Adjudicator orders that the decision of the Department of Digital Government and Service NL of August 13, 2025 refusing the application of Scott and Amanda Strickland to develop a residential cottage is confirmed.

The Authority and the Appellant(s) are bound by this decision.

As the Appellants were not successful in their appeal, they are not entitled to any order for reimbursement of fees in accordance with section 45(2) of the *Urban and Rural Planning Act, 2000.*

According to section 46 of the Urban and Rural Planning Act, 2000, the decision of this Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador on a question of law or jurisdiction. If this action is contemplated, the appeal must be filed no later than ten (10) days after the Adjudicator's decision has been received by the Appellant(s).

DATED at Corner Brook, Newfoundland and Labrador, this 16th day of November, 2026.

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Adjudicator- Lorilee A. Sharpe

Urban and Rural Planning Act, 2000