



**Trinity South Highway  
Protected Road Zoning Plan  
Amendment No. 4, 2022  
(Blaketown)**

**Prepared by:  
Department of Municipal and Provincial Affairs  
Local Governance and Land Use Planning Division**

**February 2022**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
Trinity South Highway  
Protected Road Zoning Plan Amendment No. 4, 2022**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, I, Kim Blanchard, MCIP, as delegated by the Minister of Municipal and Provincial Affairs, adopt the Trinity South Highway Protected Road Zoning Plan Amendment No. 4, 2022.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2022.

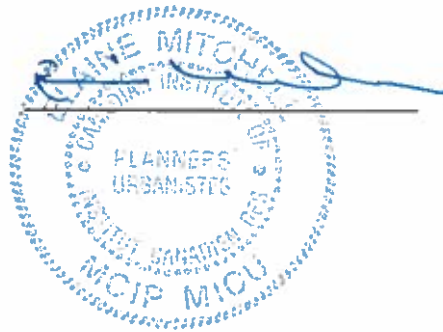
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Kim Blanchard, MCIP  
Manager of Land Use Planning

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Protected Road Zoning Plan Amendment No. 4, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP:



**URBAN AND RURAL PLANNING ACT**  
**RESOLUTION TO APPROVE**  
**Trinity South Highway**  
**Protected Road Zoning Plan**  
**Amendment No. 4, 2022**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, I, Kim Blanchard, MCIP, as delegated by the Minister of Municipal and Provincial Affairs:

- a) adopted the Trinity South Highway Protected Road Zoning Plan Amendment No. 4, 2022 on the ----- day of -----, 2022.
- b) gave notice of the adoption of the Trinity South Highway Protected Road Zoning Plan Amendment No. 4, 2022 by advertisement inserted on the ----- day and the ----- day of -----, 2022 in the -----newspaper.
- c) set the ----- day of ----- at ----- p.m. at the -----, 2022, for the holding of a public hearing to consider objections and submissions.

Now, under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, I approve the Trinity South Highway Protected Road Zoning Plan Amendment No. 4, 2022 as adopted (or as amended as follows).

Signed this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Kim Blanchard, MCIP  
Manager of Land Use Planning

## Trinity South Highway Protected Road Zoning Plan

### Amendment No. 4, 2022

#### Blaketown

#### FORWARD

The Department of Municipal and Provincial Affairs proposes to amend the Trinity South Highway Protected Road Zoning Plan (the “Plan”). The purpose of this amendment to the Plan is to apply zoning to the access road constructed during the reconfiguration of the Trans-Canada Highway. This access road now forms part of the Trinity South Highway (Route 80). In accordance with section 5 of the **Protected Road Zoning Regulations**, the amendment extends the protected road building control lines to 400 metres on each side of the centerline of the access road.

The proposed amendment zones land on both sides of the access road from River Road to Old Track Road “Mixed”. The amendment proposes that the remainder of the access road zoned “Rural Conservation”.

In addition, the original route of the Trinity South Highway, now known as River Road, is proposed to be zoned “Mixed”.

#### BACKGROUND

The Protected Road Zoning Regulations (the “Regulations”) are provincial regulations made under the *Urban and Rural Planning Act, 2000* (the “Act”) to control development within the building control lines of protected roads. The Regulations to implement Protected Road Zoning Plans.

Section 4 of the Regulations states that no one shall carry out development within the building control lines without a permit.

Section 5 of the Regulations establishes the protected road building control lines that extend 400 metres from the highway centreline except within municipal boundaries where the building control line extends 100 metres from the highway centerline or within a

municipal planning area where the building control line extends 150 metres from the highway centreline.

Blaketown is a local service district so the protected road building control line extends 400 metres from the centerline of Route 80. In addition, the protected road building control line extends 400 metres from the centreline of the Trans-Canada Highway.

According to Schedule B of the Regulations, the Trans-Canada Highway is classified as a Class I protected road that extends from St. John's to Port aux Basques:

#### TRANS CANADA HIGHWAY

The Trans Canada Highway (Route 1), as existing or proposed, from the western face of the Kenmount Road Overpass, at St. John's, to the eastern abutment of the Grand Bay Bridge, at Port aux Basques, but excluding that portion of the highway within the Terra Nova National Park. For the purpose of controls, 2 portions of this highway shall be considered a limited access highway, namely,

- (a) from the western face of the Kenmount Road Overpass to the intersection of the Argentia Access Road (Route 100); and
- (b) from its intersection with the Nicholville Road, at Deer Lake, to its intersection with Massey Drive, at Corner Brook.

A Class I highway is a primary highway by section 3 (a) of the Regulations:

Class I is a highway which is designated as a primary highway by the Department of Works, Services and Transportation or is presently or proposed to be divided by a median strip which shall allow right in and right out access only;

According to schedule B of the Regulations, the Trinity South Highway is classified as a Class II Protected Road. Schedule B states that the Trinity South Highway (Route 80), as existing or proposed extends:

The Trinity South Highway (Route 80), as existing or proposed, from its intersection with the Trans Canada Highway (Route 1), at Whitbourne, to its intersection with Track Road in the Town of Old Perlican, excluding Beach Road in the local service district of Cavendish and those sections of highway conjoint with the municipalities of Heart's Delight, Heart's Desire, Heart's Content, New Perlican and Winterton as per the following descriptions:

- (a) Heart's Delight - commencing at a point 600 metres south of the centre line of the bridge over Bear Cove Brook, where it crosses the highway, and

extending to a point 410 metres north of the centre line of the northern approach of the Road to Northeast Side of Heart's Delight, as referred to locally, with Route 80;

- (b) Heart's Desire - commencing at a point 230 metres south of the centre line of the bridge over Heart's Desire Brook, where it crosses the road, and extending to a point 90 metres north of the centre line of the intersection of Route 80 with Bill Clark's Lane, as referred to locally;
- (c) Heart's Content - commencing at a point 110 metres south of the centre line of the intersection of Route 80 with the Southern Cove Access Road and extending to a point where the centre line of the access to Northern Point lighthouse intersects with Route 80;
- (d) New Perlican - commencing at a point 200 metres south of the centre line of the intersection of Route 80 with Vitters Cove Access Road, and extending to a point 400 metres north of the centre line of the bridge over New Perlican River, where it crosses the highway; and
- (e) Winterton - commencing at a point one kilometre south of the centre line of the bridge traversing the outflow leading from Western Pond, where it crosses the highway, and extending to a point 915 metres north of the centre line of the intersection of Route 80 and the Harbour Bridge Road.

A Class II protected road is defined by section 3(b) of the Regulations as:

... a highway which is designated as a secondary road by the Department of Works, Services and Transportation and whose prime purpose is a transportation link for large outlying areas of the province.

The Department of Digital Government and Service NL (Government Service Centre) is the authority responsible for administering the Regulations.

The Trans-Canada Highway does not have a protected road zoning plan in effect. Section 6 of the Regulations identifies uses that may be permitted:

### **Development within building control lines**

6. (1) Subject to sections 7, 8 and 10, a permit for development within the building control lines of a protected road shall not be issued outside a community except for signs which shall be erected and displayed in accordance with the *Highway Sign Regulations*, premises for the purpose of providing services to the travelling public, development related to public, institutional or commercial recreation, including attraction sites, public utilities, waste disposal sites, cemeteries, development associated with forestry, fishing, agriculture or mining, and purposes incidental to or in conjunction with the above.

(2) Where a community fronts along a highway, in areas not covered under sections 7, 8 and 10, uses outlined in the mixed zone table in Schedule A may be permitted within the established infilling limits of that community.

The Plan was prepared in December 1998 with the goal of protecting the Trinity South Highway (Route 80) as a safe and convenient conveyor of traffic while ensuring that development occurs in an orderly manner.

The Plan establishes land use policies and zones. The Regulations contain a list of uses permitted in each zone along conditions and development control standards.

## **PLANNING PROCESS**

The Act specifies that plans, including a Protected Road Zoning Plan, are legally binding upon anyone undertaking development.

The Act outlines the process for bringing a Protected Road Zoning Plan or amendment into legal effect. This process includes:

- Providing an opportunity for interested persons, community groups, municipalities, local service districts, other interested stakeholders and departments of government to provide input and receive information about the preparation of the Plan or amendment;
- Adoption by the Department of Municipal and Provincial Affairs;
- Statutory public hearing held by an independent commissioner to hear objections and submissions with respect to the Plan or amendments.
- If the statutory public hearing proceeds, the commissioner must submit a report and recommendations to the Department of Municipal and Provincial Affairs;
- If a review of the plan or amendment finds that it is not contrary to law or policy, the Plan or amendment shall be approved and registered;
- Once registered, a notice must be published in the Newfoundland and Labrador Gazette and a local newspaper;
- Upon publication of the notice of registration in the Newfoundland and Labrador Gazette, the Plan or amendment comes into legal force.

Once the Plan is legally in effect, development cannot proceed without a permit from the Department of Digital Government and Service NL (Government Service Centre). The Government Service Centre (GSC) is the Authority for the administration of the Regulations by accepting and processing development applications and making development decisions.

## **PUBLIC/STAKEHOLDER CONSULTATION**

In accordance with section 14 of the Act, the Department of Municipal and Provincial Affairs must undertake public consultation to provide an opportunity for interested persons or groups as well as government departments:

- To provide input; and
- Learn about the proposed plan or amendment.

The Department consulted with government departments and other agencies through the Interdepartmental Land Use Committee (ILUC). In response to the referral by ILUC, the following comments were received:

- Any work in or within 15 metres of a body of water requires a permit under section 48 of the *Water Resources Act, 2002*;
- Any effluent or run-off leaving the site must conform to the requirements of the *Environmental Control water and Sewage Regulations, 2003*;
- Crown Lands noted that there are grants issued within the proposed Rural Conservation zone for the purpose of residential development;
- Agriculture Branch notes that there are existing agriculture titles in the area and that the proposed amendment must allow current and future agricultural activity; and
- Digital Government and Service Newfoundland and Labrador notes that permits may be required and individuals must contact the Regional Office in Harbour Grace before starting any work.

A public consultation notice requesting input and comments from individuals or groups will be posted on the Department of Municipal and Provincial Affairs website. The Department will place an advertisement in the Telegram requesting written submissions.



The Department will arrange for posters to be placed in public places in Blaketown and Whitbourne. In addition, the Department will share the proposed amendment with the Local Service District of Blaketown and the Town of Whitboure and provide an opportunity for written comments and input.

## **ANALYSIS**

With the reconfiguration of the Trans-Canada Highway, the Trinity Road Highway was re-routed. While the access road is within the protected road building control lines, no zoning had been applied.

The Department of Municipal and Provincial Affairs received a request from an individual who acquired Crown Land on the north side of the access road to allow residential development. When a development application was submitted, GSC determined that a dwelling could not be permitted as section 10 of the Regulations limits development on Protected Roads without plans. The applicant requested that land on the north side of the access road be rezoned to allow for residential development.

Section 10 of the Regulations specifies that the protected road building control line extend 400 metres on each side of the highway centerline. The protected road building control line reduces to 100 metres within municipal boundaries and 150 metres within municipal planning area boundaries. Blaketown is a local service district and the building control lines should extend 400 metres from the centreline of the Trinity South Highway (Route 80) on both sides of the highway.

Land south of Old Track Road and a portion of River Road is located outside of the Blaketown local service district boundary.

The area lies within a dump buffer. Digital Government and Service NL will refer applications within this buffer to the Pollution Prevention Division of the Department of Environment and Climate Change.

The Department of Transportation and Infrastructure was consulted and advises that it issued an access permit for residential lot on the north side of the access road. The

Department of Transportation and Infrastructure also advised that development within 400 metres of the interchange ramps is restricted. The Highway Access Policy states that any residential or commercial access shall be at least 400 metres from the interchange ramps. The land within 400 metres of the interchanges is proposed to be zoned “Rural Conservation”. According to the Rural Conservation zone in the Regulations, permitted uses are rural in nature, including agriculture, and do not include residential or commercial land uses.

A portion of the access road between River Road and Old Track Road, Blaketown, will be zoned “Mixed”. The “Mixed” zone will also extend down River Road to the Trans-Canada Highway building control line. According to the schedule of the Regulations a broad array of residential and commercial uses are permitted in the “Mixed” zone.

The remainder of the access road, between Old Track Road and the interchange with the Trans-Canada Highway will be zoned “Rural Conservation”. According to the schedule of the Regulations, uses in the “Rural Conservation” zone are restricted to those that are resource bases such as agriculture, forestry, fishing and mineral workings; rural industrial uses; and a limited array of tourism and recreational amenities.




#### **AMENDMENT NO. 1, 2020**

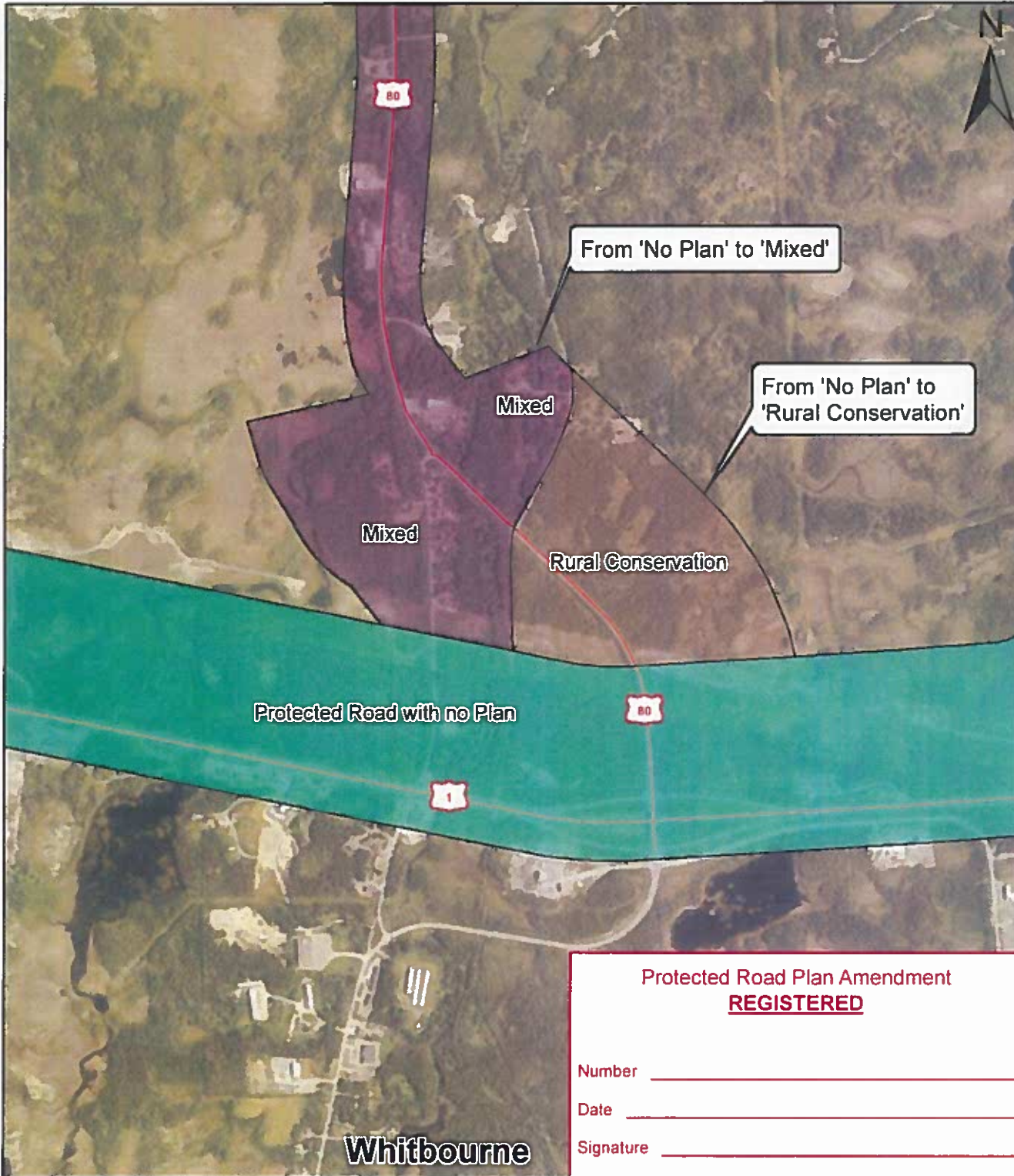
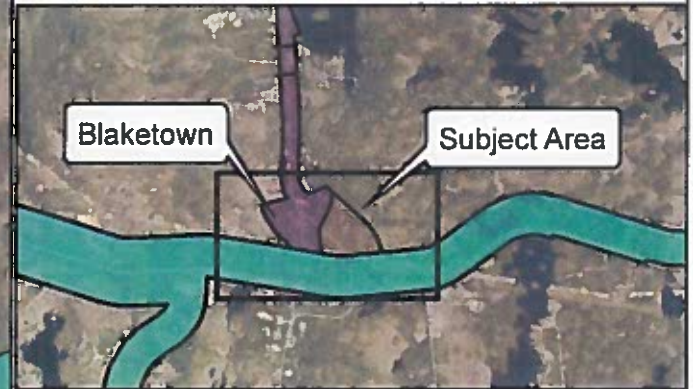
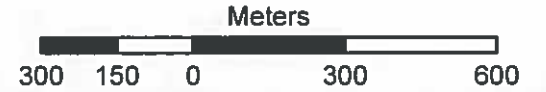
The Trinity South Highway Protected Road Zoning Plan Amendment No. 4, 2022 rezones land on the Trinity South Highway (Route 80) on the Blaketown access road as indicated on the attached map.

**Trinity South Highway  
Protected Road Zoning Plan  
Amendment No. 4, 2022  
Blaketown**

**MAP**

Trinity South Highway  
Protected Road Zoning Plan  
Amendment No. 4, 2022  
Blaketown

-  From 'No Plan' to 'Rural Conservation'
-  From 'No Plan' To 'Mixed'
-  Protected Road with no Plans



Signed this \_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Kim Blanchard MCIP  
Manager of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Protected Road Zoning Plan Amendment No. 4, 2022 has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.

MCIP: \_\_\_\_\_



Protected Road Plan Amendment  
**REGISTERED**

Number \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_