



Bay d'Espoir/Harbour Breton

Protected Road Zoning Plan

Amendment No. 1, 2020

(Hardy's Cove)

Prepared by:

**Department of Municipal Affairs and Environment
Local Governance and Land Use Planning Division**

January, 2020

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URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

Bay d'Espoir/Harbour Breton

Protected Road Zoning Plan

Amendment No. 1, 2020

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, I, Mary Oley, as delegated by the Minister of Municipal Affairs and Environment:

- a) adopted the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2020 on the 1st day of June, 2020.
- b) gave notice of the adoption of the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2020 by notice on the Department of Municipal Affairs and Environment web page and by notices placed in the community.
- c) set the 9th day of July, 2020, for the holding of a public hearing to consider objections and submissions. In accordance with the COVID-19 protocol, the Commissioner held a paper hearing and submitted a report to the Department of Municipal Affairs and Environment.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, I approve the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2020 as adopted (or as amended as follows).

Signed this 17 day of July, 2020.



Mary Oley
Director of Local Governance and Land Use Planning

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| <p>Protected Road Zoning Plan/Amendment</p> <p>REGISTERED</p> <p>Number PR360-2020-001</p> <p>Date <u>July 17, 2020</u></p> <p>Signature <u>Mary Oley</u></p> |
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**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
Bay d'Espoir/Harbour Breton
Protected Road Zoning Plan Amendment No. 1, 2019**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, I, Mary Oley, as delegated by the Minister of Municipal Affairs adopt the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2019.

Signed this 1st day of June, 2020.

Mary Oley

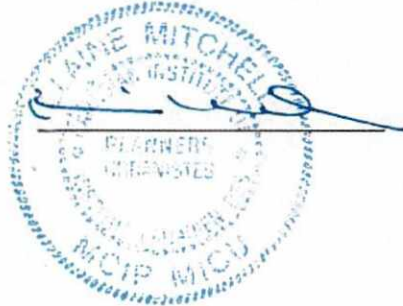
Mary Oley

Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Protected Road Zoning Plan Amendment No. 1, 2019 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



Bay d'Espoir/Harbour Breton Protected Road Zoning Plan

Amendment No. 1, 2020

Hardy's Cove

FORWARD

The Department of Municipal Affairs and Environment proposes to amend the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan (the "Plan"). The purpose of this amendment is to recognize existing development and to accommodate a proposed cottage located on the north side of the Bay d'Espoir Highway (Route 360) at Hardy's Cove. An individual submitted a request to rezone the area from "Rural Conservation" to "Cottage" to accommodate a new cottage.

BACKGROUND

The Protected Road Zoning Regulations (the Regulations) are provincial regulations made under the *Urban and Rural Planning Act, 2000* (URPA). According to schedule B of the Regulations, the Bay d'Espoir Highway is classified as a Class II Protected Road. Schedule B states:

The Bay d'Espoir Highway (Route 360) from its junction with the Trans Canada Highway (Route 1), near Bishop's Falls, to a point where the northwest municipal boundary of the Town of Harbour Breton, as defined, crosses the highway.

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 Plan was prepared in 1988. The goal of the Plan is to protect the highway 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

URPA specifies that a plan, including a Protected Road Zoning Plan, are legally binding.

URBA outlines the process for bringing a Protected Road Zoning Plan or amendment into legal effect. In general terms, this process includes:

- Providing an opportunity for interested persons, community groups, municipalities, local service district and departments of government to provide input and receive information about the preparation of the Plan or amendment;
- Statutory public hearing held by an independent commission to hear objections and submissions with respect to the Plan or amendments.
- The statutory public hearing may be cancelled if no written submissions are received 2 days prior to the scheduled public hearing;
- If the statutory public hearing proceeds, the commissioner must submit a report and recommendations to the Minister of Municipal Affairs and Environment;
- If a review the plan or amendment finds that they are not contrary to law or policy, the Plan or amendment shall be 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 force.

PUBLIC/STAKEHOLDER CONSULTATION

In accordance with section 14 of the Urban and Rural Planning Act, the Department of Municipal Affairs and Environment 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). Responses identified that:

- The subject site appears to be low-lying and that development may be affected by coastal hazards such as flooding, erosion, storm surge and the effects of sea level rise. The Geological Survey of Newfoundland and Labrador indicated that it may not be advisable to rezone such an area as cottages may be affected by these hazards. In particular, the Geological Survey considers areas below the present 4 metre contour to be vulnerable to coastal flooding.
- If the subject site extends outside of existing Crown Land grants, a Crown Lands application is required. The existing Crown Land grants contain conditions, one of which being that grants are not permitted to be subdivide and are not to be used for any other purpose other than a cottage without the consent of the Minister.
- Permits and/or approvals will be required from the Government Service Centre;
- If installation of an on-site subsurface sewage disposal system is required, the applicant must submit and receive approval for plans and specifications for an approved sewage disposal system.
- A permit is required from Water Resources Management Division, Department of Municipal Affairs and Environment for any work in any body of water, including wetland, prior to the start of construction. In addition, a permit is required for any development in shore water zones.
- Wharves, boathouses and similar structures do not require a permit but must comply with "Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses" (https://www.mae.gov.nl.ca/waterres/regulations/appforms/Guidelines_for_Wharves.pdf). Any infilling or dredging work associated with these structures requires a permit from Water Resources Management Division, Department of Municipal Affairs and Environment
- A minimum 30 metre riparian buffer, which are natural green belts along wetlands and water bodies, should be maintained.
- Newfoundland Hydro requires the applicant to contact the local office. It reserve the right to place poles in the last 1.5 metres of the road right of way and the applicant may be required to provide an easement. No development is permitted in Hydro easement or right of way.

A public consultation notice requesting input and comments from individuals or groups was published in the Southern Gazette on March 4, 2020. In addition, the amendment was posted on the Department of Municipal Affairs and Environment website. Written submissions were requested by March 20, 2020. No written submissions were received.

ANALYSIS

The subject area is situated on the north side of the Bay d'Espoir Highway (Route 360) approximately 5 kilometres north of the Route 364 (Hermitage) intersection and approximately 7.5 kilometres south of the Route 362 (Pools Cove/ St. Jacques/Belleoram) intersection at Hardy's Cove.

The area subject to this amendment is located within the protected road building control lines and is subject to the Bay d'Espoir/Harbour Breton Protected Road Zoning Plan and the Protected Road Zoning Regulations. The subject area is currently zoned "Rural Conservation". According to the Regulations, cottages are not a permitted use in the Rural Conservation zone.

Hardy's Cove is a cottage area located on an access road. Some of the existing development extend into the protected road building control lines and the Rural Conservation zone.

Given the isolated location of this area, there are no mapping available at the scale needed to determine whether the proposed cottage is located above the 4 metre contour as identified by the Geological Survey of Newfoundland and Labrador. By appropriately situating the building on the site and undertaking mitigation measures such as embankments or landscaping, the property owner may reduce the risk of damage resulting from coastal hazards such as flooding, sea level rise, storm surges and erosion. The provincial does not accept any liability for damages resulting from natural hazards.

AMENDMENT NO. 1, 2020

The Bay d'Espoir/Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2020 rezones land located on the north side of Route 360 (Bay d'Espoir Highway), at Hardy's Cove from "Rural Conservation" to "Cottage" to recognize existing cottage development and accommodate a new cottage as shown on the attached map.

**Bay d'Espoir/Harbour Breton
Protected Road Zoning Plan
Amendment No. 1, 2020
Hardy's Cove**

MAP



From 'Rural Conservation' to 'Cottage'

Hardy's Cove

Rural Conservation

Bay D'Espoir Hwy

360



Protected Road Plan Amendment
REGISTERED

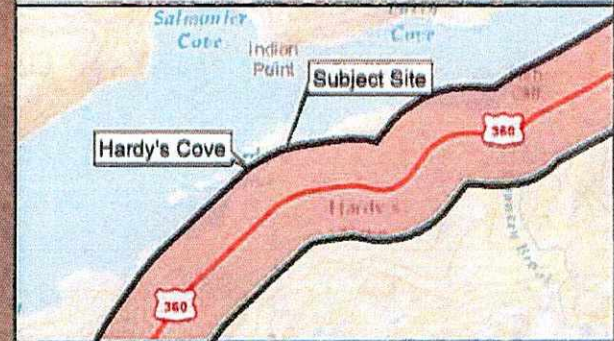
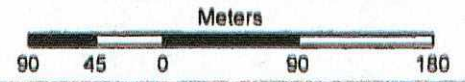
Number **PR360-2020-001**

Date **July 17, 2020**

Signature *Mary Oley*

**Bay D'Espoir to Harbour Breton
Protected Road Zoning Plan
Amendment No. 1, 2019
Hardy's Cove**

-  From 'Rural Conservation' to 'Cottage'
-  Rural Conservation



Signed this 1st day of June, 2020.

Mary Oley

Mary Oley
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Bay D'Espoir to Harbour Breton Protected Road Zoning Plan Amendment No. 1, 2019 has been prepared in accordance with requirements of the Urban and Rural Planning Act, 2000.

