



Gander Bay/Bonavista North Highway

Protected Road Zoning Plan

Amendment No. 2, 2019

(Harris Point)

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
Gander Bay/Bonavista North Highway
Protected Road Zoning Plan
Amendment No. 2, 2019

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 Gander Bay/Bonavista North Highway Protected Road Zoning Plan Amendment No. 2, 2019 on the 1st day of June, 2020.
- b) gave notice of the adoption of the Gander Bay/Bonavista North Highway Protected Road Zoning Plan Amendment No. 2, 2019 by notice on the Department of Municipal Affairs and Environment website and by posters 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 Gander Bay/Bonavista North Highway Protected Road Zoning Plan Amendment No. 2, 2019 as adopted (or as amended as follows).

Signed this 11 day of July, 2020.



Mary Oley


Director of Local Governance and Land Use Planning

Protected Road Zoning Plan/Amendment	
REGISTERED	
Number PR320/330- 2020-001	
Date <u>July 17, 2020</u>	
Signature <u>Mary Oley</u>	

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
Gander Bay/Bonavista North Highway
Protected Road Zoning Plan Amendment No. 2, 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 and Environment, adopt the Gander Bay/Bonavista North Highway Protected Road Zoning Plan Amendment No. 2, 2019.

Signed this 1st day of June, 2020.

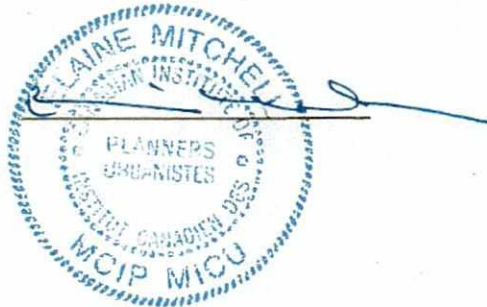


Mary Oley
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Protected Road Zoning Plan Amendment No. 2, 2019 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



Gander Bay/Bonavista North Highway Protected Road Zoning Plan

Amendment No. 2, 2019

Harris Point

FORWARD

The Department of Municipal Affairs and Environment proposes to amend the Gander Bay/Bonavista North Highway Protected Road Zoning Plan (the "Plan"). The purpose of this amendment is to accommodate existing cottages located on the west side of the Gander Bay Loop (Route 330), north of Harris Point.

This amendment to the Plan is to accommodate a request submitted by an individual to rezone land on the north side of Harris Point from "Rural Conservation" to "Cottage" to accommodate existing cottages.

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 Gander Bay Loop Highway is classified as a Class II Protected Road. Schedule B states that the Gander Bay Loop Highway, as existing or proposes extends:

... from a point where the northern municipal planning boundary of the Town of Gander, as defined, crosses Route 330 to its intersection with the Bonavista North Highway (Route 320), at Wesleyville, excluding that portion of the highway conjoint with the Town of Lumsden as per the following description:

Lumsden - commencing at a point 50 metres west of the intersection of Atlantic Drive and extending to a point 560 metres east of the centre line of the bridge near Main Street.

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

In this case, the Plan covers both Gander Bay Loop (Route 330) and the Bonavista North Highway (Route 320).

The Plan was prepared in 1987 with the goal of protecting 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 plans, including a Protected Road Zoning Plan, are legally binding upon municipalities and councils within the area governed by the Plan and anyone undertaking development.

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 districts, other interested stakeholders 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 two 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 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.

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
- 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 Central Voice on March 4, 2020 . In addition, the amendment was posted on the Department of Municipal Affairs and Environment website. Written submissions were requested by 4:00 pm on Friday March 20, 2020. No written submissions were received.

ANALYSIS

The subject area is situated on the west side of the Gander Bay Loop (Route 330), at the north end of Harris Point Road. Access will be provided from Harris Point Road. The access will be shared by the existing cottages.

The area subject to this amendment is located within the protected road building control lines and is subject to the Gander Bay/Bonavista North Highway 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.

Harris Point is identified as a community where urban development such as houses and businesses are permitted on Harris Point Road. The Plan establishes a buffer zone to prevent access onto Route 330.

There is a Highway Commercial zone on the west side of Route 330 in Harris Point.

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. As the cottages have already been constructed, the property owner the property owner may reduce the risk of damage resulting from coastal hazards such as flooding, sea level rise, storm surges and erosion by undertaking mitigation measures such as embankments or landscaping. The province does not accept any liability for damages resulting from natural hazards.

AMENDMENT NO. 1, 2020

The Gander Bay/Bonavista North Highway Protected Road Zoning Plan Amendment No. 2, 2019 rezones land located on the west side of Route 330 (Gander Bay/Bonavista North Highway), at the north end of Harris Point Road, from "Rural Conservation" to "Cottage" to accommodate existing cottages as shown on the attached map.

Gander Bay/Bonavista North Highway

Protected Road Zoning Plan

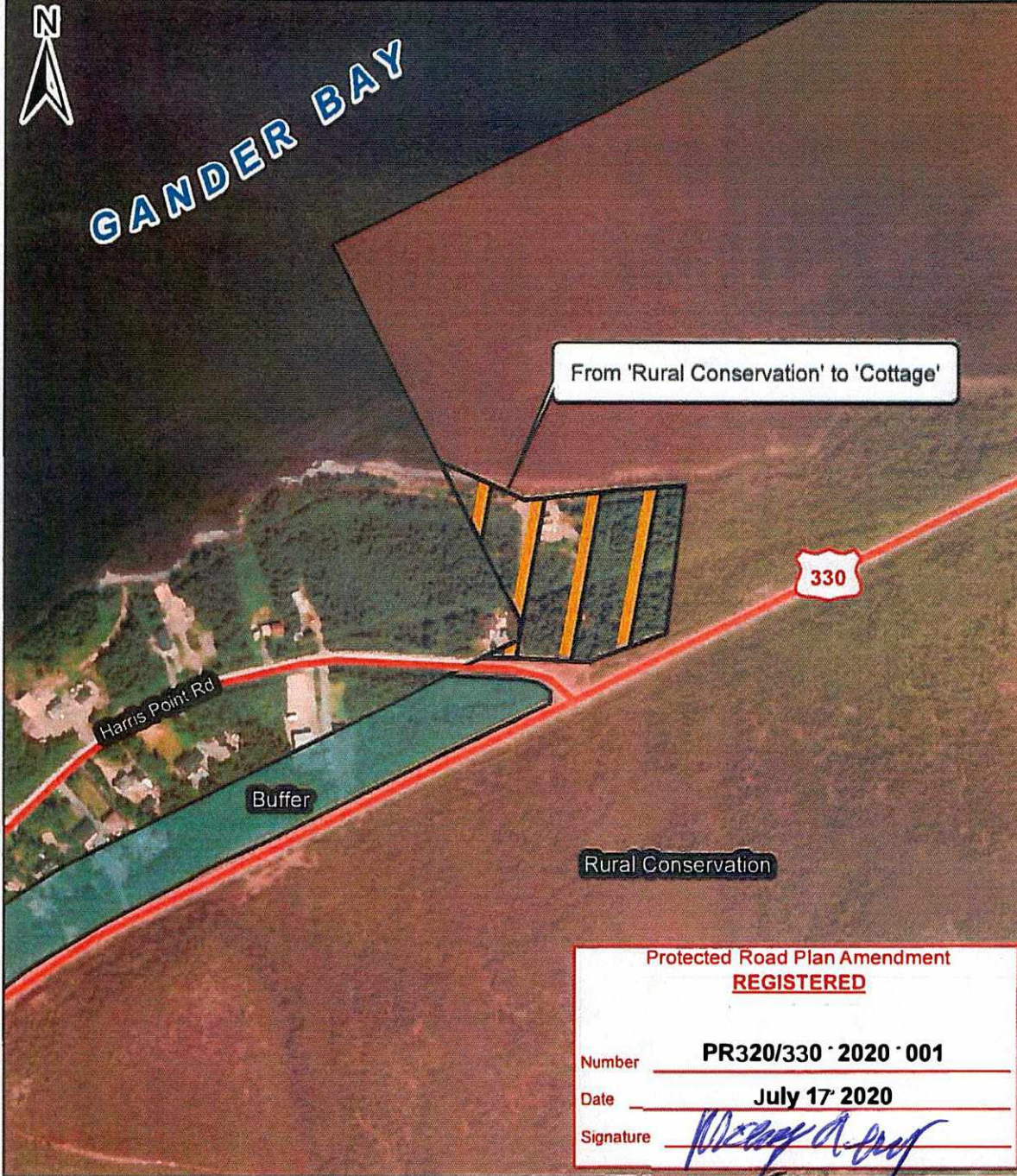
Amendment No. 2, 2019

Harris Point

MAP



GANDER BAY



From 'Rural Conservation' to 'Cottage'

330

Harris Point Rd

Buffer

Rural Conservation




Protected Road Plan Amendment
REGISTERED

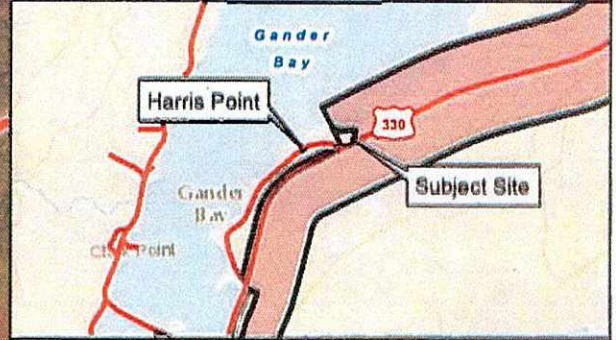
Number PR320/330 · 2020 · 001

Date July 17 2020

Signature *Mary Oley*

"Gander Bay/Bonavista North Highway"
Protected Road Zoning Plan
Amendment No. 2, 2019
Harris Point, Gander Bay South

-  From 'Rural Conservation' to 'Cottage'
-  Buffer
-  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 Protected Road Zoning Plan Amendment No. 2, 2019 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.



MCIP: