



**Southern Shore Highway
Protected Road Zoning Plan Zoning Plan
Amendment No. 4, 2020
(Tors Cove)**

**Prepared by:
Department of Environment, Climate Change and Municipalities
Local Governance and Land Use Planning Division**

May, 2020

Page 1 of 10

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
Southern Shore Highway
Protected Road Zoning Plan
Amendment No. 4, 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 Environment, Climate Change and Municipalities:

- a) adopted the Southern Shore Highway Protected Road Zoning Plan Amendment No. 4, 2020 on the 6th day of October, 2020.
- b) gave notice of the adoption of the Southern Shore Highway Protected Road Zoning Plan Amendment No. 4, 2020 by notice of the Department of Environment, Climate Change and Municipalities web page, advertisement inserted on the 7th day of November, 2020 in the Telegram newspaper and by posters placed on the site and in prominent locations in nearby communities.
- c) set the 9th day of December, 2020 for 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 Environment, Climate Change and Municipalities.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, I approve the Southern Shore Highway Protected Road Zoning Plan Amendment No. 4, 2020 as adopted.

Signed this 15th day of December, 2020.



Mary Oley
Director of Local Governance and Land Use Planning

PRZ PLAN / Amendment	
REGISTERED	
Number	<u>PR10-2020-003</u>
Date	<u>December 15, 2020</u>
Signature	<u>Mary Oley</u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
Southern Shore Highway
Protected Road Zoning Plan Amendment No. 4, 2020**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, I, Mary Oley, as delegated by the Minister of Environment, Climate Change and Municipalities adopt the Southern Shore Highway Protected Road Zoning Plan Amendment No. 4, 2020.

Signed this 6th day of October, 2020.

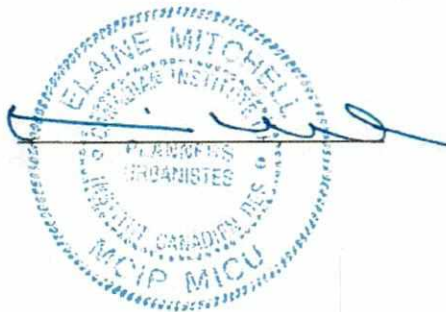


Mary Oley
Director of Local Governance and Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Protected Road Zoning Plan Amendment No. 4, 2020 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



Southern Shore Highway Protected Road Zoning Plan

Amendment No. 4, 2020

Tors Cove

FORWARD

The Department of Environment, Climate Change and Municipalities proposes to amend the Southern Shore Highway Protected Road Zoning Plan (the "Plan"). The purpose of this amendment is to accommodate residential development on the south side of the Southern Shore Highway (Route 10), between Burnt Cove Road and La Manche Valley Road.

This amendment to the Plan is to accommodate a request to rezone privately owned land located on the south side of the Southern Shore Highway between Burnt Cove Road and La Manche Road from "Rural Conservation" to "Mixed" to accommodate two dwellings. Land outside of the boundary of the private property is included in this amendment to consolidate the development pattern along the Southern Shore Highway at Tors Cove.

BACKGROUND

The Protected Road Zoning Regulations (the Regulations) are provincial regulations made under the *Urban and Rural Planning Act, 2000* (URPA) to control development within the building control lines of protected roads and to implement Protected Road Zoning Plans. Section 4 of the Regulations states that no one shall carry out development within the building control lines unless a permit has been issued. The building control lines are established in section 5 of the Regulations and extend 400 metres from the centreline of Route 10 except within a municipal boundary where the building control line extends 100 metres from the highway center line or within a municipal planning area where the building control line extends 150 metres from the highway centreline.

According to schedule B of the Regulations, the Southern Shore Highway (Route 10) is classified as a Class II Protected Road. Schedule B states that the Southern Shore Highway (Route 10), as existing or proposed extends:

... from a point where the southern municipal planning boundary of the Town of Witless Bay, as defined, crosses the highway to a point where the western abutment of the bridge over Peter's River, where it crosses the highway, lies adjacent to the centre line of the

highway, excluding those sections of highway conjoint with the Communities of Ferryland, Fermeuse and Renews and the Town of Trepassey as per the following descriptions:

- (a) Ferryland - commencing at a point where the northern municipal boundary of the Community of Ferryland, as defined from, crosses the highway and extending to a point where the southern municipal boundary of the community, as defined, crosses the highway;
- (b) Fermeuse - commencing at a point on the highway 400 metres north of the centre line of the access road to Port Kerwin and extending to a point where the centre line of the access road to Kingman's Cove intersects Route 10;
- (c) Renews - commencing at the intersection of Route 10 and the centre line of the northern access to Renews and extending to a point 460 metres south of the southern abutment of the bridge over Old Woman's Brook, where it crosses the highway; and
- (d) Trepassey - commencing at a point 580 metres east of the centre line of Church Avenue and extending to a point where the centre of the bridge over North West Brook intersects the centre line of 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 Department of Digital Government and Service NL (Government Service Centre) is the authority and responsible for administering the Regulations.

The Plan was prepared in December 2002 with the goal of protecting Route 10 as a safe and convenient conveyor of traffic while ensuring that development occurs in an orderly manner. An amendment was prepared and approved in 2012 which rezoned land on Burnt Cove Road from Rural Conservation to Mixed (<https://www.gov.nl.ca/mae/files/publications-protected-roads-pdf-10-Southern-Shore-2012-1.pdf>).

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 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.

No development can occur until a permit has been issued by Department of Digital Government and Service NL (Government Service Centre). The Government Service Centre (GSC) is been delegated the authority to administer the Regulations.

Once the Plan (or amendment) is in effect, all development must comply with the Plan and Regulations.

PUBLIC/STAKEHOLDER CONSULTATION

In accordance with section 14 of the Urban and Rural Planning Act, the Department of Environment, Climate Change and Municipalities 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.

Before preparing this amendment, the Department of Environment, Climate Change and Municipalities consulted with the Department of Transportation and Infrastructure with regarding to making accesses onto Route 10 which is a provincial highway. The Department of Transportation and Infrastructure carried out a site visit and determined that residential access could be accommodated. Accesses onto Route 10 must comply with the Department of Transportation and Infrastructure Policy for Highway Access Management and an access permit must be obtained.

The Department consulted with government departments and other agencies through the Interdepartmental Land Use Committee (ILUC). Responses identified that:

- Permits and/or approvals will be required from the Government Service Centre and, 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 Environment, Climate Change and Municipalities for any work in any body of water, including wetland, prior to the start of construction.
- 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.
- The Provincial Archaeological Office reserves the right to carry out archaeological impact assessment in the area.
- The Department of Fisheries, Forestry and Agriculture notes that this proposed amendment conflicts with the local public forest management area for domestic cutting and would prefer that this area be maintained to support local wood supply. Despite these comments, the Department of Fisheries, Forestry and Agriculture approves the proposed amendment.

A public consultation notice requesting input and comments from individuals or groups, along with the proposed amendment and associated map identifying the site, was posted on the Department of Environment, Climate Change and Municipalities website

[\(https://www.gov.nl.ca/eccm/consultations/prz_consultations/\)](https://www.gov.nl.ca/eccm/consultations/prz_consultations/). This posting included a Google Earth link to the subject site.

Local Service Districts of Tors Cove and Burnt Cove-St. Michaels-Bauline South were sent a copy of the proposed amendment and requested to submit any written comments by Wednesday September 23, 2020. No written submissions were received from either Local Service District committee.

Posters were placed in public places in nearby communities including Powers store in Tors Cove, the post office in Tors Cove and Needs Convenience in Witless Bay. In addition, a poster was placed near the subject site. The posters contained information about how to view the amendment on the Department of Environment, Climate Change and Municipalities website.

An advertisement appeared in the Evening Telegram on August 29, 2020. Written submissions are requested by Wednesday September 23, 2020 at 4:00 pm. No written submissions were received in response to this advertisement.

ANALYSIS

The subject area is situated on the south side of Route 10 between Burnt Cove Road and La Manche Valley Road. Access will be provided from Route 10.

The subject site is located within the protected road building control lines and is subject to the Plan and Regulations. The subject area is currently zoned "Rural Conservation". According to the Regulations, dwellings are not a permitted use in the Rural Conservation zone.

On the north side of the road, land is zoned "Cottage" and there are a number of accesses from Route 10 leading to cottages on Tors Cove Pond.

Land on both sides of Burnt Cove Road and La Manche Valley Road is zoned "Mixed".

To ensure a consistent development pattern, this amendment proposes to rezone all land between Burnt Cove Road and La Manche Valley Road to a depth of 400 metres from "Rural Conservation" to "Mixed". The Mixed zone accommodates residential development in the form

of single dwellings, semi-detached dwellings, row houses, apartment buildings and open space uses along with institutional, commercial, highway commercial and light industrial uses.

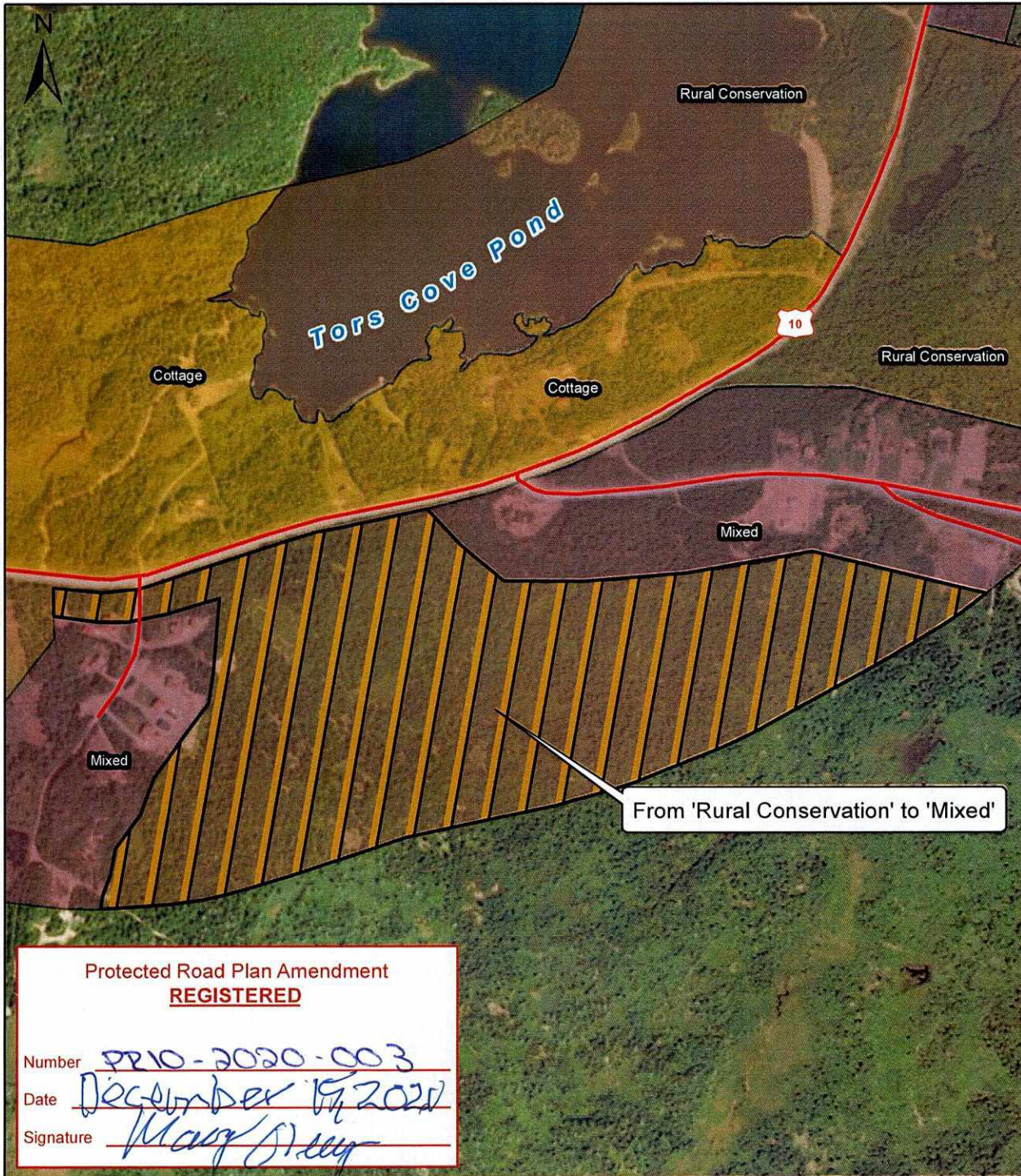
The Department of Transportation and Infrastructure has indicated that residential access may be accommodated subject to an access permit. Other uses must be reviewed in compliance with the Policy for Highway Management Access and will be subject to commercial access requirements.

AMENDMENT NO. 1, 2020





The Southern Shore Highway Protected Road Zoning Plan Amendment No. 4, 2020 rezones land located on the south side of Route 10 (Southern Shore Highway), at Tors Cove, from "Rural Conservation" to "Mixed" as shown on the attached map.

**Southern Shore Highway
Protected Road Zoning Plan
Amendment No. 4, 2020
Tors Cove**

MAP

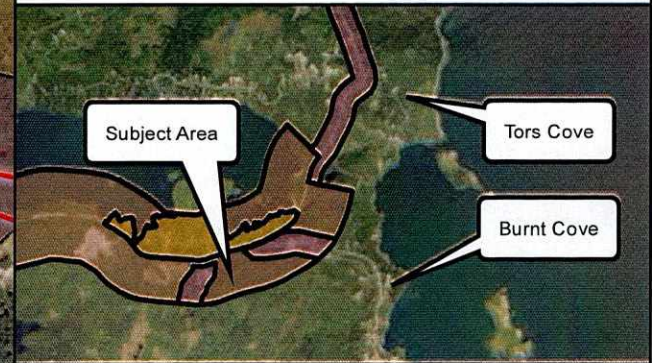


**Southern Shore Highway
Protected Road Zoning Plan
Amendment No. 4, 2020
Burnt Cove, Tors Cove**

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

Meters

140 70 0 140 280



Signed this 6th day of October 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. 4, 2020 has been prepared in accordance with requirements of the *Urban and Rural Planning Act, 2000*.


 MCIP: _____

**Protected Road Plan Amendment
REGISTERED**

Number PR10-2020-003
 Date December 19, 2020
 Signature Mary Oley