



**Amendment No. 2, 2019
Northern Peninsula Highway
Protected Road Zoning Plan**

Milan Arm

Prepared by:

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

August 2019

URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

NORTHERN PENINSULA 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, on behalf of the Minister of Municipal Affairs and Environment,

- a) adopted the Northern Peninsula Protected Road Zoning Plan Amendment No. 2, 2019 on the 18th day of November, 2019.
- b) gave notice of the adoption of the Northern Peninsula Highway Protected Road Zoning Plan Amendment No. 2, 2019 by advertisement inserted on the 27th day of November and the 4th day of December, 2019 in the Northern Pen newspaper.
- c) set the 16th day of December, 2019 at 7:00 p.m. at the Town Hall, St. Anthony, 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, Mary Oley, approve the Northern Peninsula Highway Protected Road Zoning Plan Amendment No. 2, 2019 as adopted.

SIGNED AND SEALED this 17th day of December, 2019.



Mary Oley
Director of Local Governance and Land Use Planning

PROTECTED ROAD ZONING
Municipal Plan/Amendment
REGISTERED
Number PR2P430-2019.002
Date December 17, 2019
Signature Mary Oley

URBAN AND RURAL PLANNING ACT

RESOLUTION TO ADOPT

NORTHERN PENINSULA HIGHWAY PROTECTED ROAD ZONING PLAN

AMENDMENT No. 2, 2019

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Minister of Municipal Affairs adopts the Northern Peninsula Highway Protected Road Zoning Plan Amendment No. 2, 2019.

Signed this 18th day of November, 2019.

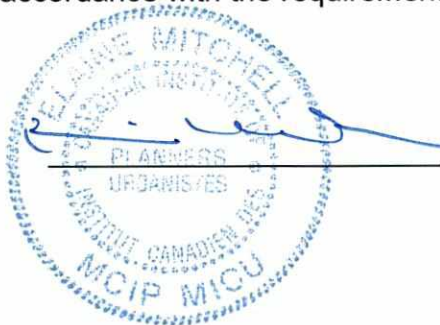


Mary Oley
Director of Local Governance and Land Use Planning

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:



Northern Peninsula Highway Protected Road Zoning Plan

Amendment No. 2, 2019 (Milan Arm)

FORWARD

The Department of Municipal Affairs and Environment is considering an amendment to the Northern Peninsula Highway Protected Road Zoning Plan. The Land Management Division, Department of Fisheries and Land Resources submitted a request to rezone land located on the north side of the Northern Peninsula Highway (Route 430), west of the intersection with Route 436, at Milan Arm from "Rural Conservation" to "Cottage" to recognize existing cottage development and to accommodate further cottage development in the form of a building already under construction.

BACKGROUND

The Protected Road Zoning Regulations (CNLR 996/96) are provincial regulations made under the Urban and Rural Planning Act. According to schedule B of these Regulations, the Northern Peninsula Highway, Route 430, is a Class I protected road. Schedule B states:

The Northern Peninsula Highway (Route 430) from its intersection with the Trans-Canada Highway (Route 1), at the Town of Deer Lake, to a point where the northern municipal boundary of the Town of St. Anthony, as defined, crosses Route 430, but excluding those portions of the highway within the Gros Morne National Park.

Subsection 3 (1) (b) of the Protected Road Zoning Regulations defines a Class I protected road as:

Class II is 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 Northern Peninsula Highway Protected Road Zoning Plan was prepared in 1990. The goal of the Plan is to protect the Northern Peninsula Highway as a safe and convenient conveyor of traffic while ensuring that development occurs in an orderly manner.

The Northern Peninsula Highway Protected Road Zoning Plan establishes land use policies and zones. The provincial Protected Road Zoning Regulations contain permitted uses within each zone and development control standards.

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
- to learn about the proposed plan or amendment.

A notice was posted in the Northern Pen newspaper on Wednesday October 25, 2019 inviting interested persons and organizations to submit comments and concerns with respect to this proposed amendment. Written submissions were requested by Friday November 1, 2019 at 4:00 p.m. No submissions were received.

The draft amendment was circulated to government departments and agencies by the Interdepartmental Land Use Committee (ILUC). Responses identified that:

- While the area contains a number of cottages, it appears to be low lying and may be susceptible to 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 are highly vulnerable to coastal flooding.
- The area overlaps with a mineral license and mineral exploration can be expected in the general area.
- 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.

ANALYSIS

The area subject to this amendment is located on the north side of the Northern Peninsula Highway, east of Route 436 intersection, adjacent to Milan Arm. It is accessed by an existing road.

This area is currently zoned “Rural Conservation”. According to the Protected Road Zoning Regulations, seasonal dwellings are not permitted in the “Rural Conservation” zone.

Land is zoned “Cottage” to the east and west of this area.

The area was developed by the Department of Fisheries and Land Resources for cottages off the old route of the Northern Peninsula Highway. A number of cottages have been built.

Some of the cottages lots sold by Crown Lands have been subsequently re-sold. An individual has recently purchased one of these lots and started construction. When this individual submitted a development application to Service NL for an electrical connection

and septic system, it was discovered that this cottage area is zoned Rural Conservation which does not allow for cottage development. Subsequently, the Department of Fisheries and Land Resources submitted a request to rezone this area.

An individual has started construction of a dwelling. Natural landscaping has been retained along the shoreline and the deed shows a shoreline reservation retained by the Crown of 15 metres. The building is situated more than 40 metres from the shoreline.

The lot in question lies between existing cottages and is considered to be infill. Given the existing development pattern, the individual had the opportunity to assess natural hazards and the suitability of the lot for development before purchasing the property.

Given the isolated location of this area, there is no mapping available at the scale needed to determine whether the building 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, the property owner may reduce the risk of damage resulting from the natural hazards. The Province does not accept any liability for damages resulting from natural hazards.

Proposed Amendment No. 2, 2019

The Northern Peninsula Highway Protected Road Zoning Plan Amendment No. 2, 2019 proposes to rezone land on the north side of the Northern Peninsula Highway (Route 430), east of the Route 436 intersection, at Milan Arm, from "Rural Conservation" to "Cottage" to accommodate existing cottage development and development already under construction. The attached map illustrates the proposed amendment.

Amendment No. 2, 2019
Northern Peninsula Highway Protected Road Zoning Plan
Milan Arm



Micmac
Island

MILAN
ARM

Cottage

From 'Rural Conservation' to 'Cottage'

Rural Conservation

From 'Rural Conservation' to 'Cottage'

430

Rural Conservation

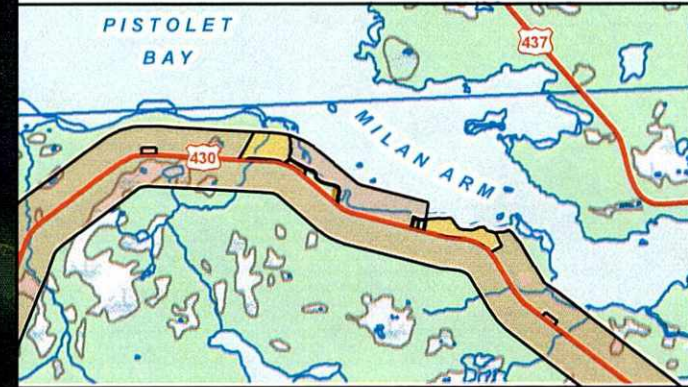
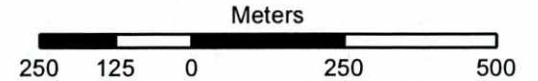
Cottage

Protected Road Plan Amendment
REGISTERED

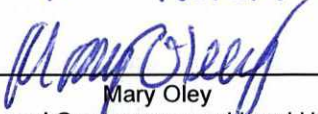
Number PR22 - 2019 - 002
Date December 17, 2019
Signature Mary Oley

Great Northern Peninsula Highway Zoning Plan Protected Road Zoning Plan Amendment No. 2, 2019 Milan Arm

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



Signed this 13th day of November 2019.


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 requirements of
the *Urban and Rural Planning Act, 2000*.

MCIP: 

