



**Southern Shore Highway  
Protected Road Zoning Plan Zoning Plan  
Amendment No. 6, 2023  
(Cappahayden)**

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

**April, 2023**

## URBAN AND RURAL PLANNING ACT

### RESOLUTION TO APPROVE

#### Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023

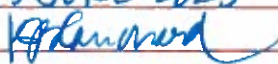
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, I, Kim Blanchard, as delegated by the Minister of Municipal and Provincial Affairs:

- a) adopted the Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023 on the 5<sup>th</sup> day of May, 2023.
- b) gave notice of the adoption of the Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023 by notice of the Department of Municipal and Provincial Affairs web page, and advertisements inserted on the 19<sup>th</sup> and 26<sup>th</sup> days of May, 2023 in the Shoreline newspaper.
- c) set the 15<sup>th</sup> day of June, 2023 for 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 Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023 as adopted.

Signed this 19<sup>th</sup> day of JUNE, 2023.

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

Protected Road Plan Amendment <b>REGISTERED</b>	
Number	PR10-2023-005
Date	19 JUNE 2023
Signature	

**URBAN AND RURAL PLANNING ACT**

**RESOLUTION TO ADOPT**

**Southern Shore Highway**

**Protected Road Zoning Plan Amendment No. 6, 2023**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, I, Kim Blanchard, as delegated by the Minister of Municipal and Provincial Affairs, adopt the Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023.

Signed this 19<sup>th</sup> day of JUNE, 2023

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

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Protected Road Zoning Plan Amendment No. 6, 2023 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. 6, 2023**

#### **Renews-Cappahayden**

#### **FORWARD**

The Department of Municipal and Provincial Affairs was requested to amend the Southern Shore Highway Protected Road Zoning Plan (the "Plan"). The purpose of this amendment is to accommodate residential development on the west side of a portion of the Southern Shore Highway (Route 10) at the community of Renums-Cappahayden.

This amendment to the Plan is to accommodate a request to rezone Crown land located on the west side of the Southern Shore Highway in the community of Cappahayden, from "Rural Conservation" to "Mixed" to accommodate a single residential dwelling. Land outside of the boundary of the property is currently zoned as 'Mixed' to the south, 'Rural Conservation' to the north, and this amendment will consolidate the development pattern along the Southern Shore Highway at Renums-Cappahayden. The amendment will be an extension of the "Mixed" zone to the north that will include other existing residential development currently situated in the "Rural Conservation" zone.

#### **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 Renewes 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) Renewes - commencing at the intersection of Route 10 and the centre line of the northern access to Renewes 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>). Another Plan amendment was completed in 2020 which also rezoned land along Route 10, between Burnt Cove Road and La Manche Road, from "Rural Conservation" to "Mixed" (<https://www.gov.nl.ca/mpa/files/PRZ-10-Amdt-4-2020.pdf>). The latest amendment was completed in January 2023 which rezoned land along Route 10 in Renewes from "Rural Conservation" to "Residential" (<https://www.gov.nl.ca/mpa/files/Lawler-Draft-Amendment-No-05-2022-Renews-Cappahayden.pdf>).

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

URPA 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 commissioner 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 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 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 the Department of Digital Government and Service NL (Government Service Centre). <https://www.gov.nl.ca/dgsnl/>

The Government Service Centre (GSC) is the delegated authority to administer the Regulations, serving as the permitting agency in response to applications.

Once the 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, 2000* 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:

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

Before preparing this amendment, the Department of Municipal and Provincial Affairs consulted with the Department of Transportation and Infrastructure with regard to making accesses onto Route 10 which is a provincial highway. Proponents of development shall be responsible to apply to the Department of Digital Government and Service NL for assessment of access.

The Department consulted with other 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 and Climate Change for any work in any body of water, including wetland, prior to the start of construction.

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 Municipal and Provincial Affairs website (<https://www.gov.nl.ca/mpa/protected-road-zoning-consultations/>) This posting included a Google Earth link to the subject site.

The Town of Renew-Cappahayden was sent a copy of the proposed amendment and requested to submit any written comments by May 3<sup>rd</sup>, 2023. On Tuesday, April 11, 2023, the Town Council discussed the proposed amendment and advised they had no comments to provide.

Posters were also placed in the Town Office of Renews-Cappahayden. Advertising contained information about how to view the amendment on the Department of Municipal and Provincial Affairs website where it was also published.

An advertisement for public consultation appeared in the Shoreline Newspaper on the 6<sup>th</sup> day of April, 2023. Written submissions were requested by the 28<sup>th</sup> day of April, 2023 at 4:00 pm. No public comments were received as result of the public consultation process.

The proposed amendment was subject to the requirements for a public hearing. In accordance with sections 17 – 20 of *the Urban and Rural Planning Act, 2000*, a Notice of Adoption was published on two occasions in the Shoreline Newspaper in advance of the hearing on May 19<sup>th</sup> and May 26<sup>th</sup>, 2023. The public hearing was scheduled to take place on June 15, 2023, overseen by an independent commissioner. As no objections were received, the hearing was cancelled in accordance with section 21 of *the Urban and Rural Planning Act, 2000*.

## **ANALYSIS**

The subject area is situated on the west side of Route 10 near the southern gateway to the community of Renews-Cappahayden. Site access must 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 east side of the road, land is also zoned as "Rural Conservation" where non-conforming residential developments exist. The developments are accessed from Route 10 at one location and is almost directly east of the requested amendment area.

To ensure a consistent development pattern, this amendment proposes to extend the southerly "Mixed" zone along both the western and eastern side of Route 10, to a depth of 100 metre's, to change the existing "Rural Conservation" zone to "Mixed" to accommodate a new residential development and to bring the easterly residential developments into conformity. The "Mixed" zone accommodates residential development in the form of single dwellings, duplex dwellings, as well as row houses and apartment buildings utilizing full municipal services (where available).



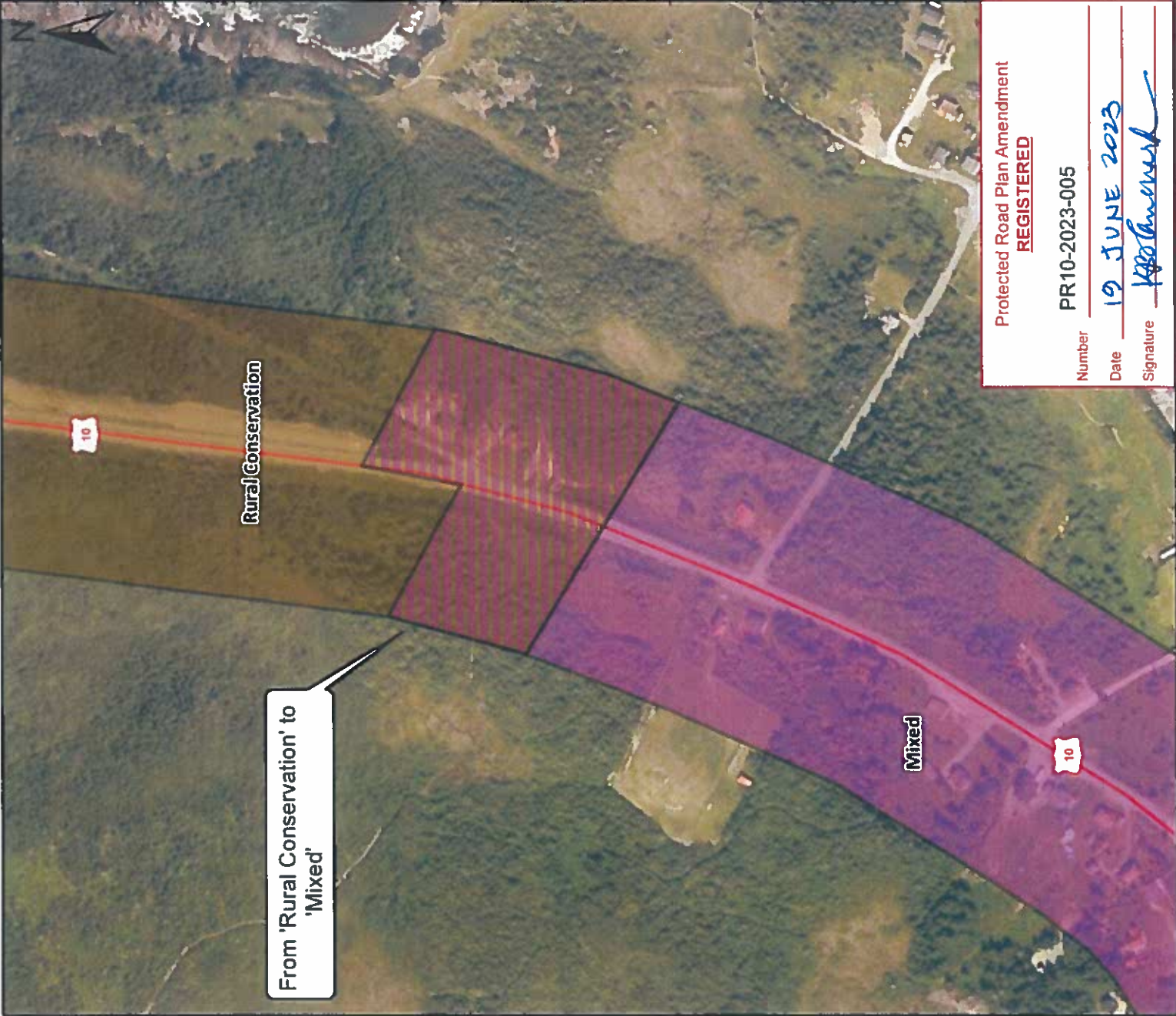
The newly established "Mixed" zone extends to the north along Route 10 where speed limits are limited to a maximum of 50 km/hr.

**AMENDMENT NO. 6, 2023**

The Southern Shore Highway Protected Road Zoning Plan Amendment No. 6, 2023 rezones land located on Route 10 (Southern Shore Highway), at Cappahayden, from "Rural Conservation" to "Mixed" as shown on the attached map.

**Southern Shore Highway  
Protected Road Zoning Plan  
Amendment No. 6, 2023  
Cappahayden**

**MAP**



Protected Road Plan Amendment

**REGISTERED**

Number PR10-2023-005

Date

19 JUNE 2023

Signature

*Kim Blanchard*

Southern Shore Highway  
Protected Road Zoning Plan  
Amendment 6, 2023  
Cappahayden

From 'Rural Conservation' to 'Mixed'



0 25 50 100 150 200 Meters



Newfoundland  
Labrador



Signed this 19<sup>th</sup> day of JUNE, 2023.

*Kim Blanchard*

Kim Blanchard MCIP

Manager of Land Use Planning

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Protected Road Zoning Plan  
Amendment 6, 2023 has been prepared  
in accordance with requirements of  
the Urban and Rural Planning Act, 2000.



*Kim Blanchard*

MCIP: