



**Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park)**

**Protected Road Zoning Plan Zoning Plan**

**Amendment No. 2, 2015**

**Prepared by:**

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

**May, 2019**

URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE

Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park)  
Protected Road Zoning Plan  
Amendment No. 2, 2015

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:

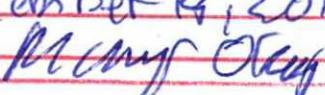
- a) adopted the Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road Zoning Plan Amendment No. 2, 2015 on the 22nd day of October, 2019.
- b) gave notice of the adoption of the Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road Zoning Plan Amendment No. 2, 2015 by advertisement inserted on the 27th day of November and the 4th day of December, 2019 in the Central Voice newspaper.
- c) set the 18th day of December, 2019 at 4:00 p.m. at the Norris Arm Town Hall, 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 approve the Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road Zoning Plan Amendment No. 2, 2015 as adopted.

Signed this 18<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Mary Oley  
Director of Local Governance and Land Use Planning

PROTECTED ROAD ZONING  
Municipal Plan/Amendment  
**REGISTERED**

Number	P22P17-2019-001
Date	December 18, 2019
Signature	

URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT

Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park)  
Protected Road Zoning Plan Amendment No. 2, 2015

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 Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road Zoning Plan Amendment No. 2, 2015.

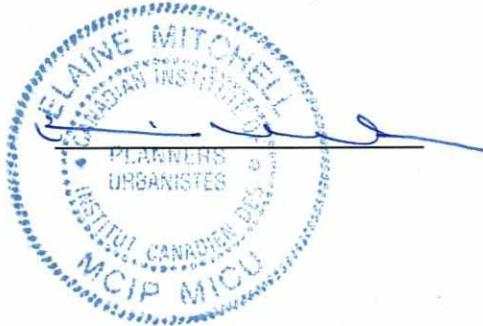
Signed this 22<sup>nd</sup> day of October, 2019.

  
\_\_\_\_\_  
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, 2015 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



**Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road  
Zoning Plan**

**Amendment No. 2, 2015**

**FORWARD**

The Department of Municipal Affairs and Environment proposes to amend the Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) Protected Road Zoning Plan (the "Plan"). The purpose of this amendment is to accommodate existing cottage development located east of the Lewisporte Highway (Route 340), north of the Trans-Canada Highway and is accessed via the T'Railway. An individual submitted a request to rezone the area from "Rural Conservation" to "Cottage" to recognize an existing cottage.

**BACKGROUND**

The Protected Road Zoning Regulations (the Regulations) are provincial regulations made under the Urban and Rural Planning Act. According to schedule B of the Regulations, the Trans-Canada Highway is classified as a Class I Protected Road. Schedule B states:

The Trans Canada Highway (Route 1), as existing or proposed, from the western face of the Kenmount Road Overpass, at St. John's, to the eastern abutment of the Grand Bay Bridge, at Port aux Basques, but excluding that portion of the highway within the Terra Nova National Park. For the purpose of controls, 2 portions of this highway shall be considered a limited access highway, namely,

- (a) from the western face of the Kenmount Road Overpass to the intersection of the Argentia Access Road (Route 100); and
- (b) from its intersection with the Nichol'sville Road , at Deer Lake , to its intersection with Massey Drive , at Corner Brook."

A Class I protected road is defined by section 3(a) of the Regulations as:

...a highway which is designated as a primary highway by the Department of Works, Services and Transportation or is presently or proposed to be divided by a median strip which shall allow right in and right out access only;

The Plan was prepared in 1993. 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 with conditions and development control standards.

In 2014, a Crown Land application was submitted by an individual who had purchased an existing cottage. This Crown Lands application was refused on the basis that seasonal dwellings such as cottages are not permitted in the "Rural Conservation" zone. The individual requested that the Department of Municipal Affairs and Environment rezone the property to accommodate the existing cottage.

There is no record to indicate that the cottage was legally permitted before the Plan was prepared and a review of aerial photograph suggests that it was built after 1993. As a result, the existing cottage is not a legal non-conforming use under section 108 of the Urban and Rural Planning Act and section 24 of the Regulations. In order for the existing cottage to continue, an amendment to the Plan is required.

#### **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). This referral to government departments and related agencies identified the following issues:

- NL Hydro wishes to retain their right to build in the road right of way;
- Newfoundland Power does not allow structures close to a 138000 volt transmission line and Crown Land must be retained for the transmission line right of way;
- Permits and approvals will be required from the Government Service Centre and any on-site sewage disposal systems must be designed by an approved sewage disposal system designer and must be approved by the Government Service Centre;

- Water Resources Management Division specifies that any effluent or runoff leaving the site must comply with the Environmental Control Water and Sewage Regulations, 2003; any work near the pond requires a permit under section 48 of the Water Resources Act, 2002; and if the development is greater than 4 cabin lots on individual well and septic, a Level 1 Groundwater Assessment in accordance with the Department of Municipal Affairs and Environments guidelines will be required.
- Crown Lands identified two cabins in the area that do not have Crown title and do not comply with the current Rural Conservation zoning;
- Land Management Division requires a 15 metre Rural Conservation reservation around any ponds to protect public access;
- The Parks Division requires that all persons using the T'Railway must adhere to the Provincial Parks Act and Regulations specifically section 10 of the Provincial Park Regulations which prohibits the operation of a motor vehicle or four wheel drive vehicle on the T'Railway except under a Temporary Vehicle Access Permit and/or a Construction and Use Permit issued by the Minister of Tourism, Culture, Industry and Innovation. If written permission is given for an access from the T'Railway, the applicant is required to install safety signage and approved culverts at their own expenses. Crossing of any bridge in the T'Railway with anything other than an off-road vehicle is prohibited without written approval of the Parks Division and may be subject to an engineering study to confirm the bridge's ability to withstand anticipated loads.
- The Parks Division requires the T'Railway to remain in the Rural Conservation zone.

A public consultation notice requesting input and comments from individuals or groups was published in the Central Voice on Wednesday August 7, 2019. In addition, the amendment was posted on the Department of Municipal Affairs and Environment website. Written submissions were requested by Friday August 30, 2019 at 4:00 p.m. No written submissions were received within this time lime.

## **ANALYSIS**

The subject area is situated on the north side of the Trans-Canada Highway approximately 500 metres east of the Lewisporte Junction. The existing cottage is accessed by the T'Railway and abuts a pond.

The area subject to this amendment is located within the protected road building control lines and is subject to the Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park) 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.

In accordance with input from Newfoundland Power, the transmission line corridor remains in the Rural Conservation zone. In addition, a 15 metre reservation around the pond remains in the Rural Conservation zone reflecting the comments received from the Land Management Division. The amendment encompasses two existing cottages as identified by Crown Lands.

Access to the site via the T'Railway is restricted. If access by motor vehicle is required, the cottage owner must obtain the appropriate permits and approvals from the Parks Division, Department of Tourism, Culture, Industry and Innovation. The cottage owner may be required to undertake access improvements and install culverts at their own cost. Crossing any bridges in anything other than an off-road vehicles is prohibited unless the Parks Division has given prior written approval and the division may require an engineering assessment to be conducted to ensure the bridge can withstand the anticipated load. These may be applied as conditions to the development permit issued by Service NL and/or the Crown Land grant.

All development will require a permit from Service NL and must comply with the conditions of the Cottage zone contained in the Protected Road Zoning Regulations. These conditions include a minimum lot size of 3000 square metres with a minimum frontage of 30 metres.

Once Amendment No. 2, 2015 is in legal effect, the existing cabin owner must pursue a Crown Land application to secure land title. Central Regional Lands Office have indicated that an application to meet the minimum area requirements would be acceptable on the basis of a license to occupy given restricted access along the T'Railway.

**AMENDMENT NO. 2, 2015**

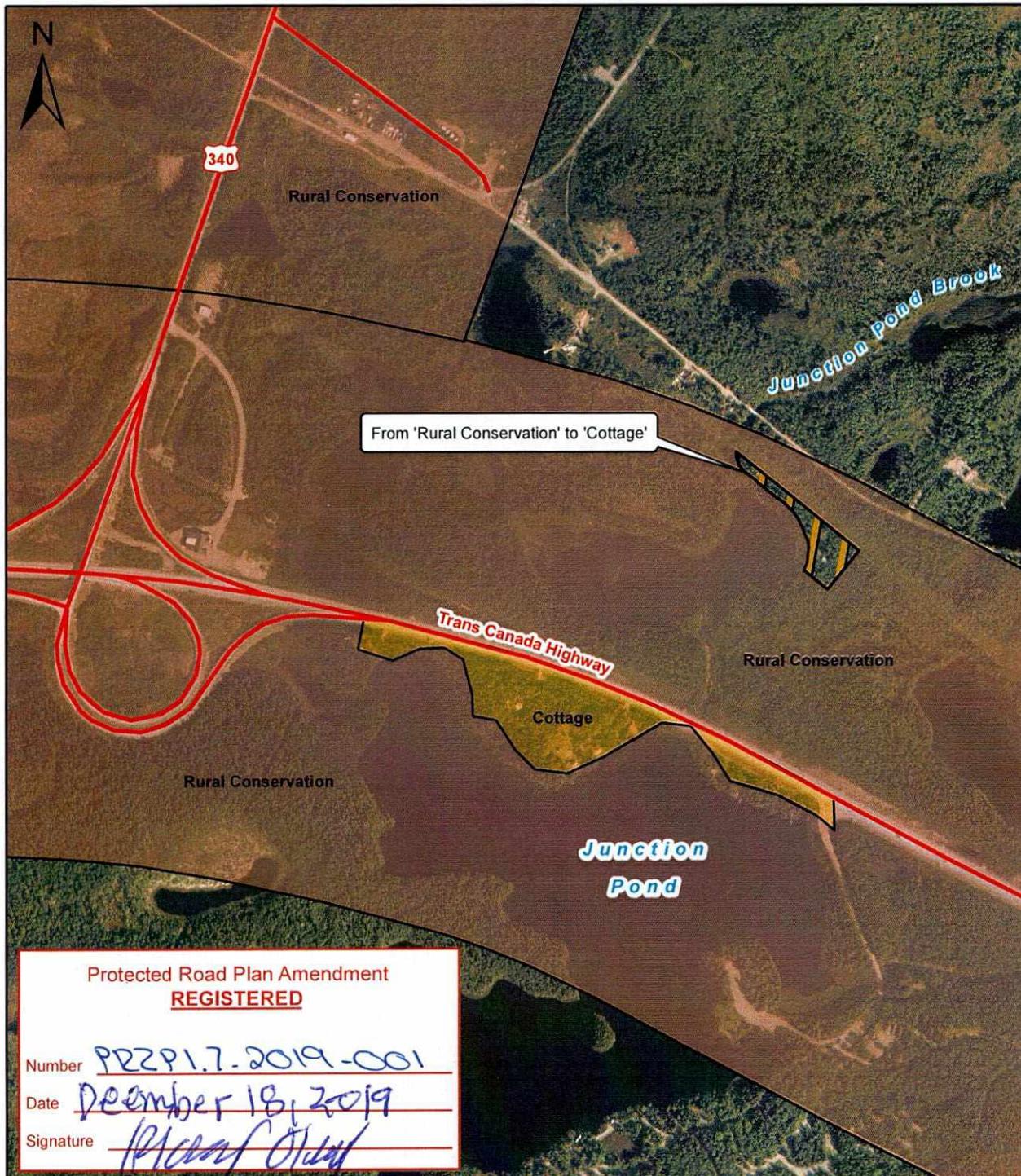
The Trans-Canada Highway (Baie Verte Junction to Terra Nova Park) Protected Road Zoning Plan Amendment No. 2, 2015 rezones land located on the north side of the Trans-Canada Highway, approximately 500 metres east of the Lewisporte Road (Route 340) from "Rural Conservation" to "Cottage" to accommodate existing cottage development as shown on the attached map.

**Trans-Canada Highway (Baie Verte Junction to Terra Nova National Park)**

**Protected Road Zoning Plan**

**Amendment No. 2, 2015**

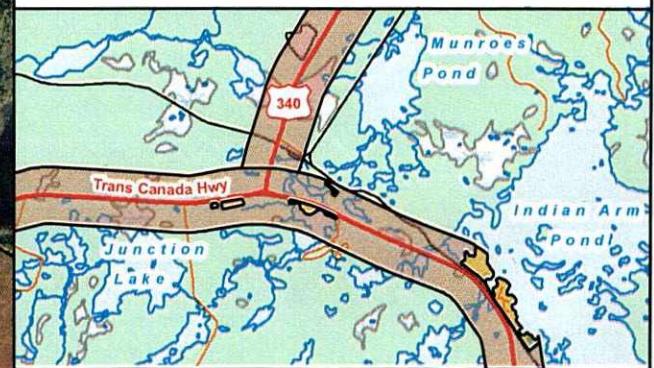
**MAP**



**TCH Baie Verte Junction to Terra Nova National Park  
Protected Road Zoning Plan  
Amendment No. 2, 2015  
Junction Pond Brook**

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

Meters



Signed this 22 day of October, 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, 2015 has been prepared in accordance with requirements of the *Urban and Rural Planning Act, 2000*.

MCIP:

