

HALIFAX REGIONAL MUNICIPALITY

REGIONAL PLAN ADVISORY COMMITTEE MINUTES

March 17, 2010

PRESENT: Mr. Fred Morley, Chair
Councillor David Hendsbee, Vice-Chair
Councillor Peter Lund
Ms. Margo Grant
Mr. Floyd Dykeman
Ms. Cheryl Newcombe
Mr. Paul Pettipas
Mr. Robert Batherson

REGRETS: Councilor Gloria McCluskey
Ms. Alison Baker
Ms. Carole Pelletier

STAFF: Mr. Roger Wells, Supervisor, Regional & Community Planning
Mr. Cameron Deacoff, Environmental Performance Officer
Ms. Barbara Cameron, Legislative Assistant

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1. CALL TO ORDER

Mr. Fred Morley, Chair, called the meeting to order at approximately 3:00 p.m. in Halifax Hall, City Hall, 1841 Argyle Street.

2. APPROVAL OF MINUTES – January 20, 2010

Minutes of the January 20, 2010 meeting were approved.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

4. BUSINESS ARISING OUT OF THE MINUTES - NONE

5. CONSIDERATION OF DEFERRED BUSINESS - NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS – NONE

6.1 Correspondence

6.2 Petitions

7. REPORTS

7.1 Nova Scotia Wetland Conservation Policy (Draft)

- The Nova Scotia Wetland Conservation Policy(Draft for Consideration) dated July 16, 2009 was before the Committee.

Mr. Cameron Deacoff, Environmental Performance Office, IAM, gave a presentation on the draft Nova Scotia Wetland Conservation Policy.

This policy was enacted in 2007 with a mandate that government develop a policy to prevent the net loss of wetlands by the end of 2009. The policy will be reviewed by all appropriate Provincial departments following which it will be forwarded to Cabinet for discussion and ratification. Public consultation on this policy was held between September and November of 2009.

The Policy improves the clarity and certainty of the process for wetland applications and approvals. There is a lack of clarity today and many ways in which the application process can be slowed down unnecessarily.

Two key features of the Policy are:

- (a) Approval from Nova Scotia Environment (NSE) is required prior to any alteration of a wetland; and
- (b) Any undertakings which disrupt a total of two or more hectares (in area or function) of any wetland must undergo an environmental assessment.

The Province believes that the Policy will have a positive impact on the economic and environmental health of the Province.

The Policy Goal is “To prevent the net loss of wetland in Nova Scotia through wetland conservation practices that balance the need for wetland protection with the need for sustainable economic development, now and in the future.”

Mr. Deacoff indicated that the policy is only one of many water and natural resource efforts and initiatives that are going forward. The Province is working on initiatives under both the Water Resource Management Strategy and the Coastal Resource Management Strategy which will be released in 2010 and could impact wetlands within HRM. The Climate Change Action Plan which was released last year actually identifies the Nova Scotia Wetland Conservation Policy as action item 60.

Mr. Deacoff reviewed the differences in the current Operational Bulletin, Respecting the Alteration of Wetlands and the proposed Proponent’s Guide which will be used to minimize wetland loss and to minimize compensation. The Proponent’s Guide provides more details on definitions for wetlands.

Mr. Deacoff reviewed the step by step approach on how wetland alterations can proceed. He noted that the approach clearly describes the decision making process and de-emphasizes avoidance as a way to say no. The Proponent’s Guide also sets out criteria upon which wetlands can be altered and relies on expert assessments.

Providing clarification, Mr. Deacoff noted that the Proponent’s Guide details the conditions under which a wetland can be altered. He noted that the Province recognizes that better description and more definition can be included. Mr. Deacoff noted that the Operational Bulletin presently in use does not provide well defined guidance for provincial staff, nor was it available to the public.

Mr. Deacoff presented a flow chart of the application process and noted that the chart will be made available to the Committee.

In response to a question as to whether size is the only criteria utilized in determining if a wetland can be altered, Mr. Deacoff indicated that to the best of his knowledge size is the only criteria.

During a discussion regarding how a wetland would be measured, it was explained that the proponent would be required to retain a Delineator to measure and draw/sketch the wetland.

Mr. Deacoff noted that measurement may be an issue for further discussion at the Province given that the ‘no net loss’ goal refers to the wetland size and function.

Mr. Deacoff then reviewed the circumstances under which applications would not occur under the Policy. He then reviewed the compensation options which had not been

identified as part of the Proponent's Guide. The one size fits all perspective is not appropriate for Nova Scotia and the intent is to look at the different circumstances in each instance. Compensation will be based on the size and the significance of the wetland which is described in greater detail in the compensation matrix.

During a brief discussion regarding the Wetland Restoration Fund note was made that in all likelihood a funding threshold would be necessary. The Committee suggested that this matter be raised with the Province and that the public be made aware of the funding parameters.

Mr. Deacoff continued with his review of the compensation matrix in the Proponent's Guide. The Province feels that the method of compensation will provide stronger protection measures against development or alterations of wetlands.

Responding to a question regarding how the compensation for wetlands compares with that for watershed, Mr. Deacoff indicated that the Proponent would be required to pay more money to compensate for wetlands as they are deemed more valuable than watershed.

Mr. Deacoff indicated that HRM support the principals of the proposed policy, however, there is concern that the application of the policy across both urban and rural areas could be restrictive for high density development within service boundaries. Mr. Deacoff noted that the Regional Plan calls for densification.

A discussion ensued with the Committee expressing concern regarding what appears to be a lack of consultation between HRM and the Province with regard to the size of wetlands. The draft Provincial policy does not agree with the Regional Plan. A number of changes have been made to the draft document based on the public consultation, however, HRM is not aware if the changes include a reference to HRM's Regional Plan.

7.1.2 HRM's Comments

- Correspondence dated November 9, 2009 to the Nova Scotia Department of Environment from Denise Schofield, Manager, Development Engineering which responded to questions regarding the Wetland Conservation Policy and the Proponent's Guide to Wetland Conservation.

Mr. Deacoff reviewed the HRM responses to the questions as detailed in the November 9, 2010 correspondence.

Concluding his presentation, Mr. Deacoff indicated that overall the Policy provides fair guidelines with the caveats set out in the November 9th correspondence. He further noted that there is an information deficit relative to Provincial wetlands and that this information will be difficult to obtain.

In response to a question regarding the use of the term 'altered', Mr. Deacoff stated that the Province used the term "altered" specifically because most alterations are seen to

be and, in fact, are negative in connotation and would impact the functionality of the wetland. However in the text of the policy they also specifically refer to the alterations of wetlands for the enhancement of the wetlands.

A brief discussion ensued regarding whether or not enhancement referred to compensation and not enhancement of the quality of the wetland. Note was made that a balance between quality and quantity (compensation) is required.

Mr. Pettipas addressed the Committee noting that he and a delegation had met with the Minister of Environment to share with him their concerns regarding the future affordability of housing in the Province given the 100 square meter threshold for wetlands. He further indicated that if the Province adheres to the definition of wetlands as set out in the policy, there will be no issues. However, given that there has been a case where the Province has identified a property as wetland when in truth it was simply a drainage area for another property, he had concerns in this regard. He went on to note that smaller developers would have difficulty affording the added cost, while larger developers would have sufficient money to meet the requirements, but would pass these costs to the homeowner.

A brief discussion ensued regarding the possibility that this policy will create an environment where wetlands become a commodity, not unlike carbon credits. However, given that the wetland must remain in the same condition for a specified period following its purchase/trade, there is a liability attached to ownership of wetlands. This may dissuade the trading/purchasing of wetlands.

MOVED by Mr. Batherson, seconded by Councillor Lund that the Regional Plan Advisory Committee:

- 1. Forward a letter to the Nova Scotia Minister of Environment to adopt a Wetland Conservation Policy which respects the integrity of the HRM Regional Plan specifically to ensure that the policy does not hamper compact, transit-friendly, urban development as outlined in the November 9, 2010 correspondence between the Department and Denise Schofield, Manager of Development Engineering for HRM and requesting a meeting with the Minister to discuss this Committee's concerns regarding the draft policy.**
- 2. Further that the Regional Plan Advisory Committee recommend to Council that the Mayor write to the Premier and the Ministers of Natural Resources and Environment urging respect for the integrity of the HRM Regional Plan.**

MOTION PUT AND PASSED.

Councillor Lund noted that it was his understanding that if HRM wishes to designate a piece of privately owned wetland as a conservation area, HRM must compensate the owner. He went on to note that there has been public pressure to do just that and HRM does not have the funds to purchase private property for this purpose. Councillor Lund

suggested that HRM have a discussion with the Province regarding the use of the Wetlands Restoration Fund for the purpose of purchasing wetlands to be maintained as conservation areas.

Mr. Pettipas noted that the Province had indicated that larger re-habitation projects would require that the Fund build up over a number of years. He noted that some smaller projects might be possible.

A brief discussion ensued regarding the impact to business lands and the fact that the reduction to the size of wetlands would negatively impact the development of lands identified in the Regional Plan.

The presentation is to be forwarded to Committee members.

7.2 Five Year Review of Regional Plan - Introductory Discussion Regarding Scope of the Project

- A memo entitled Regional Plan Five Year Review, Project Plan and Work Scope, from Mr. Roger Wells, Supervisor, Regional and Community Planning was distributed to the Committee.

Mr. Wells indicated the review of Regional Plan is scheduled to occur in 2011/2012 and noted that he wanted the Committee to begin thinking about the role of the Committee in the review. Mr. Wells advised that staff is at the very early stages of developing a project scope and work plan. Council is aware that staff will be undertaking a scoping and a work plan for the project during the 2010/2011 fiscal year.

Mr. Wells went on to stress that this was a plan review rather and a re-write of the Regional Plan particularly given that HRM is only four years into implementation of the Plan. He noted that the Plan is essentially just getting off the ground and that the implications of the Plan are not yet known. In that vein, the review will be more an issue or topic based review rather than a line by line re-write.

Mr. Wells suggested that the role of the committee in the scoping exercise is one of overview/guidance. The Committee will also undertake the review and report to Council on any recommended changes. Mr. Wells went on to indicate that staff would be preparing a report highlighting the first five years of the plan which would be a starting point for the review of the Plan.

Staff will review the Regional Plan policies and undertake a SWOT analysis of each to determine what areas the Committee to should review. Mr. Wells noted that the scoping may also involve a stakeholder survey. He went on to indicate that a decision as to who will be involved in the review will be required (e.g. Committee, staff, Councillors, stakeholders, general public). Mr. Wells indicated that the intent is that the report regarding the scope and work plan would go to Council in the Spring of 2011. Following Council's approval, work on the review would begin.

The Committee agreed that discussion on this matter would be deferred pending review of the memo.

7.3 Cost of Servicing Study

Mr. Wells provided an update to the Committee with regard to the Cost of Servicing Study noting that staff were continuing to work with the three proponents on the Cost of Servicing study and the three Secondary Planning Strategies. He noted that the proponents had been provided additional information and one more meeting was scheduled. Mr. Wells indicated that a Supplementary Report would be coming to Committee at an upcoming meeting.

With reference to calls and requests to meet with developers received by members of the Committee regarding business of the Committee, the protocol will be that the Chair will handle any inquires on behalf of the Committee.

Mr. Wells advised that as the staff planner assigned to the Transportation Study for Fall River Waverley Wellington is unavailable, consideration of the study will be dealt at the April meeting.

Mr. Wells advised that the Information Report regarding Regional Subdivision Bylaw Amendments was provided to the Committee as an update. The amendment is a minor and allows for an extension of the water service boundary to provide water to the offices at the gravel pit on Rocky Lake Drive.

8. ADDED ITEMS - None

9. DATE OF NEXT MEETING

The next meeting of the Committee will be held on Wednesday, April 21, 2010 in the Helen Creighton Room, 2nd Floor, Alderney Gate Library

10. ADJOURNMENT

Mr. Batherson, noting that this was his final meeting, expressed his appreciation to the Committee and staff for their dedication and work.

The meeting adjourned at approximately 4:45 p.m.

Minutes prepared by
Sherrill Murphy, Deputy Clerk