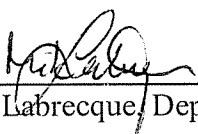


**North West Community Council**  
**September 22, 2011**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:**   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** August 9, 2011

**SUBJECT:** Blasting By-law

**INFORMATION REPORT**

**ORIGIN**

June 23, 2011 Motion for a staff report respecting HRM's Blasting By-law as it relates to the Northwest Community Planning District.

**BACKGROUND**

In 2003, HRM enacted a new Blasting By-law after an extensive community and stakeholder consultation process. The new By-law was in response to significant issues and concerns that existing regulations were not able to effectively protect properties and residents from the effects of blasting. A balanced approach was used for the consultation process to ensure that the result was a By-law that allows for reasonable construction activity in an area with extensive bedrock but ensures property protection.

In recent months, concerns have been raised about the ability of the By-law to adequately protect properties. As a result North West Community Council has asked whether the current By-law is sufficient.

## **DISCUSSION**

The HRM Blasting By-law is one of the most rigorous by-laws of its kind in Canada. Many jurisdictions do not specifically regulate blasting within their respective municipalities. In those that do, very few have a by-law that requires pre-blast surveys of neighbouring properties. Some jurisdictions have recently used HRM's by-law as a basis for creation of new by-laws. As well, the construction and blasting industry has recognized HRM's Blasting By-law for its completeness and comprehensiveness. As well, in areas without blasting regulations, some contractors have used aspects of HRM's by-law as a tool to ensure appropriate protection and effectiveness in their work.

As a result, HRM's current by-law tends to be considered industry leading as it does have enhanced protection for properties through a pre-blast survey requirement. The pre-blast area is directly related to the amount of explosive to be used and, as such, provides an appropriate level of protection based on technical and industry standards. HRM's By-law also provides the inspector with the ability to increase the survey area where technical conditions or history has shown that additional sensitivity is warranted. Blasting companies must hold insurance for any damage that occurs, regardless of whether a pre-blast survey has been carried out on a specific property.

In recent situations where concerns about the By-law have been raised, unique features or technical issues have created additional challenges that are outside the scope of the By-law. Due to their unique nature, these situations likely would have been problematic regardless of the level of survey. It is also worth noting that in these situations, all data was well within acceptable industry standards and only a very small percentage of properties raised concerns. There are numerous reasons why some properties may feel the effects of blasting more than others. HRM's current By-law meets or exceeds industry standards with respect to the requirements for notification, property protection and safe work practices. Therefore, staff feel the By-law provides adequate protection, especially with the ability of the inspector to use professional judgement if circumstances warrant.

Staff continually review the by-law against industry benchmarks to ensure that it meets current standards. When it is deemed that the by-law is not keeping pace with industry regulations, amendments will be undertaken to ensure that HRM continues to have a comprehensive and industry leading By-law.

## **BUDGET IMPLICATIONS**

None

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

**COMMUNITY ENGAGEMENT**

Extensive community and stakeholder engagement was completed during the creation of the By-law. The By-law was adopted through a public hearing process.

**ATTACHMENTS**

None.

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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