

Halifax Regional Council
June 29, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Betty MacDonald
for George McLellan, Chief Administrative Officer

DATE: June 29, 2004

SUBJECT: Draft Legislative Amendments Report: CCC

ORIGIN

This recommendation originates from Staff.

RECOMMENDATION

It is recommended that Regional Council request the Province of Nova Scotia to:

1. amend Section 274 of the *Municipal Government Act* to allow for Capital Cost Charges for buses, transit facilities and other forms of active transportation facilities required as a result of new subdivision development;
2. undertake a study to review the potential of amending the MGA to include a Statement of Provincial Interest regarding significant wildlife habitat areas

It is also recommended that Regional Council ask the Union of Nova Scotia Municipalities to adopt the resolution, appended hereto as Attachment 1, in support of the legislative change proposed above (Item 1)..

BACKGROUND

In anticipation of the adoption of the future Regional Plan, Governance and Strategic Initiative's Regional Planning Group hosted a workshop on Wednesday, May 12, 2004. The workshop was held to begin brain storming with all HRM business units and Councillors on potential policies, legislation, programs and governance structures that may be needed to implement the future Regional Plan. The expectations of the workshop were to:

1. Provide an update on the goals and objectives adopted by Regional Council to guide the development of the Regional Plan; and
2. Develop a list of regulatory and incentive-based tools that will be needed to implement these goals and objectives in the future.

There were 57 participants at the workshop, representing all business units in HRM and Service NS and Municipal Relations. A number of legislative changes were identified that will be needed to implement policies in key issue areas such as growth management, protection of environmentally sensitive areas, urban forestry, heritage property preservation and housing affordability. Staff will be bringing forward a series of reports to Regional Council, over the next few months, to request the Province to implement the changes we know now will be needed to implement anticipated future policy under the HRM Regional Plan.

In the spring of this year, Regional Council requested the Province to enact an amendment to the *Municipal Government Act (MGA)* to enable municipalities to require a hydrogeological assessment as part of the subdivision review process. This legislation is now being examined by the Province and may be considered at the fall sitting of the Legislature.

DISCUSSION

This first report contains requests for amendments to the MGA for expanded provisions for Capital Cost Contributions, and also requests the Province to undertake analyses leading to additional protection of environmentally sensitive lands. The rationale and benefits of these proposals are outlined below.

Expanding Capital Cost Contributions

The MGA enables capital cost charges to be levied against new development for water systems, sewer systems, roads, intersections, traffic signs and signals and new transit bus bays. The Capital Cost Charges allow a more direct link between those who benefit from a service and those who pay. Capital cost charges should be expanded to include buses, transit facilities and other forms of active transportation facilities required and expected by residents as a result of new development. One of the key Regional Planning objectives is to facilitate the development of compact, mixed use

communities that support walking, cycling and transit use and new buses, transit facilities, bicycle lanes, and pedestrian facilities will be needed to service that form of development.

Without the ability to include transit related infrastructure in the CCC, the demand for these services becomes one of many demands on HRM's capital budget, and it may take a significant amount of time before the service can be provided. The provision of these facilities in communities designed to support active transportation and access to public transportation will also help reduce the traffic impact of new development on the regional road network. Thus, it is recommended that Regional Council request the Legislature to amend Section 274 of the MGA to enable the application of capital cost charges for buses and transit facilities and other forms of active transportation facilities required as a result of new subdivision development.

Wildlife Habitat and Natural Services

Legislated responsibilities for the protection of natural habitat is divided among the federal and provincial governments. Despite the existence of this complex system of legislation, wildlife habitat and other important natural areas may be destroyed and/or disrupted through the municipal development process. Under the MGA, municipalities are not authorized to regulate or prohibit development activities that result in habitat destruction. Development that removes habitat and displaces wildlife can also cause nuisance and safety concerns for newly created communities. For example, it has caused problems with deer feeding on lawns, ornamental shrubs and gardens and recently, bears have been reported feeding at green bins. Displaced wildlife in developing areas can also lead to vehicular accidents and other public safety concerns.

Given the risks of further loss of habitat municipalities could protect wildlife habitat through planning and development activities that factored in considerations for wildlife habitat. This would be consistent with the environmental goals and objectives HRM Council has approved for Regional Planning.

Following further study, the Province could amend the MGA to include a Statement of Provincial Interest regarding significant wildlife habitat areas. Such an amendment would require MPS policies to be reasonably consistent with the provincial statement.

BUDGET IMPLICATIONS

There are no budget implications arising from this report.

MULTI-YEAR FINANCIAL STRATEGY IMPLICATIONS

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

ALTERNATIVES

Council could direct staff to bring back a supplementary report on the legislative amendment(s) for which it requires further information.

ATTACHMENTS

Attachment 1: Proposed UNSM Resolution requesting amendments to the MGA to enable expanded Capital Cost Contributions for transit

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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ATTACHMENT 1

UNSM Resolution requesting amendments to the MGA to enable expanded Capital Cost Contributions for transit

WHEREAS the MGA enables capital costs charges to be levied against new development for water systems, sewer systems, roads, intersections, traffic signs and signals and new transit bus bays.

AND WHEREAS this creates an inequity toward the construction of roads when current trends indicate the need for better land use design focussed on compact mixed-use communities that are walkable and better serviced by transit, bicycle lanes and pedestrian facilities;

AND WHEREAS municipalities require capital funding to meet the demands of new developments that require transit services;

THEREFORE BE IT RESOLVED that the UNSM requests the Province of Nova Scotia to amend Section 274 of the MGA to enable the application of capital cost charges for buses and transit facilities and other forms of active transportation facilities required as a result of new development.