



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
July 6, 2004

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY: Sharon Bond for  
Paul Dunphy, Director of Planning & Development Services

DATE: June 30, 2004

SUBJECT: **Project 00641: Regional Plan Respecting Private Roads**

**INFORMATION REPORT**

**ORIGIN:**

- May 13, 2003 report to Regional Council from the Private Roads Committee (status sheet item 10.5.1 and 10.5.2).
- March 23, 2004, memorandum from the HRM Private Roads Committee to Planning and Development Services and Regional Planning requesting (Attachment 1) a report on:
  - i) how Interim Growth Management controls will address private roads over the next 18 months;
  - ii) how to discourage design scenarios that create substandard private roads;
  - iii) forwarding the Committee's concerns regarding private roads to Regional Planning for consideration in the Regional Plan; and
  - iv) including Solid Waste Resources and Regional Fire Services in Development Services subdivision approval process.

**BACKGROUND/DISCUSSION**

- On August 15, 2000, Regional Council approved the formation of a Private Roads Committee to review existing HRM policies and procedures regarding private roads. The Committee has discussed and addressed a wide range of private road issues which led it to recommend that Regional Council prohibit new private roads and discourage the issuance of permits to construct new dwellings on private roads.

Private Road Committee Issues

Interim Growth Management

- On January 22, 2004, Regional Council requested and obtained a Ministerial Order from the Province to limit the issuance of development permits and the construction of new roads (both public and private) within an Interim Planning Area.
- Regional Council approved Interim Growth Management measures which extended the ban on new private roads within the former Halifax County areas. The Interim Growth Management measures will remain in place until Regional Council amends or deletes the measures (i.e. completion of the Regional Plan).
- The only area of the Municipality in which private roads are permitted at the present time is the Eastern Shore where the Interim Growth measures were not applied. Within the Eastern Shore (East) plan area, up to six lots may be approved (except in areas zoned R-6A) on a private road not exceeding 600 feet in length. To date, no such roads have been approved since the MPS was adopted in 1996. However, two subdivisions on private roads have been approved through the development agreement process. Similarly, private roads are permitted in a small portion of the Eastern Shore (West) plan area (the area outside the Interim Growth area), except in areas zoned R-6. There is no restriction on the number of lots.

Substandard Private Roads

- Prior to the adoption of Interim Growth Management measures, the former Halifax County Subdivision By-law enabled the limited use of flag lots as a subdivision option. In some instances, where there has been a conglomeration of flag lots accessed by private easements, this has resulted in a number of informal and substandard “private roads” being created. To address this type of design issue, Interim Growth Management measures limited the use of flag lots to 3 per area of land.

Regional Plan

- Regional Planning is aware of the Committee’s recommendations and will consider them under the Regional Plan (ie. continuing the ban on new private road and the adoption of measures to eliminate the creation of substandard private roads).

Subdivision Review Process

- Development Services notifies Solid Waste Resources and Regional Fire Services regarding development on private roads under its current subdivision approval process.

Prohibition on Permits

- Upon adoption of the Interim Growth measures, the prohibition on the issuance of building permits within the area affected by the January, 2004 Ministerial Order was lifted. Consequently, the Municipality is obliged to issue permits to construct on legally established lots regardless of whether or not they are located on private roads.

**BUDGET IMPLICATIONS:**

N/A

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

This 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:**

N/A

**ATTACHMENTS:**

Attachment 1: Memorandum from Private Road Committee, dated April 15, 2004

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.

Report prepared by: Kurt Pyle, Planner, 490-4428

Attachment I



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

MEMORANDUM

TO: Paul Dunphy, Director, Planning and Development Services  
Carol Macomber, Project Manager, Regional Planning

FROM: Patti Halliday, Legislative Assistant

DATE: April 15, 2004

SUBJECT: March 23, 2004 Private Roads Committee

At the March 23, 2004 meeting of the Private Roads Committee, the following motions were adopted:

**MOVED by Councillor Johns, seconded by Councillor Hendsbee, that staff be requested to provide Regional Council with an Information Report regarding how the interim growth management controls will address the issue of private roads for the next 18 months, and that the concerns expressed in the past by the Private Roads Committee regarding private roads be forwarded to Regional Planning for consideration in the Regional Plan. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Hendsbee, seconded by Councillor Snow, that the Private Roads Committee request that Regional Planning take into consideration design scenarios, such as Westwood Hills Subdivision, Phase 7, Subdivision File No. 10526, and the problems they create, in the development of the Regional Plan to ensure similar situations are not created in the future. MOTION PUT AND PASSED UNANIMOUSLY.**

**MOVED by Councillor Johns, seconded by Councillor Hendsbee, that the Private Roads Committee request that the Development Services include Solid Waste Resources and Regional Fire Services in their subdivision review process. MOTION PUT AND PASSED UNANIMOUSLY.**

Draft minutes of the meeting are also attached for further information. If you have any questions, please do not hesitate to contact me.

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GOVERNANCE, OFFICE OF THE MUNICIPAL CLERK

Tel: (902) 490-6521 Fax: (902) 490-4208  
E-mail: [hallidp@region.halifax.ns.ca](mailto:hallidp@region.halifax.ns.ca) Website: [www.region.halifax.ns.ca](http://www.region.halifax.ns.ca)