

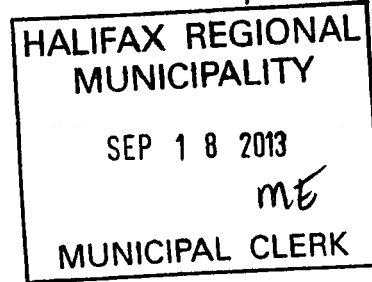
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September 18, 2013

Chair Stephen Terauds and Members of the
Heritage Advisory Committee
Halifax Regional Municipality



Dear Committee Members:

Thank you for your efforts on the Regional Plan in June. We wrote in July with some additional suggestions, which you decided to defer until your September meeting, when you expected to have a third draft from staff.

We have gone through the heritage policies in the existing Secondary Planning Strategies. We have edited our July suggestions and attach them to this letter. These policies are already Council policy for some heritage properties; we feel they should apply to all heritage properties. We would like to see them promoted to be Regional Plan policies, not deferred to a Culture and Heritage Priorities Plan. We feel that **all heritage resources in HRM should be treated equally**, irrespective of their location. We ask the committee to recommend that these policies be included in the Regional Plan.

As you can imagine, the staff and residents working on individual Strategies put considerable effort into these policies, and we ask you to consider them. It is possible that staff has incorporated some of these ideas in draft 3 of the Plan, which we have not seen.

We request an opportunity to speak to the committee when you meet.

Yours sincerely,

Phil Pacey, Chair,
HRM Committee

Abbreviated Comments on Draft 2 of Chapter 7, Culture and Heritage, of the Regional Plan Review:

The Heritage Trust has examined the second draft of the revised chapter on Culture and Heritage, and has compared it with the aims of the Heritage Property Act, and with the heritage policies in the various Secondary Planning Strategies in the Municipality. We find that the chapter could be substantially improved by including ideas and policies from these other documents. We see two significant benefits from including these policies in the Regional Plan. First, it is important that all heritage and cultural resources in the municipality have the same protections and be treated equally. Second, Chapter 6, as currently drafted, proposes to rescind the Secondary Planning Strategies, including their heritage policies, in the Regional Centre. It is urgent that these policies be moved into the Regional Plan, so that these valuable concepts and practices will continue to serve the Municipality.

Accordingly, we have gone through the various Secondary Planning Strategies. We have grouped the heritage policies according to their purpose. We have combined similar policies, deleted local references, and paraphrased the policies so that they apply to the entire municipality. The objective is to have a concordance of the best practices from the various areas of the Municipality. We are not seeking to make new policy here; we simply wish to have current Council policy protect all of the heritage properties in HRM.

The Culture and Heritage Chapter should address each of the aims of the Heritage Property Act: "identification", "designation" and "preservation, conservation, protection and rehabilitation". We have organized our comments under each of these aims, as follows.

1. Identification:

"Identification" is mentioned in draft Policy CH-2, but this just refers to a little-known and very general document from 2005. There should be a clearly stated policy to seek out potential heritage and cultural resources. The following is a draft policy combining and paraphrasing Policy HR-1 from the Chebucto Peninsula Secondary Planning Strategy and Policy 37 from the Downtown Halifax Secondary Planning Strategy (DHSPS):

"It shall be the intention of Council to develop, in conjunction with local heritage groups, the Heritage Advisory Committee, and Nova Scotia Department of Tourism and Culture, an inventory of properties that have potential for registration as municipal heritage properties or inclusion in municipal heritage conservation districts, and to evaluate these properties for registration with a municipal heritage designation."

2. Designation:

"Designation" is not dealt with in the current draft of Chapter 7. There are four steps needed for designation. A set of criteria is needed so that all properties can be compared fairly. The Heritage Advisory Committee needs to evaluate each identified property against the criteria. The municipality needs to work with the owners of the properties to explain the

implications of registration. In some cases, this step will occur earlier, particularly if the owners have nominated the property for registration. Finally, Council must consider the property for designation.

A suitable policy on criteria and evaluation may be obtained by paraphrasing Policy H-3 from the Downtown Dartmouth Secondary Planning Strategy (DDSPS), as follows:

“Appropriate criteria shall be maintained by which the municipality shall continue to evaluate properties or districts in the inventory, as well as properties or districts nominated by members of the public, for designation as municipal heritage properties or heritage conservation districts.”

Policy 38 from the DHSPS deals with contact with property owners, and may be extended to the whole Municipality:

“HRM may proactively encourage new heritage property registrations by means of public education through publications, workshops, registration campaigns, and direct contact with potential heritage property owners.”

Policy H-4 of the DDSPS and Policy 6.2 in the Halifax Municipal Planning Strategy (HMPS) deal with designation, and may be combined as follows:

“The Municipality should designate those properties which meet the adopted criteria as registered heritage properties or registered heritage conservation districts.”

3. Preservation, conservation, protection and rehabilitation:

There is no clear policy in the current draft of Chapter 7 calling for the “preservation, conservation, protection and rehabilitation” of the resources that are designated. Such a policy should be added and should be the core of the chapter. Policy H-1 in the DDSPS and Policy 6.1 in the HMPS would be good models to follow. Here is a paraphrase of these policies:

“The Municipality shall seek the retention, preservation, rehabilitation and/or restoration of those areas, sites, streetscapes, structures, and conditions such as views which impart a sense of the community’s heritage, particularly those which are relevant to important occasions, eras, or personages, or which are architecturally significant, or are of a significant age.”

4. Encouragement and Inducements:

Once there is a clear statement, as above, favouring conservation, then the means to achieve conservation need to be considered. There are two sides to this. One is encouragement or inducement, several aspects of which are discussed in this section.

The communities in HRM have had many good ways of protecting heritage resources. Many of the good ideas from Secondary Planning Strategies should be shared with the whole municipality by adopting them in the Regional Plan. This is particularly important as HRM is considering rescinding many of the Secondary Planning Strategies and replacing them by a Centre Plan. They are paraphrased below:

a. Budget:

The Municipality has various programs that support retention of heritage properties and buildings in heritage conservation districts. These programs need budgetary support. A policy favouring such support is desirable. Here is a paraphrase of Policy 6.5 from the HMPS:

“The Municipality should budget an annual amount to ensure that a fund is available should purchase or other financial involvement be considered by the Municipality for a registered heritage property.”

b. Financial Incentives:

The DHSPS contains Policy 41 regarding financial incentives. Incentives are currently available in other areas. This should be indicated in the Regional Plan by including the policy in the plan, as follows:

“It shall be the intention of HRM to provide financial incentives for the restoration and renovation of municipally registered heritage properties and properties in heritage conservation districts subject to availability of funds and the annual budget process.”

c. Acquisition:

The Heritage Property Act gives municipalities the power to purchase heritage properties in order to protect them. The former Town of Bedford bought the Fort Sackville Manor House in order to protect it. A paraphrase of Policy 6.4.3 from the HMPS follows:

“The Municipality shall consider acquisition of registered heritage properties whenever acquisition is the most appropriate means to ensure their preservation.”

d. Municipal use:

Conservation of a heritage property requires that it have a use. HRM occupies a substantial amount of floor space for its own uses. HRM can set a good example by using space in heritage buildings for its own use. Here is a paraphrase of Policy 6.6 in the HMPS:

“In the purchase or lease of space for its own use, the Municipality shall first consider accommodation in designated heritage structures.”

e. Disposal:

Sometimes the Municipality may consider selling a property, such as a surplus school. In such cases, the Municipality should set a good example by considering the heritage value of the property. Policy H-9 of the DDSPS could be extended to the whole municipality:

“Prior to selling or otherwise disposing of any surplus municipal property which may have heritage significance, an evaluation of the property shall be carried out to determine the level of significance, if any. Where the surplus property is of significance, measures shall be

undertaken to ensure the retention of the building to the greatest reasonable extent through heritage registration, restrictive covenants or other appropriate means.”

f. Development Agreements:

Owners of heritage properties in Halifax and Dartmouth are currently permitted to apply for a development agreement to change the use, where this will assist in the preservation of the building. It is desirable to extend this right to the owners of heritage properties in the rest of the Municipality. This can be accomplished by adding a policy to the Regional Plan, by paraphrasing and combining Policy H-10 from the DDSPS, Policy IP-15 from the Dartmouth Municipal Planning Strategy (DMPS) and Policy 6.8 from the HMPS, as follows:

“Council may encourage the reuse, restoration and retention of registered heritage properties by allowing for an increase in development rights for registered heritage properties, where it can be demonstrated that the limits on the uses allowed by the land use by-law are an impediment to retention of the property. Internal conversions of registered heritage properties to accommodate uses not otherwise permitted may be considered through the development agreement process. In considering any requests, the following criteria shall be satisfied:

- a) the limits on the uses allowed by the land use by-law are shown to be an impediment to the building’s retention;
- b) the building is suitable for conversion, in terms of building size, and the nature of the proposed use;
- c) adequate measures are proposed to ensure the continued protection of the building as a registered heritage property, and that alterations and additions to the building are consistent with the intent of the Heritage Building Conservation Standards, and that any registered heritage building covered by the agreement shall not be altered in any way to diminish its heritage value;
- d) no additions of greater than ten percent (10%) of the footprint area of the building are proposed; and that all additions including wheelchair ramps, fire escapes and emergency exits are designed to be as compatible as possible with the exterior of the building;
- e) adequate measures are proposed to minimize impacts on abutting properties and the streetscape as a whole as a result of traffic generation, noise, hours of operation, parking requirements and such other land use impacts as may be generated as part of a development;
- f) the placement and design of parking areas, lighting and signs, and landscaping is in keeping with the heritage character of the building; and
- g) where applicable, the proposal should include an assessment and strategy to protect significant on-site archeological resources which may be impacted by the proposed development.”

g. Provincial protection:

The Province can be a valuable partner in protection of heritage. The following policy combines Policy HC-4 from the Bedford Secondary Planning Strategy and Policy 36 from the DHSPPS:

“HRM shall pursue opportunities to work co-operatively with the Province of Nova Scotia in accordance with the strategic directions and key initiatives identified in the Heritage Strategy for Nova Scotia, and in particular to secure provincial designation of heritage properties in the Municipality, strengthened legislative heritage protection and improved funding for heritage, including tax incentives.

h. Interpretation:

Policy H-14 in the DDSPS proposes a heritage walk in Downtown Dartmouth. This would assist with public education, and could be extended to the rest of the Municipality, as in the following paraphrase of that policy:

“Heritage walks should be developed to provide appropriate directional and interpretive signs and promotional materials pertaining to the built heritage, and the cultural, industrial and natural histories of the community.”

7. Museums:

Museums are an important resource for the heritage and culture of the municipality. In many cases the museums have been established and operated by dedicated groups of volunteers. The Downtown Dartmouth Secondary Planning Strategy includes Policy H-13, which encourages protection of local museums. This policy should be extended to the other museums in the Municipality:

“In order to ensure the presence of a continued heritage display and interpretation programs in the community, all possible means to maintain existing museums shall be explored.”

8. Abutting Development:

Downtown Dartmouth Policy H-7 should be extended to the rest of the Municipality:

“All proposals for development agreements involving exterior alterations on properties adjacent to registered heritage properties shall be forwarded to the Heritage Advisory Committee for review and comment on how the proposal impacts on local heritage resources.”