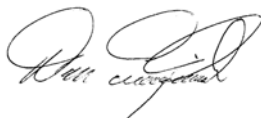


**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**



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Dan English, Chief Administrative Officer



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Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** September 29, 2008

**SUBJECT:** Amendment to Bill No. 181, HRM by Design - Underground Wiring

**ORIGIN**

HRM by Design Legislation for Fall 2008.

**RECOMMENDATION**

It is recommended that Halifax Regional Council

1. adopt the proposed amendment to Bill No. 181, an Act to Implement HRM by Design, and that the amendment be forwarded to the Province of Nova Scotia for consideration and adoption; and
2. amend the boundaries of the pole free area to align with those of the Capital District.

## **BACKGROUND**

Since the last report to Regional Council on June 17, 2008 requesting adoption of an Act to Implement HRM by Design, as a result of the preparation of Draft 2 of the HRM by Design planning documents, staff have noted that no provision was made in the Bill, to allow the development officer to require underground wiring in new developments within the pole-free zone, as is now done through the development agreement process.

## **DISCUSSION**

### **Rationale:**

The HRM by Design exercise is recommending that the current development agreement process used in downtown Halifax be replaced by the site plan approval process. The area under consideration for this change includes the entire short term pole-free zone and approximately one third of the long term pole-free zone, most notably in the Spring Garden Road and Clyde Street area.

The present development approval regime allows the Municipality to require, through the negotiation of a development agreement, that developers place utility wiring underground. Under the proposed legislation currently before the Legislature, the site plan approval process does not provide the Municipality with this same degree of control. Should the Legislature enact the amendments associated with HRM by Design in the coming months, in the absence of the legislative authority to require underground utilities as part of the site plan approval process, the Municipality would be more limited in its options to require underground wiring. This is not consistent with the proposed vision for the downtown.

Additionally, through a combination of the *Streets By-law* (By-law S-300) and the Municipal Service Systems Design Guidelines (the "Red Book"), developers are required to reinstate municipal infrastructure damaged as a result of construction. In certain areas of the Capital District, this includes making improvements to streetscapes in accordance with specific design standards. To clarify that both streetscape improvements and underground wiring are required for new construction in the downtown, in addition to the requested *HRM by Design legislation*, it will be necessary to amend the HRM Red Book to include the underground wiring specifications.

In addition, since the adoption in 2005 of the current pole-free zone, the Capital District boundaries have been adjusted. It is recommended that the pole-free zone boundaries be aligned with those of the Capital District.

**Amendment:**

Bill No. 181 be amended by adding the following clause:

ss. 255(3)(m) the undergrounding of any system for the supply or distribution of electricity or other source of energy or a telecommunications system to be placed underground including any portion of the primary system located within the abutting street in any part of the municipality designated by council by policy.

**BUDGET IMPLICATIONS**

At present, there are no budget implications associated with this recommendation.

**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**


Council could decide not to recommend the proposed amendment.

**ATTACHMENTS**

None.

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

Report Prepared by: Kelly Denty,



Report Approved by: M.E. Donovan, 490-4226