

Item No. 4
Halifax Regional Council
May 15, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
Peter Stickings, Acting Director, Planning and Infrastructure

DATE: April 19, 2012

SUBJECT: North West Arm Riparian Buffer (Watercourse Protection)

INFORMATION REPORT

ORIGIN

Motion of Halifax Regional Council, March 27, 2012, (Item 12.3) to request staff to provide a report regarding the establishment of a Riparian Buffer (watercourse protection) policy and regulation for the North West Arm area of the Harbour Plan Designation of the Regional Plan.

BACKGROUND

Regional Plan Policy

Section 2.2.3 of the Regional Plan indicates that the retention of riparian buffers around watercourses and along the coastline is important for the protection of water quality, wildlife, flood protection, erosion control, nutrient loading, aesthetic value and related attributes. To achieve these objectives, the riparian buffer should remain as a non-disturbance area to the greatest extent possible.

The applicable policies of the Regional Plan are as follows, as adopted by Regional Council:

- E-10 HRM shall, through the applicable land use by-law, require the retention of a minimum 20 metre wide riparian buffer along all watercourses throughout HRM to protect the chemical, physical and biological functions of marine and freshwater resources. The by-law shall generally prohibit all development within the riparian buffer but provisions shall be made to permit board walks, walkways and trails of limited width, fences, public road crossings, driveway crossings, wastewater, storm and water infrastructure, marine dependent uses, fisheries uses, boat ramps, wharfs, small-scale accessory buildings or structures and attached decks, conservation uses, parks on public lands and historical sites and monuments within the buffer. In addition, no alteration of land levels or the removal of vegetation in relation to development will be permitted.*
- E-11 Policy E-10 shall not apply to lands designated Halifax Harbour on the Generalized Future Land Use Map (Map 2), industrial lands within the port of Sheet Harbour and lands within the Waterfront Residential (R-1C) Zone under the Shubenacadie Lakes Secondary Planning Strategy.***
- E-12 Further to Policy E-10, where a use or development can be considered by development agreement, HRM shall consider, under the development agreement, the acquisition of riparian buffers as public open space as well as alternative uses within the buffers.*
- E-13 Further to Policy E-10, HRM shall, through the applicable land use by-law, relax the riparian buffer requirement for lots in existence on the effective date of this Plan and lots shown on current tentative and final subdivision applications, where otherwise development would be prohibitive. No relaxation to the buffer under the by-law shall be permitted for lots created after the effective date of this Plan.*

These policies have been implemented through the respective Land Use By-Laws, through a regulation requiring, as a condition of a development permit application, and through a 20 metre setback from the ordinary high water mark of any watercourse. With some exceptions, this area is to remain a non-disturbance area.

Of note, however, is that Policy E-11 excludes the Halifax Harbour Designation from the riparian buffer requirements. The Harbour Designation includes North West Arm and extends seaward as far as Chebucto Head (attachment - Map from Regional Plan).

DISCUSSION

With respect to Halifax Harbour and Policy E-10, a riparian buffer requirement was deemed to be an impractical and unnecessary requirement. The Harbour is a globally competitive seaport and a huge driver for the region's economy. The majority of our harbourfront uses are marine-dependent, for example container terminals, cruise ship facilities, DND facilities, Halifax Shipyards, CN Rail line, Yacht Clubs, BIO, Tuff's Cove Power Plant, Ferry Terminals, Coast Guard facility, Woodside Common User Wharf, Imperial Oil Refinery, Autoport facility, and others. In addition, the Halifax, Dartmouth and Bedford waterfronts have been developed to the water's edge in the form of boardwalks, providing passive recreation opportunities for residents and visitors. The vast majority of the shoreline is characterized by hardened infrastructure in the form of seawalls, jetties and boardwalks, and little or no vegetative buffer exists. Therefore, instituting a mandatory 20M non-disturbance buffer area for this area was not justified.

Regarding North West Arm, a similar situation exists although not to the same extent. As with the Harbour proper, many private properties on the Arm have long ago been cleared to the water's edge and their shoreline hardened with seawalls. In addition, numerous marine-dependent uses exist including St. Mary's Boat Club, Waegwoltic, and two Yacht Clubs. Shoreline recreation uses exist, for example Point Pleasant Park, Horseshoe Island and Rotary Seawall, Regatta Point walkway, Sir Sanford Fleming Park and the Dingle Beach area. Again, for these areas, instituting a 20M non-disturbance buffer area was not felt to be a practical by-law requirement.

Unfortunately, the Boscobel Road property is one of the few areas within the Harbour Designation where a riparian buffer requirement could perhaps have prevented the loss of trees near the water's edge.

Thus, in following up on Regional Council's motion, staff advises that it will re-assess the shoreline areas within the Halifax Harbour Designation, and in particular the North West Arm component, to determine if there are opportunities to implement the riparian buffer by-law provision for specific areas or properties. This will be conducted as part of the RP+5 Plan Review process, due to be completed for Council's consideration in the Spring of 2013.

In addition, staff is close to completing the Urban Forest Master Plan (UFMP), a Functional Plan under the umbrella of the Regional Plan. The UFMP will provide detailed information to Council regarding the health of our urban forest and recommendations concerning its future sustainability. It will describe, among other topics, actions that Council may wish to pursue with respect to better managing the removal of trees associated with the land development industry.

BUDGET IMPLICATIONS

Staff anticipates that work associated with reassessing the riparian buffer legislation within the Harbour Designation of the Regional Plan, can be undertaken using existing staff resources and within the current budget envelope.

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

Community engagement will take the form of public consultation as per the approved public engagement program for the RP+5/Centre Plan project.

ATTACHMENTS

Map 9 (Halifax Harbour Plan) of the Regional Municipal Planning Strategy

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.

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Report Approved by: Austin French, Manager, Planning, 490-6717

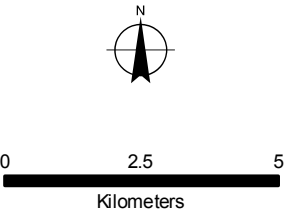
Financial Approval by: _____
Greg Keefe, A/Director of Finance & Information, Communications & Technology/CFO, 490-6308

Map 9

Halifax Harbour Plan

Proposed Land Use

- Ferries
- Planned Routes
 - Future Potential Routes
- Trails
- Owned / Developed
 - Proposed
- Parks and Open Spaces (Existing & Proposed)
- Existing Marine Industrial
 - Proposed Marine Industrial
 - Existing Residential Sites
 - Proposed Residential Sites



The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

Notes: This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest.

