Appendix D: Online Comment Board and Correspondence Log

Online Comment Board

The comments below were publicly posted during the engagement period as general comments on the Shape Your City Halifax webpage in response to the Draft Regional Plan.

Username	Comment
rd1	Consideration should be given to reworking this Regional Plan in that it does not align well with the spirit of NS Act to Dismantle racism & Hate. This plan in its present form would perpetuate Systemic Anti-Indigenous sentiment. The plan does not align with the NS Government declaration that the territory of Mi'kma'ki is unceded territory as published in the OEA Engagement strategies documents of 2022. This Regional Plan violates territorial rights, as well as Indigenous Individual Human Rights, and Indigenous Collective Community Human rights to their Indigenous Heritage Natural Environment.
UrbanHalifax	I reviewed the entire draft original plan. Well, it doesn't get much attention. One thing I noticed is the proposal to allow three units per lot and all zones. I agree with this, however, I think four units per lot if there is service and capacity should be considered.
AlexandrePlourde	I think the Regional Plan should have more explicit requirements for mixed-use zoning and the creation of walkable neighbourhoods. Ongoing/proposed developments such as the Southdale or Bedford West (Case 23307) have some moderate density---which is a positive step and at least facilitates transit options---but still have negligible room for businesses nearby. Driving will remain the default option for the majority of people in these communities. The Port Wallace development is a larger example and does have some commercial zoning, but it's a tiny portion of the development, and I expect a majority of residents will have no practical choice but to drive for most trips. I hope we can make walkability the norm for all new developments.
Cameron	I read Chapter 5 of the Draft Reginal Plan in depth, and in general I'm quite happy with what I learned. I think easing some of the zoning restrictions will have a positive Impact on housing supply, especially in the HRM. Where I am slightly concerned is the Municipal Initiatives. I believe the "No Net Loss" and "Inclusionary Zoning" policies could be unhelpful. Creating more barriers for developers to navigate will almost always have a negative effect on the amount of units built. Looking to other housing crisis' in other places that have happened in the past the answer for creating low income housing has been and always will be: BUILD MORE HOUSES. Even if the next 100 buildings built in Halifax are the most expensive buildings in Halifax the net effect will be positive for those who require Low income housing. This is because every new building built creates a vacancy of an older building, and new building with high prices drive down prices of older buildings. PLEASE CONSIDER THIS.
Yannick Spelier	I think this plan can go reasonably further then it does. I believe that copying Edmonton Alberta's new and current zoning plan is the way to go. Abolishing parking minimums to make it cheaper for companies to develop housing. Upzoning large swaths of the city up to multiplexes by right. Allowing for light commercial on any street. Halifax has the opportunity to create a city that is not only built with the pedestrian in mind, not the automobile, but become more financially solvent thanks to more dense and human oriented development/living.
Janey	Confused as to why almost all of the images in the Suburban Design Guidelines are taken from the peninsula. I think it does not reflect the current built form of the suburbs and how developers or property owners can re-develop or improve their buildings in the current suburban landscape.
Bill M	The plan limits additional housing too much; its updates don't reflect the urgency of the present situation. The crisis we are in is too severe to justify preserving neighbourhood character for urban neighbourhoods (like Woodside!) over adding density to curb rapid rises in housing costs--we've already blown past the 2030 population growth estimates in the report. What will happen to the character of our neighbourhoods (and local businesses) when no one can afford anything except their rent/mortgage? The end of the era of historic low interest rates and the continuing shortages of building materials and skilled labour necessitate a total reorientation of housing policy--we need to permit true medium density throughout urban Halifax as-of-right, with no parking minimums, minimal lot-coverage restriction and increased height limits on transit

	corridors. No one needs to be forced to sell their homes, but the city must adapt to meet its own needs. A crisis calls for a crisis response.
Jeffrey Thibeau	I am against any amendments that would allow buildings greater than 6 stories to be built in the Sackville area. There is also a petition with approximately 1200 signatories which agree with this sentiment.
Hello geta clue	I am apposed to any amendments to existing plans which would allow for structures greater than 6 stories to be built in the Sackville area." Please protect and listen to residents of areas especially First Lake and Metropolitan areas - they do NOT need the proposed buildings - at least stick to what now is allowed.
Martin Hellmich	Hello I think the transportation model is short sighted, not innovative and not grounded by science. The sustainability of micromobility has been shown by several studies to be magnitudes better then evs, train even pedestrians. Not fully leveraging the coming revolution in e-car-bikes/e-rickshaws/electric three wheelers will severely hurt the affordability of transportation for our population and stagnate progress on climate goals. The importance of interconnection and marking of routes for city commute and urban recreation has been underestimated and will severely limit uptake. For increasing pedestrian travel the problem is not with having enough sidewalks but for most places in our sprawled out city there is nothing within walking distance! The solution is new zoning that allows multi family housing, grocers, bakeries, restaurants/pubs, delis, barbers… all within the same block. We have urban sprawl even on the Halifax peninsula. 2000 y/o European communities for inspiration pls!
Sherry	How is HRM working with HRCE and the Dept of Education to tackle the issue of overpopulation at our schools? Is there a new schools planned for our district? Is there sidewalks and roadways for the increased foot and vehicle traffic around the schools? Do we have the right infrastructure to support our over populated school, like buses, playground equipment, crossing guards etc?
As	You can’t keep building houses without infrastructure in place first. The Kidston Lake expansion home plan makes no sense. Where are 2400 extra cars going to go each day? There is no major roads out of the area and it’s already backed up from a series of intersections and lights heading out of Spryfield. And where are 1000 extra kids going to go to school? The local school Is already full. And do you have plans for trails and open space? Don’t ruin the land around the lake for financial gain.
asdfsdfdfg	These amendments come across as a wish list on behalf of HRM and are not representative of the current situation. Due to past projects, municipal streets have been reduced and narrowed which isn't helping with increased volumes of traffic, also, the draft hasn't removed enough barriers to development within the municipality which has caused provincial intervention around project approvals. Also, the municipality is failing to represent the interests of the majority and is focused to narrowly on smaller issues, and the lack of identification of what a affordable community looks like in HRM and where can they be built. We need development plans made exclusively for affordable housing/communities. Trailer parks are an excellent way for renters to become first time home owners. It is also the most afford home. The plan fails to address access to new land lease communities and incentives to create them. The Centre plan has failed. Lets build a city for everyone and not just those in Halifa.
Salvadori	In the whole, there is little here that seems ill advised. That said, given the present, pressing housing crisis, please could we have an HRM moratorium on the demolition of existing housing stock -think Robie Street south, for instance, unless and until there are detailed, scheduled, approved plans for redevelopment? Our family lives adjacent to what could easily be a WWII bomb site, where until recently, real, live people could live downtown for a reasonable rate. Tax rates on vacant property should also be doubled, to discourage this self-defeating practice.
Bud	This plan continues the typical North American car-centric planning design. This plan needs to seriously look at public and active transportation infrastructure improvements to get people out of personal vehicles. In all areas not just the urban core.
SF	Why bother? HRM planning used years of volunteer VIC input in Fall River to develop bylaws . Then they promptly overrode them to allow 81 million litres of sewage effluent per year to be released into Lake Thomas from a private STP for an oversized condo development. Staff also

	wilfully broke the zero phosphorus bylaw to allow it to happen. Community consultation in HRM is clearly a worthless sham. Convince me otherwise.
Glynn Nordin	I definitely agree we need to plan for 1 million but at this time unless a few things are corrected we are creating a disaster to happen . Do you realize the growth of Purcells cove rd Herring cove rd and all of Spryfield where growth in the area has grown substantially over the last few years and still expanding . Unfortunately we still only have the same road infrastructure we had since the 80s 2 exits that are not really exits if there was a fire it could become a nightmare and if anything we should have learned from the devastation of fires that destroyed neighbourhood Much smaller . In order to properly make this area safe 1 stop anymore construction. 2 come up with a plan for the entry and exit at the rotary and 3 make Dunbrack more accessible to and emergency exit . If we had a fire in the area not only will we lose homes and structures but possibly lives . Great to plan but we need to plan for disaster and SAFE ESCAPE ROUTES not more people.
DCB	Halifax needs to make the move towards getting rid of height ramparts and limits. The citadel hill is governing the amount of growth we have in our downtown core, and this should not be the case, all to preserve some “views” of the harbour which are already blocked. The feedback against taller building heights it’s coming from the older population of Halifax who hate change and have no concern for housing and modernization. I don’t believe it is necessary to have 100 story buildings around the city, but higher buildings on average of 40-50 and lesser 60 story buildings in dense areas should be considered in our regional Center. Dartmouth will even soon outpace Halifax in its heights and have a more impressive skyline (which is okay, but Halifax is missing out). We need to get out of our own way and allow skyscrapers, just with the proper planning involved. A perfect example was the original Skye Halifax proposal. A Halifax with a million people Is impossible without skyscrapers.
adamtravis	A "Towards Zero" approach is unacceptable given the current state of pedestrian safety in the city. An aggressive Vision Zero must be implemented in the Regional Plan, given that it is the guiding panning document going forward.
Brewnoser	Much of this planning is stuck in 1950's era engineering assumptions that, despite the obvious failing of central sewers, dictate that density can only happen where the sewage can be piped kilometres and kilometres to the ocean. This is what we have now and it doesn't actually work. Municipalities that allow development based on modern on-site treatment methods are light years ahead of HRM simply because they recognize how much better the public and the environment are served when sewage is managed close to where it is generated. Because the Plan stands on the leg of central sewage, collected via The Big Pipe to the harbour, it is fundamentally flawed. It will not work. Whenever it rains, Halifax does not really treat sewage. Yet all of the supposedly "unserviced" areas do. Maybe we can stop making the same mistake over and over, and admit that adding to the central sewer is an unintelligent choice.
paul dec	I find it very puzzling that the ‘Urban Growth Areas / Rapid Transit Map’ does not foresee any special role for the lands around the Mic Mac Mall or Main Street in Dartmouth. For the former, mall owners have advanced a development proposal involving 2,200 housing unit. For the latter, 250 housing units got recently building permits and more are underway. It does not make sense that these communities are not recognized as future transit oriented communities nor that a BRT connection is missing in that part of Dartmouth.
A. McDonald	My suggestions: --commuter rail from Truro to downtown (reduce cars commuting in) --we need more homes, but I think building more huge homes in huge new subdivisions is only one option. You need options for empty-nesters. I have the big house in the suburbs by schools, but my kids are grown & I am in my 50s. We want to downscale, but have no where to go that we can afford that meets our needs. Give people like us options so you can use our houses for families instead of just thinking the answer is building new homes for families. Need dedicated 55+ communities, on slabs, smaller homes, with services included (pickleball courts, pools, walkable to the grocery store, a rec centre, trails). Re-use empty-nesters homes instead of just building more family homes --get rid of height restrictions in downtown core -- we need to build up there -- mandatory EV chargers in any new builds (homes, apartment buildings, commercial, etc.)
Donna C	More consideration needed on how many people we are trying to bring into HRM with inadequate housing. I live in Hammonds Plains. Inadequate transit ,not safe to walk along main roads due to

	lack of sidewalks and heavy fast traffic . Yet Hrm cater to a minority of residents that want bike lanes down town. Sport stadium and new art gallery that the majority of HRM residents will never will be able to afford or interest in should be not in the plan. Focus on housing, improving the lives of seniors and those in need. Improve safe walking routes so people do not have to get in their cars to travel a km to their destination. More safe crosswalks needed. Open up more 24 hr shelter, focus on housing. Private fireworks should be banned. Affect on pets and those with mental health issues should be considered. As well increasing risk of fires and property damage.
palmpotato	Please, PLEASE consider expanding the active transportation network further, with fully protected cycling lanes and multi-use paths. As a resident of the Woodlawn area, locations such as this are ideal candidates to encourage more active transportation. At less than 5km to downtown Dartmouth, this distance would be highly accessible to more people cycling IF the infrastructure is there. We need DIRECT, CONTINOUS routes that are AAA cycling, not just disjointed segments of a couple km here and there. Of largest concern on my personal cycling commutes, is crossing the 111. The crossing at Mount Hope is the only one with actual cycling infrastructure, and it is not reasonable that cyclists have to make such a detour when a similar solution could make crossing at Main Street or Portland safer. I would like to remind the HRM that cycling is not just a mode of transportation in the Centre, it could be so much more utilized in the suburbs if we had the infra. Build it and they will come!
Annie B	As a homeowner in the area for the last 14 years, I have come to know the community well and the surrounding areas, including the backlands. as a resident, I am concerned about protecting all wetlands as well as widelife habitat and water flow that occurs naturally in the area. the draft Regional Plan proposes a setback of 250m from Purcells cove rd. Specifically, the draft Regional Plan advises "re-designate privately owned urban reserve lands to rural commuter within 250m of the Purcells cove rd and apply the open space and natural resource designation to the remainder of the properties" while the intention of this setback may be to create an area of privately owned undeveloped open space land adjacent to the backlands, the distance of 250 meters from Purcells cove road would allow development further into the venerable and fire prone areas of the backlands. this method of determining setbacks appears arbitrary and does not take into account the characteristics of the land.
Aaron Newman	I am a daily user of the Purcell's Cove backlands/McIntosh Run wilderness areas as a hiker, dog walker, and mountain biker. These are a unique resource not found in most cities of similar size to Halifax, and should be protected. I am concerned about the impact of the draft regional plan on these areas. The 250 m proposed setback is problematic because it is in excess of typical existing setbacks, and will create additional pressure on the natural areas. Setback should instead be determined based on environmental mapping and impact assessment. The plan should include watershed mapping to better understand the impact of any potential development on the intricate ecosystem. As well, wildlife corridors should be mapped and protected within and leading to this area. Fire risk mapping should also be included, and fire mitigation plans developed for this area. The area has a history of burns and is at high risk of further fire damage in the future. Please ensure this area is kept wild!
Keriannie	Infilling in and near downtown, less surface parking, safe AT network (i.e. connected) not just in the urban core but to the core through bottleneck areas, as well as connecting rural areas (doesn't necessarily need to be along the roads). No more single-family dispersed housing, medium density housing. As easy as possible for home owners to host renters or boarders. Mixed use, make it legal to have a business in your house. Transit priority lanes through bottlenecks and other busy routes, good AT connections to transit terminals with safe bike parking. Eliminate free parking downtown once transit network becomes more accessible and usable. More walkable, mixed-use areas in suburban places, not just urban core. Reduce speed limits wherever possible. Walkability so important for elderly, lower income ppl, community connection, personal safety, public health, ecological health. Walkability in all neighbourhoods, not just central high-income areas. If we don't do it we'll be left behind
john s	The city needs to remove single family exclusive zoning and raise minimum residential density across the entire HRM and not just in transit corridors. Many cities across North Ameria have removed exclusive single family zoning and HRM should follow in this direction. Allowing up to 5/6 units across all residential areas would allow the density required to financially support city services and give much needed housing supply to address the current housing crisis. Additionally, removing all parking minimums for commercial and residential developments,

	making residential only areas become mixed use, restricting AirBNBs, and prioritizing non-car transit modes should be top priority for the city and the regional / suburban plan to address immediately.
Tanis Hamilton	Very excited about the draft Regional plan! Especially about the updated to zoning for missing middle housing, changing parking requirements, and allowing more small scale commercial use within communities. Complete communities would be such an improvement to our municipality. I hope all of this can be implemented swiftly so we can begin to see the improvements in our communities. Each chapter got me excited about the possibilities. Well done to all. Can't wait to see it in action.
Joshua Marinoni	Overall an extremely comprehensive document. It is good to see a regional plan led with an environment-first ethos and include means beyond infrastructure (ie arts and culture). What does the plan get right: SECTION 3.5 - particularly HC-9, HC-11, HC-15 & Expanding the Rural Transit Funding Program to improve rural mobility options including rural express transit and park and rides. The entire Chapter 6 particularly EC-15, EC-24 through to EC-31 Looking forward to hearing more on the implementation of a Rural Community Planning program.
lola doucet	Have we thought about moving the container piers (Windsor St Exc and Point Pleasant), to an area like Cow Bay? This would reduce truck traffic, open up the train tracks for a commuter train, and generally reduce a lot of pressure going into and out of the downtown core. Whereas a lot of the industry is out there already, it would make the entire system more efficient. If we haven't thought about it, we should.
Leah M.	Love concept of high density, complete communities, prioritizing walking, cycling & transit. Minimize impact to existing homeowners, revamp blasting bylaws to reduce damage - I suffered $15K in damages from blasting 100 meters away on J.Howe for Banc development - plaster walls cracked throughout home. Protect Sandy Lake, in opposition w/ reg plan, harms precious ecosystems & creates more traffic. To fully protect our watersheds, biodiversity and natural state of assets, we must stop allowing use of pesticides/insecticides/herbicides as part of approach and join the 200+ Canadian municipalities and 7 provinces w/ pesticide bans in place. High density means more contact with 2nd & 3rd hand cigarette smoke - all high density housing should have smoking bans. Littered butts, streets have become ashtrays - heavy metals & microplastics from butts harming HRM! Growing number of cities in US banning smoking in parks/downtowns. Bring back ashtrays. Ease healthcare $ w/ gen smoking ban like NZ.
Robert84	That feedback is being saught not on what our goals should be but on how best to achieve something we may not desire is rather annoying. Who set this goal and on what basis? Population growth, though perhaps offering some economic advantages (primarily to businesses), seems to me, as a priority, environmentally irresponsible.
pberry	Appoint a Halifax Green Network Plan (HGNP) coordinator that was approved in 2023 to oversee the implementation of this plan. The environment needs to be given primacy over development. Climate change, wilderness and wildlife need to take precedence over development. Set out clearly in the Regional Plan that wilderness will take precedence over housing development and alternative areas for housing development can be found.. The Regional Plan needs to state that coordination and collaboration with the province is crucial to maintaining wilderness areas within HRM and the trails and public use of those areas. The Regional Plan needs to address coastal protection and make it a priority, where it is within the municipal powers to do so.
JAS	Bike lanes are a disastrous waste of money that subsidize the niche hobby of a few hundred people at the massive expense and inconvenience of most normal people. Buses are a vastly safer and more efficient form of transportation that is accessible to many more ages and physical abilities. Buses are also much less inconvenient for car drivers to share the road with. Bus drivers are consistently more respectful of pedestrians than cyclists. Spending even a dime on bike lanes is too much.
Patrick2	I think the plan should go a lot further in certain areas with regards to helping with housing affordability and zoning - Make all residential areas across the HRM zoned for mixed use residential and commercial - Remove single family residence zoning and implement minimum density of 5 or 6 units across all HRM - Vancouver recently proposed up to 8, and Cape Breton 6. Why is HRM only allowing for 3? - Minimum Parking regulations should be removed for BOTH

	commercial and residential across the entire HRM - Stop sprawl and development outside existing HRM infrastructure. We cannot continue to expand outward as we a) already have more than enough space for infill development and b) cannot afford to develop outward with low density as the tax revenue does not a.
egblake7	The Regional Plan and its associated priority plans are not flexible enough. Fast growth requires quick decisions as the costs of inaction are dramatically higher. The plan does not fully consider that growth is being pushed outside of the City's boundaries with negative environmental consequences. It is inappropriate to consider new housing taxes during a housing crisis (i.e. infrastructure charges, density and bonus zoning). The Urban Reserve Designation should be eliminated in favour of Urban Settlement in order to promote greater flexibility to accommodate growth. Three units per lot in residential areas is too low and will be ineffective, six to eight units per lot might actually make a difference. Parking minimums should be eliminated, not reduced. The transportation mode share goals are completely unrealistic. It sets transit targets that even Toronto pre-COVID was not able to meet. A realistic plan should have realistic goals.
JAJ	Edmonton has recently approved zoning reform which allows up to 8 units per lot across all residential zones in the city. This is something Halifax needs to be doing as well to make progress towards the current housing crisis. Right now, the plan only calls for 3 units per lot which is not nearly enough and also below what the federal housing minister requested last week to grant Halifax the housing accelerator funds (4 units per lot).
AlphaNoodle	Community gardens encouraged for food security, bus terminals on city borders where rural commuters can park and catch rapid transit, credit card/reloadable card payment (like presto in Ontario) for transit payment, buses connecting to park systems to encourage outdoor activity and usage, continue rent cap Appreciate importance of climate change and below grade electricity infrastructure.
Martha minder	You got one thing totally wrong! I live on Creighton street and a lot of the houses have no driveways. When I purchased this house, parking on the street wasn't an issues. NOW IT'S AN ISSUE. The city is putting in BIKE LANES on this street which will FURTHER reduce the parking. Why didn't you put BIKE LANES on MAYNARD STREET which is mostly businesses and condo's which have parking? I don't think the people of the Creighton Street/North Street community have been taken into consideration. As with most things the city is doing recently, it's poor planning, poor vision and poor execution. And concrete barriers for bikes? Residents can't park on the streets in the winter because of the plows. Yet, they are expected to maneuver around these barriers? This is NOT an EUROPEAN city and never will be as European cities provide PARKING for city visitors. Severely disappointed and unquestionably unsupportive in this initiative. Common sense is missing in the current city management.
Arthur	- policy language not strong enough..too many phrases " will consider " - disability is only cited once in the document. need a much stronger commitment to accessibility in a land use document - need more commitment to outdoor play for children and youth. It's more than playgrounds. Use play spaces.
HRM Feedback	I agree with the overall direction of the document, and the proposed changes. However, it seems like due to the choice of wording and language for some areas (e.g. "may" and "shall consider") it is setting itself up for failure as these proposed changes would not need to be adhered to or at best up to the whims of a city council/developer who may/may not agree or be beholden to other interest groups. If the city wants the content in this plan to become reality, the language should reflect this so it needs to be adhered to.
Theo	The Mount Hope development is going to be on natural gas, am I correct. Then why not install buried cables for amera? I have seen this type of installation in other areas. Of course there is a need for street lighting stands/poles.
Seaseal	I hope the plans for all residential areas include two completely separate vehicular routes out in case of flood, fire, crime/terror attack or other disaster.
Cindy Marie	Zero infrastructure in place to accommodate the population explosion. The building of high rises/population dense neighborhoods all over HRM (ie First Lake Drive) is a disaster. Expect much higher crime, and not enough of a tax base to pay for maintenance of such places. We

	have people living in tent cities all over HRM, and ER's shuttered because of overcrowding, lack of doctors, etc etc. Nova Scotia is losing its maritime charm with each ugly high rise / population dense neighborhood you erect. Do better, listen to your constituents, we need a moratorium on immigration until these issues are resolved, and no Nova Scotian family (yes there are children included) living in a tent given to them by family services due to ZERO housing. Not one senior should be forced to live in their car. DO BETTER!
Squinn	I believe you should heavily consider the proposed plan from MRWA. Our ecological system, our need for exercise in the outdoors is so important and conversation is important when considering development. Their plan has clearly outlined how development can occur while also forming a world class recreation and conservation area for local residents, HRM and tourism. The trail system draws many people to the area which also supports local businesses. What's the good in growing the population if we can't keep them active in the outdoors while also respecting our ecosystem and the beautiful creatures that live in the area??
Life Long Resident	Trying to use existing infrastructure that ALREADY does not work for the population of 420,000 is a terrible idea. Keeping infrastructure the same and doubling the population will not work for this growing city and it will not save money in the long run. We also have harsh long winters in which nobody is riding a bike! We do not have enough doctors, nurses and housing for the population we have, so what will happen to our city when the population grows? HRM needs to step it up like the bigger cities and widen the roads, stack the roads, build more ramps, add another bridge and build more affordable housing before even starting a goal of doubling the population. This plan is all about making money, and NOT about the people who actually live here!
J. Marie	Please consider the proposed plan from MRWA. Our need for opportunities to spend time in the outdoors is so important and must be provided in plans for development in HRM. MRWA clearly outlines how development can occur while also providing recreation and conservation areas for nearby residents, and those throughout throughout HRM. The trail system allows residents to keep active in the outdoors, while also respecting our ecosystems and wildlife. Please protect the watershed area from buildings, but further invest in its development as an urban wilderness.
JN	Thank you for the opportunity to share. Please consider the following: - protect our wetlands rivers and lakes - prevent new developments along our coastline - make sure new growth does not intrude on wilderness - keep growth within existing communities and say no to sprawl - only build new developments if they are connected to transit - make sure each neighbourhood has a variety of housing options, services, public spaces and public parks.
PMacIsaac	Pedestrian and bicycle access is needed to the Fall River Park and Ride. It is currently only safely accessible by vehicle.
sbmacd	I STRONGLY support the approach shared by MRWA.
ckhoe	I call upon the region of Halifax to implement a regional plan that: Includes strong environmental protections that reduce climate change and prepares communities for the worst effects of climate change. As well as bold sustainable green environmental policies that are enforceable and have strong penalty mechanisms. Puts people and the planet above profits and industry. Encourages sustainable zero waste lifestyles and supports this though funds, other initiatives. Creates zero waste green housing close to bus routes and other public amenities. Expands and improves existing waste treatment and waste handling facilities as well as builds new ones. Implements extended producer responsibility and deposit return scheme for different types of products. Implements a circular economy and promotes it, as well as encourages other communities to make this transition. Moves Halifax to a sustainable green and circular economy as well as zero waste region.
Sarah S	I support the McIntosh Run Watershed Association's approach to conservation. There are several recommendations that make sense in teh Spryfield area, including: 1. Ensure better sidewalks, bikeways, paths, and public transit options to encourage safe and accessbible human-powered adn shared transportation. 2. Focus on housing density in service areas rather than allowing sprawl that degrades teh environment. 3. Maintain wildland areas and wildlife corridors, allowing non-motorized public access (long lake provincial park, central watershed/backlands, and southern watershed headwaters). 4. Development plans should: *provide non-motorized public access *increase setbacks from lakes and streams and ensure small wetlands are also mapped

	and considered *avoid mapped areas of high ecological value *ensure functional and connected wildlife corridors *designate park land for conservation *
W Watson	Halifax is making a lot of good steps, but things should be taken further. The rapid transit plan is a great first step, especially the fast ferries, but even more work needs to be put in place to ensure rapid transit all around Halifax. Zoning restrictions on the peninsula should be raised even more than the already are, and allow mixed use by right, and developments should be required to have affordable housing. Bike infrastructure is really important as well, and works all year round if it is maintained all year round. We need to ensure any new developments outside the city have transit first and foremost to curb car based sprawl. Regional rail would be great, however I am aware of problems with CN that the city really can't resolve on its own. We need a city that is affordable to live in for all citizens, and the sooner we build the necessary transit and housing, the better, because its harder to retrofit. We can build highways for new developments, why not trains and busses.
Nathan B	I think that the plan is going in the right direction. But I think that the Parking minimum should be completely removed from the housing and commercial buildings instead of only reducing it. The AAA bikeways sound great. I hope that the protective physical barriers mentioned are going to vary depending on traffic speed. For example, in Dartmouth Crossing and Burnside, existing bike lanes should get protective concrete barriers to protect cyclists from the 70km/h traffic and not just flimsy plastic rods and small concrete bumps.

Correspondence Log

Correspondence received via email, phone calls and comment cards between June 21 and October 27, 2023 are noted below. Attached submissions are compiled as a separate appendix.

Tracking No.	Source	Contact	Comment	Attach-ment
C627	Email	Theresa Scratch	**Regarding Site-Specific Request(s):** **Case 2023-00368 First Lake Drive, Lower Sackville** Good morning The attached document is a submission to Regional Council, the Regional Plan and Suburban Plan review process as well as a submission to the open public consultation process for PLANAPP 2023-00368 (Formerly 24508). Two different applications propose changes to an existing Development Agreement on PID#00362442 70 First Lake Drive, Lower Sackville under separate processes and timelines. I believe any redevelopment applications for this site should be considered concurrently, under a single process, and I do not support the applications as proposed. Regards Theresa Scratch	Yes
C626	Email	Devon Brachvogel	I am excited about the regional plan review as the city is growing, though I'm concerned the Suburban/rural communities of Halifax will be forgotten, especially the River Lakes area as it is currently almost completely unserviced. I live in Fall River and I am 17 years old, and I am forced to rely on a car (which is becoming extremely unaffordable for anyone, especially students!) to move around nearby communities to get to work, stores and school.	No

			The River Lakes area is becoming a large suburban area with huge potential for development, but even though it is increasing in density and locals commute to areas like Sackville and Bedford multiple times daily, it remains outside both the suburban & Transit boundary, while being right next to it. The whole area including Fall River, Wellington and Waverley have the option of a Park n' Ride bus stop, but it's completely isolated. You are required to drive to it, which ruins the point of transit. There is no provided safe way to walk to the bus stop, other than a muddy ATV trail or the two foot gravel shoulder of Perrin drive. If you manage to get to the bus stop, it goes directly to Dartmouth as it is the AirPort Express bus, as it was never really intended for the use of the River Lakes area commuters. While an express bus to Dartmouth is nice, the service doesn't help most of the River lakes communities. They aren't connected, and there is no simple way to get to nearby communities and Commercial centres (ex: Sackville & Bedford) that are 5-10 minute drives away. There is also the entire group of communities surrounding the Fall River Village Centre (Waverley, Windsor junction, Fletchers Lake, Wellington) which all commute into the plaza consistently throughout the day for the local grocery stores & various shops. Congestion at the intersection in Fall river throughout the road system is becoming increasingly worse, (a study of the intersection should also be considered - advance left turn off Fall river road onto highway 2 is needed) and transit would take drivers off the road. Transit has been being pushed in Fall River & the surrounding areas for years. Other suburban similar communities surrounding Halifax like Tantallon, Porters Lake and Hammonds plains all have at least one fixed bus route with several stops within the communities. Connecting Sackville and Bedford to Fall River through transit would additionally allow easier Airport Access. I propose: an arterial bus for the areas Between Wellington, Fall River and Waverley ending in Port Wallace (connecting to the existing bus route), as well as a bus going from Fall river through Windsor junction, down Cobequid road to Cobequid terminal, and finishing in Bedford commons. These routes would offer thousands of people transit, and finally connect Sackville and Bedford to the Airport through transit easily. I believe a small bus terminal should be built in the fall river village center for easy access, and potential for future expansion. Transit in These areas is now necessary, and would positively Impact every surrounding community. It would improve road congestion, increase land value, raise quality of life, encourage continuous residential growth and connect our communities. ——— Added unrelated suggestion: The Communities surrounding Halifax like the River Lakes, Tantallon, Hammonds plains, Porters Lake (and areas between) are all considered rural, while places like Beaverbank are considered urban for some specific reason even though it is less dense than all of the communities listed above (the urban boundary outline map is also a mess because of this, it should be rounded off evenly)	

			I would request staff to consider a closer look at defining suburban boundary's in Halifax, with Halifax's new growing population. Areas which were Rural are now quite Suburban, such as the areas listed above. A more defined boundary which takes accurate population density and distance from the regional Center as a growing city into account) _____ Thank you for reading and receiving our public feedback, whether this is taken into account, I hope so :)	
C638 (1)	Email	Matt Stickland	Please find attached a study I would like to submit to the city about the success of densification in making housing more affordable in New Zealand for consideration in regional plan review.	Yes
C638 (2)	Email	Matt Stickland	[Drive Throughs] Should be banned. There is no reason for them to exist in a climate emergency. There is no reason for them to exists from a transportation planning POV as they induce trips that generate congestion for a $2 coffee. They should never have been allowed, and this is an opportunity to correct this mistake. Please take this suggestion under consideration for the regional plan review.	No
C639	Email	Leo Bridgewater, North End Business Association	Hi all, I have attached a PDF of the Placemaking Report we discussed this morning as well as our 2022 Facts & Figures Sheet. Please reach out if we can clarify any questions. Kind Regards,	Yes (2)
C641	Email	Ann Angelitis	Dear Regional Planning Team, On behalf of the Sackville Rivers Association, please accept comments on the draft Halifax Regional Municipal Planning Strategy. Our environmental association is dedicated to preserving and restoring the Sackville Rivers and the watershed in which they reside. We encourage community engagement through our Outreach, Education, and Trails programs. Thank you to all members fo the planning team for the work they have done in the preparation of the plan and the opportunities for community input. Please disregard all previous Sackville Rivers responses to the Plan. Thank you, Ann Angelidis	Yes
C642(1)	Email	Devon Brachvogel	Hello, I'm writing to find out information about the future of suburban transportation between the communities of Sackville, Beaverbank and the River-Lakes area (Fall River, Wellington). If you wouldn't mind telling me, is there still an active plan for the future of extending Margeson drive to Beaverbank, and also, are there active plans to connect the Aerotech connector through to beaverbank and adjacent subdivisions? These communities are in dire need of a more direct route to commute, as most people travel in and out of these areas daily to get to shopping plazas, schools, businesses/work and parks.	Yes

			The connectivity between these communities is quite poor, with most people forced to take multiple collector roads which take extra time to traverse, or the highway 102 which is also just as out of the way, and doesn't directly lead to these communities. A connection between the Beaverbank bypass and Aerotech connector would complete a second highway ring around a portion of the 102, and would connect the 102 & 101, possibly 103 in the future. I would like to know if there are infact any plans for this, or if not, are the lands required for this kind of development under government ownership or ROW? If not, I strongly believe the regional plan review should cover acquiring the land needed to make this road possible in the future. I'm not saying this project has to happen this year, but it has been needed and I predict within the next 5 years it will be a sought out road. I'm just concerned the land needed to do so will be overlooked and forgotten as the project isn't a current concern, and the city would not be able to construct the road once it's too late. I attached a rough concept of what this road may look like, and the route it may follow Thank you!	
C642(2)	Email	Devon Brachvogel	Thank you for the response, though you barely addressed the subject of my entire initial email. These pages have plans that are years old, and I don't mean to sound rude but you sent me these pages as if I weren't aware and didn't mention them in my first email. If this isn't an automated response, that was a pretty dull one. I am aware the Aerotech connector is being built, but my whole question was are there precautions being taken to further expand the road (as it is needed, and should be expanded) to connect to the Beaverbank extension of Margeson drive. The City planners are talking about making complete communities and making travel times for all modes of transportation smaller and creating connections, but nothing is actually happening. The city needs to take action and secure funding from the government for more projects, Halifax is seriously growing and I'm seriously worried this city's plans are both out of touch, and outpaced. If you wouldn't mind telling me, what are the real plans for growth in the suburban communities, like the one I'm talking about, because the city wants to make "90% of growth downtown", while they are completely forgetting the fact that the demographic for small houses, larger houses and private lots. You can encourage and increase growth downtown, but it won't ever stop suburban growth as a large amount of people prefer the style of living, even if they have to commute (provide more regional transit). All kind of growth need to be considered as well as fostered as our city is growing to take advantage of all markets and encourage maximum growth. More developments are needed to handle this	No

			growth, as well as the communities that exist that lack complete connections. I don't want to sound so intense but it's the truth of Halifax, and I would just like to see our city grow in the best way it can, and people to enjoy living here. Thank you for reading if you are, Devon	
C642(3)	Email	Devon Brachvogel	Hello, I'm writing to express my opinion on the significance that commuter rail and light rail transit could have in Halifax. The current fast ferry project from Bedford is a great concept, but it is currently ridiculously expensive, each ferry only holds 150 passengers which is not enough and the project only includes a small, niche portion of Bedford. In my opinion, which is not very significant, the ferry should not be prioritized before other projects like a commuter rail which would be less expensive as projected, and would better serve Halifax as a whole (Even if it is more expensive, it is more worth it for the entirety of the city). A commuter rail connecting as far as the Airport through wellington, Windsor junction (with the possibility of routes going through Dartmouth), down along the Bedford Basin, and through the North, West and South ends to downtown would make a dramatic difference in the way people move through our city. The route through Dartmouth as well should be heavily considered, maybe as a second phase of the project. I understand CN is a major roadblock in a commuter rail project, but if the federal government really cared, they could intervene and something could be worked out, but nobody seems to care enough. Projects like BRT that have been put on the back burner until 2030 are necessary now, but there seems to have no urgency. I believe the BRT project should continue but it's existing routes should be considered for a proper LRT transit system, as other similar small Canadian cities the Kitchener and Waterloo have them, but Halifax is left out. Infrastructure projects in the future like the MacKay bridge replacement should include room for an LRT track to cross the harbour. The demand for this kind of transit is there, and would invite even more people to get out of their cars and into public transit. Projects like these will require massive federal funding, but it is absolutely worth it in this unprecedented time of growth, and they become any easier to complete as the city grows. It seems the current government believes Halifax is still a small city, and dramatic or immediate change is not required. We should be fostering the growth our city is seeing, and further advancing the systems we have for the existing population as they have been long-neglected. We still don't even have Tap on transit (Just an example of how slow-acting we tend to be). I'm very passionate about the growth of our city, the future of what Halifax will be and how people move, None of these projects would even directly affect me as I'm a resident of Waverley, but I enter Halifax on transit almost daily and it is a struggle just to get around. If the people on Halifax's transit board and committee would try riding the transit that is currently set	No

			out, they would realize how poorly it serves the highly taxed residents of the city. I'm certain that projects like these would shift the city towards transit and create a spike in ridership. A 250 million dollar ferry for northern Bedford is not going to cut it for the rest of Halifax. I know this email is not going to be considered in anything as per usual, and I know the response is most likely going to automated or something as always (if not, that is great! I want as many people as possibly to hear). I just really wanted to express my concern over the negligence Halifax and Dartmouth is experiencing currently, and how it should change, even though it won't. If this email is actually being read, it would be amazing if you could pass the message on to as many people in Halifax's council as possible as it needs to be heard. I'm speaking for everyone I know when I wrote this email. I know it doesn't mean much coming from one random person but this is what the city needs. Thank you so much for reading, and your time, if you are Devon Brachvogel	
C643	Email	Thomas Symonds	**Regarding Site-Specific Request(s):** **C103 Lands East of Beaver Bank Rd** **C299 Lands near Barrett Lake, Beaver Bank** Good day, I'm writing to inquire if this development (or any other) on this property has been approved. Heavy machinery has been brought in and trees are being destroyed. This development has already had a significant impact on local wildlife. A nesting pair of pheasants that should have been raising a clutch of newborns have disappeared entirely since surveyors on the property cut boundary lines in previous months. These birds have been helping to expand a population which has had a serious benefit in curbing the tick population in the area. A den of coyotes has also not been heard recently. This land supports a diverse collection of plant life, including Lady Slipper flowers. This diverse ecosystem supports numerous different species of birds which are becoming uncommon. This includes the White-throated Sparrow, Golden-crowned Kinglet, Magnolia Warbler, Broad-winged Hawk, Chestnut-sided Warbler, Common Nighthawk, Nashville Warbler and more. I would like to know if any environmental assessments have happened. In a perfect world, this development would not be happening. While Beaver Bank may appear to be a perfect area for expanded housing development, Beaver Bank road is not up to the task of handling the current traffic load, let alone more. Without another corridor out of Beaver bank this road will only become more congested. While I recognize the need for more housing, I do not believe this is an area that should be used at this time.	No

			Thank you, Thomas Symonds	
C647	Email	Walter Reagan	Hi Leah On Draft RP Please check numbering on pages 136 (Section 8.4.6 should be 8.4.4) and page 139 no Section 8.6) Please check 10.3.4 on page 168 and on page 163 10.3.4 - throws number system out Tks Walter	No
C650	Email	Luke Hancox	Hi, I'd like to express my approval of the priorities for the regional centre plan (complete communities, pedestrian-focused decelopments) and the plan to remove barriers to increased housing. In my opinion the idea to allow more infill development and 'gentle density' is of critical importance, and is probably the single biggest thing the municipality could do to manage the housing crisis. However, I feel the point H-9 which would allow up to 3 units per lot in existing low-density residential zones is insufficiently ambitious. My reading of the centre plan is that this represents only a minimal increase in density for most of the ER-1 and ER-2 zones in the urban core, which are generally limited to 2 units per lot except in certain areas. The city of Victoria has recently voted to allow 6-12 units per lot. I would urge you to consider up to 6 units on any lot, permit townhouses to be built throughout ER zones, and also to encourage the development of low-rise apartment buildings (say 8 - 12 units, 3-4 storeys). In my opinion these should be permitted along main roads that are near transit (e.g. Almon Street, Novalea, Oxford St, Agricola St north of Young St, etc.), and could also be permitted throughout 'established residential' zones at a density of one per each 10 - 15 lots or 1-2 per block. There are examples of this sort of building scattered throughout the city in ER zones (6191 Allen Street is a good example) that as far as I can tell would not be permitted to be built under the current land use bylaw. These sorts of building provide a significant increase in density without substantially altering the scale or character of the neighbourhood. Compared to larger mid-rise and high-rise apartments, they can be built faster and more contractors have the ability to do so. These advantages are important in the context of our current housing crisis. I see no reason why they should not be permitted in more areas of the city. For the record, I currently live in a single-detatched house in ER zoning and plan to stay there for the next 20 or 30 years if possible. I would have no objection to any of the forms of housing mentioned above being built next door. I hope you will consider these points. Sincerely, Luke Hancox	No
C652	Email	John Dale	Howdy,	No

			I have taken a look through the draft Regional Plan Review and would like to give some feedback on the rural components. As background, I grew up in Halifax's rural commutershed, having lived there for 25 years. I am currently working on a PhD in Rural Studies, and have a background in Rural Planning & Development, so hopefully this feedback is useful. Super small stuff though! I'm unsure if the plan's format of dividing rural, suburban and rural Halifax is taken from the 2014 plan that this one is based off of, but regardless, it was a good choice. I appreciate the consideration of rural as unique not only in and of itself, but between rural communities too. The emphasis on clustered development in rural centers is amazing. Lots of opportunities there, especially in regards to developing service delivery. On the transportation note: HC-9 (page 47) point E: "Explore options for rural mobility, including partnerships and micro-mobility options," I think there is a lot of value in focusing-in on partnerships and providing examples of actor types. When it comes to rural express transit and the like, there are unique instances wherein arterial routes that would provide utility to rural residents are more justifiable when linked laterally to other municipalities (ex: routing the 320 through Highway 2, connecting Rural Growth centres such as Fall River and Enfield-- which is partially East Hants). Historically, council nor metro transit amuses anything of the sort. Including "public, private, and civil society partnerships" is a step in the right direction, but providing specific examples (adjacent municipalities, non-profits, etc.) might be better in that it gently articulates the range of possibilities when developing our rural transit to future policymakers. This speaks to the draft plan's goals of social equity and linking targeted rural growth centres to one another along local transportation corridors. I am also weary of Table 3-5's (page 49) reference to Park & Rides. Park & Rides are great for taking cars off the road, but when we look to existing Park & Rides in Halifax (see: Miller Lake), they can be completely inaccessible to non-drivers, many of whom are lower income or come from equity-seeking groups. As a personal anecdote, I have seen kids walking up a highway shoulder ramp in the dead of winter just to access these so they can get to their minimum wage job downtown. A simple amendment from "Park & Rides" to "pedestrian-accessible Park & Rides" might make a world of difference for more vulnerable rural Haligonians. I think that is everything for now. Please let me know if you need any further clarification! John	
C653	Email	Rose Marie Mahar	I am embarrassed when I think that our summer visitors see the tents in our parks. Every time I see another empty lot I think of the students coming back, houses are demolished , no new buildings going up, when they do , the rent is too high for the average person. The developers should be only permitted to build if they have 10% of rentals for low income persons. Demolishing should only permitted ,weeks before rebuilding. Air BNB should not be permitted on the peninsula as of Sept 2023, we have plenty of hotels. I don't think any low cost housing has been built on the peninsula since Uniacke Square and the 3308 to 5222 Barrington St. People need housing priced under or around $1,000. Per	No

			month. Renovictions have to stop for a while. A friend was on Tower Rd for 20 years, the rent went up double after a granite counter was installed in the kitchen. This is ridiculous, she had moved and was lucky to find a place with wheelchair accessible to the apartment. Rent cap should be kept. I am a condo owner and I am frustrated when I see what is happening in our beautiful city. I think the playgrounds in the Central commons are the best thing happening here now. I used to think the developers were good for this city, now I wonder which of them will build luxury apartments on St Patrick High School land on Quinpool at Windsor streets, my wish is that it should be for low income renters . I thought Bloomfield School site was slated for low income, it now appears a developer got his claws on that site. Rose Marie Mahar	
C654	Email	Beata M.	**Regarding Site-Specific Request(s):** **Case 22257 Purcell's Cove Backlands** **C025 Lands on Purcell's Cove Road** Hello, I just saw the proposals for Phase 4 development in Spryfield/Purcell's Cove. These are currently protected woodlands. How do these plans align with the city's HalifACT of emissions reduction and protecting nature? I am completely opposed to ripping out trees we just protected to build more single homes. There is plenty of areas already for building higher without removing green spaces we all need to keep breathing clean air and which help maintain lower temperatures in the city. Beata	No
C655	Phone	Shirley Richard	[Phone Call]. How is HRM working with HRCE to ensure new schools as the population grows.	No
C656 (1)	Email	Susan Cook	An easement across Brian Dickie Drive is required to connect the Green Network and Integrated Mobility Plan. Just ensuring Community Planning and Economic Development, and regional planners are aware of this document.	Yes
C656 (2)	Email	Susan Cook	Thank you for your call today, and recommendation that I write my feedback.	Yes
C657	Comment Card	Anonymous	Need to provide & improve affordable & accessible housing, education, healthcare, transportation, while protecting environment.	No
C658	Comment Card	Anonymous	Allow multi-unit apartment buildings with 4-6 storeys in low density areas	No
C659	Email	Adrienne LeClair-Hamm	Good morning I am so happy to hear that housing will be improved in Halifax as we are in dire need of improvements. However I am very concerned that a lot of wonderful and lovely buildings are being built and there is very few accommodations that will be made affordable to so many people who won't be able to afford to live in them. What is going to happen when all those lovely apartments are left empty and people are living on the streets because they are rendered homeless. We must make these accommodations affordable as people are not able to earn the money needed to be able to live like that as the cost of living is so high. . It would be nice but just isn't realistic.	No
C661	Email	David Trueman, Halifax Cycling Coalition	Hello, Please accept the attached detailed feedback on the Regional Plan Phase 4 Draft from Halifax Cycling Coalition. Overall, HCC supports the principles and objectives set out in the Draft Regional Municipal Planning Strategy. In particular,	Yes

			transportation strategy is seen to be trending in the right direction and it is good to see linkages with existing plans such as the IMP and AT Priorities Plan. However, the timeliness of the realization of stated objectives is highly problematic, and there are inconsistencies with the implementation of these plans that must be addressed. Regards, David Trueman Chair, Halifax Cycling Coalition	
C666	Email	Spencer Raymond	Hi this is Raymond Spencer and would like to provide feedback that is based upon the October 2022 Deloitte report on how to increase density. First and foremost, I think that what you are trying to do is a large job with many moving parts and commend the city for thinking about Halifax's future. I think Halifax would benefit by allowing taller multifamily properties on streets with transit including South Park Street. I do note that there are several large buildings on South Park Street that are owned by REITs with very high rents. In particular I note that my condo building that runs from *[redacted]* has large around 10 story buildings on either side of it, but the designation limits heights to 3 stories for my condo building. If we want to maintain green space and improve efficiency using existing infrastructure, would it not be better to build up rather than focus on increasing backyard suites or increase the maximum number of properties on one lot? I think that as Halifax continues to grow this will be the best way to increase density thinking out 20 years. housing-development-barrier-review.pdf (novascotia.ca)	No
C667	Email	Alan Collins	Dear Mr Gempton, The other day I walked past a sign on Spring Garden Road that said a new development was being planned on the corner of Spring Garden Road and Robie Street that would consist of two giant apartment buildings 26 and 30 stories respectively. This construction would be a climate catastrophe if it happened. Not only because of the amount of carbon released into the atmosphere creating the concrete and steel girders for the construction but also the effect of dozens of heavy duty gasoline-powered construction vehicles employed to demolish the previous building, clear the debris, and send up building materials on a crane to the top of the building. Please take action against Dexel Development to stop this Environmental Suicide from taking place. Thank you, Alan Collins	No
C669	Comment Card	Anonymous	Keep historical traditions and incorporate with the new. Roundabouts are confusing when traffic is heavy.	No
C670	Comment Card	Anonymous	Would like to see LID - low-impact developments, more rain gardens etc. Less hard surfaces and more soft landscaping	No
C672	Posse	Allan Conrod	Can Section 77 of the RSBL be amended to allow for more than 10 lots to have frontage on a private road? Can this be considered under Regional Plan review/Rural Plan review?	No
C673	Email	Matt Stickland	Morning Trish, I know you're not my councillor but as this would affect your area I figured it makes more sense to tell you instead. I was reading comments on the internet about the city (I don't recommend it) but came across a picture on reddit of an amsterdam street changing over time from car use to bike use (seen here) and the user asking why we can't have that here. I think the answer, realistically, is that we have designed our streets for cars for too long to change too drastically in a lot of our main thoroughfares like Portland/Cole Harbour Road and Main in particular. And I think this urban growth areas plan is very good. But, could that plan be improved in a way	No

			that would also strengthen the overall plan and increase long-term buy-in? I think so. What if Mount Edward was turned into a bike thoroughfare (with ways for cars to easily get out and join Main and Portland or Cole Harbour Road)? And zoned for medium-density mixed-use residential/commercial? I completely understand that the switch from the current mostly homes street to a more developed street would take a lot of time, likely measured in decades, but this is a long-term plan. We have plans like the IMP and HalifACT in place. What does the long-term future of Mt. Edward Road look like if pedestrians, complete communities, and the climate are prioritized? It's not a 4 lane Straod. If nothing else, I think it's something worth considering, in a catch-all public engagement process to create a good long-term plan for the city. I know a lot of people think this is very dry boring stuff, but this regional plan review is one of the few planning documents in my time covering city hall that has given me genuine hope for the future. It is seeking to understand and address the fundamental issues causing the city's fiscal and environmental unsustainability. It is important and good public work you are undertaking and I just wanted to say thanks. Cheers,	
C674	Email	Max	**Regarding Site-Specific Request(s):** **C539 Stoneridge Fellowship Baptist Church, Lower Sackville** Greetings, As a resident of Lower Sackville living in Stonemount Subdivision, it is nice to see more residential development in my area, especially to help address the housing crisis. I 100% support the rezoning of the StoneRidge Fellowship Baptist Church property to allow for a medium density residential development. I am also very happy to see a mix of townhouses and apartments being included. I hope to see more residential development in the future around my area. Keep up the good work.	No
C675	Email	Erin Gloyn	I would like to see more planning that allows people in rural communities to grow and raise their own food. Rural properties should be allowed to raise more livestock than suburban properties. I would like to see a specific zoning type for hobby farming, which would allow citizens to grow and raise their own food. 3.5.1 VISION FOR RURAL COMMUNITY PLANNING HC-9 b) Support working landscapes, including those supporting agriculture, forestry, fishing and other rural industries;	No
C678	Email	Diane Webster	**Regarding Site-Specific Request(s):** **C337 Fraser Lake, St Margaret’s Bay Road, Timberlea** When you compare the difference in the lake shore or lack of it you can see the heights the flood waters were in Frasers Lake but all this water flows into the Nine Mile River system which in turn causes flooding of people's homes and land farther down the water system. If smart development on lands controlled by Clayton Development in C337 phase 5 does not occur in a way to protect the environmental impact to Frasers Lake water levels then many	Yes

			homes on Frasers Lake as well as homes on the Nine Mile River system will be impacted and the current community atmosphere will be gone and many people will lose their homes or it will cost too much to save them. Passing C337 to extend the water and sewer along the St Margarets Bay Road to allow Clayton Development to be able to build 690 units would be a disaster for the environment in this community. If there is anything else you need to know about the flood please feel to contact me Diane Webster	
C685	Comment Card	Anonymous	"These comment cards should have postage paid as an option. Every greedy developer should have spaces overlooking garbage or car lots, etc. at a reduced rate. Ps. More kittens!"	No
C686	Comment Card	Anonymous	"Bikes (protected) on Quinpool, Chebucto, Connaught, Oxford, Agricola, and Herring Cove Roads. Bolards are best, drivers will respect them not plastic. If you build it they will come. People are afraid, give them reason not to be."	No
C687	Comment Card	Anonymous	"Shouldn't have to wait 15+ minutes. Quinpool too wide too much parking. Need bus only on Oxford."	No
C689	Email	Rae Smith	Leah could you forward this to the proper e mail address for Regional Planning , thanks Rae	Yes
C692	Email	Ralf Dreimanis	Hello Mr. Paterson, I submit the attached comments regarding the Regional Plan for your consideration in anticipation that they may assist in the development of the next iteration of the plan. For other addressees, I submit the attached document in the anticipation that a portion of the comments may be of assistance in the important work in which you engaged. If they are of no value, or redundant, please accept my apologies. with respect ralf dreimanis	Yes
C693	Email	Pat Harrington	Hello, I am a resident currently living in the Dartmouth/Cole Harbour area and I was able to attend one of the popup events the other week where I was able to get some more information about the upcoming regional plan. It was great to be able to chat through some of those questions/comments and I did have some more I wanted to follow up with more in depth so I was directed to email this group. I apologize in advance for the long mail, I am very excited about the upcoming changes proposed in the plan and want to be able to give any feedback I can! Additionally, some of these questions are not specific to the regional plan but would love to be pointed in the right direction where I could address these to Thanks again, Pat **<u>Overall Feedback</u>**	No

How will these strategies/priorities be ensured to take place/adhered to? I see there is a lot of amazing content in this plan and am wary that this will just be a strategy document that does not actually need to be adhered to unless these high level goals are fed down into lower level documents such as development by-laws, land use bylaws, etc.

- Is there a plan/strategy for HOW these targets will be adhered to going forward?
- Will this plan actually bleed down into both lower level and higher level strategy plans so that we can actually action the strategy set out?

Section Specific Feedback

Development Targets (2.5.2 RP-13)

- I would like to advocate for increasing the current 90% urban area growth target to 100%
    - Per the plan "It is the intent of this Plan to direct approximately 90% of new housing units to the Urban Area"

- Given the large and open/sprawled area of HRM that already exists and is serviced by the city, I think all future development could/should be directed towards these areas without the need for developing new land

- How will this target be adhered to? Will developers be required to build within the urban area and apply for exemption if wanting to go outside? Will there be incentives to build within urban area/dis-incentives to build outside?

Remove Parking minimums (5.2.4 H-12)

- I would like to advocate for the language in this section to be stronger and ask the full removal of parking minimums across the entire HRM
    - The plan currently states that it will "consider reducing or removing" parking minimums
    - For the reasons mentioned in the plan, parking minimums are a barrier to many of the goals the city has set out in other plans/strategies and we should follow the example set by many other Canadian cities in recent years (Edmonton 2020, Lunenburg 2021, Toronto 2021, etc.)

Housing (5.2 H-6, H-9)

Can you confirm what the language around minimum density means in the context of this plan?

e.g. "Municipality shall amend existing low-density residential zones to allow any form of low-density housing to a minimum of three units per lot."

- Does this mean if a developer buys land within these zones and wants to build new housing, they are required to build a minimum of 3 units per lot? Or just the option to do so?

			○ If the former, that is great! If it is the latter, I would like to advocate for altering the language to be required to build 3-unit minimum ○ Will this apply across all HRM? If not, can it? ○ Additionally, is there an ability to raise this minimum? Why not 4/5 etc.? ***Mixed Use Zoning (HC-5)*** I see the mixed-use term being used throughout the document, but I am not able to see any definitive plan of existing residential zones being re-zoned for mixed use ○ Is this called out somewhere specifically in the strategy? ○ If not, is there plans to do? ○ Can we rezone all HRM as mixed use everywhere (for residential/commercial)? ○ If not, why? ○ Where are the areas we are targeting and what are the zone criteria of "mixed use?" Does this integrate with the plans above to increase minimum density? ○ e.g. so we may see in few years time previously single family residential areas could now have multi-unit buildings as well as light commercial shops in these zones? ***Built Form Regulations (5.2.2 H-9)*** Per the plan, "Built form regulations within land use by-laws shall ensure that the building scale respects the scale of the surrounding neighborhood" It feels like a potential problem with this is that currently the scale of single family neighborhoods is single family housing. I am worried that by adhering to this language, even medium density scale development could see pushback unless the land-use bylaws can be amended to allow for such developments and alter language to not say "respect scale of surrounding neighborhood" . (as the surrounding neighborhood would never change unless by-laws were changed to allow it) **<u>Non-Plan Questions</u>** ***What document exists currently that sets out street standards? (e.g. minimum width, sidewalk requirements, bike lane requirements, etc.)*** • I think it would be good to revisit these standards and alter them for a future facing city where we are actioning the goals set out in the IMP (i.e. have new street standards set to include bike lanes, pedestrian focus and reduce car lanes so that when streets need to be rebuilt they need to be rebuilt to this standard) • This is something other cities have done and would like to see Halifax adopt this approach ***Are there any documents / plans that outline urban greening strategies/commitments?*** • E.g. increasing tree coverage, native flora, helping to reduce heat island effect, helping with flood prevention, etc.	

			Are there any future plans for increasing parking rates in HRM? • I would advocate for this, as current rates are not a true reflection of the cost/space afforded to parking vehicles, especially in the core HRM ***Are there currently any plans for implementing more permanent car free streets?*** • I know Argyle is not technically car-free, but would be an example of what I am referring to • This has been a success story in Montreal and thinking Halifax has started down this path and could see benefits going forward ***Dedicated Bus Lanes*** • Is there any way for the city to implement more dedicated right of way for buses right now? • BRT is still years away, but the main advantage of having separated lanes could be realized with the roads/fleet we have today with dedicated priority lanes • I know these exist somewhat sporadically across the city, but wondering if there are plans to add to / improve this in the near term ***Property Tax Cap Removal*** • This is not mentioned anywhere in the plan, but would like to advocate for the removal (or severely increasing) of the existing property tax cap • This is preventing the city from gaining much needed tax revenue on the large housing value increases we have seen over past couple years, and could help bring much needed funding for many of these other initiatives • Especially in instances of highly valued properties whose caps are exceedingly low	
C695	Email	Wayne Fiander	**<u>Response to HRM Regional Planning Strategy Update 2023</u>** **<u>Summary</u>** This document does not deal with the 21st century problems in HRM, it is impractical and the goals will be impossible to achieve. It will only add many layers of bureaucracy, create less access, more congestion at a higher cost to the taxpayers and achieve very little for the citizens of HRM. **<u>Recommendations</u>** HRM needs less government and bureaucracy, more action and fewer barriers to attracting capital in order to attract real growth for the long term. HRM first and foremost must be setting the right conditions: 1) Low cost of public services and rapid provision of services i.e. building and development permits 2) nimble and agile responses to the needs of the business sector - i.e. very quick approvals for commercial and industrial development 3) placing a rapid response team (with no new hires) to infrastructure development to reduce traffic congestion and lower the cost of living in HRM 4) Recognition that the cost of running a business in HRM must be lower 5) Understanding that capital investment decisions are made all around the world 24/7 and capital always finds the best return on	No

			that investment. Unless HRM commits to improve the business climate, the goals on GDP growth etc will simply not materialize. **<u>Population</u>** Our population growth, page 22, is acknowledged early in this report and since 2016 above average increases have been experienced. While it exceeded the 2014 Regional Plan this is only because of external factors such as the federal government increase in immigration, student and worker visas. The events that took place since 2016 may or may not continue but one thing can be counted on: the hollowing out of our rural areas was happening long before 2014. **<u>Rural HRM</u>** While population is important, the rural economy is left without one piece of definitive action that will keep people in rural areas or grow the economy. There must be sound reasons for people to live there besides lower costs of real estate as the lack of services available compared to the urban core and suburban areas is widening with every passing year. Businesses must be encouraged to invest in rural HRM with much lower commercial tax rates. Rather than encourage more housing units in the Urban core (typically small under 900 sq ft and expensive -over $500,000) HRM needs to develop residential and business growth in the rural areas so housing affordability is more easily attained and less travel (over 50 kms) to work is required. Under section 2.5.2, in bold print, this document clearly indicates that 90% of the new housing units will be directed to the Urban area! Therefore less economic growth is in store for the residents of rural HRM along with even more congestion in the Urban Core. One is left to conclude that the traffic congestion in the Urban core will only get worse because great time and text are devoted to the urban centre. Second, where will these new units be situated and how will they be serviced is unclear. A significant amount of ink is also dedicated to expanding Alternate Transportation despite the fact that Metro Transit ridership has dropped to 8% of total commuter trips in 2021 from 12% in 2006! (Page 112). Whether the Planning Staff like it or not, the choices made by the citizens must be respected and accounted for in the next ten years. There is no indication that the impact of even more congestion on the lives of urban dwellers was considered. The Rural designation seems to be focussed on “preserving character” when the most important theme in rural areas over the last 40 years and the next ten to twenty years is economic viability. **<u>Infrastructure</u>** 4.4 Libraries The latest Annual Report available puts unique internet access visits at 4.9 million for the time period covered by this report. I could not find the number of books borrowed etc but given what we have all experienced in the growth and expansion of technology we need to revise what a library is or should/could be in the 21st century. If physical structure is required, it should be co-housed in a facility where people are already gathering, like a shopping mall. Library access should be much more electronic and therefore more	

			accessible by more people. Borrowing books may still be a need to deliver on but the Library should be more like Amazon where books move where they are needed to the end user in one shipment to their home rather than from one library to another creating another trip for the end user. There should be less investment in physical structures and more in services that reach the end user. There should be more investment in electronic technology and information than actual books and buildings. **<u>Housing</u>** The housing landscape graphic known as the Housing Continuum, developed by CMHC and presented in figure 5.1, makes all levels equal when in fact they are not. The vast majority of citizens live in Market Housing but this presentation would have the viewer believe that each stage is the same when 11% of households spend more than 30% of their income on housing. The increase in value of residential real estate is a national and international phenomenon while the 30% threshold is at least 50 years old. Affordability is not controlled by HRM or the Province of Nova Scotia though both levels of government can do things to lower the cost of housing. However, affordability has improved. According to Statscan Housing indicators, 2021 Census (statcan.gc.ca) 20% of the population of HRM in 2011 were in an unaffordable situation. In 2021, that percentage dropped to 16.1%. Most of the housing stock in Nova Scotia is over 60 years old and in fact much of it outside of HRM Urban core is older than that. (According to CMHC Housing Portal - **HOUSEHOLDS AND HOUSING STOCK** Period of Construction and Condition of Dwelling - about one half of the housing stock was built before 1980.) Older housing is more affordable. When developers bulldoze older homes the replacement stock usually features much higher rents. Page 71 decries urban sprawl but ignores the fact that the suburban areas make housing cheaper/affordable. The outlying areas forty years ago are now congested and traffic is a major concern. By concentrating 90% of new housing units in the Urban core, traffic to the centre will become impossible when traffic to the centre is already in crisis. Crime in HRM is also higher than the rest of Nova Scotia. Safe Cities profile series: Key indicators by census metropolitan area - Halifax, Nova Scotia (statcan.gc.ca) *In 2018, there were 1,373 incidents of violent crime per 100,000 population reported by police in Halifax, 8% higher than Nova Scotia (1,268) and 20% higher than Canada overall (1,143).* Is more congestion really in our best interests? People now avoid the downtown because of old narrow streets made narrower to accommodate bicycles that are only used in rush hour by a low percentage of the commuters. Streets are rendered narrower and citizens' ability to move by way of their own private vehicle is restricted 24/7. Parking fees and restrictions, along with barricades for bicycle lanes only add to the misery. Current housing opportunities as noted on page 72 are deemed in a negative way despite the reality that the market still dictates where investment, corporate or individual, is made and where people want to live. Not everyone wants to live in a 900 sq/ft one bedroom condo/apartment in a congested downtown that not even the Metro Transit system can maneuver or get from A to B in any meaningful timeframe. Citizens are hesitant to take their lives in	

			their hands and attempt a bicycle ride in a congested and unsafe downtown. Housing and traffic are very much connected. HRM should be focusing on low-rise housing because it is lower in costs. Quick approvals must be the order of the day. Low density means less crime. **<u>Increasing Housing Supply</u>** 5.2 While talking about the need for more affordable housing, this report talks about allowing more diverse housing types; • *Increasing gentle density and missing middle housing;* • *Encouraging the adaptive reuse of former institutional and commercial properties; and* • *Considering the removal of parking minimums for residential uses.* The reality is that the permit process for an individual or a development company is a real barrier to meeting demand and is indifferent to what the report refers to as "*gentle density*". As the population increases by 20,000 or so people a year, this unmet demand only increases prices and removing parking minimums ensures density will not be "gentle". Twenty thousand people usually mean 3 to 5 thousand units are required to house these people. We are already years behind meeting demand. Just as our health care system was designed for 750,000 people and struggles day and night to cope with over a million customers; our housing permit and inspection system is an early 20th century model that was not designed to be a model of customer service. It desperately needs updating and to be made more responsive to the needs of citizens and businesses. HRM must design a permit process to allow those units to be built in as short a time as possible. Right now, developers are facing 2-4 years from permit to breaking ground. They employ professional architects and engineers who sign and stamp plans and therefore professionally on the line. Why doesn't HRM simply accept the design and get on with building it? Private capital is at risk and therefore you must ask "will someone invest $30 to $50 million dollars for a property that is not attractive for sale or rental?" I don't think so and HRM should not either. HRM must accept that qualified engineers and architects have performed their due diligence to ensure their professional practice is not at risk. Second, if something does go wrong after the arduous HRM approval and inspection process, will HRM be liable or at fault? No. Therefore, HRM, please get out of the way and lower these barriers. Finally, *Inclusionary Zoning, Density Bonusing, No Net Loss/Rental Replacement* have not produced the results they were promised otherwise we would not be discussing a housing shortage. **<u>Protecting the Environment</u>** 6.5.7 Renewable Energy Page 104 HRM could, in addition to the suggestions in EC-67 to EC-74 become a more active partner in developing alternative energy. If one looks at the energy consumption by the HRM government alone, there has to be a case for HRM to invest in alternative	

			energy for its operations and infrastructure. A major mining company, Rio Tinto, has announced a very large scale solar project that will produce 4,200MW of power above the arctic circle! Surely there is a scale that HRM could get involved in and utilize wind, hydro - turbines in water utility pipes where water is moving, solar panels on its many building roofs and methane gas from its water treatment plants. **How we Move** 7.0 This plan does not reflect the reality that our most of roads were designed by engineers trained after 1945 and built in the 1970's and are being overwhelmed in 2023. Roads take a long time to design and build and that needs to change. Alternate forms of transport will take at least a generation to design, fund and build. This draft plan states that shifting to "moving people and goods, by investing in facilities and encouraging building forms that support walking, rolling, cycling, and public transit" sounds lovely but does not address where people live today, their health or ability. These societal health conditions will not change in a year, or five years or 20 years. Vehicle transportation is still necessary but being made unworkable as drivers are forced onto overly congested roadways. People can't just ride a bicycle to work tomorrow. Their health, distance to work or other economic factors preclude this. Simply offering an alternative will not mean one gets the change you want or expect. Decreasing ridership on Metro Transit is proof that it is not an acceptable mode of transport. Even during the pandemic, free rides didn't increase ridership. Other changes in the economy were more powerful; like work from home. The goals listed in 7.1 do not reflect the reality that bus service really only works during the drive to work and the drive to home. The Urban Core is land locked and is filled with 19th century narrow roads. Most people do not have a positive experience on Metro Transit due to passenger disturbances, buses being driven above the speed limits on degraded potholed roads and then grinding to a halt at the next stop. Electric buses will not change that. Perhaps that is why on page 113, the Census to Work schematic 7.1 indicates that rides by private vehicle increased from 75% in 2006 to 82% in 2021. The 2031 target of reducing the percentage of "private drive" to work from 82% to 65% therefore is impossible unless HRM is planning a massive Road Tax and an Urban Core vehicle entry tax to get people out of the downtown. The author of this section is quite frankly strongly biased against private vehicular transport as the report later on describes auto dealerships as an "obnoxious use of property". Such bias indicates that HRM risks becoming unaccountable to the people it was created to serve. **Complete Streets** 7.5.1 "*Conventional street classifications and design standards have focused on accommodating private vehicles. A Complete Streets approach emphasizes improvements to the safety, comfort, and efficiency of movement for all users, including pedestrians, cyclists and transit riders in an inclusive manner. This approach can apply*	

			many solutions in different contexts to support appropriate combinations of modes and uses. Goals M13 to M17 do not provide any meaningful information on how the above will be achieved. It would be impossible for anyone to approve a blank cheque statement like the one above. If approved, HRM would be open to any manner of implementation schemes in the name of "*efficiency of movement for all users, including pedestrians, cyclists and transit riders in an inclusive manner".* Where 82% of movement is by private vehicle combined with what has been done in the downtown area of Halifax already, this section is very bad planning, if it can be called planning at all. <u>Community Safety</u> 7.5.2 Goal "using a "Towards Zero" approach to injuries and fatalities for street safety and security" is another open cheque where a mandate will be given to staff to write their own rules. M18 to M22 are continuing a very bad approach to planning. <u>7.6 TRANSPORTATION DEMAND MANAGEMENT</u> *"Roadway congestion cannot be eliminated, but it can be managed through Transportation Demand Management (TDM) by reducing peak-time congestion. TDM initiatives improve the efficiency of the transportation network by encouraging alternatives to single occupant vehicle trips through incentives such as fare promotions and ride-share programs, and/or through disincentives such as re-allocating road space or adjusting tolls based on routes and time of day".* The City of London, population over 8 million has a traffic congestion problem and measures like the above were brought in about ten years ago. Traffic is just as bad because people still need to move around. London simply has a new taxation system, an expensive one too, that does nothing to change traffic. Much like the Federal Carbon Tax here in Canada, it is not working to reduce traffic. When people have to drive, they have to drive. Taxes simply lower productivity and strangle the economy even more. 7.7 ACTIVE TRANSPORTATION (AT) While an interesting long term goal, AT in rural HRM is currently an extremely dangerous proposition unless HRM will be widening all rural roads and providing bike lanes? Our municipal road layout has its roots since 1749 and many roads are simply impossible to widen from a cost point of view. As a recreational method of travel it may work but not for work or for shopping. Is AT affordable? Squeezing out private vehicles and forcing citizens to stand at bus stops in winter, spring, summer and fall is questionable and winter traveling on a bicycle is out of the question. Has anyone tried taking a bicycle trip to shop at Bayers Lake from Bedford? If you did, how would one get their purchases home? Even going to the local drug store is not safe on a bicycle given the narrow roads. A painted line will not protect me. I might be behaving in a sustainable way but not so much if I am lying in a hospital bed (provided one is available) or worse, the morgue!	

M-29 The Municipality shall prioritize pedestrian infrastructure and apply a “Pedestrian First” approach to designing streets within the Urban Area. Again, a wonderful ideal but HRM will only succeed in driving out any business service in the community.

7.7.2 CYCLING
Bicycling should be comfortable and enjoyable using a network designed for people of “All Ages and Abilities” (AAA). AAA facilities help protect cyclists from trucks, buses and automobiles using physical barriers or low-traffic streets.

Paying for all of this infrastructure will be….. Those who don’t use a bicycle! Second, the health of at least one third of the population will mean that they can’t use a bicycle.

7.9.1
Parking
*“**To free retailers from having to compete** by providing ever-larger parking lots, in business districts the Municipality should consider limiting the number of parking spaces and paved surface area.”*
“Freeing retailers from competition”? What exactly does that mean? HRM has to decide on if it wants a successful local business community or have us rely on Amazon delivery from Toronto. This suggestion is ridiculous and will put most businesses out of business.

M-43 *When considering new secondary municipal planning strategies under the Community Planning program, the Municipality shall consider, through applicable land use by-laws, permitting temporary uses on surface parking lots, including but not limited to modular housing, pop-up clinics, pop-up retail, outdoor retail display, pop-up bicycle repair, pop-up waste collection, fairs, crafts and exhibitions, **but excluding auto dealerships, warehousing, self storage,** waste storage, junk yards **and other obnoxious uses**.*

So, auto dealerships are an obnoxious business??
Really? Warehousing is obnoxious as is storage? Really?
This is what we want HRM to be known for??
Second, pop-up businesses? Have you forgotten about the contractual lease agreements signed by these retailers and commercial landlords that include parking??

CHAPTER 8: DRIVING ECONOMIC PROSPERITY
Economic Development
8.0
While HRM is currently the “hub” of Atlantic Canada it may not always be unless HRM does meaningful work on lowering the commercial taxation burden on businesses. In fact, the entire property tax system is a 19th century solution still at work in a 21st century world. HRM must be more innovative in creating the best possible business climate to retain and grow a more dynamic business sector otherwise it will be left with a stagnant service economy.

Since 2016, many more people have arrived here than we expected. The Halifax Partnership People, Prosperity 2022) also raved about the growth but do we really know if it will continue? Currently, subdivisions are approved, apartment and condo buildings are approved with very little thought to the real traffic consequences. Larry Uteck Blvd is a prime example of a

			narrow congested road that now has to be dug up after the homes and businesses are built. We failed to build more affordable homes over the last 20 years or substantially improve the transportation system. We have raised taxes though and added bike lanes to increase conjestion. Our construction and development sector is under stress due to HRM rules and bylaw impediments but also labour shortages which makes one wonder who exactly is coming to our province. Despite record population growth it's odd that we have construction labour shortages! GDP growth in HRM from 2015 to 2021 went up 1% while our population growth over the same time period was 2%. “Chart Page 15 | Halifax’s Inclusive Economic Strategy 2022-27. Our population growth was only 50% efficient in boosting our economic growth. The same report also indicated that “After robust growth in 2019, the labour force participation rate dropped to its lowest level in a generation”. The vision for future growth and prosperity but our port is still operating at less than 50% capacity. Population growth does not drive growth at our port. 8.9 GREEN ECONOMY HRM will never get ahead of the curve on the Green Economy unless there is better utilization of existing resources. For example, I contacted my councillor about the methane gas being burned at the Bedford Waste Water Treatment facility about 5 years ago. A staffer from the Water utility reached out and informed me that a study would take place at the facility near downtown Halifax. It has resulted in the Cogswell District Heating Plan using thermal energy but there is no mention of the methane gas component. The pace of adopting new technologies is abysmal. Yes, as humans we do the same things over because they are safe and comfortable but if HRM is really serious about any kind of Green Economy it must be ready to do much more much faster. Surely, energy recovery from wastewater treatment plants is not a global first but here in HRM we act like it! HRM Climate Action Tax Implementing another tax is not the road to a greener economy. Taxes take money out of everyone’s pockets and they are diverted to the public sector economy- the most unproductive part of the economy. Before implementing new taxes, HRM should be finding ways in every part of the delivery of municipal services to reduce the time and effort inputs and improve delivery of services. Respectfully submitted, Wayne Fiander	
C696	Email	Cathy Bradley-Thibodeau	Thank you for your time today. I feel that you were genuinely interested in what I had to share. Below is the email I sent in May 2023 to NSUARB. I'd also sent feedback on an online form late in 2022 when the topic of district boundary review surfaced. In the email below you will see that I also mentioned our unreliable power grid. I am looking forward to the proposed meeting with Nova Scotia Power, our HRM councillor and our MLA on October 2nd at the Wellington Community Hall. I shall attend one of the open houses before the end of October.	No

			Cathy Bradley-Thibodeau ----- Original Message ------ Sent: Tuesday, May 9, 2023 10:45 PM Subject: district boundary review I live in District 1 in Wellington. I provided feedback in late 2022. I was concerned then that we would be removed from the current district and "placed' in a more rural catchment area including Enfield, etc. We've lived in Wellington since 1980. We have seen exponential growth in our community from Waverley all along the #2 highway through Fall River, Wellington, Grand Lake, Oakfield, up to the 102 Highway at Enfield. In these areas there are only SMALL pockets of what I call "privilege" services such as city water, sidewalks, crosswalks, traffic calming, even sewer plants. For the most part we are second class citizens. We have well water, septic tanks, no sidewalks and a bus that we must drive more than 12 kms to in order to park a car to use the only bus route into the city or to the airport. I'm convinced that in my lifetime I'll never see any improvements or upgrades in services where I live. Fall River does have city water in more parts and more sidewalks than Wellington, and Grand Lake, and Oakfield, for example. Fall River has better services that the rest of us in the district. Mind you not ALL areas of Fall River have consistent services either. My wish is that Wellington, Grand Lake and Oakfield remain in the same boundary as Fall River. Maybe then we'll have a chance to be considered for service upgrades that we don't enjoy at the moment. In our district we have areas of commonality not because of what we have but what we lack. If the number of citizens in the district proves too unwieldy for 1 councillor, then assign additional resources as needed. The state of our power grid is also of concern. The area from Enfield south to Fall River is often in the dark. We lose power more than other districts. The outage map often looks like the Bermuda triangle. This is another issue that we have in common. Thanks for the opportunity to comment. Cathy Bradley- Thibodeau (email as above)	
C696 (2)	Email	Cathy Bradley-Thibodeau	I attended an open house today at Cole Harbour Place. I have been following this review since the onset. I have voiced my opinion many times to whoever would listen, in person and via email. Today the planners were very receptive and I appreciated being able to present my concerns. Despite living in Wellington since 1980, I don't feel like our community and those of Grand Lake through to Enfield will get a fair shake if we are lumped into a rural plan. I guess we're already rural if we currently don't have water, sewer, sidewalks and no hope in my lifetime to ever see improvements. And forget about any transit improvements. Interestingly, when I got home my husband asked 1 question- why is this review being done? Good question. I wish he had thought about the process before the day before the deadline and come with me to the sessions held all over HRM. Thank you anyway.	No

C698	Email	Paul Ralph	There's a lot to like about the regional planning strategy; nevertheless I have some suggestions: 1. Climate change: it's time to recognize that a host of industries are fundamentally unsustainable. a. HRM should have a blanket ban on any further development of golf courses and motorsports facilities, for example. b. This should go without saying but HRM should not approve any further coal mines or oil and gas developments. 2. Housing: a. HRM needs to **build** non-market affordable housing. Not facilitate. Not fund. Not work with local developers or whatever. BUILD. And you need a hardcore project manager who won't let contractors overcharge and loot the building sites. b. HRM should also encourage the construction of boarding houses. c. Women's shelters should not pay property tax. 3. Transport: What's in the plan is good but it's woefully insufficient. Halifax basically punishes drivers without offering viable alternatives to driving. a. Halifax need to build a protected active transport network. No bikes and scooters sharing roads with cars and buses. *Protected* bike lanes means physical barriers between active transport (bike) lanes, sidewalks and vehicle lanes. The idea that HRM has a billion dollars to build a ferry from Bedford but can't spend a few million to build an active transport network is deceitful. Active transport should be a higher priority than another ferry. b. Rural HRM also needs active transport lanes. And sidewalks. Gravel sidewalks are fine but there are places in Upper Tantallon, for example, where there's simply no safe way for kids to walk to the nearest shop. c. Meanwhile the bus system is inadqueate. It needs to get people where they need to go without taking three times as long as driving. Recent reductions in bus service should not be tolerated. Service needs to increase, not decrease. d. Buses should be **free** for residents. Free buses pay for themselves by displacing more car journeys, which lowers road costs. Free buses cost less because you don't need ticket machines, and passengers don't get in fights with drivers over fares. 4. Water a. I'm sorry but Halifax water doesn't know what they're doing. They're putting 30cm culverts in places that need 1-meter culverts. When they dug out some ditches in my area they left some culvert ends buried so water can't flow through them. They allow culverts to become blocked by debris. They build ditches in places where no water runs, and don't build ditches in places where water does run, so the roads flood and the shoulders erode. The whole organization needs a major shakeup. 5. Emergency Management	No

			a. The strategy doesn't have an emergency management section. That's a red flag if I ever saw one. b. HRM doesn't have adequate fire-fighting resources including fire hydrants in rural communities. During the Tantallon fires the deputy chief continually lied to the public about having adequate resources while homes burned and firefighting students were deployed to fight the Wag fire. I talked to actual firefighters who said they were completely overwhelmed by the fires. The fire department doesn't have the resources to put out wildfires. Their plan was to wait for rain. I have bad news. Climate change causes droughts. Next time, it may not rain. HRM needs to revamp the fire service and stop lying to the people during disasters. c. HRM doesn't know how to communicate during emergencies. First, stop lying (see deputy fire chief above). Second, communicate more. Third, tell people what they actually want to know, like "when can I go home" or they will stop listening and won't hear the messages you need them to hear like "stay off the roads." I don't know what's going on in HRM's emergency planning office but they're supposed to know these things. A major shake-up there is also needed. Does anyone in the emergency planning office have an actual degree in emergency management? That's a thing you know. — **D. Paul Ralph, PhD**	
C701 (1)	Email	Katherine Kitching	Hello again! Here's a short message on my thoughts for determining lot depth for developments that border the Backlands. I feel that the current lot depth proposed (at 250 metres) is unnecessarily deep -when the whole point of zoning the backlands as park is to maximize the chances of preserving the space in all its wonderful and natural beauty. It's important to remember that the closer the houses are to the wilderness: a - there is more potential for domestic animals (especially cats) to hunt wild creatures in the wild area b - there is more potential for invasive garden plants to intrude into the wild area (E.g. multiflora roses are becoming a major issues in some parts of the municipality.) My suggestion for a method that is fair is to look at all the other lots in that same stretch. Throw out the top 2-5% outliers on either side - i.e. the top 3 shallowest lots and the top 3 deepest lots. Then take the average depth of the rest, and make that your allowed depth. Cheers! (and more thoughts coming another day, on other topics) Katherine Kitching	No
C701 (2)	Email	Katherine Kitching	Hello, here's an idea for the Regional Plan process.	No

			At the Open House I attended, a couple of the planners mentioned the idea of "level of service standards" for each neighbourhood - such as (I hope I understood correctly) how many parks parks per square km, how long a walk to local amenities, how far to the local school etc. I wanted to voice my support for this idea. I like how it helps quantify the concept of a "complete community" to give it measurable standards -- which I feel is a really important element to prioritize as Halifax continues to grow. I also wanted to suggest that "access to naturalized space, and/or wilderness" should be included in the level of service standard for each community. I think it's clear that Haligonians really value access to beautiful wild spaces. This is where our residents go jogging, walk their dogs, relax by the water, go for a hike- or a snowshoe in the winter-, go fishing, ATVing, have a campfire... and take their children to explore. furthermore, I am sure you are aware of the plentiful research on "nature deficit disorder" and the therapeutic benefits for children and adults alike, of being out in nature. I therefore feel that access to natural beauty is just as important element of a complete community, as access to a library or a grocery store. (one only has to go down to Point Pleasant these days to see how incredibly valuable a wild and beautiful area is, to Halfax residents - it's packed!!) I am keen to ensure that the importance of equitable access to nature is not overlooked as the city grows - this means keeping large intact swaths of wild space close to the city - not bulldozing them as the city balloons outward, and expecting residents to travel farther and father to access the wild space they love and need for their wellbeing. It seems to me that the ideas of greenbelting, wildlife corridors, and green networks all neatly tie in with the concept of "wilderness level of service standard". So as part of the planning process I Think for every new and existing community the planners should ask the question: Does each community have a beautiful wild space that they can (ideally) walk or bike to - and if not, then drive or bus to easily, within 15 minutes? As development pressures increase, swaths of wild space should be preserved, even if narrow, that reach in like green fingers towards the centre of the city. This way, all people can access wild areas near to their home, and then as desired continue to move outwards from the city through these channels - just as wildlife can. I was telling the planners about how wonderful Gatineau Park is, near Ottawa. It is a wedge shape - down near the Ottawa River, close to downtown Ottawa and the heart of downtown Gatineau, it is so narrow you can almost see across the woods. However, you can enter the park easily from this super-urban environment. >From there, the park steadily widens as it gets farther from the city - just like an infinite piece of pie. The farther you go, the larger and wilder it gets.	

			But everyone can access it, no matter where they live - either at the tip of the wedge, where the population is densest, or along each side of it. Thanks for listening! Katherine Kitching	
C701 (3)	Email	Katherine Kitching	Hi all, I have had such a busy week - am hoping you will accept a couple more comments from me even though the deadline was yesterday 😬 So sorry, the week whizzed by and I forgot! I wanted to propose that you dispense with the "Urban Reserve" designation/zoning. In my view, this designation has caused nothing but trouble for the municipality, its citizens, and property owners/developers. If you think about it, it's a rather odd thing, to have land designated as "can't be developed right now but maybe/probably could be developed in a rather vague future timeline" . It is certainly a problem: as the city grows, wild places that used to be far away become people's backyards, and naturally they grow to love them and use them for outdoor recreation. It feels bitterly unfair to them, when they suddenly learn this land is private and there is nothing/only extreme measures that can be enacted to save it. I think Blue Mountain Birch Coves with the lawsuit against the city is a really prime example of this. But the person who bought the land of course had a reasonable expectation that they would be able to develop it. So I also sympathise with how it's unfair to them to have citizens/the city suddenly put up resistance to its development. I think it would be much better to have only clear designations for land. Either it's zoned for subdivision, or it as zoned as rural commuter/agricultural/parkland. I think it's a mistake to include the option for this "grey zone" type of designation of "probably can be developed but not right now" - that is bound to lead to frustration and conflict. If you zone the bulk of remaining land outside the current developed limits as rural commuter or other non-subdividable land, it will of course encourage the sort of dense urban development and infilling that we want. And - hey - if ever there was a compelling reason to rezone some of that land for subdivision, I am sure that Council could grant an exception. Thanks for considering, Katherine Kitching	No
C701 (4)	Email	Katherine Kitching	Apologies again for delayed input. hoping you will accept it: I would like to propose that as we move into the next phase of planning for the region, that we are invited as a city to do some collective visioning of an "ideal size" for Halifax--- instead of simply acting like growth is inevitable and we can only shrug and try to accommodate it.	No

			So many folks I've spoken to in the last year have, like me, felt uncomfortable/disappointed with the rate of Halifax's growth these past years, and the negatives it brings, including: - huge traffic jams/rush hour issues - reduction of the friendly small-town feel of the city - way more people out in parks and beaches - harder to get parking, harder to find a quiet beautiful space - evident housing shortages, doctor shortages - more demand for energy, more pollution , more garbage - all the things that put strain on our beautiful and currently-exceptionally-clean environment. This is not to say we think growth is categorically. bad, that we don't see any advantages, or that we want to block anyone new from coming to the city. I came here myself from Ontario 14 years ago because I fell in love with the place. I'm so glad there was space for me to come :) But at the same time that I hope we can continue to welcome people here, I would love if we could do so in a more mindful way. As I understand it, currently the province has set aggressive targets for growth, without asking Nova Scotians if this is what they want. We also base aspects of our economy on growth in a way that I feel is unhealthy: for example, instead of thinking, "how can we ensure that our citizens here want to become nurses, agricultural workers, nannies - how can we ensure these jobs are well-paid with adequate benefits" - we base our survival as a society on importing desperate people from poorer countries, who are willing to do the "crappy" jobs that Nova Scotians don't want to do. I know some of this stuff is beyond the scope of the municipality--but I don't think that means we can't try to encourage something different, through the planning measures that are at our disposal. I think it would be wonderful if as a municipality we could have a discussion about our vision for the city. What do we want for it to look like in 25 years, in 50 years? What are the concrete advantages and disadvantages of growth - let's lay them out on the table so we can talk about them and start to identify a balance point. At the same time that we don't want to exclude people from living here, I do think it's fair to ask the people who already call it home, what they dream of for their city. Do we want Halifax to be the next Toronto or Montreal? I personally don't. I chose this place because - while it doesn't have a subway or a ROM - it does have all sorts of beauty and charms that those cities don't offer. I know so many people who chose Halifax for the same reason. I dislike the idea that by growing thoughtlessly and without end, we are at serious risk of destroying the elements of Halifax that make it wonderful, unique, liveable, and inviting. In my ideal world, we decide collectively that Halifax is "a great small city" - or "a great mid-size city" - and then we have creative discussions on what we can do to encourage it to stay this size.	

			In my ideal vision, we strive for a balanced Halifax -- where anyone who wants to, can come to live here - - but also people are leaving Halifax because it is not what they want -- they want Montreal (or maybe they want a ranch in rural Alberta!). I don't want to try to please everyone - I want to define what Halifax is best at, and then do that as well as we can. Ideally in this way we reach a point of homeostasis where the city is ever-changing, but not getting ever-more-bloated. thank you for considering my ideas. Katherine Kitching	
C707	Email	Jenifer Tsang, Sunrose Consulting	*[See attachment]*	Yes
C708	Email	Chris Field	I have attached my comments on the Draft Regional Plan as a pdf file. Would appreciate it if you could acknowledge receipt. Chris Field	Yes
C709	Email	Jacob Ritchie	Kate, Please see attached, a letter following from the discussions at Regional Council on September 26th, 2023. Look forward to discussing with you. Regards, Jacob	Yes
C711	Email	Jon Smith	Hello, I am a Cole Harbour resident and looking to provide my feedback on the current draft HRM regional plan. I look forward to attending some of the upcoming open houses as well! I think the city should raise minimum residential density across the entire HRM and not just in transit corridors. Many cities across North Ameria have removed exclusive single family zoning and HRM should follow in this direction. Allowing up to 5/6 units across all residential areas would allow the density required to financially support city services and give much needed housing supply to address the current housing crisis. Additionally, removing all parking minimums for commercial and residential developments, making residential only areas become mixed use, and prioritizing non-car transit modes should be top priority for the city and the regional / suburban plan Thanks, Jon	No
C712	Email	Boris Worm	Dear HRM Planning Team, I am writing this email responding to the call for public comment on the HRM Regional Plan. Please find my full submission letter attached. I would appreciate an acknowledgement of receipt, thanks so much! With my best wishes, Boris	Yes
C713	Email	Graziella Grbac,	Hi Kasia,	Yes

		Village on Main	Attached are the presentations to the Housing Task Force and JRTA. Also, briefing notes we presented to Tim Halman and other documents that may be relevent.	
C717	Phone Call	Kenneth Kelly	Phone call regarding traffic issues at Anchor Drive / Purcell's Cove Road.	No
C719	Email	Chris Markides, Zzap Consulting	Hi Leah, Please see the attached letter summarizing our Regional Plan requests. Please do not hesitate to reach out if you have any questions. Best,	Yes
C721	Email	Deny Sullivan	*[See attachment]*	Yes
C723	Email	Maureen Yeadon, Prospect Region Organization for a Better Environment (PROBE)	October 17, 2023 Attached please find input from PROBE with respect to feedback on Regional Plan, Phase 4. Sincerely, Maureen Yeadon Chair, PROBE	Yes
C724	Email	Patrick Burke, Archipelago, Office for Architecture	Dear Regional Plan Team, I have attached the Letter of Intent for the Spryfield Community Development, a proposed non-profit development in the Suburban Area, in response to the request for public engagement. Please confirm receipt. Warmly,	Yes
C726	Email	Gerard Fagan	**Regarding Site-Specific Request(s):** **C070-A Clifton Heights** **C071 Near Kidston Lake** **C074 Lands Southwest of Herring Cove Rd** **C333 Herring Cove/Spryfield** To whom it may concern I have a few concerns other than a retired councillor using his contacts to influence outcomes. Sewage treatment or lack there of in herring cove and traffic congestion on a two lane road. This development will add substantial load on both. Solving a problem in Halifax proper isn't solved by dumping untreated in Herring cove.	No
C727	Email	Leah Morrison	To Whom it may concern, Love concept of high density, complete communities, prioritizing walking, cycling & transit. Minimize impact to existing homeowners, revamp blasting bylaws to reduce damage - I suffered $15K in damages from blasting 100 meters away on J.Howe for Banc development - plaster walls cracked throughout my home and no reimbursement for damages. Protect Sandy Lake, in opposition w/ reg plan, harms precious ecosystems & creates more traffic. To fully protect our watersheds, biodiversity and natural state of assets, we must stop allowing use of pesticides/insecticides/herbicides as part of approach and join the 200+ Canadian municipalities and 7 provinces w/ pesticide bans in place. High density means more contact with 2nd & 3rd hand cigarette smoke - all high density housing should have smoking	No

			bans. Littered butts, streets have become ashtrays - heavy metals & microplastics from butts harming HRM! Growing number of cities in U.S. banning smoking in parks/downtowns. Bring back ashtrays. Ease healthcare spend w/ a generational smoking ban like NZ - UK and many other EU countries now also considering. Thanks for your consideration of my input. Leah	
C728 (1)	Email	Céo Gaudet	To those involved in receiving and considering public comments on the Regional Plan Review: The scope and ambition of the Regional Plan Review is impressive. There are many excellent aspects, and the focus on environmental protection during this period of high growth is commendable. I wish the contributors to this very significant project all best in converting these good intentions into actionable policies, programs, regulations and bylaws to protect our precious natural assets. Please see my comments related to the water sections here: Comments on Regional Plan Review.docx I appreciate the opportunity to comment. Sincerely, Céo Gaudet	Yes
C728 (2)	Email	Céo Gaudet	Hello, one additional comment on the Regional Plan Review. It is my understanding that Nova Scotia allows new developments to direct any untreated storm water that cannot be managed on site to the nearest natural waterway. This is entirely avoidable and unacceptable. Unless this is changed, it will result in an unacceptable pollution burden on our lakes, including phosphorus, nitrogen, salt, fecal matter and numerous other pollutants. Apologies for not including this in my original comments. Céo Gaudet	No
C729	Email	Jan Fralic-Brown	Hello, Thanks for the opportunity to provide some feedback on the draft regional plan for HRM. I have a few comments, and I hope they might be useful. I am someone who does not have a driver's license (although we have a household vehicle, which is not usually at my disposal), and chooses walking as my main method to move around my community of Spryfield, the Halifax peninsula, and into downtown Dartmouth on a regular basis. Overall I'm pretty positive about the Plan – but can it be acted upon? Enhancing our quality of life through by supporting the growth of "healthy and vibrant communities, a strong and diverse economy, and sustainable environment" is more than a good vision – it is also the right path to lowering dependence on our currently unsustainable and unhealthy health care system, long term care system, community services system, road maintenance systems, and waste management systems. Then our tax and other government revenues can be used in ways to further sustain our communities, our families, and our environment to help protect us and our descendants from the worst effects of climate change.	No

			I'm particularly concerned about planning for reduced, if not eliminated, use of gas-powered personal vehicles to travel from suburban areas to the peninsula. To me, coordinating the development of Active Transportation corridors between the suburban and urban areas with the development of new areas of housing and retail establishments, and the necessary changes to the roadways will be key for the ensuing (hopefully less gas-dependent) traffic patterns. For example, why isn't Mainland South targeted for a priority project for an Active Transportation network? It is a main conduit for residents to the downtown core and desperately needs solutions to the traffic bottleneck from Herring Cove Road to the Armdale Roundabout. The old Active Transportation plan included maps and goals for the area, but absolutely nothing has been done to advance the goals in the ATP for our area. I have walked from Cowie Hill to downtown Halifax since 1993 and my trip has not changed, and in fact is more dangerous now then it was then, due to the increased traffic and the concomitant increased speeds and distracted driving behaviours. As more development is planned for this area, there needs to be more innovative active transport type solutions to this bottleneck. Widening to four lanes of automobile traffic will only create more traffic congestion – we need to create more space for sidewalks, bike and scooter lanes, and dedicated transit lanes. What about a bridge from Jollimore area to the South end that serves only walkers, bicyclists, scooter drivers, and wheelchair users? Or at the very least a ferry? If you can make it safer for people of all ages and abilities to use active and public transportation methods to move around and through their suburban areas, this can feed into simultaneously creating the means to increase use of alternative transportation in the downtown core and other business centric areas, such as Bayer's Lake and Burnside. Add in developing affordable and dense housing solutions for those areas, and there should be positive results. I also believe that there are enough currently unused but already developed properties in HRM to make it possible to avoid opening up wilderness areas for more development. Preserving our natural assets will also be key to mitigating the effects of climate change in our very vulnerable location, and repurposing and redesigning already serviced or easy to service areas seems like a logical way to help both human and environmental needs. Thanks again for this opportunity, Janice Fralic-Brown	
C730	Email	Paul Berry, Woodens River Watershed Environmental Organization (WRWEO)	The Woodens River Watershed Environmental Organization (WRWEO) offers five comments on the Regional Plan. Since these comments take more than 1000 characters, we are submitting them via email as directed. 1. The Halifax Green Network Plan (HGNP) was formally approved in 2018, but it was not until 2023 that the Regional Municipality approved the appointment of a paid HGNP Coordinator to oversee the implementation of this plan. Regrettably, the HGNP Coordinator position remains vacant. We believe this fact reflects badly on the will of the municipality to make the HGNP an effective part of the Regional Plan. HaliFACT,	No

			comparable to HGNP, has a paid coordinator and a growing staff to support the position. What the Regional Plan says about the importance of HGNP is excellent. Nevertheless, without a coordinator to help in the implementation of its goals, words without action are only a reminder that the municipal government lacks the vision to reap the benefits of the HGNP for improving the mental and physical health of the citizens of HRM, reducing climate change, protecting biodiversity, and preserving the uniqueness of HRM as a place to live. A case in point is how a HGNP coordinator could help realize the Community Based Wilderness Stewardship plan (CBWS) proposed in 2020 by Our HRM Alliance (62 community organizations in HRM). Community-Based Wilderness Stewardship in HRM link: https://www.halifax.ca/media/73989 In HRM there are at least 12 nature reserves, 36 provincial parks, 6 municipal parks, and other open space, comprising some 84% of HRM (as of 2015). Much of our open space is connected through trails. The Regional Plan (RP) notes that “trail systems have become the backbone of a system of interconnected open space” that provide enormous recreational opportunities (RP 2.7.1). We know only too well how quickly these immense natural assets can be lost to fire and other threats. One of the greatest threats is the impact of human use. The Bluff Wilderness Hiking Trail, one of the most intensely used hiking trails in HRM, almost shut down six years ago because of damage from overuse. Instead, its caretakers created a highly successful volunteer stewardship program. Statistics on its success have been carefully collected for the last six years. The Bluff Trail Stewardship Program link: https://wrweo.ca/wp/the-bluff-trail/the-bluff-trail-stewardship-program/ This program is the model for CBWS that was proposed to HRM through various avenues such as the Environment and Sustainability Standing Committee and the Active Transportation Advisory Committee. Though CBWS was favourably received, the need for a paid coordinator who could oversee the efforts of stewardship programs across areas relevant to HGNP did not fit with the current employment structure. It is worth noting that the problem could be solved if HRM appointed a coordinator for HGNP. 2. Open space in HRM is sometimes owned by developers who have speculated that at some point there will be a demand to build housing in such space, even if it means cutting down forest, cutting off wildlife corridors, destroying endangered and rare species, draining wetlands, and depriving citizens of recreation. After all, they own the land and presumably have a right to develop it as they please, especially if they are providing housing that the public desires. The RP in recognizing the potential conflict with environmental values directs developers to “consider” any harmful environmental impacts. But the sad truth is that when there is a conflict of the kind just described, the RP has no teeth. All the developer must do is to “consider” the bad effects. There is no wording that requires the environmental values to be respected so that in a case of conflict development can be forbidden by law. Yet in these times of environmental crisis, development should be forbidden when there exist alternative areas of land that are not forested and do not entail the negative impacts set out above. If the	

			RP does not have that kind of authority, then for all its good words, it is business as usual, and the environment loses. Given what we now know about the deadliness and the speed of climate change, future lives are sacrificed for profit margins when there are alternatives in which the developer can still make money and the environment is preserved. 3. There is a housing crisis, and it is bound to get even worse if the provincial population grows as is predicted to two million by 2050. There is now a provincial Housing Task Force whose authority trumps the RP, as well as draft legislation being considered. For example, the Province is poised to develop on wilderness sites at Sandy Lake, despite decades of environment assessment and review that indicate that such development will have all the dire environmental consequences listed above. HRM needs to make its wording stronger, to clearly put the environment and wilderness above development, to conform to its well-articulated concern for them. If it is overruled, then so be it. HRM has stood up for what most citizens in HRM want. This applies especially to the Sandy Lake area and the Regional Plan should recognize the environmental importance of Sandy Lake and protect it as a unique wilderness area. 4. We noted earlier that the RP tells us: “trails are the backbone” of the interconnected open spaces in HRM. But the trails that are discussed are mostly municipal trails. There are many trails in HRM that are entirely on provincial land or almost so, such as The Bluff Wilderness Hiking Trail. These trails are supported by both levels of government, and the RP should be worded, however gently, to reflect this positive cooperation on which the overall interconnected trail system depends. We understand that HRM cannot tell the province what to do, but the existence of cooperation or coordination should be visible in the RP and celebrated. This point obviously relates to earlier point 2 regarding the need for volunteer stewardship, since a HGNP coordinator would be helping to create the means for volunteer stewardship in wilderness within HRM that is also on provincial land. 5. Finally, we urge that the RP clearly acknowledge the importance of coastal protection for HRM lands. At present, laws pertaining to that protection are not in force and, to our knowledge, HRM has no legal power to change that. Nevertheless, as before, we believe that the RP should signal the importance of coastal protection in these times fast moving and dangerous climate change. All the best, Paul Berry	
C731	Email	Ron Swan, Canadian Association of Retired Persons (CARP)	Hello Mr. Patterson, Thank you for the opportunity for CARP Nova Scotia to participate in the HRM Planning Review Process. I am proud to submit the attached letter with recommendations from our Environment Committee. Best regards, Ron Swan Chair, CARP Nova Scotia	Yes
C732	Email	Tom Mills, Shubenacadie Watershed Environmental	Hello, I’ve attached a letter for Dave Patterson as a comment concerning the environmental portion of the draft regional plan. Our comment results from the weather related experiences of 2023. The	Yes

		Protection Society (SEWPS)	Shubenacadie Watershed Environmental Protection Society (SEWPS) has been involved with habitat restoration projects annually for more than a decade. We have seen the degradation of wetlands and have been able to have a wetland study required for our watershed as a result of the new exit construction to Exit 6 from Hwy2. Wetlands have a variety of well documented benefits to the environment but they can also double as fire ponds in rural areas. Please consider this when finalizing the Regional Plan. Tom Mills, chair, SWEPS	
C733	Email	Walter Reagan	Please accept my comments to help the RP 2023 go forward Thank you Walter Walter N Regan	Yes
C734	Email	Holly Gunn	I have read through a lot of the regional plan online and have these comments: 1. Accessibility means more than wheelchair access. I wear a cochlea implant and struggle to hear in many situatiions. I do not do sign language, but I need to sit up front in presentations. Do you reserve available near the front for people to accommodate people with hearing disabilities? 2. Is Cole Harbour Place the only place for a presentation in Dartmouth? That is not very convenient for a senior who lives in downtown Dartmouth. 3. Re Section 4.31. Please open Findlay Community Center for pottery classes. I now drive to Halifax to attend pottery classes. My friend, now 85, drives all the way to North Preston to take a pottery class. Why can't there be a Park and Recreation Center near the downtown Dartmouth that offers pottery classes for adults? I am almost 75 and I would like to have pottery classes available in Downtown Dartmouth. 4. 5.24 Transit use: I do not live on a transit route. In order to get to a bus stop, I have to walk uphill several blocks in either direction to get to a transit stop. I have cancer in remission and have suffered from heart failure. I do not do hills very easily or quickly; therefore, taking a transit for me where I live is a challenge. 5. Re 5.22 Gentle Density. I find that term a euphemism. House crowding might be a more apt description. I live in downtown Dartmouth with a shared driveway. The people with whom I hare the driveway own a RV and a car. The people across the street have a shared driveway too and there are already three cars there and the 3 cars do not fit in the shared driveway so one car is parked on the street all the time. The people in the next house have a single driveway but own two SUVS. One is parked on the street most of the time. There are several shared driveways on my street, and many people park on the street most of the time. There is an Air B&B further down the street. They own a RV and car and the guests have cars. People there park on the street. If some of these people built homes in their back yard, I cannot imagine where these cars are going to park! Several houses on the street already have apartments in them. 6. Re Public Safety: With so cars parked on the street crossing the street here is dangerous, especially when cars block the view of oncoming cars. Regards Holly Gunn	No

C735	Email	Stu Webster	**Regarding Site-Specific Request(s):** **C071 Near Kidston Lake** Dear Regional Plan, As part of the feedback on the HRM Regional Plan review, I'd like to offer these suggestions and thoughts. Prior to endorsing the Kidston Lake Development Plan, it is imperative for the city to address the crucial issue of future urban accessibility, particularly in the context of road safety and mitigating traffic congestion. The Kidston Lake Development Plan (KLDP) estimates a population of 12,730 residents; however, given the prevailing uptrend in real estate prices, it is reasonable to assume a population closer to 16,000. This substantial demographic shift underscores the urgency of developing a comprehensive transportation strategy. Over the years, the Armdale Roundabout has experienced severe congestion, resulting in an additional 35 minutes of commute time to downtown, compared to an eight-minute drive without traffic. This growing predicament warrants immediate attention, especially prior to the commencement of new housing projects such as the Kidston Lake Development Plan. If the plan includes the construction of a bridge spanning the arm, linking the downtown core to Spryfield and its environs, it is imperative that the KLDP focuses on expanding road networks connected to Herring Cove Road. Moreover, we must also advocate for the creation of a highway extension, providing connectivity from Old Sambro Road to the 102 highway via Long Lake or Dunbrack Street. This strategic initiative is paramount and should be considered for partial federal funding in anticipation of the forthcoming federal election. Additionally, an examination of the Kidston Lake Development Plan reveals that Beachstone Drive is poised to become a prominent shortcut for future commuters residing in the new development. As Beachstone Drive was never originally designed to withstand the increased traffic volume, one plausible solution could involve rerouting the road to provide an exit that aligns with the proposed Daybreak Trail, extending to Old Sambro Road. This reconfiguration could also serve the dual purpose of accommodating supplementary parking for individuals attending events at the nearby sports field. Finally, a thoughtful alternative could involve permitting a partial through road on Beachstone Drive, culminating in a new dead-end street conforming to R1 zoning standards. This street, harmonizing with the Kidston Estates aesthetic, would host approximately 60 residences, complete with a pedestrian and bicycle pathway connecting it to the Kidston Lake Development Plan. This innovative approach not only curtails the traffic traversing our community but also facilitates the developer's land development objectives, all the while preserving Beachstone Drive as a secure thoroughfare for the benefit of our children and our close-knit community. Yours Sincerely,	No

			Stu Webster	
C736	Email	Karen Robb	Hello, Below are my public comments pertaining to The Regional Plan. They are organized by topic. Thank you for the opportunity to contribute. With Kindest Regards, Karen Robb DENSITY AS A TRADE OFF FOR PRESERVING WETLANDS/WILDERNESS: I know there is an acute housing “shortage” and a “crisis” in the availability of affordable housing that HRM needs to address. I appreciate that the Regional Plan discusses the range of housing needs, and how to expedite the development of non-market options but that needs to be even more of a focus. It would help if HRM is clearer about the difference and not feed into the province’s use of “crisis” rhetoric to justify environmentally unsustainable development and the erosion of our municipal charter! Building vast amounts of inflation-accelerating, over-priced, high-finishes market housing that people can’t afford, will not solve the “housing affordability crisis”. THE MISSING MIDDLE: Housing density makes sense as an alternative to continuing along the disastrous path of suburban sprawl, habitat destruction and biodiversity loss. I especially support the “missing middle” by which I mean small scale multi-unit buildings of 4-5 stories. I would like HRM planning to support development of this missing middle within a block or two of the active transportation corridors. It seems the kind of place I might move to in a decade or so when driving and caring for a home becomes challenging as I age. DENSITY DESIGN MATTERS: My experience of living in high rises is that they are impersonal, noisy and unsociable places to live. I feel any density-type building becomes livable long term, only when there is direct access to nature/green spaces and shared resident spaces inside and out. These provide opportunities to build community which creates a sense of belonging. I appreciate that the Regional Plan talks about Integrating shared spaces and I support CERTAIN types of incentives that encourage this kind of innovation as a route to becoming an expectation of standard design. Making density buildings our “forever homes” is necessary if Haligonians are going to shift from thinking we will own a single family home most of our lives. NO MONEY-IN-LIEU: I support inclusionary zoning that mandates 10% of development units must be affordable (based on a maximum 30% of an individual family’s income). HRM’s plan for No-Net-Loss of Rental Units will help but I do NOT support Bonus Zoning through a Money In-Lieu program that allows developers to avoid having an affordable component. Money-In-Lieu seems a complex accounting exercise open to developer favoritism and misuse of public funds. The level of transparency would need to be extraordinary for the money and the public benefit to be fully trackable. What I am most concerned about though, is the message Money-In-Lieu sends, that By-laws are for sale! It’s bad enough HRM allows 49 variances	No

			on a single high rise in downtown Halifax, but to propose that developers can ask for dozens of variances then pay for the ones they didn't get for free, makes a mockery of By-Laws and the public engagement processes that created them. Please generate money some other way, for instance, by greatly increasing the taxes for owners of vacant lots, abandoned buildings, and unoccupied suites. STOP PROVINCIAL INFRINGEMENT OF MUNICIPAL PLANNING RIGHTS AND CITIZEN PARTICIPATION IN MUNICIPAL PLANNING: Provincial incursions on HRM's Municipal Charter and HRM citizen's charter rights, through SPAs, by-law vetos, planning bypasses for "trusted" developers, etc., is scarily undemocratic. Citizen participation provides an important check and balance in the planning process, which, as we know now if we didn't before, is open to political interference. Please do what you can to restore HRM citizen participation rights, remembering that this affects HALF of the citizens of Nova Scotia as well as citizens of other municipalities that may have less resources to mount a defence. ENCOURAGE PUBLIC ENGAGEMENT USING SITE NOTICES: Regarding public engagement standards, can you please include mandatory notification by signage at the site, as a requirement for the public comment period. Current notification methods are not sufficient. Surprising a community with a development that is well into the planning cycle happens too often and isn't good for either party. Early engagement facilitates sharing of local knowledge which can be useful to planners and developers in avoiding problems upfront. IMPROVE ACCESS TO PLANNING MEETINGS: Could HRM please consider holding public planning meetings in locations other than Alderney Landing, and when possible, in the community where the proposed development is located. Alderney Landing is difficult to access because of late afternoon traffic, development in the area and lack of parking. Improving access will increase Municipality public engagement in what is arguably our country's most participatory level of democratic governance. COASTAL PROTECTION/BUFFERS: From correspondence with the Minister, it seems the province plans to continue stalling on passing The Coastal Protection Act. I support HRM doing whatever it can to enact and enforce HRM coastal and waterway by-law protections including buffer zones. 30 meters would be a minimum! 60 meters would be better as erosion of coastal buffers, at least, are continuous, at a rate that will greatly increase as climate change exhilarates. The homes and businesses built 30 meters from the coast today could well become marine debris pollution in 30 years. PROTECTING THE ENVIRONMENT AND CLIMATE: I feel the language in 'Chapter 6: Protecting the Environment and Acting on Climate' is not strong enough to effect change. "Shall be considered", "shall coordinate", "shall identify" will NOT protect habitat, biodiversity and slow climate change. Continuing to approve developments that destroys habitat, especially by filling in wetlands, will exhilarate climate change. Wetlands cool the city, store its carbon, and prevent local flooding through natural water management. As we have learned this summer, the cycle of destroying wetlands and forests to build houses, contributes to climate disasters that make the 'housing affordability crisis' worse.	

			These are interconnected issues, one cannot be solved at the expense of the other. To that end, HRM needs to be unequivocal in the Regional Plan with mandates and moratoriums on developing wetlands including salt marsh areas in Halifax Harbour. WETLAND COMPENSATION DOES NOT WORK: I do NOT support HRM devising a compensation plan similar to what the province and the federal government have because compensation plans do NOT preserve or protect wetlands. Their purpose is to allow the destruction of long established, functioning wetlands in one place, in exchange for an ATTEMPT to restore previously damaged wetlands due to development in another. It is just kicking the wetland-can further down the climate disaster Road. The only strongly worded part of Chapter 6 is around protecting designated sensitive lands but there are so few of those, that being strongly worded there has little effect on the much larger, everyday, drip-by-drip destruction that is going on. Please make the language in the rest of Chapter 6 equally strong. THE OTHER CRISIS- BIODIVERSITY LOSS: Biodiversity loss exhilarates climate change, for instance, biodiverse plant species in Salt Marshes slow erosion and storm surge, their loss leads to more flooding and infrastructure damage. Habitat loss is the leading cause of biodiversity loss and habitat loss is more acute in cities, so protecting habitat in HRM is even more important than elsewhere. Please strengthen The Regional Plan and GreenNetwork Plan to support connected wildlife migration corridors and networks of pollinator plants along boulevards, parks, and public spaces. Encourage property owners and developers to plant habitat rich gardens instead of lawns, including water gardens for flood control. Encourage re-wilding property, No-Mow-May, and leaving leaves down for insect habitat over winter. Improve enforcement of banned pesticide and herbicide use, and include golf courses in the ban, they are major users of these environmentally persistent chemicals. HARTLEN POINT IS A FAILED HRM OPPORTUNITY TO PROTECT BIODIVERSITY: It is ironic that HRM calls itself Bird Friendly yet failed to raise a single objection to a major DND development on THE most biodiverse bird habitat in HRM. Hartlen Point headland in Eastern Passage has over 300 species of resident and migratory birds, at least 44 of those are listed as Species-At-Risk or Species-of-Conservation-Concern. These include Nova Scotia's only endemic songbird, the Ipswich Sparrow which migrates through Hartlen Point to nest on Sable Island. While Hartlen Point is on federal land, HRM, as a jurisdictional partner, had (and still has) multiple opportunities to register its concerns with Environment Canada. HRM also could have addressed community concerns about road conditions and pedestrian safety through DND's Traffic "Study" process but, instead, HRM downgraded the expectation to a 'Traffic Impact Statement' that didn't even mention those concerns. HRM also cancelled a scheduled presentation by 'Protect Hartlen Point' group to the Environment and Sustainability Committee without explanation, and the local councillor called the group NIMBYs on CTV. HRM needs to better support groups trying to protect biodiverse wildlife from habitat loss.	

			SPA PORT WALLACE IS AN EXAMPLE OF HOW HRM CAN STEP-IN TO PROTECT OUR ENVIRONMENT WHEN THE PROVINCE FAILS: In Port Wallace, a provincial environmental study strongly advised against disturbing Barry's Run waterway and its soil buffer because they contain high levels of mercury and arsenic from gold mine tailings upstream. I obtained this report via a link on the HRM website, yet HRM planners failed to apply that scientific evidence when they designed Port Wallace development with a wide road and bike path going right through this contaminated area. It's clear the Province is not concerned about the environmental consequences of polluting the chain of Lakes downstream so HRM could act by redesigning the next phase of development to not include a road through Barry's Run. FARM LAND NEEDS TO BE PROTECTED FOR HRM FOOD SECURITY: Covid has taught us hard lessons about essential supply chain vulnerabilities, especially food. Please place a "moratorium" on developing HRM's farmland. Most of the farmland in HRM has already been developed for suburban housing. Protect the little that is left! And please help the farmers where you can, with reduced taxes, etc, we need them to keep producing our food. Encourage food security practices by removing limits to urban and suburban food farming and market gardens even in low-density residential zones. INFRASTRUCTURE FOR THE ENERGY TRANSITION: EV Chargers: Continue to build infrastructure for Electric Vehicles. My family bought our first EV this year. Range anxiety is real, so please continue to add more level 2 and 3 chargers to encourage others to make the leap to electric. Keep it democratic, equally distributed across communities. Wind Generation: Please stop development on the few existing HRM urban/rural wind energy zones left, so they remain available for wind energy generation. For instance, do not allow housing development on the rural wind energy zone in Eastern Passage as part of the Morris Lake Expansion SPA. Wind energy zones are a local resource offering communities an opportunity for energy self-sufficiency. This kind of smaller scale project will be ramping up over the next decade as we move towards net-zero. Let's keep those options open.	
C737	Email	Catherine McKellar, Friends of Blue Mountain-Birch Cove Lakes	Hello Mr. Paterson, I've attached a submission for Phase 4 of the Regional Plan. Please let me know if there are any issues with opening the document. Regards, Catherine McKellar Communications, Friends of Blue Mountain-Birch Cove Lakes	Yes
C738	Email	Freya Keyser	Hello Councillor Deagle Gammon and Regional Plan team, Thank you for inviting the public to provide feedback on the draft Regional Plan. In general, I am very happy with the plan as proposed, particularly as it pertains to building Complete Communities, protecting green spaces, and increasing urban density. I hope that it will be implemented swiftly to help eliminate the housing crisis and improve the environmental and economic sustainability of our municipality.	No

			As a resident of Windsor Junction, my comments will focus on the need for public transit in my area. I understand the desire to focus development within the Urban Transit Service Boundary so that services can be delivered efficiently and cost-effectively. However, I think that the plan should explicitly treat public transit as an exception to this service standard given the climate crisis that we are facing. Aligning the transit boundary with water and sewer services is an arbitrary decision since transit service does not require the same degree of built infrastructure as water and sewer. Transit service can (and should) be adapted and adjusted over time as pressures on the municipality change. I sincerely hope that extending rural express service beyond the boundary will be pursued, per recommendation M-34. For example, my neighbourhood is more centrally located than many others that do receive bus service, yet there is no bus service available. Given that we have water, but no sewer, it seems like we may never receive transit service. Addressing the climate crisis demands reliable and frequent public transit options to all commuter areas, in order to incentivize people to leave their car at home more often or even to be a single-vehicle household, which relates to recommendation M-23. As such, I feel strongly that the boundary should be extended to include Halifax commuter communities like Windsor Junction, Fall River, and Wellington (and likely others). As a regular bus user despite the inconvenience of driving to a bus terminal as part of a 90-minute one-way commute to Dalhousie, I feel confident that more of my neighbours would choose to take the bus if the service was more reliable, frequent, and readily accessible. Sidewalks along main roads (e.g. Windgate, Windsor Junction, and Cobequid Roads) would also increase access to existing (albeit distant) bus routes, per recommendation M-15. I do not think that simply increasing funding for community-based transit systems is sufficient, as suggested in recommendation M-40. These systems rely on the efforts of volunteers, who do not have the time or expertise to design or deliver an effective system. I believe it would be a huge waste of money, and that funding the integration of additional routes into the existing Halifax Transit system would be more cost-effective and useful. Furthermore, I understand that the province has proposed a Joint Regional Transportation Agency (recommendation M-11), but I just don't see this plan working to serve Halifax commuters from within the municipality. It may be beneficial to communities outside our municipality, but I think it is imperative that Halifax take advantage of its authority within our municipality, and improve and extend Halifax Transit beyond the existing arbitrary boundary. I hope you will consider these reflections on what otherwise seems to be a very progressive and holistic plan. I look forward to seeing it implemented in the coming years. Thank you! Freya Keyser	
C739	Email	Edward Giles	Hi Anne So as for the Shannon Park land, that doesn’t surprise me that a “deadline” is past. Nobody informed us in my area that the land was being turned over to Developers. Infact, I had reached out to Mancini (City Councillor for Shannon Park area) , he didn’t inform me of any meetings etc.	No

			Most of the land in the Hammonds Plains Road, Bedford, do not have Sewer, or Water hydro or Streets and the sewage treatment plant is already way past capacity. The Hammonds Plains Road is ridiculous throughout the day as is Larry Uteck. Even the 102 is backed up from 4:pm - 6: pm from the Duke Street back past Larry Uteck. Planning needs to make sure the people can get to and from their homes , that their waste (garbage and Sewer) are handled properly, and that our water supply can handle an influx of homes and businesses. There needs to be evacuation routes included in the planning and emergency plans inplace for every conceivable emergency. The lands between Burnside and Bedford are going to have businesses built on that land. Those businesses need sewer, water and hydro also. So where is the big problem running it to a housing area near there? Make a deal with the Federal government, they are the ones shoving this down our throats so it should be an easy negotiation. And while your at it, get Shannon Park back. They haven't turned soil there yet so find some land out by the airport to trade them. As I mentioned, we need Shannon Park for a Festival Grounds. My vision is for a year round events location that can host all our cultural and music festivals in one permanent location, instead of scattered throughout the cities in hard to find locations. That land is perfect for visitors to travel to since all our major roads lead very accessible to it. Currently, there are several small scale Electronic Music Festivals that have been growing in other provinces. I attended one this summer in Beljium (Tomorrowland Festival). It has been building for 17 years and has some 400k attendees per 2 weekend. Every hotel, bus, taxi, restaurant, clothing store, gift shop, etc benefit from this event. It employs over 15000 people some year round. (Remember, ours would be year round) If you question the popularity of an Electronic Music Festival here, pull up the numbers for the Deadmau5 concert held on the Halifax Commons for Canada Day 150 th. It was impressive. Some of the land the developers own near Sandy Lake are in a Green Belt. It is the land between the Hammonds Plains Road and the west side of Sandy Lake. The province announced its plan to have housing developments in this area but they seem to be unaware of the Greenbelt Designation that was put inplace in the 1970's. In that era, the province and city planned to expropriate all the land around Sandy Lake for future water supply. The community group "Sandy Lake Rate Payers Association" resulted from this plan and the expropriation was struck down and a Greenbelt was designated for the area. Since the amalgamation of Bedford with Halifax, it seems that this Greenbelt has conveniently been forgotten about. There is a legal process to remove a Greenbelt and that process hasn't been started to my knowledge. Since all residents / land owners within the Greenbelt are required to be notified in writing of any such a proposal, I assume the province is attempting to ignore it. Just because they want to ignore it doesn't mean it doesn't exist or that they can avoid due process. I don't believe the city or the province can afford the legal action that will result if they continue. Premier Doug Ford and the Province of Ontario, as I'm sure everyone is aware, recently made a similar costly mistake.	

			Let me know if anyone would be interested in hearing more about what a festival grounds could do for the economy here. I'd be thrilled to bend an ear or 20 over the ideas. Regards Ed Giles	
C740	Email	Sue Belford	Hello, Please find attached my comments on the Draft Regional Municipality Planning Strategy. Kind regards, Sue Belford	Yes
C742	Email	Cesar Augusto Rincon Sabogal	**Regarding Site-Specific Request(s):** **C071 Near Kidston Lake** About the project on the Kidston lake, 4189 houses are around 16,000 people more in the area. More than 8000 new cars that impact traffic more and more. The project says. 2400 a.m. and 2846 it is not true. The traffic of the several houses and apartments under construction at the area and Kidston lake future project will be impact the same road "Herring cove" and Herring Cove is a small route that in the morning via rotary presents and enormous traffic load and then on a large scale Chebucto and Quipool and in the afternoon the heavy traffic changes the direction. This is easy verifiable. Can you imagine this being the case only with the 2400 a.m. and 2846 p.m. more cars that the unreality proposal say. More traffic problem will be not only for Spryfield routes. It is a big mistake to think that Beachstone Dr. as a small internal route of a residential unit is capable of supporting heavy traffic during the time of the construction and then 10,000 or more cars every day. The HRM much to have another realist option. We need more houses in special for people with limited of resources, but before that HRM must plan and be able to have what it is necessary. We need in Spryfield more router, better community center, better library, more medical services, more recreational spaces, bigger school, etc. In addition, to the environmental general impact. I do not it NS has qualified people available for the ambitious construction plan on the province. Every day the community needs to have a higher quality of life and new plan constructions in Spryfield and all province must be designed to fulfill that purpose.	No
C743	Email	Liz Spence	Hello, Thank you for the opportunity to share feedback on the draft regional plan. I live in the Spryfield area and want to share some feedback on this area in the plan: - I support adding housing by adding density. Not just sprawl, single houses, duplexes, but a primary focus on building up apartments and condos in already developed areas as the primary focus. By focusing the density in this way, residents are already close to shopping, services, transit, sidewalks, cycling, and potentially their place of work. The alternative (low density, urban sprawl) forces the use of cars over transit (adding transit after developments have	No

			gone in makes it harder for transit to succeed in those areas, as people are already used to driving), and walking/cycling is often accidently discouraged when there are no sidewalks or paved shoulder of the road. There is also the loss of natural green spaces to consider - adding density and protecting green spaces allows more green space for everyone to enjoy, which is important for people's mental health and physical well being by providing recreational spaces (hiking, biking, fishing, birding, nature appreciation), wild spaces, and home for wildlife so they are less likely to become "nuisance" wildlife. Sprawling density that consumes natural spaces and negatively impacts waterways, and has the potential to create more negative interactions between wildlife, such as bears and coyotes, with humans. - McIntosh Run, streams and waterways. The current buffer of 20 metres from lakes and streams is far too short a distance. The buffer should be between 150 - 250 metres, to allow space for the waterways to swell with rains (this summer has taught us all a lot about flooding), to better protect the waterways from development, runoff, and allow for vegetation to grow. The loss of trees and other vegetation over a waterway like the McIntosh Run and the streams that flow to and from the river can drastically raise the temperature of the water, which negatively impacts the fish and other animals living in the water. Because of the granite that surrounds much of the area, a lot of blasting would be required for development and this can really harm lakes, streams, and wetlands. Not all of the small (but important!) wetlands have been reflected in the maps provided - please consider including these wetlands in consideration, avoiding development in their areas, and mapping them. After this summer of fires and floods, it is so important to maintain wild areas, particularly wetlands and waterways. - Areas designated Urban Settlement in the maps accompanying the draft plan - please input greater buffers (150-250 metres) between waterways and development, especially along the McIntosh Run, its associated streams (from Roaches Pond, Porcupine Creek, etc.) as well as Kidston Lake, Long Pond, Three Corner Pond, Sheehan Pond. In the current maps, the urban settlement extends quite close to the water's edge and negatively impacts areas of ecological value. The urban settlement zone should be pulled back from the water's edge. People also often conduct work or development on their properties without notifying HRM/getting appropriate permits and developing close to waterways can exacerbate that issue. You never truly undo the damage to a waterway and forest after you have developed it, and you can spend so much money trying to get it back. It is better to keep it protected for today's residents and for future generations. - Urban reserve around Kidston Lake - some of the area around Kidston Lake that is currently designated Urban Reserve. It has areas of high ecological value, wildlife/green corridor, and has impacts on other waterways. Some of this area should be removed from development and have a different designation - one that recognizes the ecological value and protects it from development. - High ecological value - the maps identified areas of high ecological value. Please work to ensure that these areas are protected, and that there are corridors for wildlife to move between areas. Islands of biodiversity may sound great, but wildlife want to (and need to) move! Having these areas of ecological value and	

			wildlife corridors can also decrease the risk of negative human/wildlife interaction. It is also important to retain areas of green space around ecological valuable areas, almost like a green buffer zone, to allow species of plant and animal space to grow. As well, the importance of green space on human health cannot be underestimated. As we grow and develop as a city, one of the positives of HRM is the inclusion of green space and wild areas within the city boundaries. It is also what helps make a community within HRM unique. Thank you for taking the time to consider all feedback. I am hopeful that this regional plan will be positive for HRM and still respect and protect natural spaces. Thank you, Liz Spence	
C744	Email	Alexandre Kingsbury	Good day city planners, I would like to convey my opinions and maybe a few questions on the draft of the regional plan. I think the plan hits the nail on a few key elements that can allow the municipality to grow and attempt to fight the housing situation. Favoring the missing middle, or gentle density as well as transit oriented communities certainly is more sensible than building low density single family homes and is more fiscally responsible. With 90% of new housing in the Urban area this also diminishes environmental impact of sprawl. I also agree with the 4 core concepts for the regional center. I know it will be years before downtown can look and feel like a walkable typical european downtown, but I believe it can be achieved. On this note, I live close to one of the Future Growth Nodes and am very curious (and slightly excited) to learn what is planned. I understand these are still likely being studied or in planning, but is there a link to more information on those? I am pleased to see the updated targets from the Integrated Mobility Plan, pushing even more for transit and active transportation. Considering potential future passenger rail as well! In short, the plan seems realistic enough to make positive change where it matters. I wonder if it could be more ambitious in some domains. I am sure it will receive negative criticism from many competing groups but I think it should trikes balance most can live with and is a step in the right direction. Thank you for your time and dedication in making HRM a better place, Alexandre Kingsbury.	No
C745	Email	Sheila Stevenson	While there has been some wonderful work done to create a plan for this tumultuous time, the plan does not go far enough to ensure that our valuable natural assets are recognized, valued, and maintained for the important work they do on behalf of our well-being. Issues identified as having special importance to the community that surrounds the Purcells Cove Backlands are also significant for the maintenance and viability of our natural infrastructure across the Chebucto Peninsula and throughout HRM These are	No

			A) Incorporation of the Halifax Green Network Plan and HalifACT into all aspects of the Regional Plan: make the necessary specific instructions on amendments to the Municipality's various planning documents, Regional Plan, Regional Subdivision By-Law, and the various secondary plans and land use By-Laws. B) Protection for ALL wetlands. big and small: we need accurate wetland mapping that includes the small systems as well as the large, to understand how they work together. All wetlands are important, and each one becomes more important as yet another wetland is lost. Losing them to development leads to loss of wildlife habitat and control of water flow toward the streams that run through the landscape. Wetlands are essential elements of the intricate hydrology of the watersheds in all regions,for example, Colpitt Lake-Williams Lake, Purcells Pond, Flat Lake-McIntosh Run in the Backlands. Small and mostly undocumented wetlands don't show up on wetland inventories and the smallest wetlands (smaller than 100 square metres in area) have no recognition in wetland policy and regulations in NS or the HRM. Small wetlands and watercourses --- such as the one we call The Froglands on either side of Purcells Cove Rd in Fergusons Cove, where Stanbrae Rd runs beside a vernal pond and Conway's Brook flows to the Harbour on the east side and on the west side infill has been going on --- are critical habitat for frogs and salamanders, and support diverse bird life. Wetlands are particularly vulnerable to development at the west end of Williams Lake, in the area draining to Colpitt Lake, Williams Lake, and Governors Brook. This area of the watershed, and above Governors Brook, have borne the burden of development, and remaining wetlands have to work harder to make up for the losses. C) The move to take a watershed approach to land planning and management, by both Halifax Water and HRM, is the right move. The change to watershed-based planning will require planning by both Halifax Water and HRM to: - control and direct locations for development - provide quality habitat and landscape protection for people and wildlife - protect the features that protect surface and groundwater supply - ensure adequate stormwater management - ensure protection of floodplains small and large, incorporating climate change adjusted flood projections into the 100-year flood lines (typically used for floodplain zoning) along the McIntosh Run, and Governors Brook in particular - produce accurate mapping of the land, engineered water systems, storm water routes and the hydrology of the watersheds While the Backlands have more than two separate watersheds, the two largest watersheds are Williams Lake and McIntosh Run, and both watersheds have significant parts that lie outside of the Backlands. Both are experiencing significant development pressures on all sides. D) An environmental approach to setbacks. e.g The draft Regional Plan proposes a setback of 250m from Purcells Cove Road, specifically advising to "re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcells Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties." This setback appears arbitrary and does not take into account the characteristics of the land that make it unsuitable for development	

			in HRM – terrain with steep slopes, geology, water supply, wetlands and vulnerable species requiring protection, fire sensitivity, tree cover, and the intricate hydrology of the watersheds and watercourses. While the intention may be to create an area of privately owned undeveloped Open Space land adjacent to the Backlands, the distance of 250 m from Purcells Cove Road would allow development further into the vulnerable and fire prone areas of the Backlands. E) Replacement and protection for wildlife corridors throughout HRM. A specific example is that most of the important wildlife corridors leading out of the Backlands to large areas of Crown Lands such as Terence Bay Wilderness Area have already been blocked and require remediation, including at Old Sambro Road and Dunbrack and along the Herring Cove Road especially near Long Pond. Protection and reinforcement of the corridors and pinch points that remain must be a conservation priority including those at the west end of Williams Lake/Colpitt Lake and Governors Brook, connecting to the Shaw Wilderness Park, and those connecting the Shaw Wilderness Park to Purcells Pond, Flat Lake and Pine Island Lakes. F) Fire management and conserva+on strategy: Recognizing the high conservation value of the fire-adapted Jack Pine-Crowberry Barrens (including the "Whaleback Barrens" now so popular for biking and walking) and the innate fire susceptibility of the Backlands - because of exposed bedrock and shallow soils over more than 80% of the area, an exposure to coastal winds, and a history of recurrent fires - a combined fire management/conservation strategy for the Backlands is required. Key components of such a strategy might include, for example, (a) minimizing any further intrusions into the undeveloped lands (b) facilitating FireSmart practices around the perimeter (c) mapping and aging of JP-Crowberry communities & occurrence of fires//development of predictive models and (d) as appropriate, construction of fire breaks and use of controlled burns.' G) Recognition of the urgent need for accurate environmental mapping across HRM As an example, the Chebucto peninsula is under extreme development pressure from as-of-right property owners and large development proposals, both of which can disregard and abuse wetlands and watercourses and terrain unsuitable for housing. There is a need for accurate, complete, environmental mapping of the land that includes the small wetland areas as well as the large and a need to understand how they work together. The maps being used currently are incomplete, vague, and date back to before amalgamation in 1996. I want to thank the planners who have put heart and soul into their work and have been willing to work with citizens to get as far as we have come with this draft. Please, do not give up despite the unfortunate and deplorable situation created by our provincial government. Best regards, Sheila Stevenson	
C746	Email	Stacey General	**Regarding Site-Specific Request(s):** **C109 Lands north of Hammonds Plains Rd**	No

			C317 Hammonds Plains Rd & Lucasville Rd **C517 Hammonds Plains and Majesty Court, Hammonds Plains** **C522 Voyageur Lakes, Hammonds Plains** Good evening, I have been reviewing the Regional Plan and have some feedback to submit. In terms of future development, I very much agree with the idea that the majority of the future housing development should be contained to the urban area. This goal aligns well with the remainder of the Plan. However, despite this being identified as the needed direction, there is still significant development occurring in both the suburban as well as rural area. In the Phase 5: Future Growth Planning document, significant areas of land for future development have been identified which are outside of the urban area, with 4 requests in Hammonds Plains alone (C109, C317, C517 and C522). This is a significant concern as the infrastructure in the rural areas in particular does not support such growth and has not been accounted for in the rest of the Regional Plan. For example, currently Hammonds Plains Road is regularly gridlocked with commuters. I know from commuting daily for work throughout HRM, that the phone mapping apps will suggest Hammonds Plains Road as the route to take when travelling between destinations from Bedford and anywhere North, to Tantallon and anywhere towards the South shore. This has made Hammonds Plains Road a bypass for the highway system for a great number of drivers. It certainly isn't functioning as a rural road, but as a strategic corridor for movement of people between different parts of HRM and beyond. I suspect there are a number of other roads throughout HRM where similar issues occur. This will only worsen if these areas of development proceed. While I agree that active transportation is important, it is not a realistic goal for those living outside of the urban/suburban setting. Section 3.5.4 of the Plan stated that "The municipality has the largest proportion of rural residents among census metropolitan areas in Canada and the largest rural population of any county in Nova Scotia." Because of this, the transportation plan must take into account this rural population accessing the urban area. For those in the rural areas, driving is not a choice that can be made. There is insufficient public transportation as an alternative. While this may occur some time in the future, it will clearly be quite a long way off and will carry significant expense. In the interim, development in the rural areas is continuing (as noted above). The Regional Plan outlines strategic transportation corridors which are all within the urban transit service boundary, there is no mention of the plan to manage the mobility of people outside of this area, despite the identified areas for future growth being outside of this boundary. There needs to be a portion of the Regional Plan dedicated to addressing the transportation interface between the rural and urban areas of the Municipality that addresses the current issues and also plans for the future. There should be a pause in development of these rural regions while this occurs. Although it was commented that roadway expansion does not improve congestion, this is unlikely to be true for all roadways or the creation of highways or multi-lane roadways would not have occurred anywhere. I would suggest that in rural areas in HRM, where certain roadways are major transportation corridors, consideration needs to be given to expanding these roads. Not only	

			would this help with mobility of people and goods, but also would ensure that emergency resources are able to access these rural settings, possibly without having to build a great number of new access roads which would have environmental impacts (one of the considerations mentioned in the Plan). In addition, by ensuring that traffic is not idling in congestion, emissions would be reduced, helping to achieve climate targets in other ways. Section 7.6 Transportation Demand Management, is not well detailed with limited space devoted to this. This is puzzling given the frequency that which population growth has been referenced elsewhere in the document. Transportation needs to not only be sustainable but also efficient and effective. These should all carry equal priority in planning. There were no comments about how to retroactively address the current barriers that exist for transportation and movement. The Strategic Growth/Infrastructure Plan needs to also consider transportation/mobility, access to essential services such as health care (ie. hospitals) and emergency response (ie. evacuation plans and access to emergency service vehicles). I did not see mention of any of these important factors in this section of the Plan. The IMP is frequently referenced in the Regional Plan. Hopefully, given that it was created in 2017, it was reviewed before integrating it into this current Plan. The main tactics outlined in the IMP for managing congestion seem to be insufficient and based on hopes that people will be able to modify their work hours and locations. Certainly I note a yearly worsening of traffic congestion as opposed to any improvements, which is not surprising as people commute for more reasons than work (which was also commented on elsewhere in the Plan) and of those who are commuting for work, many cannot modify their work situation. If the IMP is going to be relied upon in the current Regional Plan, it too should be reviewed and adjusted accordingly. Complete communities are a lovely goal, but unlikely to occur in HRM or they would already exist. Significant changes would have to be made to our culture in order to see this come to fruition. This is unlikely to happen in the near future and so, the Regional Plan should not rely on this as a predominant strategy going forward. There are repeated references within the Regional Plan to needing to create other smaller plans. There is no time frame outlined for when these sub-plans will be created, which is worrisome as there is no accountability to ensure that they are done in a timely way. If the main Plan is relying on other plans, the steps for creating these, including a timeline should be clearly outlined. Finally, there needs to be creation of a number of by-laws surrounding land use that should be clearly identified as forming a concrete part of the Regional Plan. Firstly, there should be a by-law that requires all developments to create adequate egress routes that are paved and accessible at all times. The recent issues with evacuation during the forest fires have made it clear that adequate egress is simply a safety issue that cannot be ignored. In addition, by-laws need to be created to ensure that developers are responsible for the cost and advance creation of the appropriate infrastructure to support their development. I saw that this was mentioned as a consideration in the Regional Plan; however, this should be a firm part of the Plan moving forward. This is certainly a standard approach in other areas such as Ontario. The cost of servicing these new developments should not be downloaded to	

			existing tax payers. This has potential to be a significant source of revenue for the Municipality given the growth projections contained in the Plan, and is one that should be guaranteed in legislation. I would be happy to discuss any of these comments in more detail if needed. Thank you for your consideration. Sincerely, Stacey West	
C747	Email	Shara Quinn	I believe you should heavily consider the proposed plan from MRWA. Our ecological system, our need for exercise in the outdoors is so important and conversation is important when considering development. Their plan has clearly outlined how development can occur while also forming a world class recreation and conservation area for local residents, HRM and tourism. The trail system draws many people to the area which also supports local businesses. What's the good in growing the population if we can't keep them active in the outdoors while also respecting our ecosystem and the beautiful creatures that live in the area??	No
C748	Email	Jasper Dupois	Hi, Thanks for running the open house session tonight at CHP, it was wonderful to talk to many of the team members there and discuss some of the ideas coming out. A few things on my mind afterwards, with more reading of the plan: I'm disappointed H-12 is in the "shall consider" category only, rather than "shall". I see "shall consider" as weak language in the first place (no action required), and defeating the purpose in the second (will each project require consideration?). It would be better, I think, to commit to finding a new formula / guideline for determining parking requirements in a project. Depending on what staff were trying to achieve with H-12, you could consider splitting it in to the "transit walk-shed" area using shall, and others using shall consider. But this would bifurcate the development of the region so quite a consideration there. Also on housing, I think it would be good to capture, as a policy, that the city shall attempt to get provincial endorsement to become more directly involved in the provision of non-market housing, and in providing ways to get people off the street. We should be aiming for zero homelessness, and 100% rehab and support for those on the street for reasons beyond financial (mental illness, drugs, etc). Really this means HRM developing their own nursing, medical, rehab, social support, building maintenance (and so on) organizations and staffing. Please increase my property taxes to do this! Letting transportation reserves lapse seems short sighted to me. Is there a reason the city cannot retain these rights for a very long time? 5 years is not enough to see where the hot spots will be, more like 50. Reading the plan was the first I'd heard of this, so I'm sure there's a story on why that I don't know. A big audacious policy idea I'd like to submit is to increase the bridge tolls and direct that to transit and active transportation projects (the flyover?). I'm not quite suggesting congestion pricing, but clearly the demand for personal car transport over the bridges	No

			at peak times exceeds capacity. I think Uber has the best idea here (surge pricing): charge more to cross the bridges at peak times to fund where we want to go as a city. Based on HHB's 2019 data, there are 100,000+ work-day crossings a day; a small increase would go a very long way. A few more specific / less policy questions & notes: When is the multi use trail from Woodside to Shearwater coming? That is surely a prime IMP project. The existing rail to trail network (Salt marsh, Shearwater, Rum runners, etc) need to be kept on HRM radar (i.e. don't rely solely on volunteer organizations). I didn't see this in the document but might have missed it. Thank you for your efforts on this and everything else, Jasper Dupuis	
C751	Email	Patricia MacIsaac, Cobequid Cultural Society	Good morning, I am resending the attached submission from The Cobequid Cultural Society. It was sent yesterday from Rae Smith however we were unsure if it was received. Thank you for your consideration, Patricia MacIsaac, P.Eng.	Yes
C752	Comment Card	Anonymous	1. Please provide lights along the path at Coronation Park 2. Please provide speed bumps down Coronation Ave 3. More police presence	No
C753	Email	Andrew Rae	**Regarding Site-Specific Request(s):** **C539 Stoneridge Fellowship Baptist Church, Lower Sackville** Please find additional information related to C539 in the zipped file. Regards Dave Adams	Yes
C754	Email	Howard Eakins	Good day, It was good to come in and speak with all of you on the 26th October at the open house. As requested, here is what I had sent some months ago regarding the conundrum of trying to build a loft apartment in the outskirts of Dartmouth: Good day, I'm writing to inquire about the extent of the new housing legislation. I currently own a rental property in Dartmouth. It's zoned R-2 with 2 units and has a detached garage. I had a conversation with the Planning department about the possibility of removing the garage, and in its stead, getting a new garage built with a loft apartment. The unfortunate response was that I cannot build any structure higher than 15 ft in height. I asked why there's such a low height restriction, when one could hypothetically build an attached structure without this height limit.	No

			Their response was that they didn't know why. They said that the 15 ft height limit bi-law was created in 1978, but they couldn't find an answer to why it was established. I then asked whether it could be amended and was met with a very respectful but dubious demeanor. I was told that it would take possibly years to amend. They proposed a couple of workarounds, which were appreciated, but I explained to them the limitations of the property, which wouldn't allow for their ideas. I can see a future opportunity for homeowners all over Dartmouth to have garages built with loft apartments who's rental income would do the following: - provide desperately needed housing - provide rental income for the homeowner to pay for the cost of the building (free garage anyone?) - provide jobs / revenue - increase the property's value, and taxes. I did explain this to our councillor, Mr Mancini, who in turn, connected me to the head planner. The above info is what was passed back to me. In summary, I would like very much to build another rental unit, but I can't, due to an antiquated bi-law that can't be explained, or amended in the foreseeable future. Does the new legislation address this type of scenario? Respectfully,	
C755	Email	Brenda Ryan	Morning! It takes too much time to figure out how to comment on this and to read the entire report and comment on it. And I don't have the time to figure it out. I trust that you will hand this on to the right people. Here are my general thoughts - the climate emergency should be front and centre in the plan, not just a chapter. Every chapter should address how the climate emergency is going to be addressed front and centre. Council declared a climate emergency, it needs to live up to this declaration. Our green spaces should be protected and more should be added; our water and groundwater needs protection, we need to prepare for fire, smoke, hurricanes and floods; development needs to address the climate emergency with renewable energy built in, all the glass and concrete needs to be reduced; we need livable cities and communities. We need to invest in growing our own food because once the Chignecto Isthmus floods we will be out of food in 4 days! We need buildings that heat and cool. Stop developing the Commons - and since you went ahead and added a community pool - can you now see that was a mistake? We need splash pads where everyone can go to cool off and not wait in line to get in. We need EV buses and more charging stations for all cars. Charging stations should be built in to any new build. I agree with densification but low, medium and high, not just huge high rises everywhere. I don't get the sense that anyone really thinks that we have an emergency at all.	No

			Thank you. Best, Brenda	
C756	Email	Ross Haynes	Greetings: Comments to HRM on Regional Planning Strategy Update 2023 The draft plan does not deal with current problems in HRM, most of the goals unachievable. Adding more layers of bureaucracy, means less access, more congestion at a higher cost to the taxpayers / HRM. • The bias against automobiles in favour of alternate transportation is based on unrealistic platitudes on health and safety absent the reality of development both commercial and residential that has been made on the actual choices of HRM citizens for getting around the municipality. See M-43 (“auto dealerships are an obnoxious use of property”) this is an outrageous comment on local businesses and their many many employees! • Our HRM growth is happening not because of the previous plan in 2014 but because of world events. HRM’s slow response to approve projects has made construction slower. The growth in population has accentuated the shortage of skilled labour in the construction industry. • Housing is an issue across Canada and North America. We now have a competing Provincial housing and development initiative along with funding directly from the Federal Government that has to be considered. Most citizens live in “market” housing also known as reality. Page 71 decries urban sprawl but ignores the fact that this sprawl has been managed by HRM where suburban areas make housing cheaper/affordable. By concentrating 90% of new housing units in the Urban core, traffic to the centre is unrealistic and a fantasy furthermore all the more impossible when traffic to the centre is already in crisis. Residents now only go downtown if they have to through foolish traffic choke points all with more killing the urban commercial businesses. • Currently developers face 2-4 years from permit to breaking ground. They employ professional architects and engineers who sign and stamp plans and therefore professionally on the line. HRM could simply accept the design and get on with building it! Private capital is at risk and therefore you must ask “will someone invest $30 to $50 million dollars for a property that is not attractive for sale or rental?” • Accept that qualified engineers and architects have performed their due diligence. Second, fails after the arduous HRM approval and inspection process; is HRM be liable(?) No! One has to conclude that HRM, can get out of the way and lower these barriers. • “Roadway congestion cannot be eliminated, but it can be managed through Transportation Demand Management (TDM) by reducing peak-time congestion. Note, London, UK, with a population over 8 million has a traffic congestion problem and measures like the above were brought in about ten years ago but traffic is just as bad because people still need to move around. London imposed a new expensive taxation system that achieved nothing to change traffic! There’s a lesson here! Opinion HRM needs less bureaucracy, more action and fewer barriers to attract capital to achieve growth for the long term.	No

			HRM must set the best conditions: 1. Low cost of public services with a goal of rapid provision of services such as building and development permits 2. Always consider the needs of the business sector - faster approvals for commercial and industrial development 3. Placing a rapid response to infrastructure development reducing traffic congestion and lower cost of living in HRM. 4. Recognition that the cost of running a business in HRM must be lower and if this needs a change in the Charter, get that done! 5. Understanding that capital investment decisions are made all around the world 24/7 and capital always finds the best return on that investment. Unless HRM commits to improve the business climate, the goals on GDP growth etc will simply not materialize. 6. Accept the reality that citizens, not bureaucrats, decide how they want to move around, where they live and where they shop. And that the past developments and current projects have cemented transportation needs for years to come - Burnside, Dartmouth Crossing, Clayton Park West, Bedford to Larry Uteck and so forth! Note it is time to remove most of the physical bike lane barriers and focus on what people are actually doing and stop with the managing of our lives instead of improving and providing for what is actually going on! It is not easy and I applaud the efforts for public engagement. Best regards, Ross	
C757	Email	Jennifer Escott	Thank you for the opportunity to respond to the draft Regional Plan. Attached you will find a letter with my comments in PDF format. Jennifer Escott	Yes
C758	Print, Scanned	Members of Community	**Regarding Site-Specific Request(s):** **C337 Fraser Lake, St Margaret's Bay Road, Timberlea** *[Letters from community members – see attachment]*	Yes
C759	Email	McIntosh Run Watershed Association	*[Comments for the McIntosh Run Watershed Association (MRWA) – see attachment]*	Yes
C760	Email	Kortney Dunsby, Our HRM Alliance	Hello Regional Planning Team, Please accept the attached submission to the draft Regional Plan review public engagement period, on behalf of Our HRM Alliance. We deeply appreciate the time you spent with us on Wednesday July 5th at the Halifax Central Library. This session greatly helped to inform our thinking and the attached submission, as well as feedback from individual groups. Please don't hesitate to contact me if you have any questions! Or a member of our Steering Committee, CC'd here, inclusive of: • Kathleen Hall (Chair), Williams Lake Conservation Company and the Backlands Coalition • Paul MacKinnon, Downtown Halifax Business Commission • Graziella Grbac, Village on Main • Karen McKendry, Ecology Action Centre • Walter Regan, Sackville Rivers Association • Karen Robinson, Sandy Lake Conservation Association and Sandy Lake-Sackville River Regional Park Coalition All the best, Kortney Dunsby, Our HRM Alliance Coordinator	Yes

C761	Email	Natalie Chavarie	As a resident, I'd like to show my support for the positions and ideas presented by the McIntosh Run Watershed Association in their detailed post here: https://mcintoshrun.ca/2023/hrm-draft-regional-plan-response-and-long-term-conservation-and-trail-concepts/ I truly feel that the considerations in this post are important for the long-term vision of the area. Natalie Chavarie	No
C762	Email	Cameron Craig	**Regarding Site-Specific Request(s):** **C071 Near Kidston Lake** Hello I'd like to share feedback on the HRM Regional Plan review and with a focus on the Kidston Lake Development Plan. One concern with this development are the effects this will have on the watershed with regards to Kidston Lake and the continued use of it. We've seen issues With Williams Lake and the development of Governors Book with regards to lake level due to the redirection of water due to stormwater movement (drainage into the stormwater system vs. runoff into the lake). I would also have concerns with the various wetlands and water quality of the lake due to development and runoff from homes and lawns. Another issue I have is with traffic that the new development would generate and the ability of the current road system to manage it. Where I live there is a four-way stop (Rockingstone/Sussex/ORS) that creates a bottleneck for all traffic leaving or entering the "Sambro Loop". This development would add significantly to that traffic volume. One solution I see would be a small connector road that would move the traffic away from the four-way stop at Rockingstone/Sussex/OSR and link directly up with Dentith. Thank you Cameron	No
C763	Email	Bill Campbell, Walk ‘n Roll Halifax	Regional Plan Team: Please accept our October 27, 2023 Regional Plan Review submission as attached. Let me know if you have any questions. Thanks, Bill Bill Campbell, Director	Yes
C765	Email	Kortney Dunsby, Ecology Action Centre	Hello Regional Planning Team, On behalf of the Ecology Action Centre, please accept the attached comments on the draft Halifax Regional Municipal Planning Strategy. Our submission contains thoughtful analysis and recommendations from all seven Action Teams at EAC. I have included a one-page summary of our comments related to major themes in the Plan and detailed comments by chapter. Should you have any questions or concerns, please don't hesitate to contact me or our Executive Director, Maggy Burns. We would be happy to put you in touch with the appropriate subject matter expert. Thank you for this opportunity to engage in such an important policy document!	Yes

			Cheers,	
C766	Email	Penelope Kuhn, Nova Scotia Public Health	Hi Shilo, I hope you are doing well on this Friday afternoon. (And not too overwhelmed with submissions! 😊) Please find attached Public Health's Review of the Regional Plan. As always, happy to discuss our comments with you. Best, Penny	Yes
C768	Email	Martin Willison	Dear Regional Planning Team My apologies for almost immediately sending a revision of my submission of a few minutes ago. I realized that the Ogden map might be taken as also being relevant for the Kidston Lake sub-watershed. Ogden's map is not helpful in this regard so I have slightly revised my submission to include an approximation of the sub-watershed of Kidston Lake (document attached here). Sincerely, Martin Willison	Yes
C769	Email	J Brownlie	Let's not rush to build out new sprawling residential areas. The trails currently managed by the McIntosh Run Watershed Association have been critical to my wellbeing during the last 3 years. I'd love to see more trails and outdoor recreation areas developed for future generations to enjoy. I"m not against growth but we mustn't infringe upon established wetlands, streams, and lakes to do so.	No
C770	Email	Jared Dalziel, Clayton Developments	Hi Dave and Team, Please find Clayton Developments' draft regional plan review comments attached for your consideration. If you could confirm receipt of this correspondence for our records, I would appreciate it. Feel free to reach out with any questions, and have a lovely weekend. Kind regards,	Yes
C771	Email	Peter Buzek and Deborah Hall	We would like to complement the staff on the production of an overall excellent document. A lot of hard work has obviously gone into it, and we are pleased with the incorporation of input from the community into the report. We will restrict our comments to a topic which is very important to us - the environment. Specifically, as part of the community surrounding the Backlands, we have an interest in this valuable green space located between the Purcells Cove Road and Herring Cove Road from Williams Lake Road all the way to Herring Cove. Although our focus is on the Backlands, which has certain unique features, this area also typifies others located within HRM, and our comments can be applied more broadly.	No

			Our comments are as follows - • The need to preserve the natural beauty of the area for the benefit of generations to come. In recent years we have come to more clearly understand the importance of communing with nature to support both the physical and mental health of the population. We should be looking to preserve as much green space as we can from destruction - especially from development. • The need to take heed of the unique typography of the land which is highlighted by the remnants of trees which burned in the forest fire of 2009. The area is fire prone; the globally rare combination of Jack Pine / Broom Crowberry grow in this area of exposed bedrock and sparse soil. The area needs, ideally, to be fire managed in order to prevent further destructive fires. But to allow development on a fire prone area like this is to court even greater disaster. The Tantallon forest fires earlier this year clearly demonstrate this reality. • The proposed plan provides for a 250 metre setback in which development can take place along the Purcells Cove Road. This distance is too great; it allows for too much intrusion into the fire prone Backlands. • The preservation of flora and fauna. In addition to the rare Jack Pine / Broom Crowberry combination, the Backlands are a nesting area for the threatened bird species, the nighthawk. They are also a resting stop for numerous other migratory birds, and continue to provide a wildlife corridor for various animal species. There is now less access to corridors than a few years ago due to development, strengthening the need to preserve what continues to exist. • The need to protect all water courses - surface and ground water - and in particular, ALL wetlands. Existing development around Governors Brook, and current development near Catamaran Ponds have already impacted - or are likely to - the flow of water within the Backlands (to provide only a couple of examples). A recent article by retired environmental consultant Geoffrey Hurley on the Opinion page of the October 20, 2023 Chronicle Herald ably outlines the importance of wetlands: "Conserving and restoring wetlands should be a priority for municipalities. Wetlands help to clean the water by absorbing toxins, as well as reducing the severity of flooding and drought by acting like giant sponges on the landscape. They also support biodiversity and help us adapt to climate change by capturing and storing greenhouse gases." Wetlands need the same protection as other water courses, and this protection should exceed the 30 metres recommended in the proposed plan. The Backlands, as outlined above, have many qualities that make them a unique ecosystem that needs to be protected and preserved. We are not anti-development, as the need for more residential housing is obvious. It should also be obvious that such development does not need to happen in environmentally sensitive areas, often referred to as "green places", when there are many more areas in HRM that can be developed. Thank you for the opportunity to comment on HRM's draft Regional Plan.	
C772	Email	Marel Eager and Emily Eager	To Whom It May Concern: I attended the Backlands Coalition Information Gathering Session. My daughter and I own homes on Spryfield.	No

			I agree with the input put forward by the Backlands Coalition concerning the plans for the Backlands. This is an amazing and ecologically important area in the HRM. It is an important watershed, wildlife corridor and environmentally sensitive area with some rare and important species of trees, animals, birds, plants. I agree that the length of planned lots is too long and encroaches too far into this area. There are privately owned lots that now encroach on the MacIntosh Run and into the Backlands. Homeowners pay no heed as to how their building affects this important watershed. I do want to say a few things about other planned developments in the area which have impacted or will directly impact my daughter and myself. I do not understand how developers are allowed to absolutely bulldoze every green, living thing from their acres of land and then let it sit. Two examples are the area on the west side of Herring Cove Road across from the Roaches Pond and behind Green Acres/ Mansion Rd. and the new MacIntosh Run Estates (which has totally ruined the east side of Roaches Pond and the wonderful MacIntosh Trail System.) I do not understand how anyone can be allowed to scrape down to the bedrock and just let it sit looking like a moonscape for years. Nothing grows back in the granite. The thin layer of soil is gone! Wildlife habitat is gone. There is nothing to soak up rain and the homes downhill (Mansion Rd. and Greenacres) flood. I can't imagine that there hasn't been a significant impact on Roaches Pond and the Macintosh Run from Macintosh Estates' pile of rubble and rock that sits piled high on the east side of the pond. Both these developers have created eyesores and ruined forest and wildlife habitat for years that didn't have to be ruined. I feel this practice needs to be addressed by the Regional Plan. The development of the small corner of sensitive watershed land at the conjunction of Dunback St. and Old Sambro Road should NEVER have been allowed!! WHY???? Many wonderful people fought this and won 3 appeals but the development was allowed on a technicality that the Environmental Plan for HRM hadn't been voted in as law (or something like this) so the developer was within the law!!! AWFUL! Another such ridiculous technicality must certainly have allowed that monstrosity of an "empire state building" to go up on the Armdale Roundabout. 36 stories!! Are the city planners all crazy??? I just do not understand! I am hoping the Regional Plan will not allow such development that is totally out of keeping with surrounding residential areas. For this reason I am against the proposed plans for high rise development in the Mumford/ Halifax Shopping Centre area. Just because one developer was allowed to build a totally inappropriate tower, this should not pave the way for this part of Halifax to look like New York City or Chicago!! I must also say that the Governor's Brook extension off Herring Cove Road and Drysdale Ave. has many problems that need to be lessons for future developments. 1. There is basically one ingress/egress for this entire development. This needs to be addressed for future developments. 2. The roads are not wide enough to accommodate on-the-street-parking for all the trucks and SUVS that people own! Emergency vehicles can not pass. Regular traffic can not pass. Either bigger	

			lots to accommodate driveways for three vehicles, parking areas throughout the development or wider streets need to be required for future developments. Also, because the lots are so small there is no place for residents to shovel their snow!!! It does snow here and although that seems a silly thing, it is a reality. 3. These communities are huge and need to have services like corner stores, etc. so that residents don't have to drive to the grocery store to get milk or a loaf of bread. A community gathering building might help to solidify the area as a community. Traffic has to be taken into account as a SERIOUS consideration when developments are planned! The traffic on Purcell's Cove Road and Herring Cove Road going into the Armdale Roundabout was discussed but nothing has been done to alleviate the major congestion these developments have caused. One more area which has many in the Spryfield area concerned is Kidston Lake. Here we have a pristine lake and wilderness area which was sold for almost nothing for development. It is a travesty! Making this even more horrible is that this land was expropriated from the Kidston family and now the land is being sold off for development. This is shameful! Here's hoping that HRM will figure out how to undo this mistake. Planning in HRM seems to be "build first, think second, deal with the awful consequences third." It would be so nice if the planning could take into account all the lessons learned from developments during the past few years. Halifax has changed so fast and will be changing but I believe that planning for the future is possible if we do not let planners from Toronto who have never even lived here do the planning. Planning must start with preserving what is so wonderful about Halifax, take into account the problems encountered with recent developments and not just rubber stamp bad developments because we need houses. The environment must also be taken into account and what is good for human interaction. Highrises and concrete are not good for the soul!!! Preserve our green spaces, make thoughtful and healthy developments. Developers are not going to be building affordable housing! Most are into developing for the money and as we have seen have very little concern for the environment, making communities, impact on traffic, impact on our lives in general. Rubber stamping development is not going to get affordable housing. This is where a plan is necessary! I believe it is possible but it will not be done in a month or a year and until a plan is underway these crazy development decisions must stop! I also heard on the news about the Provincial Minister being given the power to approve all development and building in the province. So here goes the Regional Plan out the window? I do not approve of this at all!!! Sincerely,	
C773	Email	Laura White	(The website submission was not working for me, so here are my 1000 characters. Happy Friday!) Thx to all who have worked on this plan. Exciting times! I have been unable to invest the time to read your plans, so I will only highlight a few things that are important to me, hoping you've got it covered.	No

			- leave natural areas wild/for recreation only (i.e., Sandy Lake) - take away some road space from cars and give it to transit and cycling/wheeling (i.e. Qunipool Rd) - redesign intersections to be protected (for cyclists and pedestrians)/roundabouts instead of signalized (i.e., Windor/Cunard/Chebucto) & the Willow tree - drastically improve transit reliability and frequency - bring in international consultants to help with a 50-year cycling network plan (3-grid levels, see Building the Cycling City book or similar). We have the wonderful IMP, but it is not being implemented. Plan the work, work the plan. - look at policies in use & revise them to implement IMP priorities. i.e., the Right of Way program (a block of Robie St sidewalk is closed to pedestrians indefinitely) Best Regards, Laura White	
C774	Email	Martin Willison, Long Lake Provincial Park Association	Dear HRM Planning Team I am writing with the support of the Long Lake Provincial Park Association of which I am Secretary. Chapter 4, Section 4.2, and particularly Section 4.2.1 of the draft Regional Plan address the issue of parks and "nature parks". The plan properly acknowledges the importance of access to natural areas for all members of society and the draft plan includes intention to retain this access as HRM grows. This is a very difficult task. Draft Policy CI-4 states "The Municipality shall coordinate with Provincial and Federal governments and conservation groups to help establish a nature park network and use this network to pursue partnerships or changes to legislation or regulation that would help support these important projects." Long Lake Provincial Park Association is strongly in favor of a "nature park network" and considers that Long Lake Provincial Park is one of the cornerstones of such a network. Other provincial parks in the region are also very important, but Long Lake stands out because it is close to the urban core, is easily accessible by bus, and has a very high visitation rate. Despite this situation, Long Lake Provincial Park has no provincial budget and the limited facilities that are available are maintained by volunteers. In order to carry out policy C1-4, Long Lake Provincial Park Association would like a coordinating body to be established that includes the following: - Representatives of NS Provincial Parks Department (or equivalent) - Representatives of Parks Canada (assuming that Blue Mountain Birch Cove Lakes National Park project moves to the next phase) - Representatives of HRM Parks - Representatives of all relevant registered non-profit groups associated with specific parks in HRM, such as Long Lake Provincial Park Association, Sackville Lakes Park and Trails Association, Friends of Blue Mountain Birch Cove Lakes, Nova Scotia Nature Trust, and others. Organizations such as Ecology Action Centre and Nature Nova Scotia	No

			may also be represented. One of the first tasks of this coordinating body should be to organize a conference on near-urban parks to be held in HRM. The Government of Nova Scotia provides almost no funds for the management of most of its parks close to the urban core of Halifax-Dartmouth-Sackville for reasons that are obscure, but the pattern is probably not unique to Halifax. Park management challenges are different in areas close to urban cores and the roles of parks are also different. Near-urban parks are generally day-use only. They play significant roles in aerobic exercise (such as running), quiet contemplation and brief escape from stress, and nature awareness and education. These roles are different than those of rural parks which include longer stays and camping. A conference would permit HRM to learn from others who face the same challenges and would help to put HRM "on the map" as a city that recognizes the importance of access to natural areas as a core element of urban planning. Following the conference on urban parks, the tasks of the committee would move to management of parks in HRM without account for jurisdiction, given the multi-jurisdictional nature of the proposed body (Committee, Council, etc.). Most of the management problems are common to all near-urban parks and sharing experiences among the relevant local jurisdictions will be very valuable. For example, monitoring of park usage rates and coordination of efforts to redirect usage would be among the management tasks carried out by the regional parks committee, as would coordination of waste management and trail repair, and monitoring of biodiversity and impacts on biodiversity. The current fragmented condition of parks management in HRM is not sustainable in the long run and is contrary to the stated intentions of the new Regional Plan. Sincerely, Martin Willison, Secretary, Long Lake Provincial Park Association	
C775	Email	Marc Oullet, Armco	Good evening, Please find below comments from Armco relative to the Regional Plan Draft. **Increased Watercourse Buffers** Increased watercourse buffers will lead to a reduction of lots and may impact subdivisions that aren't yet endorsed but are reflected in approved DAs and Concepts. At the minimum, I would suggest that all active Final Subdivision applications be grandfathered under the existing requirements. This would avoid costly re-designs. For future subdivision applications, if HRM can include provisions allowing flexibility where developers don't lose out on density, such as being able to create smaller lots or being able to relocate density elsewhere in the development, i.e., pockets of higher density, then I believe developers would not be necessarily opposed to the increase in the setbacks. However, flexibility shown hasn't been our experience in the past, especially with staff not	No

			being willing to support smaller lots or a varied mix of housing types, due to NIMBY issues. **Inclusionary Zoning** It is our belief that Inclusionary Zoning will lead to a minority of residents, i.e. tenants and owners of new housing stock, paying for the majority of the municipality's proposed affordable housing units. It seems that when the municipality wants something, they simply think: "well the developer will pay for it". In fact, additional costs perceived to be borne by a developer end up being passed on to tenants and purchasers of new units who end up carrying the entire weight. We all agree there is an issue with affordability. However, everyone should be paying. Council seems hell bent on not wanting to be perceived as raising the tax rate, so they pawn off their responsibility on developers who end up passing the buck to tenants and home purchasers of new units. This is not equitable by any means. If this policy is implemented, it will likely manifest itself in the following scenarios: 1. The additional project costs will tip the scale in terms of developers seeing their financing application being refused. 2. Some developers will choose to invest in other jurisdictions, where costs are more competitive. 3. Even if some developers want to move forward with their development, they may find that prospective tenants and purchasers are unwilling or unable to pay for all the extra costs. Overall, the policy will likely lead to a smaller pool of developers building in HRM, and less residential units being built. Less competition in the marketplace and fewer residential units being built are definitely not what HRM needs at this time. **Wildlife Corridors** There is a distinct lack of information on which parcels will be affected by natural/wildlife corridors, just some big arrows shown on a map of the entire Municipality. I am not sure how this would have a leg to stand at the NSUARB or in court if it was ever challenged. There needs to be genuine science on why a municipality would restrict development for certain parcels. It is crucial that affected parcels be identified. As with watercourse setbacks, if HRM wants to be flexible to allow developers to trade off development rights, that would be helpful. Otherwise, it could be perceived as a backdoor form of land expropriation. **Urban Service Boundary Extension and Increased Density** We believe that for HRM to really tackle the housing crisis, it will need to extend the urban service boundary, and allow more density in suburban developments than it has been prepared to do so in the past. The Regional Plan Draft seems to imply that developers have been building purposely low-density developments for years and it needs to stop. I wouldn't disagree with this statement, but developers have been requesting to build denser developments for years but keep being told "no". **Undergrounding of Powerlines** Under 4.9, Regional Energy and Telecommunications Infrastructure, there is discussion of potentially moving more electrical infrastructure underground. Currently, secondary services in piped subdivisions need to be undergrounded. 4.9 introduces the	

possibility of undergrounding the primary electrical infrastructure as well. While this would make the development more aesthetically pleasing, it would definitely add more development costs to be borne by future property owners. Furthermore, while undergrounding services should, in theory, contribute to less localized power outages, NSPI does not currently incentivize developers for going underground, i.e. rebates paid out to developers for houses connecting to the grid are not any higher when underground services are used than they would be for overhead lines. In some cases, developers receive less money back.

On the other hand, while undergrounding electrical infrastructure is more expensive for developers and time consuming for road builders, there are less time delays with NSPI in terms of design review and inspections. Often, with overhead infrastructure, road builders are delayed weeks or months by design changes and/or waiting for staking inspections, pole deliveries and installations. This can literally stall progress on street construction. Overhead electrical lines are therefore a drag on roadbuilders' schedules. Undergrounding infrastructure is more straightforward on the planning side and leaves the roadbuilders in control of their schedule.

Typos and Suggested Revisions
I noted the following typos in the versions of the documents that I read:

1. Under 4.3, Community Facilities, in the fifth line of the first paragraph, the "r" is missing from the word "through".
2. Under 5.2.3, Adaptive Reuse, the word "through" under H-10(a) is missing the "r".
3. Concerning Appendix C: Suburban Design Guidelines, the first sentence under the Rationale Section of Site Context – 1 on Page 8 is awkward and needs to be revised.
4. Under Page 28 of the same Guidelines, the first sentence includes the word "in", twice in a row.

Conflicting Policy Outcomes
In general, it seems that HRM has so many competing interests that some policies end up having conflicting policy outcomes. For instance, one of the prime policy objectives is to increase housing affordability. Nonetheless, there are various policies and regulations at HRM that serve to limit housing supply, and thus affordability. It is apparent that the Municipality is pushing development to take place largely within the Centre Plan area. However, much of this area is already built up. Redeveloping this area would require developers to pay large sums of money to purchase parcels and demolish existing buildings. This does nothing for affordability. Furthermore, more restrictive environmental regulations and an unwillingness to extend the urban service boundary will restrict housing supply. I am not saying that the policy objectives are not worthwhile to pursue, but it would be useful to understand that varied policy objectives can have negative implications on policy outcomes.

A further example is found on Page 9 of the Suburban Design Guidelines, in the bullet points, it states: "preserve the natural environment, such as the topography, to contribute to the site's overall experience". While I would generally agree with that statement, oftentimes when doing land development, the Design Guidelines from Engineering require that we undertake a lot of blasting so that we keep road grades to a minimum under the guise

			of mitigating mobility challenges. The road grade maximums are even lower for the 2021 Engineering Design Guidelines, than the ones from 2013. Another potential negative outcome that I could see take place is in relation to increased watercourse setbacks. I could totally see developers eliminating wetlands that are contiguous to watercourses due to the number of lots that they would end up losing. In the end, a lot of developers make decisions they feel are logical given the circumstances they are dealt. Does the investment return justify the cost of filling the wetland? The answer to that question often dictates the decision. In closing, we strongly feel that to evolve, HRM needs to adopt a multi-nodal approach to development, not the antiquated idea that there is one downtown, which everyone should work in and commute to. I believe that the complete communities lens is the correct one to use when designing new neighbourhoods/communities or for the redevelopment of older ones. However, for “complete communities” to truly work, they will need acceptable density levels to function adequately. And if you take a strong multicentric approach, where people can live and work, real Transit Oriented Developments will take shape. This in turn will facilitate the development of a strong transit system, which is the real backbone of sustainable cities. Kind regards, Marc	
C776	Email	Jacob Ritchie, United Gulf Developments	Folks, Good job on the engagement work, we are excited to work with you on the next DRAFT after the “What We Heard” work is done. Please reach out with any questions upon reviewing the attached correspondence. Regards, Jacob	Yes (3)
C777	Email	Robert Richardson	To whom it may concern, Please note that the Shape Your City website wasn’t working this afternoon. Following several attempts to submit the comment below on the HRM website I took the approach to email Mr. Richardson’s feedback instead on his behalf. “With respect to the proposed watercourse buffer increasing from 20m to 30m along each side of a watercourse, we ask that HRM provide flexibility within the Regional Plan for existing sites. We agree that a riparian buffer is important for the protection of wildlife habitat and ask that the proposed increase apply to sites created after the adoption of the proposed Regional Plan and/or existing sites where development potential is unreasonably impacted.” Respectfully submitted by Heather Bown, on behalf of Robert Richardson (cc’d on this email).	No
C778	Email	Andrea Arbic, Heritage Trust of Nova Scotia	Good afternoon, I wasn’t certain where to send the attached comments for consideration as part of the review of the Centre Plan, so if I don’t have the correct addresses, I would appreciate it if you could please forward this email to the right person.	Yes

			Thank you, Andrea Arbic, Board Secretary Heritage Trust of Nova Scotia	
C780	Email	Peter Dodge	Hello HRM Planners, I am a resident of Spryfield and live near the Herring Cove / Purcell's Cove backlands. I am also a long-time member of the McIntosh Run Watershed Association that has established and maintains the hiking and biking trails in this area. My hope is that this unique crowberry pine barrens ecosystem, watershed and landscape be preserved to the greatest extent possible in support of the federal goal of conserving 30% of our lands and waters by 2030. SOME GENERAL COMMENTS ON HRM'S DRAFT REGIONAL PLAN 1. I support HRM's broad intention for 'complete communities' and better transit in the Watershed. These are conservation and river health issues. I support adding housing by adding density; shopping and services that are close to home; and investments in transit, walking and cycling so private cars can be used but are optional for a practical high-quality life. Low-density car-focussed urban sprawl consumes natural landscapes and impacts waterways, especially in the McIntosh watershed where most new development requires bedrock blasting. HRM's proposal for rapid transit in the Herring Cove Rd (HCR) corridor through Spryfield can't come soon enough. HCR and linked arterials need better, connected and continuous sidewalks and bikeways. 2. HRM has a critical need for fair access to housing. Adding people to the Watershed should be achieved through redevelopment and selectively adding density and moderate density new developments near existing transit-serviced arterial roads, not sprawl. We recognize that existing neighbourhoods will change as a consequence; fair planning means considering the needs of the natural environment and all Haligonians, including future Haligonians. 3. As more areas are urbanized, the Watershed has three wildland areas which should be maintained, treated as a linked ecological unit, connected with wildlife corridors, and have public access. These areas are Long Lake Provincial Park (LLPP), the Southern Watershed headwaters area, and the Central Watershed (AKA 'Herring Cove Backlands'). 4. Development plans for new neighbourhoods around the Central and Southern Watershed areas should: • provide for public access to these areas (future trailheads). • use HRM Park or other zoning designations to contribute to the conservation of the Central Watershed and Southern Watershed areas. • ensure that wildlife corridors between the three areas are sufficiently broad and therefore functional. • avoid zones of high ecological value. • have increased buffer distances to lakes and streams, e.g. 30 metres or more. HRM's current 20m minimum is an outdated, insufficient distance, especially here where bedrock is shallow and blasting is used. • consider and avoid the many small wetlands in the Watershed, which are often not mapped in the Province's wetlands maps. This is an overlay map of proposed land use, on wildlife corridors and areas of high ecological value. Areas designated A-E refer to	No

			comments below on specific issues (map shown is an overlay of Maps 2 and 6, HRM Draft Regional Plan, October 2023).	
C781	Email	Erica Adams, IWK Health	Good Afternoon, Please see attached feedback on the HRM Regional Municipal Planning Strategy draft. We would welcome a follow up meeting to chat further about how we can support HRM staff from a health perspective. Sent on behalf of Health Promotion staff from Mental Health and Addiction Health Promotion Teams from IWK Health and Nova Scotia Health (NSH)	Yes
C782	Email	Nathan Brett	Dear Members of the Regional Planning Committee, I want to say, first, that overall I am very impressed with with the recommendations of the the Draft Report. My intention here is simply to call attention to sections D and E of the submission of the *Backlands Coalition* for the current Draft of the Plan review. I write as a member of the Purcells Cove Neighbourhood Committee and co-author of a report on the Backlands for the previous round of revisions of the Regional Plan. Re E: For all of the reasons given in the Backlands Coalition submission, I strongly endorse the current draft's recommendation that all the Backlands areas surrounding the Shaw Wilderness Park be protected from development to preserve the ecological integrity and recreational opportunities of the Backlands. Re D: I do not believe that allowing development within the 250 meter setback from Purcells Cove Rd is consistent with these aims and that a 100 meter limit is necessary. Many reasons for this - including the preservation of wetlands necessary for the ecological integrity of the area - are detailed in the excerpt from the Backlands Coalition submission below. As a person who was evacuated from the area during the 2009 fire, I also want to emphasis the point about fire safety in this unserviced area. I believe it is very important to avoid more developments of the type represented by Aarons Way and Fortress Drive. It is noteworthy that the houses that did burn during the fire were in these developments, which intrude further that 100 meters into the Backlands. Apart for these, all of the the existing development along Purcells Cove Rd is within 100 meters of the road. **D) An environmental approach to setbacks on Purcells Cove Road** The draft Regional Plan proposes a setback of 250m from Purcells Cove Road. Specifically, the draft advises: "*re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcells Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties.*"10 While the intention of this setback may be to create an area of privately owned, undeveloped Open Space land adjacent to the Backlands, the distance of 250 m from Purcells Cove Road is arbitrary. The proposed setback would allow development into the environmentally vulnerable and fire prone areas of the Backlands. The Backlands are a Fire Ecology11 where recurrent wildfires pre-date European settlement. The map in **Appendix C** illustrates the extent of some of the fires in the recent past, one of which burned as many as ten homes to the ground. The Backlands Coalition website contains further information from the literature on fire risks and safety including the need for fire breaks and shaded fuel	No

breaks. Please see the Backlands Coalition website post on "*Fires, Conservation and Fire Management in the Backlands*".12
6 Draft Regional Planning Strategy - p84, 2023
7 Bunch, Morrison, Parkes, and Venema. 2011. Promoting health and well-being by managing for social–ecological resilience: the potential of integrating ecohealth and water resources management approaches. Ecology and Society 16(1): 6. [online] URL: http://www.ecologyandsociety.org/vol16/iss1/art6/
8 Williams Lake
watershed https://williamslakecc.org/2021/04/05/impact-of-developments-on-the-williams-lake-watershed/ 9 McIntosh Run watershed https://mcintoshrun.ca/the-watershed/
10 Draft Regional Plan, June 2023 - Attachment D: Site-Specific Amendment Requests for Consideration through the Regional Plan Review Process Table 2 - Urban Reserve
11 Nick Hill and David Patriquin. 2014. A Rare, Fire-Dependent Pine Barrens at the Wildland-Urban Interface of Halifax, Nova Scotia. http://backlandscoalition.ca/?page_id=3910
12 "Fires, Conservation and Fire Management in the Halifax Backlands," http://backlandscoalition.ca/?p=5961

We recommend that the replacement of the Urban Reserve Zone on Purcells Cove Road take an environmental approach to determining appropriate setbacks. This is consistent with current HRM Mainland South By-laws13 which recognize the unsuitability of certain lands for development in HRM, including:

- lands that are hazard prone such as a fire prone ecology and flood plains which may necessitate the need for a buffer or fire break between existing habitation and wildland, barrens and forest;
- aspects of the geology of the land such as exposed bedrock and terrain with slopes greater than 16%;
- protection of the local water supply as the residents are reliant on wells;
- protection of the intricate hydrology of watersheds including watercourses, wetlands

and riparian buffers;

- protection of the delicate lands consisting of bedrock and intricate hydrology dictate that

any blasting will have unpredictable and deleterious results and cannot take place;

- protection of tree cover of 40% density and 30 feet in height on privately owned lands in

non-serviced areas which would include a ban on clear-cuts.
Appendix C also contains a map that illustrates an example of the extent of these features of the land for an area along Purcells Cove Road.
In summary, the 250-metre setback is inappropriate for the reasons stated above. It is obvious that when the environmental constraints are compounded the effects of any disruption of the land are profound. The recent example of a single home at 35 Oceanview Drive underlines that any new development would have serious negative consequences. The map of setbacks on Purcells Cove Road in **Appendix C** shows current properties and their setback from the road. We recommend that the Rural Commuter Zone mirror the predominate setback of existing properties and limit setback to **100 metres.**
E) Nature Parks as Community Infrastructure
We were extremely encouraged to read policy 4.2.1 CI-5 which states: "*The Municipality shall study lands in close proximity to nature park areas and ensure land use is of a suitable use and*

			scale to support the creation and ongoing use of the nature park." This policy mandates the study of the lands contiguous with the Shaw Wilderness Park, the Nova Scotia Nature Trust Lands, and McIntosh Run Park. The policy also mandates that the Municipality ensure that the land use is of a suitable use and scale to support the creation or expansion of the existing parks. In other words, this policy dictates that the Open Space and Natural Resource zone should cover all of the lands which are currently zoned Urban Reserve. The opportunity currently available to create one contiguous park in the middle of the Backlands bordering on the three parks named above should not be lost. The suggestion in the draft plan that a new Purcells Cove Backlands Designation and Zone within the Halifax Mainland Secondary Municipal Planning Strategy and Land Use By-law be created would accomplish this goal. Thank you for all that you have done in planning for the update of the Regional Plan. Yours, Professor Nathan Brett	
C783	Email	Wendy Harfouche	Good evening, I would like to submit the following comments In response to the phase 4 plans regarding lands at Purcells Cove Backlands. The lands previously designated as urban reserve should be protected from development due to a number of environmental, health and recreational considerations. The updated draft plan does a good job of addressing these. These lands include a number of wetland areas and water corses which feed well water in surrounding neighborhoods. Many diverse flora and fauna species have been identified such as the Jack pines. Protection of this area is also key for keeping wildlife corridors between forested areas. The submission by the Backlands Coalition, Issues of Critical importance in HRM Draft Regional Plan, reviews these issues in detail and I reference this to support my feedback. A great number of people access trails and lakes for recreational use within the backlands. I can reference a petition I submitted to HRM last year with over 1800 signatures in favor of protecting these lands from development (Save Purcells Cove Urban Reserve from Development). Recreation in nature has proven health benefits. These natural resources are important for HRM to preserve for the mental and physical health of the population. I also believe it is important to consider our efforts as a community towards reconciliation with indigenous peoples. Protect these lands and designate at least a portion as a Healing Forrest, an initiative that has been put forward to bring all people together in Canada's conversation towards healing and reconciliation. Thank you for considering my feedback. Please advise if you require any additional references or resources. Thank you, Wendy Harfouche	No

C784	Email	Bonnie Sutherland, Nova Scotia Nature Trust	Hello Planning team members, Please find our submission of comments on the Draft Regional Plan on behalf of the Nova Scotia Nature Trust attached. If you have any questions please don't hesitate to reach out to me. Bonnie	Yes
C785	Email	Alan Parkes, Ally Developments	Dear Ms. Perrin: I am writing to submit my formal request to have my property, located at 342 Beaver Bank Road (PID 40846115), removed from Schedule J and given consideration by HRM to include it in the serviceable boundary for future development. Thank you for your consideration. Regards,	No
C786	Email	Jared Dalziel, Clayton Developments	Hi Dave and Team, Please find Clayton Developments' request to have our Proposed Aerotech CDD lands near Exit 5A included in the draft regional plan as a Future Serviced Community Growth Centre. If you could confirm receipt of this request for our records, I would appreciate it. Feel free to reach out with any questions, and have a lovely weekend. Kind regards,	Yes
C787	Email	Jenifer Tsang, Sunrose Consulting	Hello Leah, I have a client who needs to expand his industrial commercial business. I think it aligns with your efforts to maintain a balance of industrial commercial lands, given my recent analysis of the draft Regional Plan policies that speak to the conversion of industrial commercial to residential. I have attached a letter of request with a survey plan. Please contact me if you wish to discuss. Kind regards, Jenifer	Yes
C788	Email	Mihn Tan	To the Regional Planning Team, Please find attached my feedback on the HRM Regional Plan draft as requested from the public by today, October 27, 2023. It is obvious a lot of work, thought, and research went into this draft. That is very much appreciated and comforting to know the city is in good and capable hands. However, there are a lot of factors involved in creating such a document, not to mention one that has to align with many others. I hope my feedback will contain new ideas for you to consider, rather than ones you had and had discarded without mention, or that I had misinterpreted as something else to repeat. And hopefully, any suggestions I have that are new to you will be helpful. I look forward to seeing the updated document when you will have it ready. Please let me know if you have any questions, or if I can clarify anything mentioned further. Thank you.	Yes

			Sincerely, Minh Tan	
C789	Email	Daisy (Kidston) Weeren	October 27, 2023 Feedback Re: HRM Regional Plan Specifically as regards Kidston Lake Development Proposal Dear HRM, My name is Daisy (Kidston) Weeren, and I am writing in to share my feedback re: the HRM Regional Plan. Broadly speaking, in terms of moving forward on the Regional Plan: • Please respect environmental integrity and ecosystems and really consider how developments and planning take into account climate change and issues we've seen recently like flooding, forest fires, bizarre rainfall patterns, and more frequent and intense storms. • Developers need to be held accountable to saving environmental features and ecosystems when they build. Considering aspects of landscape ecology is vital…it allows for enough of an ecosystem to be left to support wildlife and provide wildlife corridors to other ecosystems. People are also naturally drawn to neighbourhoods where trees and green spaces are present and watercourses are protected. • Public consultation is extremely important, especially when a proposed development stands to impact existing communities and/or ecosystems. I also wanted to share some comments specifically related to a development proposal submitted by KWR Approvals Inc. on behalf of the the North American Real Estate Limited (NAREL) corporation. The proposal provides a concept plan to develop housing around Kidston Lake in Spryfield and expand around existing communities such as Leiblin Park and Kidston Estates. My concerns about this development proposal are as follows: • Developing around Kidston Lake will ruin the ecological integrity of this water body. This is a fantastic and beloved lake which is highly used. I swam at Kidston Lake since a girl and I remember stories of my father and his siblings charging people a nickel to use the lake when it was still owned by the Kidston family decades ago. I now take my husband and children to Kidston Lake to swim and this past summer, I've never seen it so packed with people! The love and use of the lake seems to have grown. It is a treasure. • We live in a very well loved community of Kidston Estates. The development has about 100 houses and was built to target families as is just down the road from the p-8 school Elizabeth Sutherland. Kidston Estates has only one entrance off Rockingstone Road and is extremely quiet and safe. It is packed to brim with children who run and play in the streets as little to no traffic. We live on the street of Beachstone Drive which in NAREL's proposal, would be expanded to become what appears a "shortcut" street for the 4,800 homes being proposed. It is one thing if Beachstone Drive is expanded to reach some new homes but 4,800? If this were allowed to happen, it would change our community terribly.	Yes

			Beachstone Drive is a quiet, suburban street and couldn't sustain that sort of traffic. • Leiblin Park is a charming and very unique housing development which I believe was built after World War II. The housing to this day is modest in size and price and I get the impression it attracts both young families and seniors alike. Similar to Kidston Estates, it is a quiet, safe neighbourhood. The new development could change this quiet, idyllic community forever. Like Beachstone Drive, the road to Lieblin Park off Rockingstone was not designed to handle large amounts of traffic. In closing, Spryfield is a rich and diverse community with fantastic ecological qualities. This area has absorbed a large amount of development in recent years (think Governor's Brook) and continues to absorb more and more. I urge HRM Planners to think prudently about how development should continue out here in a pace that both respects existing communities, the ecosystem and beloved ecological features. Future development must also consider climate change, and how people get around via transit, car, and walking/cycling. Public consultation is also vital when considering how to move forward on proposals. Sincere regards, Daisy (Kidston) Weeren, M.E.S (Master of Environmental Studies).	
C790	Email	Arthur G. Kidston and Lola-May Kidston	HRM Planning: The following comments are in two parts addressing A) the Draft Regional Plan and B) the more specific lands near Kidston Lake. A) Draft Regional Plan After reading the summary sheets the draft plan is very impressive and the staff who created this document have to be congratulated for covering all the bases in such detail. Overview The unexpected surge of population requires a dramatic reworking and updating of the regional plan. Healthy & Complete Communities We need affordable housing for all as a right not as a privilege and for a mix of ages, incomes and abilities. In years gone by we had many small communities which were more self sustainable with local shops and amenities without the need to drive to large industrial parks like Bayers Lake or Burnside which are car oriented vs. pedestrians. Community Infrastructure There are stretches of Herring Cove Rd where there are very poor to no sidewalks yet there are young families with no safe place to walk. Children getting off schoolbuses have little room to disembark safely. Access to food is a great idea. Housing We need a stronger housing strategy which, we understand, had federally until the seventies. How did we get into half-million $ starter homes with a very small down payment and the necessity for a two income family? Why is every developer required to have a number of affordable units but then is let off the hook by paying a small fee ? Why are all the downtown towers trying to outdo each	No

			other for more and more luxury? Why have renovictions been allowed to persist ? What about more townhouses, modular homes and trailer parks ? Mobility Halifax Transit has many shortcomings when it comes to buses being on time and being cancelled on short notice. It always disturbs us to see those mostly empty double-long buses go by on off-peak hours. There's not enough bus shelters and the Mumford terminal is poor. For us the commute from Spryfield to downtown now takes over an hour and two buses. If we drive the cost of parking is too expensive. We used to frequent downtown regularly to shop and enjoy the ambience rather than the big boxstores out in the industrial parks but not so much anymore. There's a new problem in sharing the sidewalk with all the scooters, skateboards and electric bikes . Environment & Climate Watershed and coastal protection is a must as climate change continues to warn us. The infilling of water lots along the Northwest Arm and the Harbour is a travesty and was never intended for that purpose. We understand this is a jurisdictional problem but what can be done ? Watershed mapping before development and strict controls on blasting which always affects the flow of groundwater must be addressed. The ability to donate land for conservation is attractive. Protecting Water & Watersheds To extend the riparian zone from 20 to 30 metres is a step in the right direction. We must stop property owners from infilling wetlands, streams and ponds, eg. Kidston Pond and Roaches Pond. This concept of "owning" the land and doing whatever one wants has gotten us in a lot of environmental trouble and must be taken very seriously. Economic Prosperity Quality of life is a key component and permeates much of the plan especially as communities include more of their own infrastructure. Emergency Services & Street Connectivity The trend of residential cut-de-sacs with a single entrance/exit has to be addressed and secondary exits somehow provided especially in wooded areas. Culture & Heritage Yes to all of it ! B) Local Example - Lands Near Kidston Lake Many of the issues of the Draft Regional Plan apply in this area. Much of the 1000 acres was assembled in 1969 and later for housing development but little was built until Kidston Estates Phases 1 and 2. Let me be more specific and for contrast I will use Leiblin Park and Kidston Estates phase 2. If you drive through Leiblin Park you will traverse rolling hills with highs and lows, old pine trees, some granite outcrops, modest bungalows and well spaced lots. In contrast the Estates is a totally flat landscape with an entrance causeway across some wetland and no natural trees. To accomplish this the developer first cut down all the trees, removed all the brush and overburden and then proceeded to blast all the rock for a year and filled in the existing swamp until there	

			was a flat featureless landscape. Any and all wildlife was totally obliterated. This is my fear for future development in this area. How can HRM prevent this from happening again over the watershed of Kidston Lake ? If the Draft Regional Plan is adopted and enforced then maybe we can. If the Province doesn't run roughshod over HRM's planning then maybe we can. Sincerely yours, Arthur G. Kidston Lola-May Kidston	
C791	Email	Mark Butler	**Regarding Site-Specific Request(s):** **Case 22257 Purcell's Cove Backlands** I write with concern that any future development can be considered in the Purcells cove backlands. Even though I recognise that there is no current development consideration for this area the plan outlines ' If future amendments were to permit development through the Conservation Design Development process, current Regional Plan policy limits Lower Density Classic Conservation Design development to a maximum of 100 units with a maximum density of 1 unit per hectare" If this were to be considered then 100 Hectares of important biodiverse land is still under threat of being lost to private ownership and will no longer be wild land that our community values. I do agree with the recommendation to: Re-designate and rezone the Shaw Wilderness Park lands to Open Space and Natural Resources Designation and the Regional Park Zone to reflect its current use; - Re-designate and rezone other publicly owned lands and private conservation lands to the Open Space and Natural Resource Designation and the Protected Area Zone; - Acknowledge that an urban form of serviced development is no longer envisioned in this location and consider re-designating and rezoning the remaining privately-owned lands currently zoned and designated Urban Reserve to an alternative designation and zone that recognizes the environmental and cultural importance of the Purcell's Cove Backlands. Thanks, Mark Butler	No
C792	Email	Meghan Marentette	**Regarding Site-Specific Request(s):** **Case 22257 Purcell's Cove Backlands** Hello, I want to record my opinion regarding the potential development of the Purcells Cove Backlands. I understand that the recommendation is already that these lands should be kept as they are and NOT developed, as per the document as I have read it. However I feel it is important that as a resident of Fergusons Cove, who hikes in these backlands daily and uses it for artwork inspiration and maintenance of my mental health and life	No

			satisfaction, that I speak up and say how incredibly important the maintenance of these lands as wild are to the wider community of Halifax, and also the wildlife, both flora and fauna. I used to live in downtown Halifax for 17 years before moving to Fergusons Cove. Even then, I used to come to Purcell's Ponds to swim, amazed by its beauty and tranquility, and on a bus route from downtown. That kind of easy ads was for downtown citizens is equally important to those of us who live in this area now. Urban citizens also need close access to wild nature, not just grew space/parks, and nowhere else is as close as the Backlands are to Halifax downtown. It is a vital lifeline for the mental health of urban dwellers. Shaw Park has been a wonderful addition to this area and I think we should we talking about more trail development so that that park can be hooked up with the wonderful trails built all the way to Nora Warren Drive in Herring Cove. We have here an incredible asset to ALL Haligonians, not just locals. Further to this, I am concerned that anymore development in this area will contribute to a huge traffic issue at the rotary. It's already a big problem for commuting. This road simply can't take any more vehicular traffic. Thanks for the opportunity to voice my concerns and my love of the Purcells Cove Backlands. I hope they are considered for permanent conservation. Thank you, Meghan Marentette	
C793	Email	Mark Butler	**Regarding Site-Specific Request(s):** **C025 Lands on Purcell's Cove Road** I write with dismay that there would be a consideration to build on the lands outlined in CO25. This area does not have the capacity to support serviced water and sewerage so please do not consider this as an option. Previous planning proposals to bring services to this community have been rejected by the community so I don't understand why the city would consider another proposal. Granting this would mean increased expenditure to already stretched households to pay for the implementation of these services. Also there is very little public transport on PC road to support the application. 4 buses in the morning and 4 in the afternoon with no bus service between 9.30am and 3pm and absolutely no service on the weekends or holidays. Please reject any such applications. thanks Mark Butler	No
C794	Email	Meghan Marentette	**Regarding Site-Specific Request(s):** **C025 Lands on Purcell's Cove Road** Hello, I am writing to express my concern about the proposed development of this land.	No

			It is a beautiful bit of nature leading into Shaw Park area on the Williams Lake, and is a traditional swimming hole for locals. My understanding is that someone wants to have municipal water and services brought there for a subdivision of up to five homes. This is an absolute no. We who live in Purcells Cove are not interested in having municipal services like water and sewage brought south of Williams Lake Road. We already won a battle with the city to make sure this doesn't happen here more than ten years ago. There should be no exception at this point or any point in the future. Municpial would be a huge expense for all who live this way (not to mention the City) many of whom cannot afford to pay for hookups to municipal services. If the current recommendation is NOT to allow development on this sect of land in case #C025, I wholeheartedly agree with that. If this land is indeed prevented from being developed in the regional plan, then I would also put forth that it should be permanently conserved. Thank you, Meghan Marentette	
C795	Email	Patricia Manuel	Dear Leah and team, Attached are my comments for the DRAFT RMPS. Thank you for the opportunity to provide input. Kind regard Patricia Manuel	Yes
C796	Email	Katharine Studholme	Dear Regional Planning Team, I have read in full the Ecology Action Centre analysis "Comments on the Draft Halifax Regional Municipal Planning Strategy", as well as the the Backlands Coalition "Issues of Critical Importance in the HRM Draft Regional Plan" that have been submitted to your planning team. I support their feedback and specific recommendations, so rather than repeating everything here, I ask that you consider this letter an additional voice in support of these well-researched and thoughtful documents. I also wish to echo the gratitude and relief these groups voiced in response to the Plan's focus on densifying already developed areas (urban infill) and the many provisions addressing the value of intact ecosystems, naturalization, reconciliation, and the driving principles diversity, equity, and inclusion. For these reasons, reading the Draft Plan made me feel proud to be a Haligonian. I will highlight just a few concerns here based on my experience living and working in the HRM (resident of Spryfield, work in Dartmouth). 1. I definitely agree that the Halifax Green Network Plan and HalifACT should be fully incorporated into all aspects of the Regional Plan. The plan should be very explicit in how these elements will guide development decisions. I (and others at the Ecology Actions Centre) felt existing points based on these plans needed to be strengthened in several cases, for example by referring to the official "Green Network Plan" rather than the "green network", stating that the Green Network Plan will be used to help shape where development will NOT be advanced, and by using the imperative language of "shall" rather than "shall consider". In addition, I would like to echo the Ecology Action Centre's recommendation that "shall consider" by	No

			changed to “demonstrate consideration of” in all instances, requiring decision-making process to be documented and publicly available. 2. I support re-zoning properties along Purcells Cove Road to enable a single property division with rural commuter zoning along the road and a natural area designation inland. However, I found the 250m setback arbitrary, inappropriately large relative to existing roadside parcels, terrain/slope, and fire risk. I encourage using an environmental approach to determining setbacks on Purcells Cove Road that is consistent with current HRM Mainland South By-laws. 3. The Backlands natural area will require a combined fire management and conservation strategy due to its fire ecology and surrounding development. 4. The extreme development pressure on our open and suburban spaces dictate an immediate need for more accurate and comprehensive environmental mapping – particularly for wetlands of all sizes. This is true everywhere in the HRM, but I'm acutely aware of it near my home in Spryfield. Wetlands are particularly vulnerable to development in the area draining to Colpitt Lake, Williams Lake, and Governors Brook (at the west end of Williams Lake). This area of the watershed has already been impacted by upstream development and contains many unmapped wetlands of various sizes which are likely 'working harder' to compensate for the loss of wetland services and habitat upstream. Mapping these wetlands should be step one in evaluating the potential impacts of development in this area of the watershed. 5. The 30m wetland buffer is a great improvement; however, it should be applied to ALL wetlands, not just wetlands contiguous with watercourses or identified as Wetlands of Special Significance. In order to ensure this, HRM should include wetlands as part of the definition of watercourse. It is also important that “buffer” vs “setback” be defined in the Plan. Are these terms interchangeable? Or do the activities permitted within them differ? 6. Both the terms “Urban Area” (RP-14) and “Urban Settlement” (RP-22) are used in the Plan – the first defined as areas that are already serviced, and the second as areas that are serviced or have been identified for future serviced development. Map 2 is labelled with “Urban Settlement” and Map 3 highlights separate areas labelled “Future Serviced Communities”. I find these definitions confusing and in cases contradictory. For example, the area to the west of Williams Lake was zoned Urban Reserve and is not serviced; however, in Map 2 it is shown as “Urban Settlement”, but in Map 3 it is not shown as “Future Serviced Communities”. I think some work should be done to clarify these definitions throughout the plan and ensure the maps reflect them so both planners and the public understand what is being proposed. [Given the terrain/slope, wetland habitats, and position of the property within the Williams Lake/Colpitt Lake/Governor's Brook watershed, I would not be supportive of any development activity to the west of Williams Lake without thorough ecological assessment and community consultation.] 7. Why is there still a highway plan shown though the middle of the Blue Mountain Birch Cove Lakes (BMBCL) area, which is under consideration as Halifax's Urban National Park? This would be hugely disruptive to ecosystem	

integrity and the enjoyment of quiet open space by people, and bisects the essential wildlife corridor #11. I was also surprised by the zoning around the southeast end BMBCL. In Map 2,Urban Settlement and Urban Reserve designations cover nearly the entire coastline of the Suzie's, Birch Cove, and Quarry Lake system. I assume this is due to previous agreements with developers, but this seems very ill advised from an environmental health and asset perspective. Such a large development area seems unnecessary. Establishing a large buffer around these lakefronts would be far better, and keep what many view as the entry point and 'heart' of BMBCL within the future national park.

8. Echoing the Ecology Action Centre's questions about wildlife corridors (Map 6): Why do some of the wildlife corridors follow different routes than both the HGNP and the wildlife corridor charrette? The corridors drawn in Map 6 miss some actual corridors that need protection. The new corridor naming (Essential Corridors) is confusing because the HGNP used the same name to identify different corridors. Also, why was this new corridor exercise needed?
9. Spryfield needs active transit infrastructure sooner rather than later. Our community is growing fast and while many amenities are within very reasonable distances, I do not feel safe reaching them by biking on Herring Cove Road and roads leading to it/off it (e.g. Williams Lake Road, Drysdale). Bike lanes (protected would be best) and vegetated buffers between the sidewalks and the roads would be hugely helpful in ensuring the safety and comfort of residents and encouraging active transit.
10. Bus Rapid Transit from Spryfield to the peninsula is also needed as soon as possible. Traffic is already a big problem during rush hour and will only get worse as our community grows. Commuting from Spryfield to Dartmouth (where I work) can be incredibly frustrating since without traffic it takes only 15-18 minutes, but with traffic it can take upwards of 40 minutes. I'm very much looking forward to dedicated bus lanes and more frequent service! If it were more efficient and reliable, I would use the bus much more frequently to access downtown and hopefully Dartmouth as well. I hope the yellow to the purple BRT line in Map 7 will provide a direct enough route to enable this commute by bus. Now, using transit takes about twice as long as driving, which is a non-starter for me.
11. I am so grateful to see nature parks described as community infrastructure. Please keep in mind that people need wild/open spaces and *quiet* spaces in addition to urban parks, and these types of spaces should be accessible via walking, biking, and transit. Bus-serviced wild/open space parks in Blue Mountain Birch Cove Lakes, the Backlands, and Sandy Lake would provide access to truly open spaces for city residents that is very hard to find in today's cities, making Halifax really stand out for mental health and recreation. Another open space park on the Dartmouth side would be ideal. (For a fascinating account of the effects of nature and open spaces on our bodies, consider reading “The Nature Fix: Why Nature Makes Us Happier, Healthier, and More Creative” by Florence Williams.)

			Thank you so much for all your hard work developing, reviewing, and updating this plan! Sincerely, Katharine Studholme	
C797	Email	Stephen Glazier	To Whom it may concern, I am supportive of many points in the Halifax Regional Plan. However, I would like to show my support for the Ecology Action Center's feedback on the plan. https://ecologyaction.ca/sites/default/files/2023-10/EACAnalysis_draftRegionalPlan2023.pdf There are many aspects mentioned in their response considering conservation, wilderness corridors, and development that I believe should be further considered and amended in the plan. Although not mentioned in detail, I do not support Highway 113 as a part of any development for the reasons above. I also believe the 250m commuter zoning rules should be reviewed. The Purcells cove backlands does not require such deep development zones into wilderness and wetland areas. Additionally, wetlands in general should be considered with more caution and definition. As it stands, with so few wetlands actually designated, many wetlands and watershed areas are at risk. Thank you, Stephen Glazier	No
C798	Email	Ralf Dreimanis	Hello Mr. Paterson, Further to my previous submission with the email below, I offer the attached document for consideration in the anticipation that it may assist in the further development of the Regional Plan. This attachment amplifies one of the items of concern identified in the first submission with the email below; that being related to addressing anti-indigenous sentiment. with respect ralf dreimanis	Yes
C799	Email	John LeDuc	Please receive the attached letter and associated document concerning the HRM Draft Regional Plan and the Pathway to Canada Target 1 Initiative. I have been contracted by Environment and Climate Change Canada to work on the Pathway to Target 1 initiative to protect 25% of Canada's lands by 2025 and to also support the work of Nova Scotia Environment and Climate Change (NSECC) in their work to protect 20% of Nova Scotia's lands and waters by 2030. The attached letter highlights the importance of conserving land as a response to the climate change and biodiversity crisis and the important role municipalities like HRM play. Opportunities and suggestions are offered, for your consideration, for the HRM Regional Plan, that would support HRM policy and planning commitments for conserving land. Thank you for your attention to the attached letter and I look forward to your reply. John Leduc Conservation Planner	Yes (2)

C800	Email	Martha Leary, Purcell's Cove Backlands Coalition	*[Submission from Purcell's Cove Backlands Coalition]*	Yes
C803	Email	Amanda Mills	**Regarding Site-Specific Request(s):** **C719 Schedule J – Upper Hammonds Plains** Hello, I am very disappointed to see that HRM is even considering the proposal C719. Westwood Hills desperately needs an emergency exit, but that is not the solution. On May 28th myself, husband, 4 week old baby and two dogs were evacuated from the back of Westwood Hills with nothing by the clothes on our back. We were trapped on Westwood Blvd for over an hour while first responders fought the fire blocking the only road in and out of the subdivision. I know more than anyone that an emergency egress is long overdue in Westwood Hills, but C719 is not in the best interest of residents. This proposal is Marchand Developments trying to capitalize on that misfortune of Westwood Hills residents. They are not trying to help residents; they are trying to have the land rezoned so that they can develop an already extremely congested subdivision. Additionally, an emergency egress in this location would have been useless in the recent wildfire. That direction was blocked by the rapidly moving fire and leads to an overwhelmed Hammonds Plains Road, a road that is already gridlocked on a daily basis regular hours. Please reject C719, it is not in the best interest of Westwood Hills. I hope to see more practical options for an emergency egress in my subdivision brought to the table asap. Thank you for taking the time to listen to my feedback, Amanda Mills	No
C804	Email	Paul Currie	**Regarding Site-Specific Request(s):** **C719 Schedule J – Upper Hammonds Plains** I am writing with regard to the proposal dated October 20,2023 regarding land use changes and proposed road construction on behalf of Ramadan Construction I live on Wyndham drive in westwood Hills and am supportive of the concept and proposal, so long as additional egress options are implemented. We need multiple points of potential exit as we are surrounded to the north, west and east by woodland. A route to the 103 highway would be worthless if a fire happened to start to the west of the subdivision and was spreading east. Thank you Paul Currie	No
C805	Email	Sam Mullin	**Regarding Site-Specific Request(s):** **C071 Near Kidston Lake**	No

			Hi planning friends, Just forwarding the body of an email I sent my Councillor with feedback about C071 Lands near Kidston Lake: Hope this finds you well! I just wanted to write you a quick note expressing concern about this proposed plan. I understand developers are for-profit, but trying to accelerate a plan for a massive development in an area where infrastructure is already struggling makes no sense to me. Old Sambro road certainly can't handle another 2400 cars at peak, and I can only imagine how terrible traffic would be on Herring cove down to the rotary if this development was approved! I have spoken only about traffic infrastructure so far, but it's worth also mentioning: - The local schools are all at capacity, with Elizabeth Sutherland at capacity even after adding a bunch of new modular classrooms. - The local rec-center operates at capacity, making it incredibly difficult to enrol kids in the community in programs - Getting access to a physician in Spryfield (and all of Nova Scotia) is also incredibly difficult, and 4000 new homes would exacerbate that problem more as well. This is more key infrastructure that would need to be upgraded in advance of building thousands of new homes. When we can already serve the needs of existing residents, it's time to expand. Further to all of this, the elimination of virtually all green space around Kidston Lake to build single family homes would be devastating to the existing community. We need density, and we need it in areas that have the proper infrastructure to support that density. If the city is not willing to commit to completing infrastructure upgrades in advance of starting development in this area, then a development of this size should certainly be off the table. Approve more medium density structures instead of thousands of additional single family homes, and the extra tax dollars those bring in will make it easier to fund the infrastructure upgrades so we can consider building up this area after 2031. Finally, and speaking selfishly (though it's unlikely these changes would happen before my son is off to college), I would also be greatly opposed to adding more traffic to Beachstone drive specifically (where we reside) - currently, Kidston is a family heavy community where folks feel safe letting their kids roam, ride bikes, play hockey in the street and so forth. A proposal of this size with direct access to the existing subdivision would put that all at risk. It's a much smaller part of the puzzle but important to the members of our community. We should focus on building communities where families can feel safe, and thousands of additional cars travelling through a community that currently only has local traffic does the opposite of that! Thanks, Sam	
C806	Email	Chris Walsh, KRW Approvals	Hello Kathleen, On behalf of KWR Approvals Inc and our client, George Cooper, I would like to make a submission for the Suburban Plan Review.	Yes

			The submission is regarding George Cooper's 39 acre property in Montague Gold Mines. I have attached the report for your review. Thanks and we look forward to working with yourself and your team in the future. Best,	
C807	Email	Isabelle Choumiline, KWR Approvals	Kathleen, Please see attached submission for the Suburban Plan review on behalf of the Colley Family. As always, we look forward to working collaboratively with HRM Planning & Development. Thank you, Isabelle	Yes
C808	Email	Kevin Riles, KWR Approvals Lynne Fenerty, Fenerty Developments	KWR Approvals was retained by our client Fenerty Developments LTD through Lynne Fenerty to review and make submissions regarding properties within their portfolio. Our clients letter to HRM is attached and contains sixteen properties (PID's). Further attached is a map prepared by Chris Walsh, Planner 1 & GIS/Real Estate Co-ordinator with KWRA to highlight where the properties are in comparison to the Suburban Plan Review Study Area. Fenerty Developments LTD. as noted in their letter is looking as a historic developer in the Community to have these sixteen properties re-designated to Urban Settlement (US) and included in the Urban Service Area. Let me know what further information you require. We are assuming these would be reviewed as part of Phase 5 Regional Plan Review. Thank you and Warmest Regards, Kevin	Yes
C809	Email	Lynn Wolliscroft Gillis	Please find attached our informal request for your consideration. Please confirm receipt. Many thanks,	Yes
C810	Email	Karen Robinson, Sandy Lake – Sackville River Regional Park Coalition	Hello Jamy-Ellen, Thank you very much for your attention today and to the city for conducting these public sessions. I said I would send you the SPA summary and our submissions to the RP+10. I have put them in this drop box along with some recent environmental reports. Also, a summary of some of the points I was making today that relate to the RP - as well as the urgency to get them amended now and applied at Sandy Lake and Subareas 12 & 1. *[hyperlink]* Thank you for identifying the amendment that is needed to make effective the amendment I showed you. Small details make such a difference! I look forward to any questions, comments, and further interactions. All the best, Karen	Yes

Appendix E - Written Submissions

C627

September 11, 2023

To HRM Regional Council and HRM Planning Staff

Re: PLANAPP 2023-00368 (Formerly 24508)

I am writing regarding PLANAPP 2023-00368 (Formerly 24508); applications for proposed changes to an existing Development Agreement on PID#00362442 70 First Lake Drive, Lower Sackville. This case (2023-00368) involves 2 separate applications. I believe the redevelopment applications for this site should be considered concurrently, under a single process, and I do not support the applications as proposed.

PLANAPP 2023-00368 introduces 2 different applications for the same property to be considered for approval under two separate processes: a Substantive Amendment to the Development Agreement, a revised application, and a Site-Specific Application requesting new policy under the Regional Plan review to permit additional residential and commercial development. These two applications involve the same PID under an existing Development Agreement. They are being considered separately by HRM planning staff with different timelines.

The revised application, now in the Public Consultation stage, is for a Substantive Amendment to a Development Agreement to allow for two 6-storey residential buildings and a new drive-through commercial building. The revised application follows MPS Policy for amending a Development Agreement. Contrary to that Policy there is also an application for new Regional Plan Policy to enable an additional 11-storey mixed-use building and a 20-storey mixed-use building on the same site registered under the same Development Agreement.

I believe any changes to this Development Agreement should be assessed and considered for approval in a holistic approach, enabling the consideration of any cumulative negative impacts and benefits. It is very difficult for the public to reasonably comment on the 2 six storey multi-unit application, the revised application, without taking into consideration the potential impact from the proposed additional development of 11 and 20 storey mixed use multi-unit buildings being considered for the “remainder of the site” under the Suburban Plan process.

In September 2022 a proposed amendment to the Development Agreement included 3 multi-unit buildings; 6, 15 and 22 stories with a total of 800 units plus commercial. As noted now on the HRM Planning website https://www.halifax.ca/business/planning-development/applications/case-24508-70-80-first-lake-drive-lower-sackville

> *The applicant previously proposed to re-develop the property by adding three (3) multiple unit dwellings ranging in height from 6 to 22 storeys, with ground floor commercial and office space. However, the enabling policies of the Sackville Secondary Municipal Planning Strategy do not contemplate such an increase in density and a development of this size. <u>The application has been revised</u> to include only the two 6-*

storey multiple unit dwellings on a shared podium and a new drive-through commercial building.

That application was revised to include the 2 six storey multi-unit buildings (154 units) however, it did not acknowledge nor include reference to the Regional Plan application for the additional 2 multi-unit buildings, 11 and 20 stories (495 units). The revised application does state that the *Staples building will remain unchanged*. The application under the Regional Plan however proposes the 11-story multi-unit structure as the Staples building location. The application for additional residential and commercial development through the Regional Plan also proposes changes to parking and amenity space proposals applied for in the revised application to amend the Development Agreement. One could consider this disingenuous.

Rather than piecemeal amendments to the Development Agreement, the entire site should be considered for redevelopment for the best possible layout and phasing opportunities. Any potential changes to Regional Plan policy to negate staff's assessment of the original application, that the *Sackville MPS does not contemplate an increase in density and a development of this size,* supports deferring the revised application until both applications can be considered at one time under one process.

HRM identifies the Municipal wastewater service boundary as the Urban designation area on HRM mapping. The Regional Plan, under Policy SU-4, requires Council to consider the financial ability for HRM to absorb costs to accommodate **any expansion** of that boundary. That boundary not only identifies where the Municipality intends to develop and fund with Municipal services, but also reflects the capacity of wastewater treatment facilities serving HRM. It is the population of a sewer shed that determines the demand on wastewater treatment not the total acreage of that service boundary. I submit any increase in unplanned growth, or the intensification of a development within the service boundary, increases demand for wastewater services and is an expansion to the service boundary. This has costs not only for wastewater infrastructure but for associated municipal infrastructure to meet needs such as schools, transit, pedestrian, and recreation. The Regional Plan supports intensifying residential development closer to the city centre where there may be existing service capacity.

The revised application is proposing 2 drive-through restaurants on the site. Each is immediately adjacent one of the 2 driveways used to access the site. The "new" drive-through restaurant is located near the loading bay for Sobeys. Large trucks are required to enter the parking lot at that driveway location and to access the loading bay the truck must pull forward into the existing parking lot, immediately adjacent to the proposed drive-through restaurant. The revised application for a second drive-through restaurant does not address CC-3 (a) of the Sackville MPS requiring Council to regard:

an evaluation of the appropriateness of the proposed use in terms of its effect on the development of the Sackville Drive Secondary Plan (RC-May 7/02;E-Jun 29/02) as the major commercial focus within the plan area;

Policy CC-3 must also be considered in assessing the application submitted under the Regional Plan review for increased commercial on the site.

The proposed extensive increases in population density, height, and lot coverage would distract from the general residential character of the community. Much of the local residential community was built in the late 70s to mid 80s to a R-1 and R-2 standard. The neighbourhood has 3 low-rise 3 to 4 storey apartment buildings clustered at the corner of First Lake Drive and Metropolitan Avenue. Long windy streets were constructed without sidewalks and the neighbourhoods connected by paths without lighting and with few interconnecting streets. The only sidewalks are on Cavalier Drive, Metropolitan Avenue, and a portion of First Lake Drive. Although First Lake Drive is classified as a major collector, the section of road between Crimson Court and Cobequid road is designated Rural and lacks sidewalks, shoulders and street lighting making pedestrian/bike travel dangerous. There are no dedicated bike lanes, nor road room for them, and local AT trails have no winter maintenance as they are surfaced with crusher dust. The First Lake neighbourhood benefits from access to various recreational opportunities, most of which are volunteer operated and each with a finite capacity for service. Traveling from First Lake to Sackville Drive by foot and wheel can be challenging due to the topography. Transit is limited with typically one hour service, excluding morning & evening rush hour. Mid-day and evening travel to city centre medical appointments, university classes, all-weather sports fields, social events etc. cannot be reasonably accessed by way of transit from the First Lake area without significant changes to the transit service. The further residential development occurs from the transit hubs the more difficult it becomes to meet daily needs without a private vehicle. A vehicle is necessary to utilize the park and ride facilities and only reasonable if there is adequate availability of parking spaces. If we need a vehicle to access reasonable transit/ferry service we require parking spaces. Planning intensive residential developments in areas like First Lake Drive, without adequate parking spaces for those residents, will have negative impacts on the surrounding community. Although the revised application proposes sufficient parking for 154 units, the additional application under the Regional Plan proposes changes to the ratio of parking spaces to units. Again, this appears disingenuous.

The Draft Regional Plan and Integrated Mobility Plan does not include bus rapid transit past Mill Cove in Bedford, leaving all Sackville/BeaverBank without rapid transit improvements. Intensified residential development at the First Lake Drive location, is not supported by rapid transit. The Regional Plan supports intensifying residential development closer to the city centre where rapid transit services exist, and can be expanded at a lower cost, rather than promoting increased vehicle dependency in the suburban fringe.

I do not support PLANAPP 2023-00368 (Formerly 24508) as presented under the HRM Active Planning applications and as a Site-Specific case under the Regional Plan Review/Suburban Plan process. As both applications under PLANAPP 2023-00368 (Formerly 24508) are being considered for the same property, and have the potential to significantly impact the other, the applications should be considered concurently under the same process.

Regards
Theresa Scratch
[redacted]

C638(1)



Can Zoning Reform Reduce Housing Costs? Evidence from Rents in Auckland

Ryan Greenaway-McGrevy

May 2023

Economic Policy Centre

WORKING PAPER NO. 016

Can Zoning Reform Reduce Housing Costs? Evidence from Rents in Auckland

Ryan Greenaway-McGrevy*

May 2023

Abstract

In 2016, Auckland, New Zealand upzoned approximately three-quarters of its residential land, precipitating a boom in housing construction. In this paper we investigate whether the increase in housing supply has generated a reduction in housing costs. To do so, we adopt a synthetic control method that compares rents in Auckland to a weighted average of rents from other urban areas that exhibit similar rental market outcomes to Auckland prior to the zoning reform. The weighted average, or "synthetic control", provides an estimate of Auckland rents under the counterfactual of no upzoning reform. Six years after the policy was fully implemented, rents for three bedroom dwellings in Auckland are between 22 and 35% less than those of the synthetic control, depending on model specification. Moreover, using the conventional rank permutation method, these decreases are statistically significant at a five percent level. Meanwhile, rents on two bedroom dwellings are between 14 and 22% less than the synthetic control, although these decreases are only significant at a ten percent level in some model specifications. These findings suggest that large-scale zoning reforms in Auckland enhanced affordability of family-sized housing when evaluated by rents.

Keywords: Upzoning, Land Use Regulations, Redevelopment, Housing Costs, Rents, Synthetic Controls.

JEL Classification Codes: R14, R31, R52.

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1 Introduction

Housing has become increasingly expensive in many parts of the world, precipitating an affordability crisis (Wetzstein, 2017; Saiz, 2023). A wide range of economists and urban planners attribute high house costs, at least in part, to restrictive zoning (Gyourko and Molloy, 2015; Been, 2018; Hamilton, 2021). Zoning reform to relax restrictions on housing density is consequently advocated to reduce prices by relaxing regulatory restrictions on housing supply. (Glaeser and Gyourko, 2003; Freeman and Schuetz, 2017).[1] However, up until very recently, few cities have pursued large-scale zoning reforms to enable affordability (Schill, 2005; Freeman and Schuetz, 2017), meaning there little empirical evidence to support the purported effects of zoning reforms.

However, in 2016 the city of Auckland, New Zealand, upzoned approximately three-quarters of its residential land (Greenaway-McGrevy and Jones, 2023), precipitating a construction boom in the city (Greenaway-McGrevy and Phillips, 2023), and affording us six years of data to examine the impact of the reforms on housing costs. In this paper, we assess the impact of the reforms on Auckland's housing costs, adopting a synthetic control approach to specify the counterfactual scenario to the policy change. The synthetic control is constructed from a donor pool comprising 51 commuting zones in New Zealand, and matched to a variety of observed housing market outcomes, including dwellings per capita and the average proportion of household income allocated to housing costs.

Depending on model specification, housing costs for family-sized (i.e., three bedroom) dwellings have decreased by between 22 and 35% relative to the synthetic control six years after the reforms. Housing costs for smaller (two bedroom) dwellings have decreased by 21 to 22% over the same period, depending on model specification. Put differently, the fitted models imply that housing costs for 3 bedroom dwellings in 2022 would be between 28 and 54% higher had Auckland not implemented zoning reforms. Housing costs for 2 bedroom dwellings would be 16 to 28% higher.

To assess the statistical significance of these decreases, we apply the conventional rank permutation test to the ratios of post- to pre- intervention mean square errors (MSEs, Abadie et al. 2010).[2] For three bedroom dwellings, only one of the 51 units in the donor pool has a ratio that exceeds that of Auckland in our baseline model specification. If one were to assign the intervention at random, the probability of obtaining a ratio as large as Auckland's is 0.038 (= 2/52). Under alternative model specifications, Auckland has the largest ratio among all donor units, corresponding to a probability of 0.019 (= 1/52). Thus, the decrease in 3 bedroom rents is statistically significant at the five percent level across various model specifications. For two bedroom dwellings, five of the donor pool units have a larger MSE in our baseline specification, with a corresponding probability of 0.0962 (= 5/52), which would be significant at a ten percent significance level. However, the statistical significance of the decrease varies between models, and is often insignificant, even at the ten percent level. This evidence supports the proposition that upzoning reduced housing costs for larger, family-sized dwellings, but there is less evidence that it decreased housing costs for smaller

[1] "Plexes" refers to duplexes, triplexes, sixplexes, etc.

[2] Abadie et al. (2010) rank root mean squared error, which is a monotonic transformation of MSE.

dwellings.

We use prices on new rental tenancies (hereafter "rents") as our measure of housing costs. We use rents, rather than house prices, for two reasons. First, rents are not directly affected by enhanced redevelopment rights from zoning reform. The effects of upzoning on housing prices is mediated by the land endowment of affected properties. Land prices in desirable locations increase in value (Greenaway-McGrevy, 2023a), reflecting the increased capacity of the land to hold additional floorspace and the right to redevelop the property into capital intensive dwellings. Properties that are relatively land intensive, such as detached single family dwellings on large lots, are likely to appreciate in value. Both (Greenaway-McGrevy et al., 2021) and (Greenaway-McGrevy and Phillips, 2023) show evidence of this occurring in Auckland after the reforms. Rents, on the other hand, are not affected by the enhanced development rights, which accrue to the landowner. Second, rents potentially capture housing costs across a wider socioeconomic demographic, given that low income households are more likely to be tenants.

The differential effects between large and small homes is consistent with LUR changes under the reforms, which relaxed stringent restrictions on floorspace capacity. Prior to the reforms, the vast majority of residential land had an implied maximum floor to area ratio (FAR) restriction identical to that used for detached single family zoning under the reform (Greenaway-McGrevy and Jones, 2023). Minimum lot sizes (MLS) were comparatively low in some targeted locations, but were often paired with restrictive FARs.[3] The combination of stringent floorspace restrictions but comparatively relaxed MLS encourages smaller dwellings in these targeted areas. MLS on existing parcels were abolished under the zoning reforms, and FAR restrictions lifted on three-quarters of residential land.

The finding that large-scale zoning reforms can reduce housing costs is important. While researchers and have advocated for large-scale zoning reform as a means to achieve affordability, studies that focus on localized upzonings typically show muted or no effects on housing supply (Freemark, 2020; Murray and Limb, 2022; Peng, 2023), casting doubt on the ability of zoning reforms to meet intended objectives (Rodríguez-Pose and Storper, 2020). Recently, Stacy et al. (2023) examine over fifty upzonings in various cities in the U.S., finding small effects on housing construction and costs. Results from the present synthetic control approach indicate that the large-scale zoning reform undertaken as part of the Auckland Unitary Plan did enhance housing affordability, at least as measured by rents, suggesting that market-based responses can play a role in redressing unaffordable housing.

The synthetic control method has been applied to evaluate policy in a variety of contexts (see Abadie (2021) for a comprehensive review), and was recently described by Susan Athey and Guido Imbens as "arguably the most important innovation in the policy evaluation literature in the last 15 years" (Athey and Imbens, 2017). We take several steps to ensure that our research design and

[3]For example, zones 3A, 4A, 4B, 6A, 6B and 6C under the former North Shore City Council plan had MLS between $350m^2$and $450m^2$, but also had site coverage ratios and height restrictions that implied a maximum FAR of 0.7. The "Single House" zone under the AUP also has an implied FAR of 0.7, and a MLS on new subdivisions of $600m^2$.

implementation is robust to common pathologies. First, we use the longest possible times series on outcomes prior to intervention in order to minimize bias in the synthetic unit (Abadie et al., 2010). Our rental time series spans 1993, when the data begin, to 2022, with the intervention occurring in 2016. Second, our donor pool consists of all commuting zones (except one that was also affected by the same reforms in 2016), meaning that we do not select donors based on subjective judgment, but rather their similarly to Auckland rental market outcomes. Third, our findings are robust to conventional robustness exercises incorporated into study design that are used in the extant literature. Synthetic outcomes for the treated unit are largely unaffected by the "leave one out" robustness check (Abadie et al., 2010), whereby units from the donor pool are iteratively removed from the sample while the procedure is repeated. We also examine how robust our findings are to changes in modeling assumptions. Although the magnitude of implied rent decreases does vary between specifications, in all specifications we find that the decreases in three bedroom dwelling rents are statistically significant.

Nonetheless, there are inherent limitations to the SC method. Donor units will be affected by the policy change if increased housing supply in Auckland affects inter-city migration. We note, however, that in-migration to Auckland from lower housing costs generates attenuation bias in estimates of the casual impact, since it reduces housing demand in other cities and increases it in Auckland, pushing up housing costs in Auckland. More problematic is a population decrease in Auckland from 2020 onwards, widely attributed to COVID-19 and policy responses thereto. Statistics New Zealand estimates that Auckland's population decreased by 1.1% between 2020 and 2022. Although media attention at the time focused mainly on Auckland, the same population estimates show that other cities experienced population decreases, including (but not limited to) Dunedin (1.79%), Wellington (0.14%) and Rotorua (0.4%). (Notably, these cities experienced significant appreciation in rents between 2020 and 2022, despite population decreases.) We address this problem in two ways. First, we end the sample in 2020, when the estimates of Auckland's population peak. Second, we include estimates of population decrease between 2020 and 2022 in the set of predictor variables, and drastically reduce the set of matching variables to those that feasibly predict the exodus, so that the population decrease variable plays a prominent role in constructing the synthetic control for Auckland. Our conclusions remain unchanged under both robustness checks.

The remainder of the paper is organized as follows. The following section provides the institutional details of the policy and backgrounds on Auckland and New Zealand. Section three describes the data. In section four presents the method and results. We first present our baseline empirical specification, before exploring variations of the baseline model. Section five concludes.

2 Institutional Background

Housing costs in New Zealand are among the most expensive in the developed world. Among renters and owner-occupiers with a mortgage, the median proportion of disposable income (i.e. after taxes and transfers) spent on housing costs was 22% in 2021, exceeded only by Australia, Greece and

France among the OECD.[4] Among renting households, the median proportion is 28%. As of the 2018 census, over a third (35.5%) of households are tenants.[5] This figure is higher for Auckland, where more than two-fifths (40.6%) of households rent.

Auckland in the largest city in New Zealand, with a population of 1.57 million in 2018 (source: New Zealand census). In March 2013, the city announced the first version of the Auckland Unitary Plan (AUP), which introduced and applied a standardized set of planning zones across the jurisdiction, including four residential zones intended to encourage medium density housing. After several rounds of reviews and consultation, the plan was operationalized in November 2016. Approximately three-quarters of residential land was upzoned, in the sense that effective FAR restrictions on housing development were relaxed (Greenaway-McGrevy and Jones, 2023).

Although the plan was operationalized in 2016, an agreement between the Auckland Council and the central government allowed developers to build to the rules of the 'Proposed' Auckland Unitary Plan (PAUP), announced in September 2013. This was an inclusionary zoning program that required developers to offer a 10% proportion of affordable housing in exchange for accelerated permitting process and the ability to build to the more relaxed LURs under the PAUP. The program ended once the AUP was implemented. Thus, while the AUP was formally operationalized in 2016, it began to have a small effect from September 2013 onwards. For additional details on the implementation of the plan and the spatial distribution of upzoning, see Greenaway-McGrevy and Jones (2023).

Housing supply quickly responded to the reforms. Figure 1 exhibits annual consents issued per year, decomposed into consents issued in upzoned areas, non-upzoned areas (including business and rural areas). Consents for new dwellings significantly increased year-on-year from 2016 onwards, with all of the new construction occurring on upzoned areas. Note, however that the divergence between upzoned and other areas begins from 2013 onwards, reflecting policy "leakage" as some developers took advantage of the relaxed regulations under the PAUP. The PAUP-SpHA consents were disproportionately located in areas that were upzoned (see Figure 14 in the Appendix, which separately identifies PAUP-SpHA in the data). We use 2016 as the date of the policy intervention in the synthetic control approach, since this the date after which the divergence becomes most evident, although 2012 or 2013 could also feasibly be used as the treatment date.

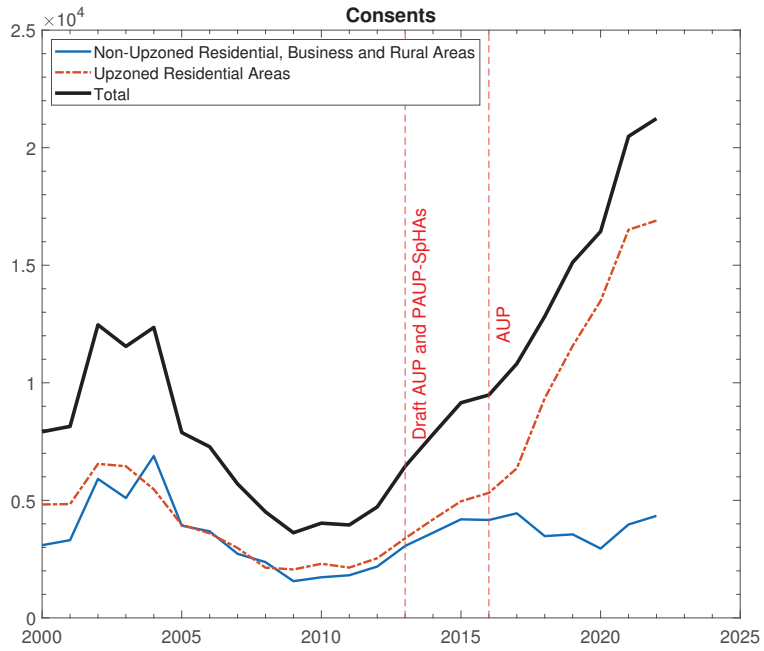
3 Data

Data on new tenancies are compiled by the Ministry of Housing and Urban Development (HUD) on a quarterly basis and are available at the Statistical Area 2 (SA) level. HUD reports the geometric mean rent for dwellings by the number of bedrooms (2, 3, 5 and 5+) and housing types ("Flats" and "Houses"). Because HUD reports the number of new tenancies, we can compute geometric

[4] See Figure 10 here: https://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/monitoring/household-income-report/2021/international-comparisons-of-housing-affordabilit docx. Data for Auckland is not available.

[5] Source: 2018 census https://www.stats.govt.nz/tools/2018-census-place-summaries/auckland-region#housing

Figure 1: Dwelling Consents in Auckland, 2000 to 2022



Notes: Consents issued per year in different areas of Auckland. The first, "draft", version of the AUP was announced in March 2013, while the "Proposed" AUP (PAUP) was notified in September 2013. Between September 2013 and November 2016, Special Housing Area (SpHA) developments could build to the regulations of the PAUP in exchange for affordable housing provisions. The final version of the AUP became operative in part in November 2016. Source: Greenaway-McGrevy (2023b).

mean rents for aggregations of the quarterly SA data. We aggregate the data into annual frequency for commuting zones.

We use Functional Urban Areas (FUAs) as the geographic units of analysis. These areas are delineated by Statistics New Zealand on the basis of commuting patterns, and are analogous to commuting zones as defined by the OECD.[6] There are 53 FUAs in New Zealand, including Auckland. There is a FUA in the Northern part of the AC jurisdiction that was affected by the reforms (Warkworth). We omit this FUA from the analysis because donor units are assumed untreated in the SC framework (Abadie, 2021). This leaves 51 units in the donor pool. FUAs are agglomerations of SA1s, which is a smaller geographic unit than the SA2s for which rent data are available. We assign an SA2 to a FUA if lies within or overlap the geographic boundary of the FUA.[7]

Rents for each FUA are calculated using data on rental bonds lodged by with central government agencies. Private sector landlords are legally required to lodge bonds at the origination of new tenancy contracts. The data contain information on the location and weekly rent, as well as some limited information on the characteristics of the dwelling, including the number of bedrooms.

Each quarter, the Ministry of Housing and Urban Development (HUD) publishes the geometric mean of weekly rents on new rental contracts and the number of new bonds lodged. These data are available for each statistical area (SAs), and are analogous to census tracts in the US. SAs are a geographic unit used by Statistics New Zealand for the census and cover approximately 2,000–4,000 residents in urban areas and are delineated to reflect communities that interact socially and economically.[8] We construct an annual weighted geometric mean rent for each FUA using a mapping from SAs to FUAs and the number of new bonds as weights.[9]

HUD reports geometric mean rents by the number of bedrooms (2, 3, 4 and 5+) and housing types ("Flats" and "Houses"). In order to account for compositional differences in new rental housing between FUAs and time periods, we construct rents by number of bedrooms. For example, if the proportion of new contracts within a given quarter are for two bedroom dwellings, the average rent across all dwellings is likely to fall in that quarter because two bedroom homes typically rent for less that three or four bedroom homes. By conditioning on the number of bedrooms, we also reduce cross sectional variation due to persistent compositional differences in rental housing between different locations. For example, large metropolitan regions may have a higher proportion of two bedroom dwellings. Due to data sparsity, we do not compute rents for 4 bedroom or 5+ bedroom

[6] See https://www.stats.govt.nz/assets/Methods/Functional-urban-areas-methodology-and-classification.pdf

[7] Thirteen of the SA2s appear in two FUAs that are typically contiguous. In such cases we assign the SA2 to the FUA that accounts for a greater proportion of the SA2's area.

[8] SAs were introduced in 2018, as the previous classification system had not been revised since 1992. The previous statistical geographies no longer reflect current land use and population patterns. The revision was also implemented in order to align the geographic unit standards with international best practice. Population data from the previous census (conducted in 2013) and associated projections were used in the design of the 2018 boundaries. For additional details, see https://www.stats.govt.nz/assets/Uploads/Retirement-of-archive-website-project-files/Methods/Statistical-standard-for-geographic-areas-2018/statistical-standard-for-geographic-areas-2018.pdf [Accessed 1 March 2023]

[9] Missing annual observations are linearly interpolated within each time series.

dwellings.

Figure 2 exhibits the average weekly rent for two- and three- bedroom dwellings in the "main" metropolitan areas of the North Island of New Zealand: Auckland, Hamilton, Tauranga and Wellington.[10] We select these three cities as they are large cities comparatively proximate to Auckland. This comparison is purely for expositional purposes: In the analysis to follow we use the SC method to select controls. We also compare rents in Auckland to population-weighted averages across the 51 other FUAs.

Rents in Auckland trend upward between 2000 and 2018 or so, at which point they flatten out. Meanwhile rents in Hamilton, Tauranga and Wellington continue increase at a substantially faster rate over this period, such that rents in Wellington exceed those in Auckland for both 2- and 3-bedroom homes by the end of the sample, while rents on 3- bedroom homes in Tauranga exceed those in Auckland from 2020 onwards.

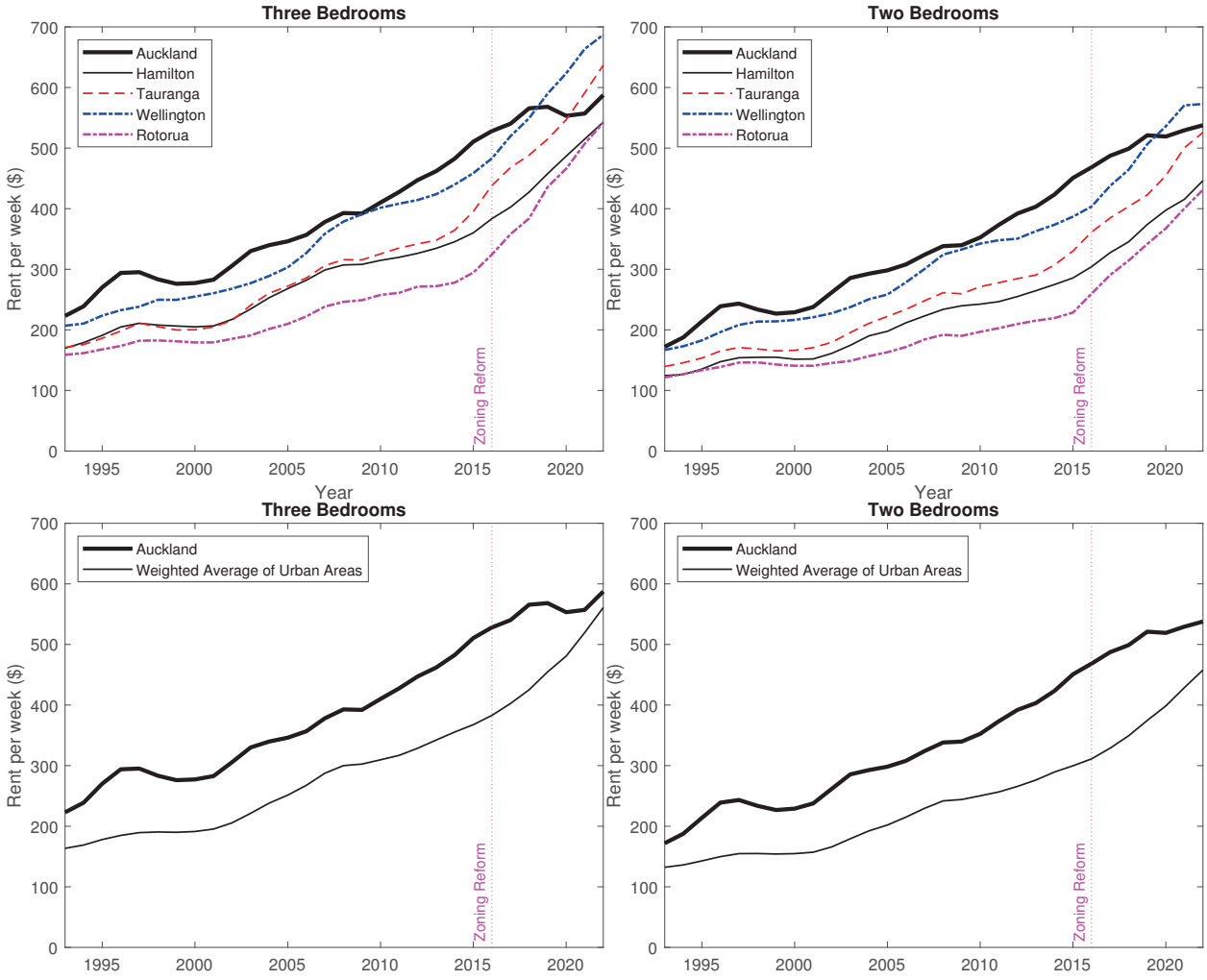
In 2016, the mean rent for a 3 Bedroom in Auckland was $528.14 per week. By 2022, this has increased in $587.42 – an increase of 11.2%. In Hamilton, 3 bedroom mean rent increased from $383.54 to $542.90, an increase of 41.6%. In Tauranga, 3 bedroom mean rent increased from $438.70 to $636.82, an increase of 45.16%. In Wellington, 3 bedroom mean rent increased from $483.08 to $686.94, an increase of 42.2%. For 2 Bedroom dwellings, mean rents in Auckland increased by 14.8% over the same period, while those in Hamilton, Tauranga and Wellington increased by 56.2%, 59.3% and 48.0%, respectively. Thus, a rudimentary, subjective analysis that selected a combination of these other large, North Island cities as a counterfactual would imply that the zoning policy reduced three bedroom rents by at least 30%, and 2 bedroom rents by between 33 to 44%. Of course, the synthetic control method is motivated by a more objective selection of units as the relevant counterfactuals.

3.1 Matching Variables

As we demonstrate in more detail in the following section, the SC method selects comparable controls by matching outcomes prior to the policy intervention. These can include the outcome of interest (in our application, rents) as well as other related variables. Here we describe the additional matching variables, all of which are rental or housing market outcomes. First, we include the proportion of renting households within the FUA for the two census years prior to the intervention, 2006 and 2013. Second, we include dwellings per capita to capture demand for housing within the urban area. Dwellings are only available for census years. Dwellings and population by SAs are obtained from Statistics NZ and aggregated up to FUAs. We include data for the previous two censuses, 2006 and 2013. Third, we include the average proportion of household income spent of rental costs, for 2006 and 2013.

[10] Statistics NZ classifies FUAs into "Main", "Large", "Medium" and "Small" metropolitan areas.

Figure 2: Weekly Rents in Metropolitan Areas, 1993–2022



Notes: Geometric mean rents for selected urban areas. Weights based on 2018 census populations.

4 Synthetic Control Method and Results

This section outlines the SC method and applies it to our dataset.

4.1 Synthetic Control Method

This section provides an overview of the SC method. Readers familiar with SC may wish to proceed to the next subsection.

We have time series data on an outcome of interest for $n+1$ units indexed by $i = 1, ..., n+1$, where $i = 1$ corresponds to the unit receiving the policy intervention, and $i = 2, ..., n+1$ indexes the "donor pool", a collection of untreated units that is unaffected by the intervention. Observations on the outcome of interest span $t = 1, ..., T$, where the observations prior to intervention span $t = 1, ..., T_0$ and $T_0 < T - 1$.

$y_{i,t}$ denotes the observed outcome of interest for unit i in period t. A synthetic control is defined as a weighted average of the units in the donor pool. Given a set of weights $w = (w_2, ..., w_{n+1})$, the SC estimator of $y^N_{1,t}$ is$\hat{y}^N_{1,t} = \sum_{i=2}^{n+1} w_i y_{i,t}$. Let $y^N_{i,t}$ be the outcome without intervention for each i, while $y^I_{1,t}$ is the outcome under the intervention for the affected unit in period $t > T_0$. The effect of the intervention is then $y^I_{1,t} - \hat{y}^N_{1,t}$.

Abadie and Gardeazabal (2003) and Abadie et al. (2010) choose $\boldsymbol{w}$ so that the resulting synthetic control best resembles a set of pre-intervention "predictors" for the treated unit. For each i, there is a set of k observed predictors of $y_{i,t}$ contained in the vector $X_i = (x_{1,i}, ..., x_{k,j})$, which can include pre-intervention values of $y_{i,t}$ unaffected by the intervention. The k matrix $\boldsymbol{X}_0 = [X_2 \cdots X_{J+1}]$ collects the values of the predictors for the n untreated units. Abadie and Gardeazabal (2003) and Abadie et al. (2010) select weights $w^* = (w^*_2, ..., w^*_{n+1})$ that minimize

$$\|X_1 - \boldsymbol{X}_0 \boldsymbol{w}\|_{\boldsymbol{v}} = \left(\sum_{h=1}^{k} v_h \left(x_{h,1} - w_2 x_{h,2} - ... - w_{n+1} x_{h,n+1} \right)^2 \right)^{1/2} \tag{1}$$

subject to the restrictions $w_h \in [0, 1]$ and $\sum_{h=1}^{k} w_h = 1$, and where $\boldsymbol{v} = (v_1, ..., v_k)$ is a set of nonnegative constants. Following Abadie et al. (2010), we choose $\boldsymbol{v}$ to assign weights to linear combinations of the variables in $\boldsymbol{X}_0$ and X_1 that minimize the mean square error of the synthetic control estimator in the pre-treatment period. Then, the estimated treatment effect for the treated unit at time $t = T_0 \ldots, T$ is $\hat{y}^N_{1,t} = \sum_{i=2}^{n+1} w^*_i y_{i,t}$.

Weights $\boldsymbol{w}$ that minimize (1) can found using standard quadratic programming solvers. To select $\boldsymbol{v}$ in the nested MSE-minimization problem, we use Evolution Strategy with Covariance Matrix Adaptation (CMA-ES), which is a stochastic optimization algorithm for solving difficult optimization problems (Hansen, 2016). It exhibits strong invariance properties (Hansen et al., 2011), is robust to highly non-linear, non-quadratic, non-convex, non-smooth and/or noisy objective problems (Hansen, 2006), and can tackle ill-conditioned optimization problems (Jones, 2021).[11] It

[11] Ill-conditioning refers to when there is a large change in the objective function in response to a small change in arguments. This is possible in the current application because the weights are selected via a quadratic programming

is considered a state of the art evolutionary optimizer (Li et al., 2020).[12]

In our application, we include all pre-treatment realizations of the outcome variable, rents. As discussed in Abadie et al. (2010) and Abadie (2021), increasing the pre-intervention time period T_0 reduces the bias in the synthetic control. In our baseline specification, we include rents between 1993 and 2016. As discussed above, we also include dwellings per capita, the proportion of renting households, and average proportion of household income spent on rent among the matching variables. See section three above for a discussion of the rationale for including these variables.

Conventional SC requires that the predictors of the treated unit must lie within the convex hull of the predictors of the donor pool. The convex hull assumption is necessary for the treated unit's predictors to be approximated by the donor pool's. However, rents in Auckland during the pre-intervention period were generally higher than those of other urban areas, meaning that the conventional convex hull requirement for construction of the synthetic control is unlikely to hold. Following recommendations in Abadie (2021), we subtract the pre-treatment average from each rent time series prior to implementation (Ferman and Pinto, 2021).

4.2 Baseline Specification Results

Table 1 exhibits the selected weights.

The selected donor set for three bedroom homes comprises five urban areas (UAs). Tokoroa receives the largest weight, 0.346. Rents in Tokoroa increased by 110.4% between 2016 and 2022 (see Table 6 in the Appendix). Gore has the next highest weight, at 21.3%. Rents in Gore have increased by 62.5% since 2016. The UA with the third largest weight, Christchurch, is the largest city in the South Island, and has a weight of 0.195. Rents in Christchurch grew by 24.8% over the same period. Whitianga has a weight of 0.146. Rents in Whitianga grew by 60.6% over the same period. Finally, Wānaka receives a weight of 0.099. Rents in Wānaka grew by 37.6% between 2016 and 2022.

Notably the selected donors substantially differ from Auckland in terms of total size, with many smaller towns making up the donor group. Only Christchurch is large enough to be classified as a "major urban area", like Auckland, by Statistics New Zealand. Nonetheless, the synthetic control method is optimized to select donor units that best match the pre-intervention time series of (demeaned) logged rents and predictors in Auckland. In many of our robustness checks to follow, a substantially larger weight is placed on major urban areas in the donor pool.

The donor set for 2 bedroom dwellings includes eight UAs, including Christchurch, Wānaka and Gore, which featured in the 3 bedroom donor set. As illustrated in Table 6 in the Appendix, the remaining five UAs experienced rent increases between 55 and 70% between 2016 and 2022.

problem that sets weights to zero on the majority of donor units.

[12] We adapt the Matlab version of the Synth package provided by Jens Hainmueller (available from `https://web.stanford.edu/~jhain/synthpage.html`) to incorporate CMA-ES minimization of nested MSE objective function, using the cmaes.m matlab code provided by Nikolaus Hansen (available from `http://cma.gforge.inria.fr/cmaes.m`) CMA-ES generated significant reductions in the nested MSE objective function. It also improved the MSE of Hainmueller's synth STATA package, though the obtained weights for our baseline models were similar under both approaches.

Table 1: Weights

3 Bedroom		2 Bedroom	
Urban Area	Weight	Urban Area	Weight
Tokoroa	0.346	Christchurch	0.293
Gore	0.213	Te Puke	0.201
Christchurch	0.195	Wānaka	0.162
Whitianga	0.146	Katikati	0.159
Wānaka	0.099	Rotorua	0.132
		Gore	0.024
		Invercargill	0.024
		Kapiti Coast	0.005
Total	1.000		1.000

Table 2: Predictor Variables

	3 Bedroom		2 Bedroom	
Variable	Synthetic Auckland	Auckland	Synthetic Auckland	Auckland
Dwellings per capita, 2013	0.384	0.328	0.370	0.328
Dwellings per capita, 2006	0.370	0.331	0.363	0.331
Proportion of renting households, 2013	0.335	0.388	0.327	0.388
Proportion of renting households, 2006	0.312	0.363	0.302	0.363
Proportion of income spent on rent, 2013	0.207	0.262	0.240	0.262
Proportion of income spent on rent, 2006	0.183	0.244	0.223	0.244

Figure 3 exhibits rents and synthetic rents for Auckland over the 1993 to 2022 period. There is a notable divergence from 2016 onwards, with rents growing much more slowly than synthetic rents.

By the end of the sample, for 3 bedroom dwellings, log rents in Auckland are 0.427 (= 0.927 – 0.500) less than the synthetic control. That equates to a 34.75% decrease in rents relative to the counterfactual. Equivalently, the model implies that rents would be 53.3% higher under the counterfactual of no zoning reform in Auckland. Figure 15 in the Appendix depicts the log rents for the donor units alongside Auckland, showing that two of the three donor units (Rotorua and Whitianga) experienced substantially larger increases in rents after 2016. This is why the differential between Auckland and its synthetic control is so large.

For two bedroom dwellings, log rents are 0.238 (= 0.809 – 0.571) less than the synthetic control by 2022, corresponding to a 21.2% decrease. This is substantially less than that of 3 bedroom dwellings, but is nonetheless non-trivial in magnitude. Equivalently, rents for 2 bedroom dwellings would be 26.9% greater under the counterfactual given by the synthetic control.

Before proceeding, we note that the baseline model yields larger (in magnitude) estimates of the policy effects when compared to alternative specifications explored in our robustness checks.

4.3 Inference

We run placebo interventions on the other donor units to assess whether the decrease relative to the counterfactual is large. Figure 4 plots the difference between the actual outcomes of each donor and its synthetic control. Evidently the decrease in Auckland's prediction error in the greatest among all units over the post-intervention period, indicating that the zoning reform had a substantive negative impact.

Next we depict the MSE in the post intervention period for Auckland and the placebos, $R_i\left(T_0+1, T\right)$, where

$$R_i\left(t_1, t_2\right)=\frac{1}{t_2-t_1} \sum_{t=t_1}^{t_2}\left(Y_{i,t}-\hat{Y}_{i,t}^N\right)^2$$

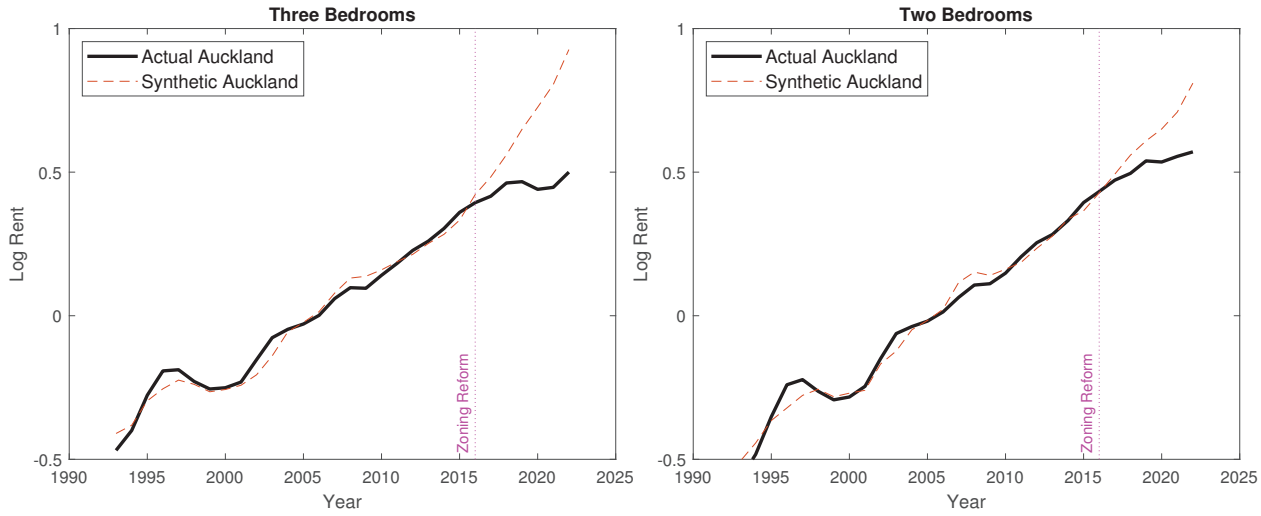
Figure 5 presents a histogram of the MSEs for the 2017 to 2022 period. For three bedroom dwellings, Auckland has the largest MSE.

Figure 4 also shows that the pre-intervention fit of the model is poor compared to many other units. The large post-treatment MSE may be due to poor model fit, rather than the intervention, making it a poor statistic to base inference. Following Abadie et al. (2010), we use the ratio of pre- to post- intervention MSE as a basis for inference,

$$r_i=\frac{R_i\left(T_0+1, T\right)}{R_i\left(1, T_0\right)}$$

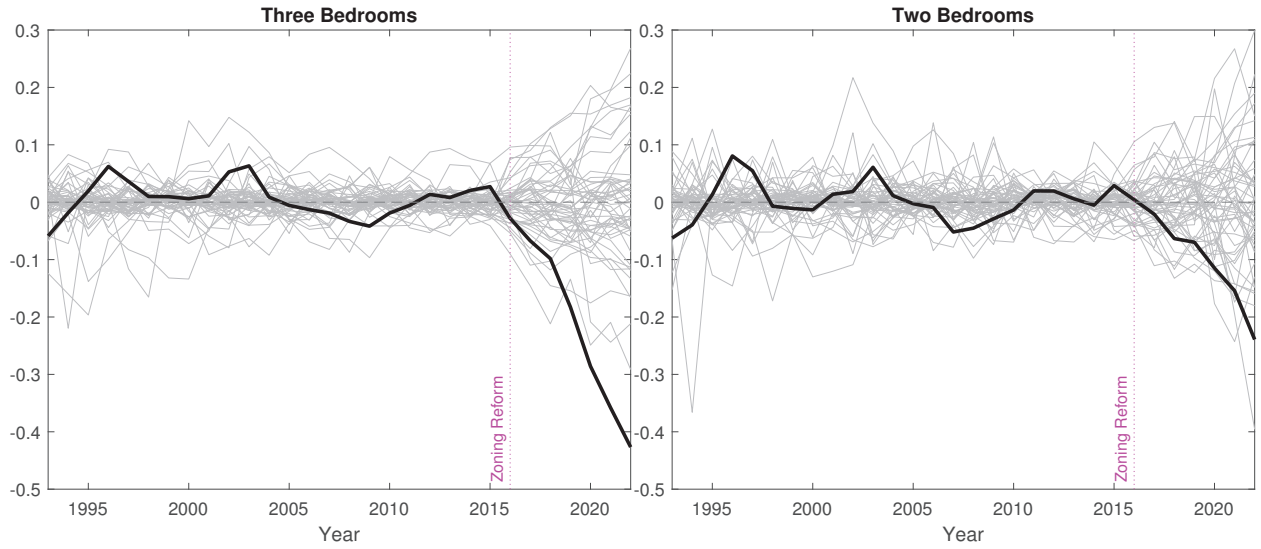
The ratio is constructed for the treated unit and all placebo runs. The rank permutation test is then based on where the ratio for the treated unit ranks among all placebo runs.

Figure 3: Synthetic and actual rents



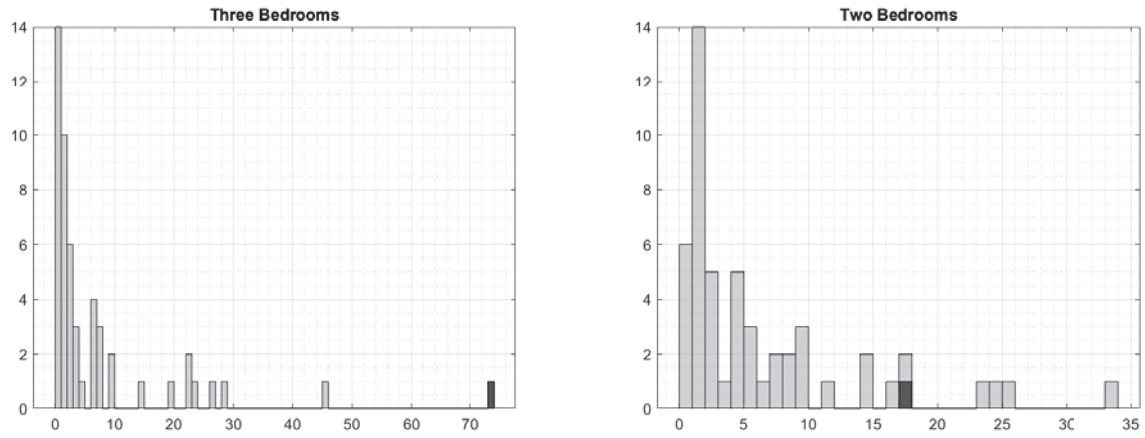
Notes: y-axis is the log normalized rent.

Figure 4: Prediction errors



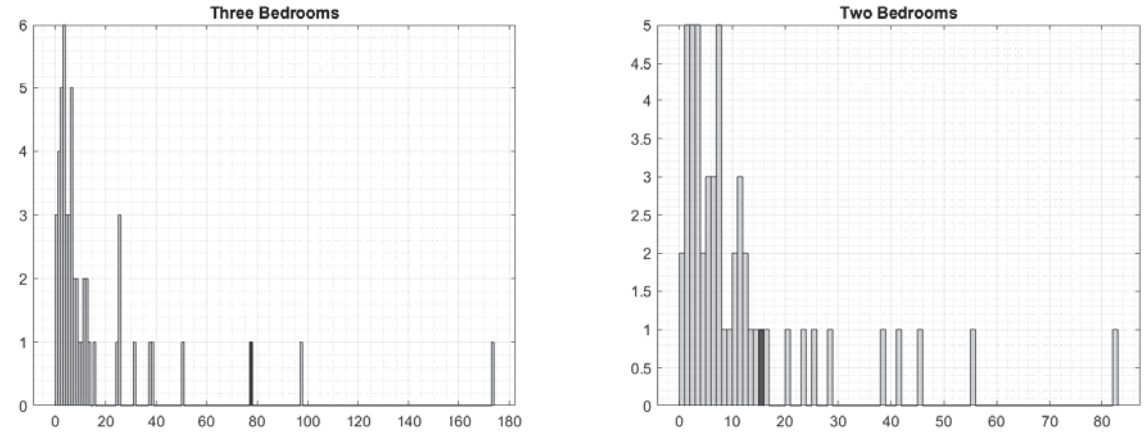
Notes: Difference between actual and synthetic outcomes. Auckland in black. Placebos in grey.

Figure 5: Post-treatment MSE



Notes: Auckland appears in black. MSEs multiplied by 1000.

Figure 6: MSE ratios



Notes: Auckland appears in black.

Figure 6 depicts the histogram of the ratios. Only two UAs have an MSE ratio greater than that of Auckland, meaning that if one were to assign the intervention at random, the probability of obtaining a ratio as large as Auckland's is 0.058 ($= 3/52$).

One drawback of the ratio is that it does not distinguish between positive and negative deviations from the synthetic unit, whereas many hypotheses posit a directional change from an intervention. For example, the relevant alternative hypothesis in our case is that zoning reforms reduced housing costs. Substantial increases in power can be obtained by testing for reductions relative to the synthetic control, rather than absolute differences (Abadie, 2021). To conduct a one-tailed test, we compute

$$r_i^- = \frac{R_i^- (T_0 + 1, T)}{R_i (1, T_0)}$$

where

$$R_i^- (t_1, t_2) = \frac{1}{t_2 - t_1} \sum_{t=t_1}^{t_2} \left(\left\lfloor Y_{i,t} - \hat{Y}_{i,t}^N \right\rfloor \right)^2$$

where $\lfloor x \rfloor = 0$ iff $x > 0$ and $\lfloor x \rfloor = x$ otherwise. We refer to this as the "Negative Error MSE ratio", or NE-MSE-R.

Figure 7 depicts the histogram of the ratios. Auckland has the second largest NE-MSE-R, meaning that if one were to assign the intervention at random, the probability of obtaining a ratio as large as Auckland's is 0.038 ($= 2/52$). For 2 bedroom dwellings, Auckland is ranked fifth, corresponding to 0.096 ($= 5/52$).

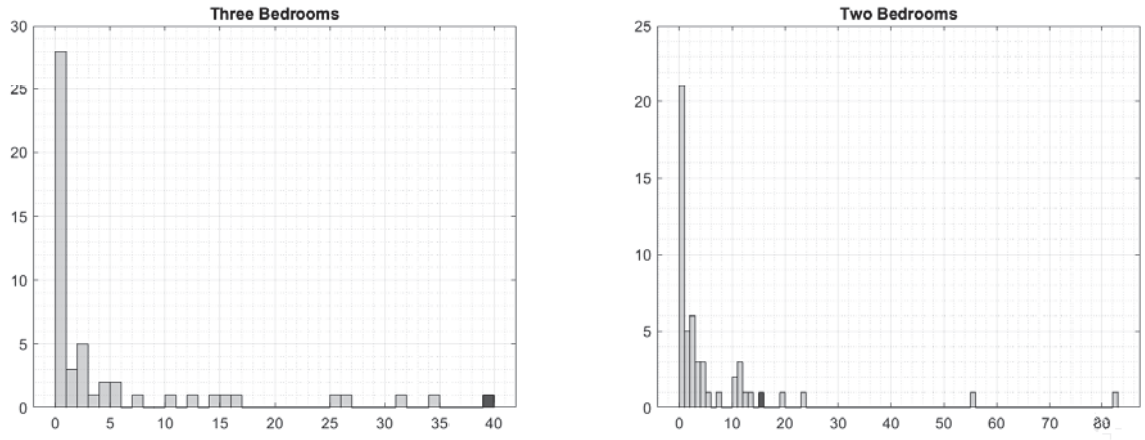
4.4 Robustness Checks

4.4.1 Leave-One-Out

We perform the "leave one out" robustness check (Abadie et al., 2010), whereby units from the donor pool are iteratively removed from the sample while the procedure is repeated. This procedure examines the extent to which the synthetic control may be dependent on any single given donor unit.

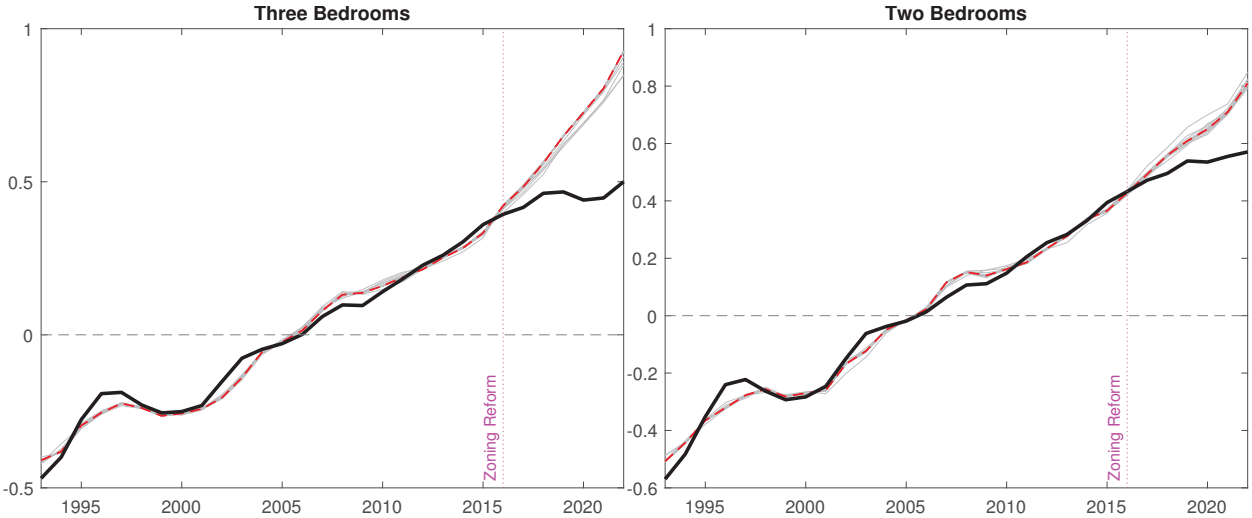
Figure 8 exhibits the full-sample synthetic control (FS-SC red dashed line) alongside the 51 other leave-one-out synthetic controls (LOO-SCs, given by the grey lines). In general, each of the 52 synthetic controls follow a common trend over both the pre- and post- sample period. Moreover, for three bedroom dwellings, Auckland's NE-MSE-ranks either first or second in all 51 LOO replications, indicating that the removal any one donor unit does not have a substantial impact on the synthetic control, and lending strong credibility to our findings based on the full sample. For two bedroom dwellings, Auckland's NE-MSE-ranks is either fourth or fifth in 48 of the LOO replications. It ranks 6th twice, and ninth once.

Figure 7: Negative-error MSE ratios



Notes: Auckland appears in black.

Figure 8: Leave-one-out robustness check



Notes: Leave-one-out replications in grey. The synthetic control for the full sample is the red dashed line.

4.4.2 Normalizing rents to treatment period level

In our baseline specification, we normalize rents by subtracting pre-intervention period averages. The normalized rents therefore reflect growth rates relative to that pre-intervention mean. In this robustness check, we normalize rents by subtracting the rent from the final pre-treatment period, 2016. The normalized rents therefore reflect growth rates relative to the year the policy was implemented, offering greater interpretability of the solution to the objective function.[13]

Table 3 exhibits the selected weights for donor units. For three bedroom dwellings, the weight placed on "major urban areas" (Hamilton and Christchurch) is approximately 59%. For two bedroom dwellings, the weight on Christchurch decreases by five percentage points.

Figure 9 exhibits the prediction errors and histogram of the NE-MSE-Rs. For 3 bedroom dwellings, log rents are 0.329 less than the synthetic control in 2022, which is equivalent to a 28.0% reduction in rents relative to the counterfactual. Auckland has the second largest NE-MSE-R under the rank permutation test (histogram not pictured), which is equivalent to a p-value of 0.038. For 2 bedroom dwellings, log rents are 0.252 less than the synthetic control, equivalent to a 22.3% decrease in rents relative to the counterfactual. Auckland has the fifth largest NE-MSE-R, equivalent to a p-value of 0.096.

4.4.3 Omitting Rental Time Series from the Set of Predictors

By including the full time series of pre-intervention rents in the set of predictors, the selected weights are tilted towards matching Auckland's (normalized) rents in the pre-intervention sample period. In this section we omit the time series of rents from the set of predictors, retaining only rents in 2016 and 2013. We include 2016 as this is the final observation before the AUP becomes fully operational. We include 2013 as (i) this is when the PAUP-SpHA program begins (see section 2 above), and (ii) it matches the timing of the census, when we have observations on the other predictors. Thus each set of variables (rents, dwellings per capita, rental costs as a proportion of income, and proportion of renting households) each have two observations in the donor pool, meaning that the matching algorithm is not tilted towards any one variable by virtue of having more of them. In addition, we do not normalize the rents by subtracting either the pre-intervention mean or the rent in the treatment period. Thus the algorithm for selecting weights is tilted towards matching the level of rents prior to intervention, rather than rent inflation. These changes worsen pre-treatment fit, since weights are not explicitly matching the time series of rent outcomes in the pre-treatment period, but tilt the weights towards better matching the housing market outcomes in the period immediately prior to treatment.

Table 4 exhibits the selected weights for donor units. For three bedroom dwellings, three-quarters of the weight is placed on Wellington, a "major urban area". For two bedroom dwellings, over 90% of the weight is placed on the major urban areas of Wellington and Christchurch.

Figure 10 exhibits the prediction errors. For both three and two- bedroom dwellings, pre-

[13] We only include rents between 1993 and 2015 in the set of the predictors, since all rents are zero by construction in 2016.

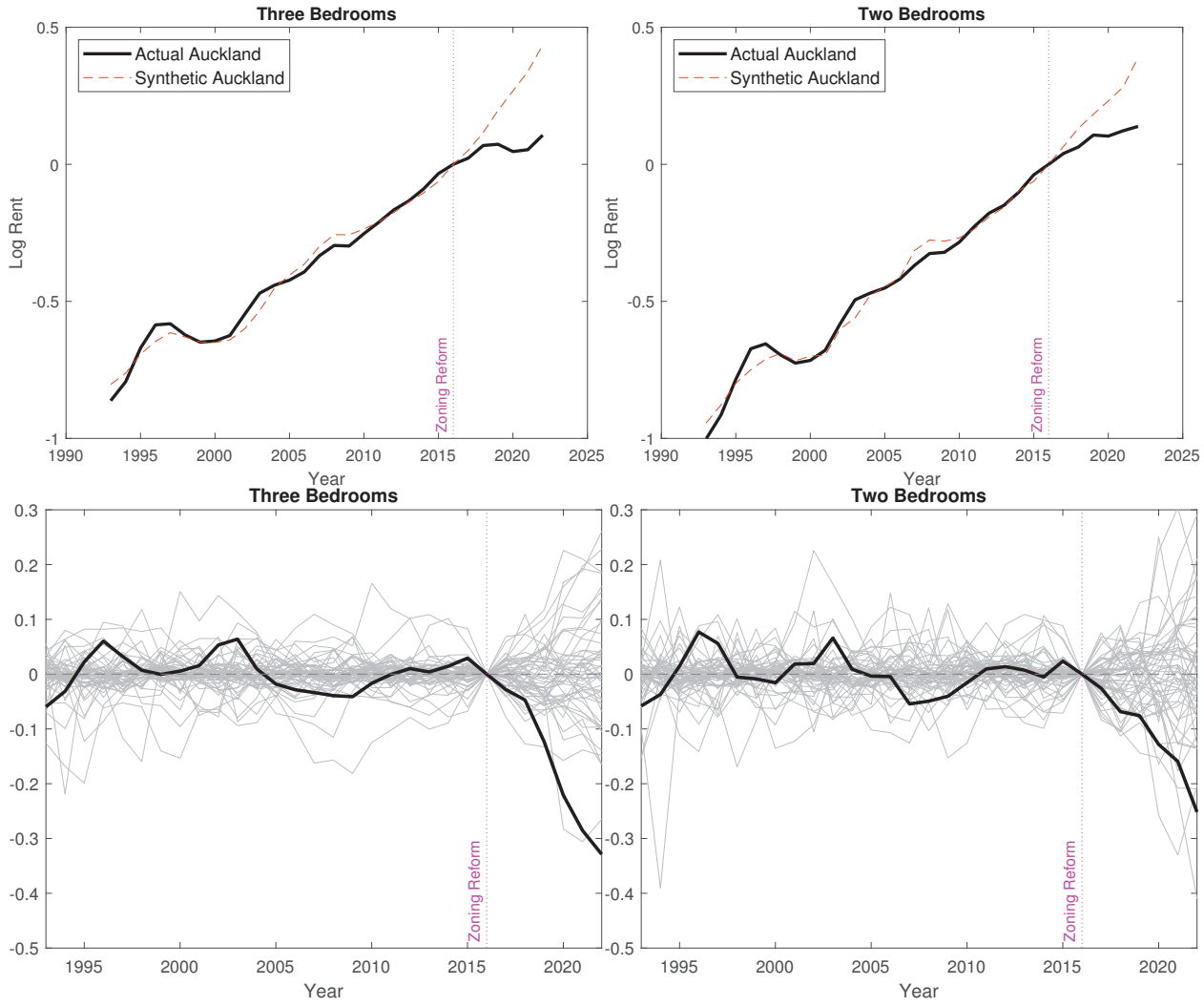
Table 3: Weights, normalizing rents to treatment period level

3 Bedroom		2 Bedroom	
Urban Area	Weight	Urban Area	Weight
Hamilton	0.365	Te Puke	0.327
Tokoroa	0.243	Christchurch	0.239
Christchurch	0.218	Katikati	0.193
Gore	0.082	Wānaka	0.144
Whitianga	0.067	Invercargill	0.055
Wānaka	0.025	Gore	0.043
Total	1.000		1.000

Table 4: Weights, excluding rent time series from predictors

3 Bedroom		2 Bedroom	
Urban Area	Weight	Urban Area	Weight
Wellington	0.746	Wellington	0.682
Queenstown	0.254	Christchurch	0.246
		Queenstown	0.073
Total	1.000		1.000

Figure 9: Synthetic and actual rents, normalizing rents to treatment period level



Notes: Synthetic and actual rents (top) and prediction errors (bottom). Auckland's prediction error is in black. Placebos in grey.

treatment fit is substantially worse, as expected. Notably, the difference between the synthetic and actual rents is not as large as under the baseline specification. For 3 bedroom dwellings, log rents are 0.252 less than the synthetic control, which is equivalent to a 22.3% reduction in rents relative to the counterfactual. Auckland has the second largest NE-MSE-R under the rank permutation test (not pictured), equivalent to a p-value of 0.0385. For 2 bedroom dwellings, log rents are 0.152 less than the synthetic control, equivalent to a 14.1% decrease in rents relative to the counterfactual. Auckland has the eighth largest NE-MSE-R, equivalent to a p-value of 0.154.

4.4.4 Population Decrease after COVID-19

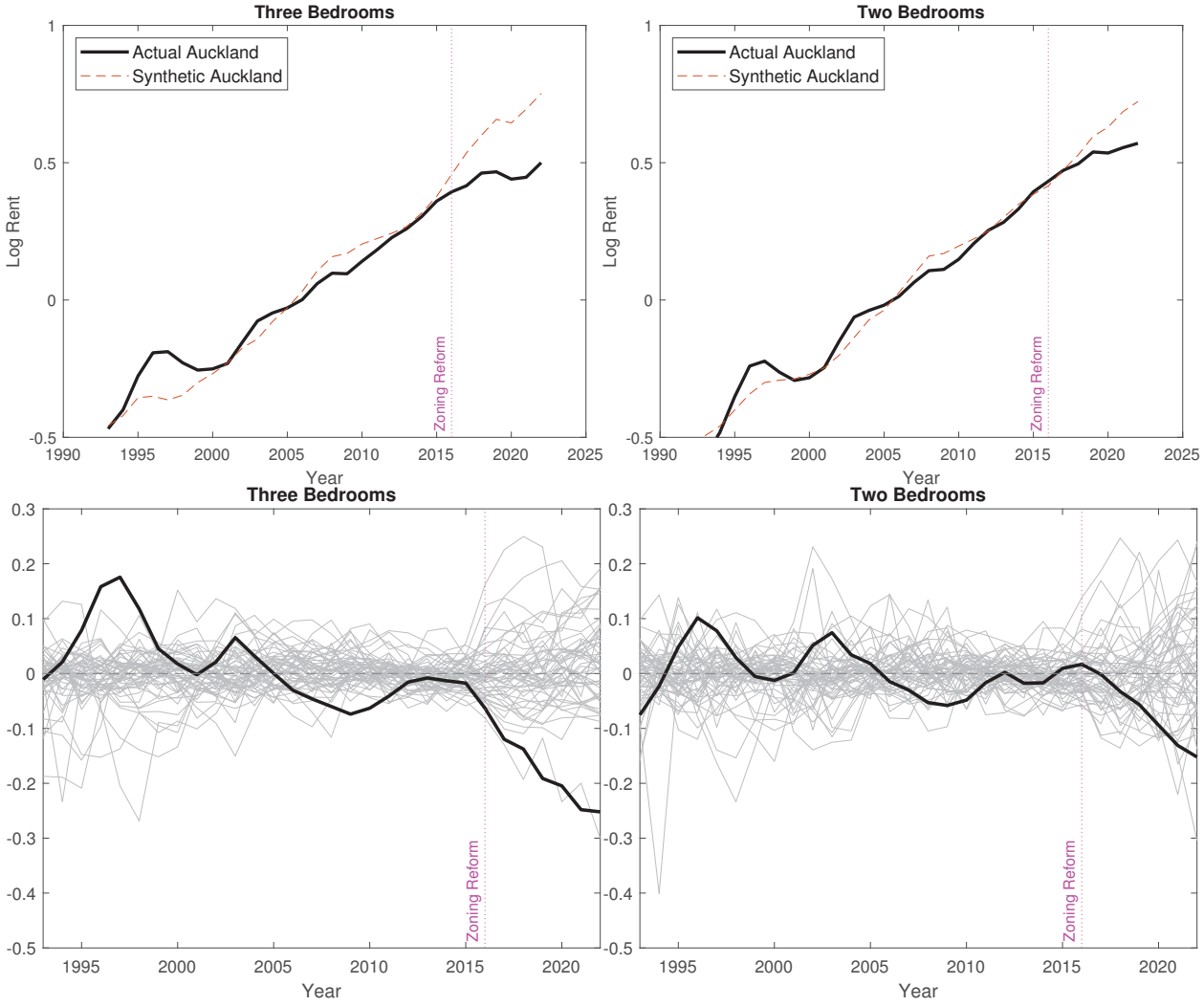
According to Statistics New Zealand estimates, Auckland's population decreased by 1.06% between 2020 and 2022.[14] The ability of the synthetic control to account for the effect of a population decrease on rents in Auckland depends on whether the matching variables select control units that experienced similar decreases. In this regard, Auckland was not unique among urban areas in experiencing a decline. Wellington (-0.14%), Dunedin (-1.79%), Rotorua (-0.40%), Invercargill (-0.66%) and Motueka (-0.65%) also experienced decreases in (estimated) population. Notably, many of these UAs already feature in the selected donor pool for Auckland, suggesting that the set of predictors may span the set of variables that explain the population decline. Figure 11 depicts weekly rents the UAs that experienced population decreases between 2020 and 2022. All except Auckland exhibit substantial appreciation from 2016 onwards, including Dunedin, which is notable for being the UA that experienced a larger population exodus than Auckland. Dunedin's rents on 3 bedroom dwellings increased by 53.4% between 2016 and 2022, while 2 bedroom rents increased by 51.9% (see Table 6). Thus, despite having a larger population exodus than Auckland, Dunedin experienced a substantially larger increase in rents – in fact, the increase was approximately four times as large.

Although Auckland was not the only UA to experience a population decrease, the incidence and responses to COVID-19 may present a unique shock that disproportionately affected Auckland and that proves difficult for the synthetic control to adequately model from 2020 onwards. We modify our empirical strategy in two different ways to address this potential problem. First, we end the sample in 2020, when estimated population in Auckland peaks. Second, we re-specify the set of matching variables to comprise the decrease in population from 2020 to 2022, and a limited number of rental market characteristics. This tilts the synthetic control procedure towards selecting UAs that experienced a decrease in population from 2020 onwards.

Ending the sample in 2020. Because the set of matching variables has not changed, selected weights remain the same as in the baseline specification. Figure 12 exhibits the histogram of the NE-MSE-Rs (note that prediction errors and synthetic units are identical to those given in the baseline sample). For three bedroom dwellings, the Auckland NE-MSE-R ranks second, after

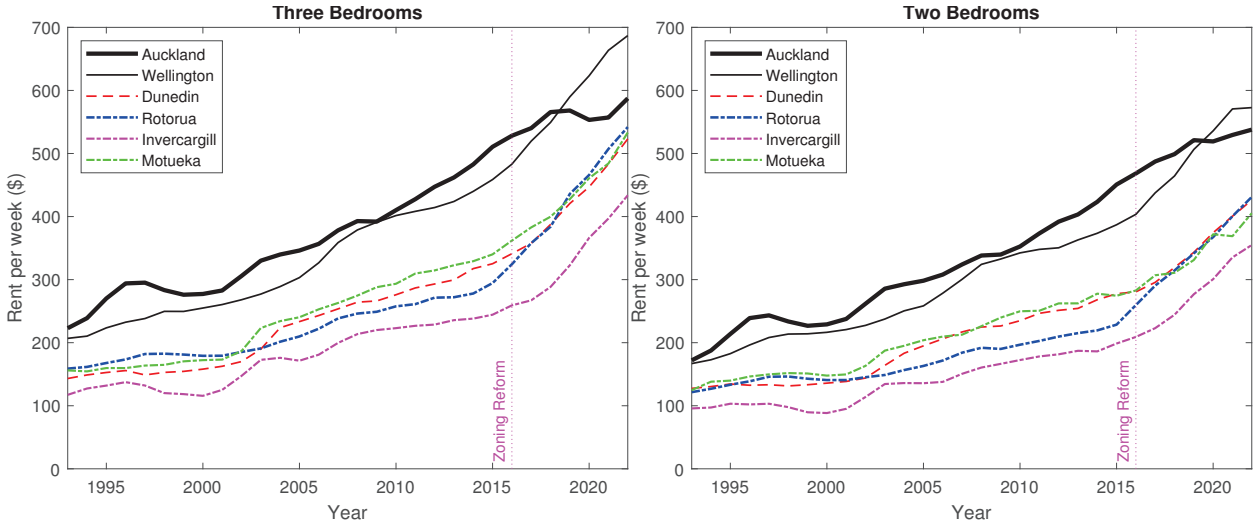
[14] For information on methodology, see https://datainfoplus.stats.govt.nz/item/nz.govt.stats/951e3175-d94d-4d67-9af7-47c0a75f90d9/7. As of May 2023, the subnational population estimates at 30 June 2021 and 2022 are both provisional.

Figure 10: Synthetic and actual rents, excluding rent time series from predictors



Notes: Synthetic and actual rents (top) and prediction errors (bottom). Auckland's prediction error is in black. Placebos in grey.

Figure 11: Weekly Rents in selected Metropolitan Areas, 1993–2022



Notes: Geometric mean rents for urban areas that experienced a decrease in estimated population between 2020 and 2022.

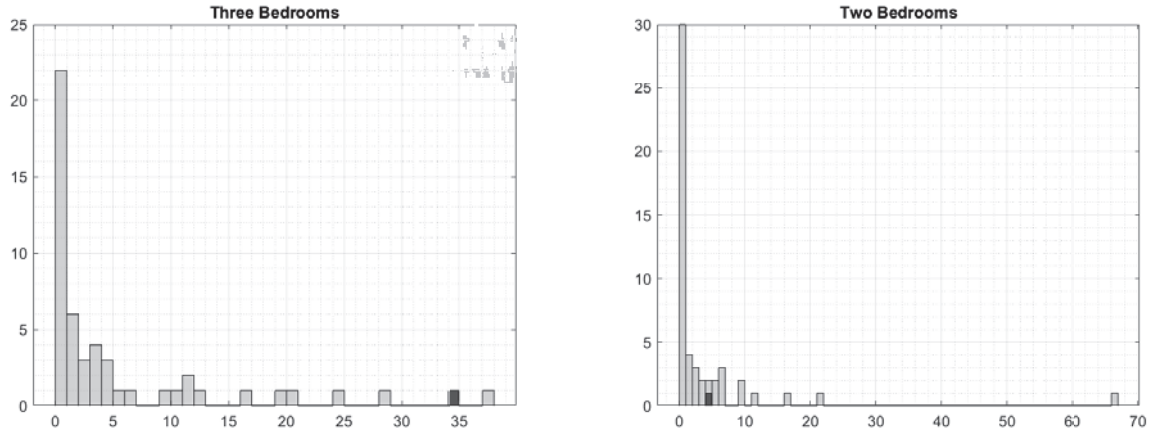
Greymouth, corresponding to a p-value of 0.038 (= 2/52). For 2 bedroom dwellings, Auckland ranks fourteenth. We conclude that there remains strong statistical evidence the zoning reform reduced rents on larger, three bedroom dwellings.

Including post 2020 population change as a predictor. We continue to include the rental market outcomes for 2006 and 2013 in our set of predictors, namely, the proportion of renting households, dwellings per capita, and the average proportion of household income spent of rental costs (among renting households). We also include log population change between 2020 and 2022. In addition, we include the proportion of people aged 18 to 22 inclusive, to account for the potential effect of the border closure and international students returning home. Both Auckland and Dunedin, which experienced the largest population decreases, have a large tertiary sector.

Table 5 exhibits the selected weights for donor units. For three bedroom dwellings, nearly 80% of the weights are placed on UAs that experienced a population decrease, namely Rotorua and Wellington. For two bedroom dwellings, over two-thirds of the weights are placed on UAs that experienced a population decline between 2020 and 2022 (Wellington, Dunedin and Rotorua).

For 3 bedroom dwellings, log rents are 0.361 less than the synthetic control, which is equivalent to a 30.3% reduction in rents relative to the counterfactual. Auckland's NE-MSE-R is largest among all UAs. Figure 13 exhibits the synthetic rents and prediction errors. For 2 bedroom dwellings, log rents are 0.218 less than the synthetic control, equivalent to a to a 19.6% decrease in rents relative to the counterfactual. The NE-MSE-R for Auckland is ninth largest among all UAs.

Figure 12: Negative-error MSE ratios, ending the sample in 2020

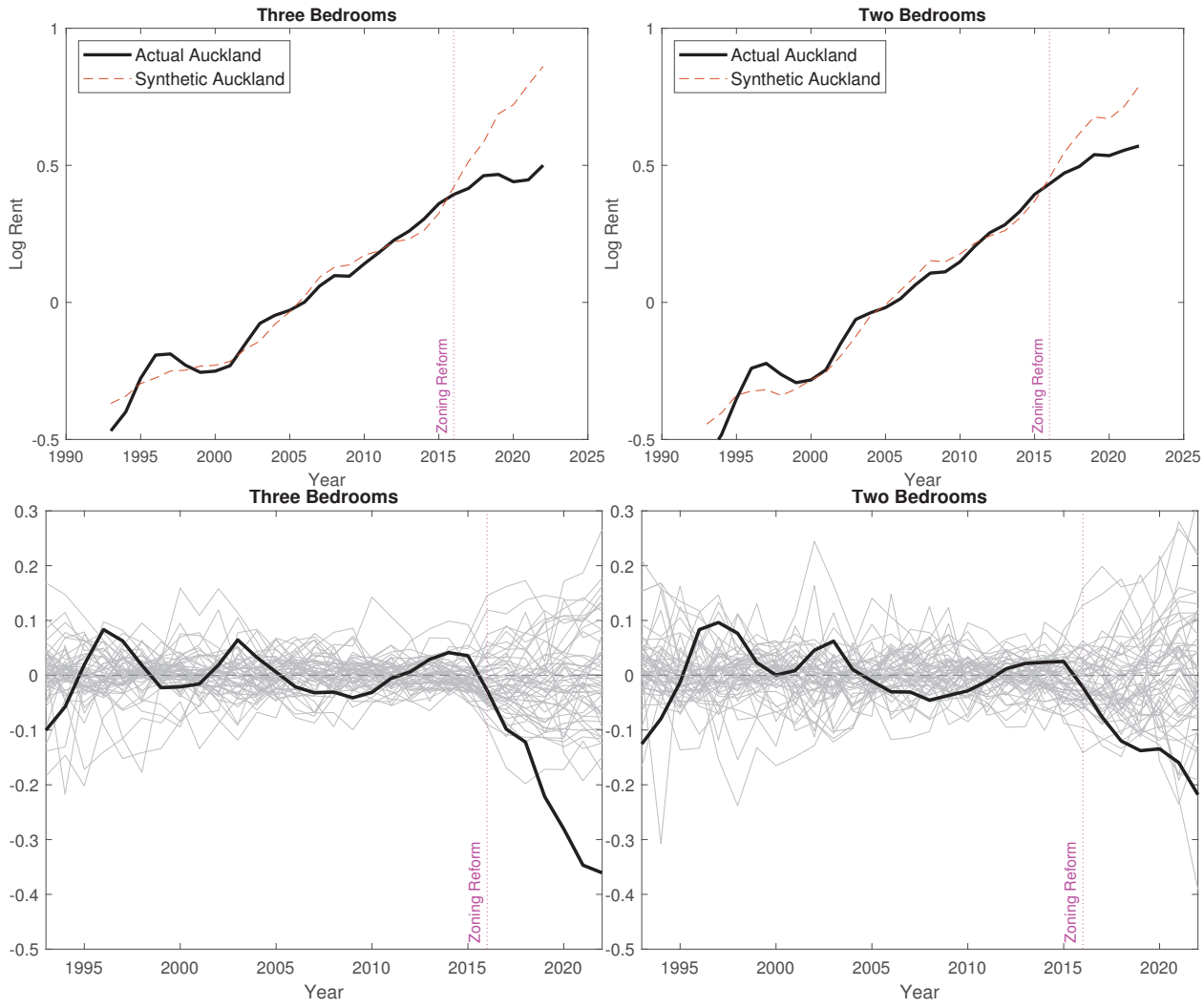


Notes: Prediction errors (top row) and negative error MSE ratios (bottom). Auckland appears in black. Sample period ends in 2020 to mitigate the effects of the incidence and policy responses to COVID-19.

Table 5: Weights, including post 2020 population change

3 Bedroom		2 Bedroom	
Urban Area	Weight	Urban Area	Weight
Rotorua	0.686	Queenstown	0.278
Wellington	0.180	Wellington	0.278
Queenstown	0.115	Rotorua	0.222
Huntly	0.019	Dunedin	0.124
		Motueka	0.098
Total	1.000		1.000

Figure 13: Synthetic and actual rents, including post 2020 population change



Notes: Synthetic and actual rents (top) and prediction errors (bottom). Auckland's prediction error is in black. Placebos in grey. Matching variables include the decrease in UA population between 2020 and 2022 in order to account for a decrease in the estimated population of Auckland immediately after COVID-19.

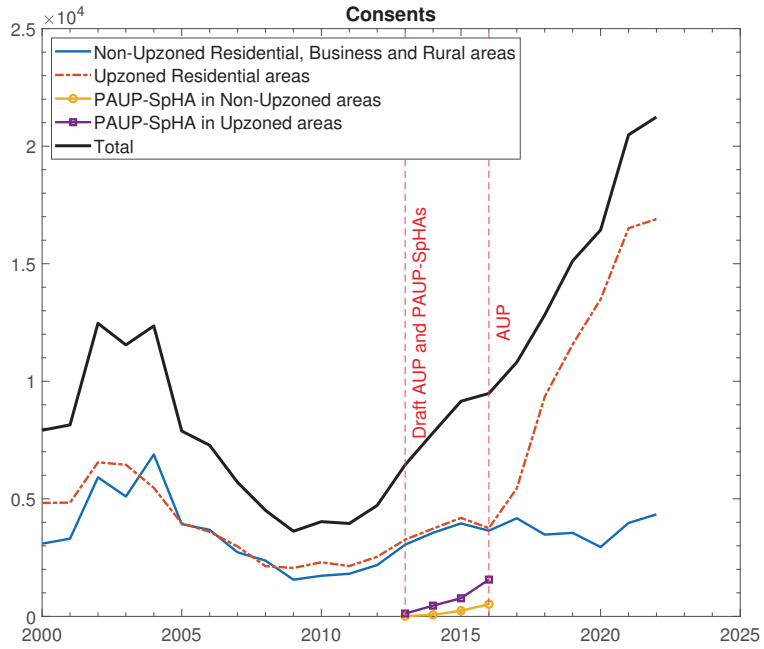
5 Discussion

Housing costs in Auckland remain among the most expensive in the world, as measured by either the proportion of disposable income spent on housing or house prices relative to incomes. The synthetic control approach indicates a 22 to 35% reduction in rents of 3 bedroom dwellings six years on from the policy, relative to the counterfactual of no zoning reform – meaning that rents in Auckland would be even more expensive if the reforms had not been implemented. These reductions are statistically significant (5%, one tailed) using the rank permutation approach. For 2 bedroom dwellings, the synthetic control indicates a 14 to 21% reduction in rents due to the reform, though the statistical significance of this reduction is only marginal in some specifications.

6 Appendix

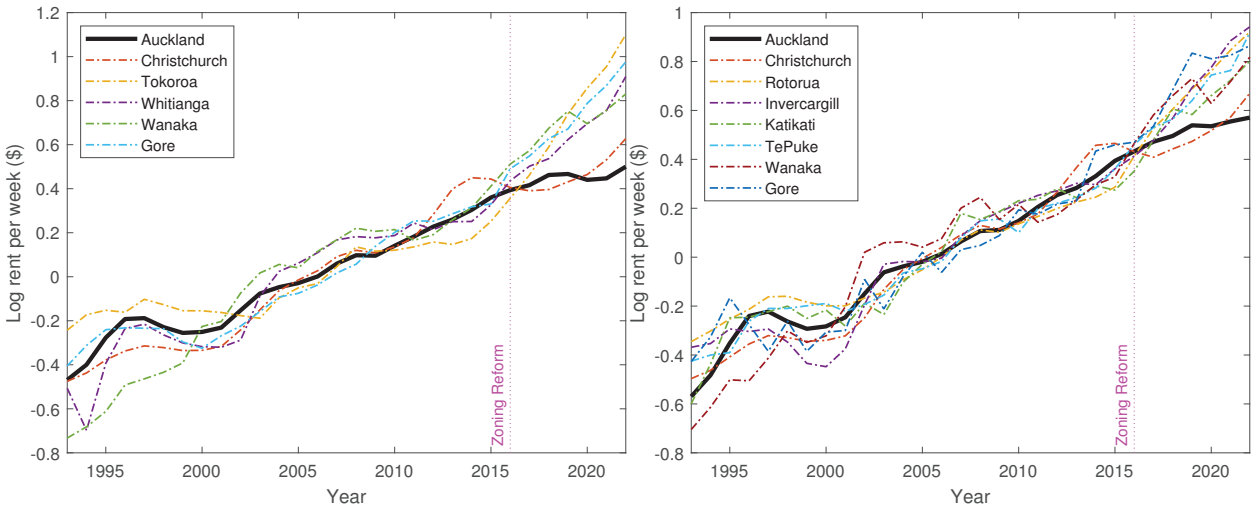
6.1 Additional Tables and Figures

Figure 14: Dwelling Consents in Auckland, 2000 to 2022



Notes: Consents issued per year in different areas of Auckland. The first, "draft", version of the AUP was announced in March 2013, while the "Proposed" AUP (PAUP) was notified in September 2013. Between September 2013 and November 2016, Special Housing Area (SpHA) developments could build to the regulations of the PAUP in exchange for affordable housing provisions. "PAUP-SpHA" denotes permits issued under this program. The final version of the AUP became operative in part in November 2016. Source: Author's calculations.

Figure 15: Rents in Auckland and Donor Units



Notes: 3 Bedroom (left) and 2 Bedroom (right). Rents have been de-meaned using the pre-intervention mean.

Table 6: Percent increase in urban area rents, 2016–2022

	3 Bedroom	2 Bedroom		3 Bedroom	2 Bedroom
Auckland	11.23	14.82	Greymouth	42.95	8.79
Hamilton	41.55	46.65	Ashburton	23.21	16.02
Tauranga	45.30	45.50	Timaru	34.14	43.54
Wellington	42.20	41.93	Oamaru	40.47	40.39
Christchurch	24.83	26.94	Queenstown	13.64	14.33
Dunedin	53.37	51.87	Kaitaia	76.05	73.63
Whangarei	56.76	58.26	Kerikeri	48.29	58.35
Rotorua	67.07	66.03	Whitianga	60.55	58.26
Gisborne	93.97	91.70	Thames	46.53	50.82
Hastings	73.31	75.63	Waihi	52.09	63.37
Napier	68.43	70.77	Huntly	63.34	72.47
New Plymouth	50.70	52.52	Morrinsville	47.99	56.46
Whanganui	97.75	97.24	Matamata	47.53	48.67
Palmerston North	65.90	62.84	Katikati	54.00	56.82
Kapiti Coast	56.89	55.77	Te Puke	48.54	58.07
Nelson	44.18	41.11	Kawerau	103.06	94.84
Invercargill	67.34	69.69	Stratford	86.05	85.72
Cambridge	47.27	49.14	Hawera	76.08	81.00
Te Awamutu	61.19	51.36	Marton	118.02	98.94
Tokoroa	110.37	142.27	Dannevirke	97.94	87.83
Taupo	56.87	62.79	Otaki	74.04	77.62
Whakatane	58.43	47.66	Motueka	47.40	43.34
Feilding	80.58	65.68	Cromwell	44.62	40.24
Levin	92.16	96.04	Alexandra	49.99	43.28
Masterton	77.20	77.45	Wanaka	37.55	42.25
Blenheim	47.55	57.40	Gore	62.49	48.37

Notes: Percent increase in rents between 2016 and 2022 for functional urban areas of New Zealand.

References

Abadie, A. (2021): "Using Synthetic Controls : Feasibility , Data Requirements , and Methodological Aspects â ," *Journal of Economic Literature*, 59. 3, 7, 11, 16

Abadie, A., A. Diamond, Hainmueller, and Jens (2010): "Synthetic control methods for comparative case studies: Estimating the effect of California's Tobacco control program," *Journal of the American Statistical Association*, 105, 493–505. 2, 4, 10, 11, 13, 16

Abadie, A. and J. Gardeazabal (2003): "American Economic Association The Economic Costs of Conflict: A Case Study of the Basque Country," *The American Economic Review*, 93, 113–132. 10

Athey, S. and G. W. Imbens (2017): "The state of applied econometrics: Causality and policy evaluation," *Journal of Economic Perspectives*, 31, 3–32. 3

Been, V. (2018): "City NIMBYs," *Journal of Land Use and Environmental Law*, 33, 217–250. 2

Ferman, B. and C. Pinto (2021): "Synthetic controls with imperfect pretreatment fit," *Quantitative Economics*, 12, 1197–1221. 11

Freeman, L. and J. Schuetz (2017): "Producing Affordable Housing in Rising Markets: What Works?" *Cityscape: A Journal of Policy Development and Research â¢*, 19. 2

Freemark, Y. (2020): "Upzoning Chicago: Impacts of a Zoning Reform on Property Values and Housing Construction," *Urban Affairs Review*, 56, 758–789. 3

Glaeser, E. L. and J. Gyourko (2003): "Building restrictions and housing availability," *Economic Policy Review*, 21–39. 2

Greenaway-McGrevy, R. (2023a): "Evaluating the Long-Run Effects of Zoning Reform on Urban Development No Title," *Economic Policy Center Working Paper 013*. 3

——— (2023b): "The Impact of Upzoning on Housing Construction in Auckland: Extensions and Updated Results," *Economic Policy Centre Working Paper 015*. 6

Greenaway-McGrevy, R. and J. A. Jones (2023): "Can zoning reform change urban development patterns? Evidence from Auckland," . 2, 3, 5

Greenaway-McGrevy, R., G. Pacheco, and K. Sorensen (2021): "The effect of upzoning on house prices and redevelopment premiums in Auckland, New Zealand," *Urban Studies*, 58, 959–976. 3

Greenaway-McGrevy, R. and P. Phillips (2023): "The Impact of Upzoning on House Prices and Urban Development in Auckland," *Journal of Urban Economics*. 2, 3

Gyourko, J. and R. Molloy (2015): "Regulation and Housing Supply," *Handbook of Regional and Urban Economics*, 5, 1289–1337. 2

Hamilton, E. (2021): "Land Use Regulation and Housing Affordability," in *Regulation and Economic Opportunity*, ed. by A. Hoffer and T. Nesbit, Center for Growth and Opportunity at Utah State University, 186–202. 2

Hansen, N. (2006): "The CMA evolution strategy: A comparing review," *Studies in Fuzziness and Soft Computing*, 192, 75–102. 10

——— (2016): "The CMA Evolution Strategy: A Tutorial," . 10

Hansen, N., R. Ros, N. Mauny, M. Schoenauer, and A. Auger (2011): "Impacts of invariance in search: When CMA-ES and PSO face ill-conditioned and non-separable problems," *Applied Soft Computing Journal*, 11, 5755–5769. 10

Jones, J. A. (2021): "Essays in Quantitative Economics," Ph.D. thesis, University of Auckland. 10

Li, Z., X. Lin, Q. Zhang, and H. Liu (2020): "Evolution strategies for continuous optimization: A survey of the state-of-the-art," *Swarm and Evolutionary Computation*, 56. 11

Murray, C. and M. Limb (2022): "We Zoned for Density and Got Higher House Prices: Supply and Price Effects of Upzoning over 20 Years," *Urban Policy and Research*, 1–19. 3

Peng, X. E. (2023): "The Dynamics of Urban Development : Evidence From Zoning Reform in New York," *Working Paper*. 3

Rodríguez-Pose, A. and M. Storper (2020): "Housing, urban growth and inequalities: The limits to deregulation and upzoning in reducing economic and spatial inequality," *Urban Studies*, 57, 223–248. 3

Saiz, A. (2023): "The Global Housing Affordability Crisis: Policy Options and Strategies," *MIT Center for Real Estate Research Paper No. 23/01*. 2

Schill, M. H. (2005): "Regulations and Housing Development: What We Know," *Cityscape*, 8, 5–19. 2

Stacy, C., C. Davis, Y. S. Freemark, L. Lo, G. MacDonald, V. Zheng, and R. Pendall (2023): "Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?" *Urban Studies*, 1–22. 3

Wetzstein, S. (2017): "The global urban housing affordability crisis," *Urban Studies*, 54, 3159–3177. 2

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North End Placemaking Report

North End Business Association

Prepared by: Leo G. Bridgewater

Summer 2023

Section 01

Introduction

01 Introduction

Who is the North End Business Association?

The business community in the North End of Halifax is bustling with a diverse retail cohort, vibrant food scene and strong professional and personal service presence. The North End is truly a place where you can work, shop, live and play all in the same neighbourhood. To help promote, support and advocate for commercial development in the North End, the North End Business Association (NEBA) was established as an official Business Improvement District (BID) in 2011. Now one of nine BIDs in HRM, NEBA advocates for and represents more than 350 members that have chosen to do business here.

Who are our Members?

NEBA has approximately 250 commercial properties and over 350 businesses. All commercial property owners and business owners leasing or renting commercial space within the BID boundaries are automatically members of the association. NEBA has an Associate Membership option for businesses located adjacent to the district boundary. The intent of the Associate Membership is to enable home-based businesses and businesses immediately adjacent to the BID area to join NEBA and become active members of the local business community organization.

Our Mission

- To create policies and events to build upon a successful, resilient business community;
- To be an influential advocate for the best conditions for sustainable business growth; and
- To support the development and retention of a diverse, inclusive and vibrant North End.



01 Introduction



What is Placemaking?

With the goal of improving the urban landscape of a community, city, or region, placemaking defines the connection between people and their places. By strengthening this connection through community consultation we maximize the potential for success as we design our communities with the people, and for the people. Placemaking ultimately capitalizes on a communities assets, inspiration, and potential, and it results in the creation of quality public spaces which contribute to people's health, happiness, and wellbeing.

"Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody"

Jane Jacobs

"First we shape the cities - then they shape us"

Jan Gehl

Section 02

Our Process

02 Our Process

Creating the Report

As the North End and all of Halifax continues to see a significant growth in population, the urban landscape is changing. In order to capitalize on this growth, clear placemaking goals and recommendations which are derived from community consultation are needed to guide businesses, organizations, and government in order to avoid making mistakes already made in the past. As a result, this report has been conducted to understand how North End residents view current and potential future placemaking initiatives and offer recommendations of new directions and improvements to the district.

Stage 1. Our process began with the creation of the 'Placemaking Community Engagement Survey', whereby a mix of quantitative and qualitative questions were asked to community members regarding placemaking initiatives completed in the past, potential future placemaking projects, and subjective questions surrounding the state of the North End. This survey garnered just under one hundred responses over the course of a one month period where the survey was advertised on social media, NEBA's newsletter, and poster boards across the North End. The goal of the survey was to collect responses from as many members of the community as possible, while collecting feedback from specific underrepresented groups. This intentionally looked to value responses from marginalized groups as historically the North End has been home to a large population of the 2SLGBTQIA+, Black & African Nova Scotian, and Immigrant community.

Stage 2. Following the completion of the 'Placemaking Community Engagement Survey' a community stakeholder consultation process occurred. This consultation process intended to answer questions which had not already been answered in the survey, typically that would be due to an lower number of responses from certain marginalized groups. All of the groups which were consulted work in the North End, with North End residents. This gave a unique perspective of the challenges that the greater North End community was facing due to the various community group's interactions with North End residents. The community groups which were consulted are as follows;

- Every One Every Day;
- Common Good Solutions;
- Canada's 2SLGBTQI+ Chamber of Commerce and;
- Wonder'neath Art Society

Although this list is a positive beginning to having a clearer line of communication between community groups and decision-makers, further consultation with other North End community groups is required to see greater representation.

Stage 3. Lastly, in combination with the primary feedback collected in Stage 1 and 2, academic literature and research from prominent placemaking nonprofit organizations such as Project for Public Spaces have been used. Specifically, 'The Place Diagram', a rubric created by PPS that outlines what successful placemaking looks like.

The Place Diagram, Project for Public Spaces

1. The inner most circle are the four key attributes which make great public spaces.



2. The second ring are the 'intangibles', which are subjective indicators that are present in successful public spaces.

3. Lastly, the outer most ring are the quantitative measurable attributes which indicate the success of the first and second rings.

Figure 2.1: The Place Diagram, Project for Public Spaces

02 Our Process

Demographic Breakdown

The beginning of the survey required respondents to identify with a certain ethnicity, gender, and social group. This information was collected in order to give an insight into how marginalized groups responses may have differed from that of others. Firstly, the breakdown of the ethnicity of respondents shows that European/White/Caucasian was the predominant ethnicity identified. This is representative of the North End as in the 2021 Census by Statistics Canada, 75.4% of North Enders did not identify with any racialized group, suggesting a majority of European/White/Caucasian ethnic background within the North End. Because of this, particular emphasis on the conversations with relevant community groups was given to validate the suggestions and comments made by racialized groups within the survey.

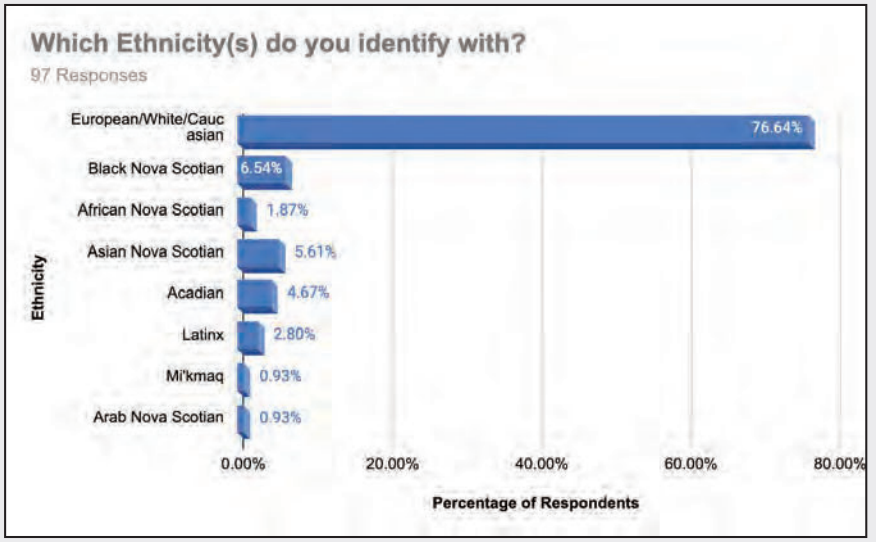


Figure 2.2: Cultural Ethnicity Breakdown

Furthermore, the predominant gender identity was Women (cisgender), with Man (cisgender) being second. Although, there was a prominent number of Non-Binary and Gender Diverse respondents.

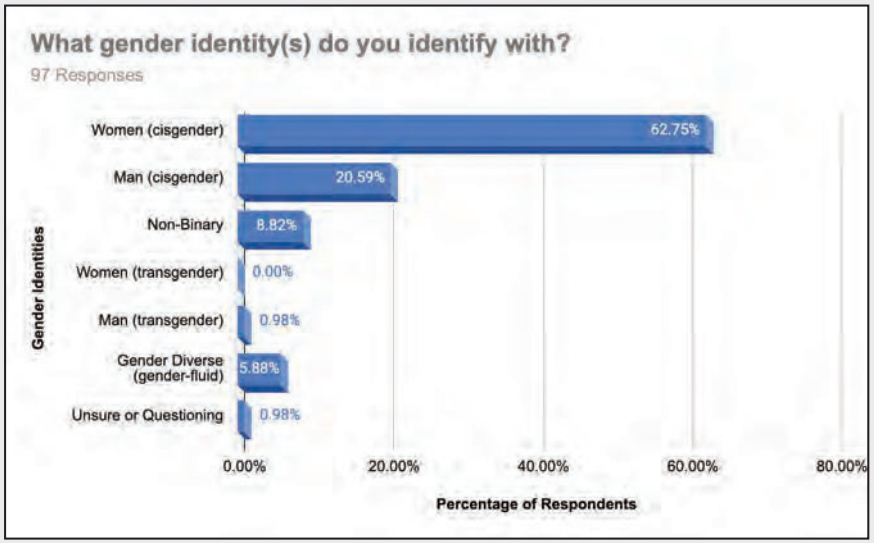


Figure 2.3: Gender Identity Breakdown

Over the course of the survey it was found to be difficult to obtain significant feedback from certain historically marginalized groups such as Black Nova Scotians, Mi'kmaq, and other Indigenous groups. Because of this, the conversations with community leaders at Every One Every Day, Common Good Solutions, and Wonder'neath Art Society were particularly important as their input was needed to have greater representation within this report.

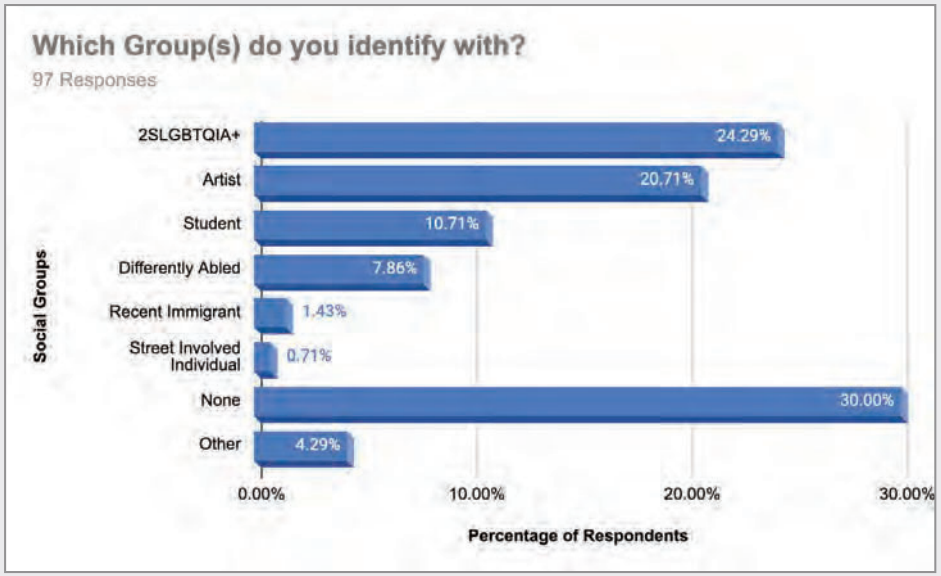


Figure 2.4: Social Group Breakdown

Demographic Breakdown

Figure 2.4 shows the breakdown of social groups identified within the survey. It was expected that the 2SLGBTQIA+ would feature prominently within the demographic breakdown as the North End has historically been an important hub for the Nova Scotian Queer community. Another group which was prevalent was the Differently Abled, this is an extremely important group to consider in the context of streetscaping and placemaking as cities have historically been designed to exclude the Differently Abled and not consider the barriers which they face on a daily basis. Lastly, Artists bring a unique perspective to placemaking as their expertise could lend interesting responses to past placemaking projects and give an insight to the success of these projects.

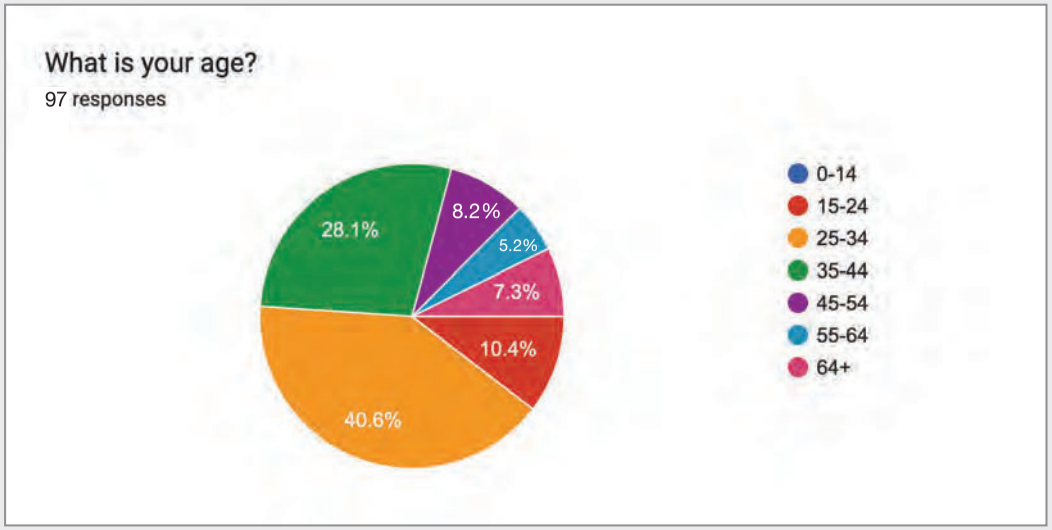


Figure 2.5: Age Group Breakdown

The vast majority of respondents fell between 25 and 44, this is primarily due to the method of outreach being social media. Because of the lack of respondents from either extremes it was important to emphasize responses from similarly aged groups and have detailed analysis to understand the opinions and beliefs of these groups. Furthermore, during conversations with the above mentioned community groups, discussion on what could be done to better support these groups occurred. Although, further investigation is required to understand the needs of this subsection of the community.

Demographic Breakdown

The household demographic breakdown suggests that the survey accurately represents the North End and all of Halifax when consulting the 2022 NEBA Facts and Figures Sheet. Whereby, the North End's average family size is 2.6, this correlates with the surveys response where two person households were most common within the North End. Also, it is possible that a contributing factor to the number of two person households may be due to the North End being a population location for students to live. It is also important to highlight the 24% of inhabitants in the North End living by themselves.

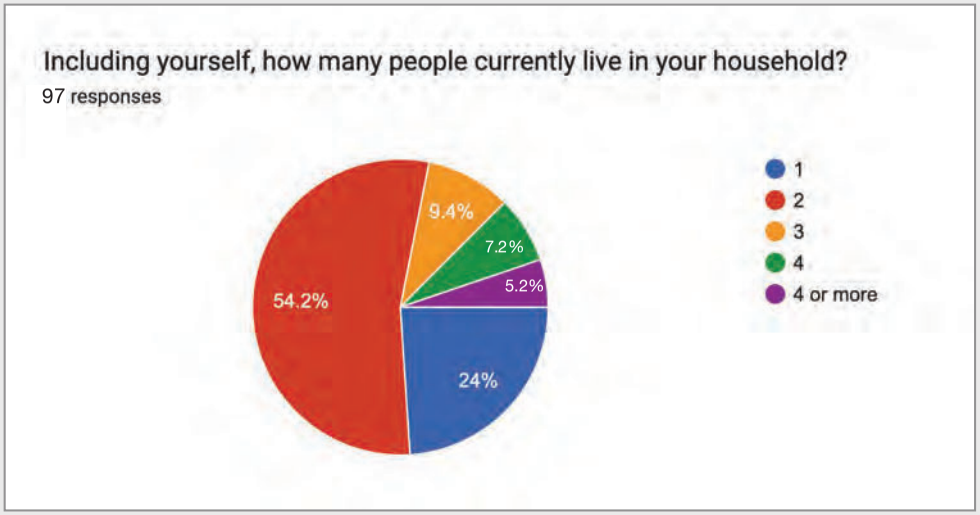


Figure 2.6: Household Breakdown

The final piece of significant demographic information is the first three letters/numbers of respondents postal codes. This information gives an insight into where the responses come from and if the survey is representative of individuals within the community. Figure 2.7 shows that over two thirds of the respondents came from the postal code B3K, which is the North End Peninsula. This suggests that the majority of responses came from community members. The responses which did not come from the postal code B3K were from surrounding communities such as Halifax's West End, South End, Fairview, and Downtown Halifax. This suggests that there is a significant proportion of community stakeholders who live within the periphery of the North End.

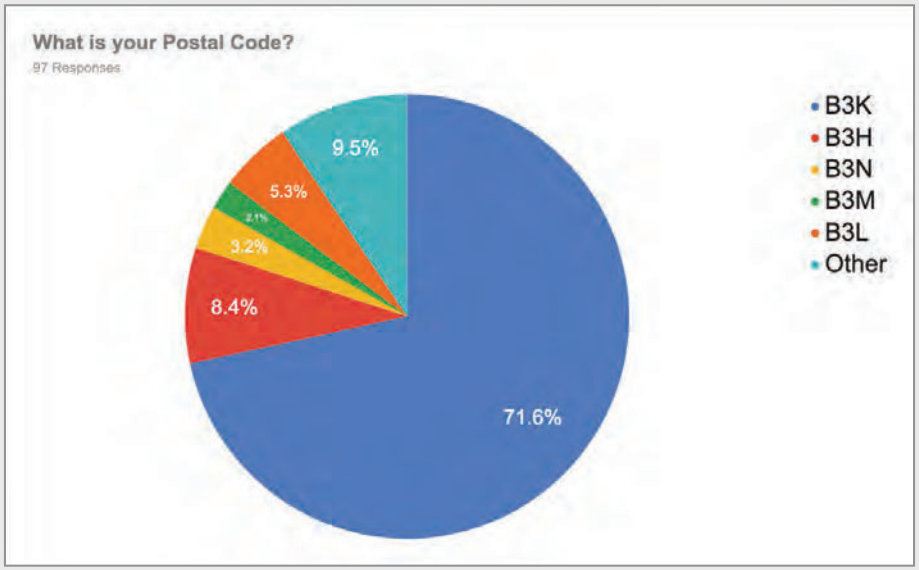


Figure 2.7: Postal Code of Respondents

Section 03

Urban Agriculture & Greenery

03 Urban Agriculture & Greenery

Urban Greenery

Questions which consider the abundance of green spaces have suggested that the North End's residents believe there is not enough of these spaces. When asked if respondents felt there was enough green space in the North End, 82.4% responded with five or less, and 27.8% responding with a score of one. Although the entirety of the North End has a canopy coverage of 27%, the most on the Halifax Peninsula, Halifax Central and the Gottingen St Commercial Division have a significantly lower canopy coverage of 19% and 4% respectively, as per the Urban Forestry Master Plan. This suggests that commercial areas in the North End have significantly less canopy coverage than that of residential areas, resulting in streetscapes which are less 'walkable', 'sittable', 'charming', and 'attractive' as seen in the Place Diagram.

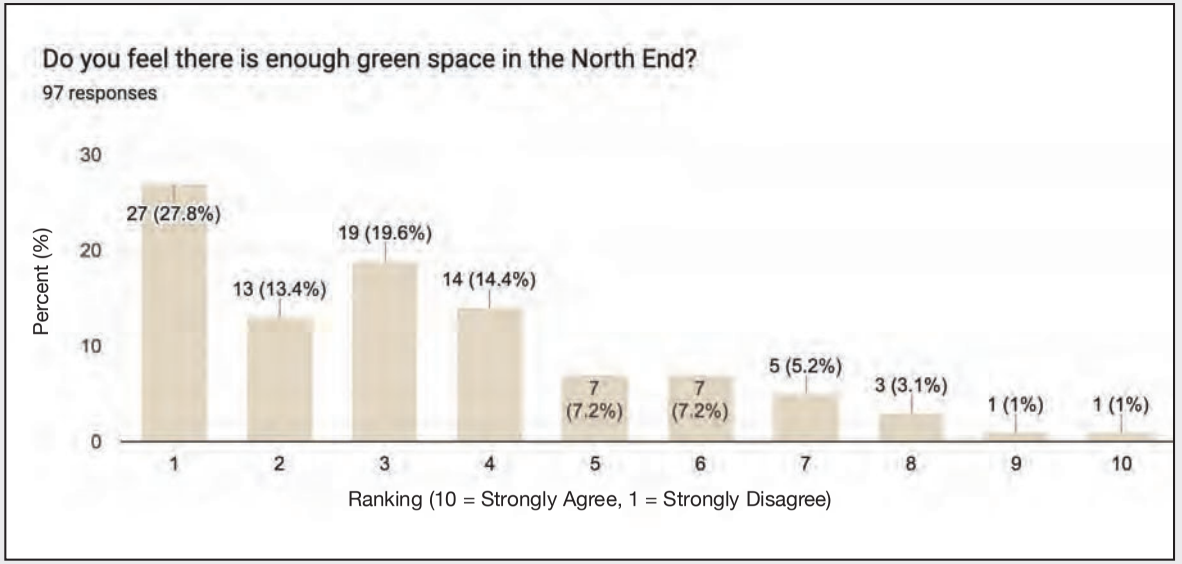


Figure 3.1: Green Space Question Responses

In conversations with community groups it was found that the development of new housing can have adverse affect to the urban landscaping of certain streets. This is particularly evident within the North End, where a large number of residential developments (HR-1, HR-2) have been or are in the process of being built. This has resulted in certain sidewalks being rendered temporarily unusable, although, leaving an opportunity for improvements to the urban landscape. It was found that further landscaping improvements such as visible street trees are wanted by the North End community. This opportunity has the potential to increase the walkability and bike-ability of the North End, while also improving the visibility of organizations and businesses within the community.

Goal 1.1: Achieve the Urban Forestry Master Plans goal of a canopy coverage of 70% in the North End.

Goal 1.2: Following the Place Diagram's rubric, encourage the development of urban spaces and community parks which are 'walkable', 'sittable', 'charming' and 'attractive' to visit.

03 Urban Agriculture & Greenery

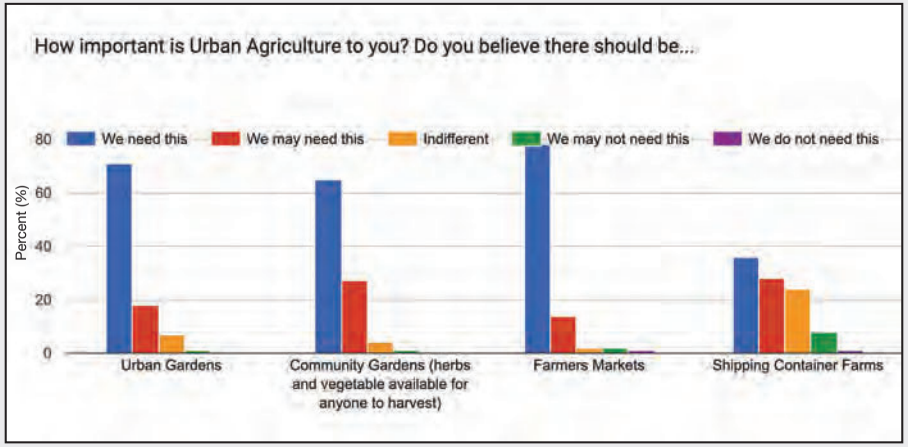


Figure 3.2: Urban Agriculture Response Breakdown

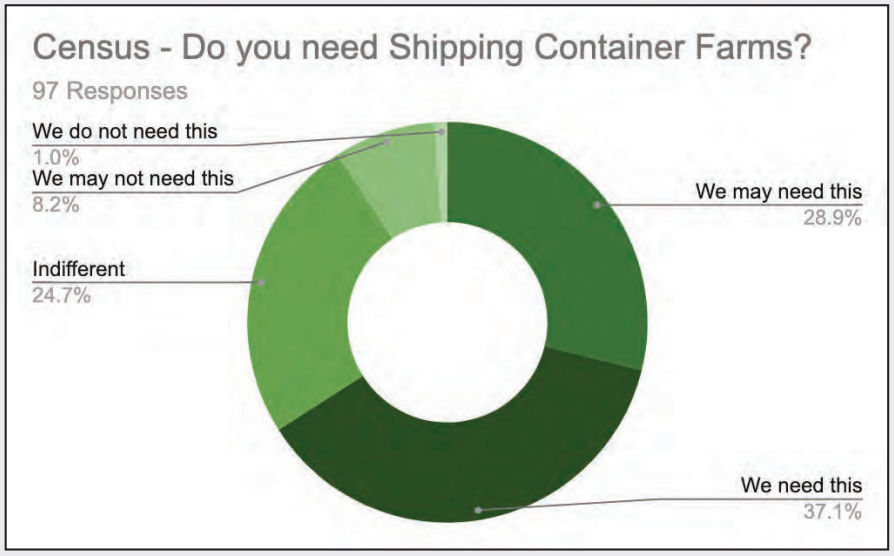


Figure 3.3: Shipping Container Farms Response Breakdown

Urban Agriculture

When respondents were asked about urban agricultural space, on average 73.3% of respondents answered the highest bracket of “we need this” to urban gardens, community gardens, and farmers markets, as seen in Figure 3.2, suggesting a very positive response. Not only do urban agricultural areas contribute to naturalizing an area but they can also address food insecurity by providing residents access to healthy fruits and vegetables. This is while also engaging the community by building neighbourhood relationships per Papanek et al.

In consulting HRM’s Draft Regional Plan, the municipality has begun to consider ‘shipping container farms’. After consultation with the North End community, shipping container farms were found to be the least popular, where only 37.1% of respondents felt the community needed this form of urban agriculture. When comparing this to the average of the other three forms of urban agriculture shipping container farms are viewed in a more negative sense. This may be a result of the lack of general knowledge of shipping container farms, due to them being recent proposals. More consultation and research is required to better understand the communities' needs and whether this form of urban agriculture is viable within the North End community.

Goal 1.3: Encourage the development of urban gardens, community gardens, and farmers markets within the North End.

Goal 1.4: Investigate further into the viability of shipping container farms within the North End through community consultation.

Public Landscaping

An initiate which NEBA has provided to the North End community is District Planters, which can be seen along Agricola Street. When respondents were asked about the planters there was a very positive response, whereby 77.4% of respondents ranked an eight, nine or ten for the level to which they enjoy the planters. Furthermore, when asked more generally about the importance of Public Landscaping (ie; flowers, trees, and planters) 89.7% of respondents said either 'Very Important' or 'Important'.

During conversations with community groups it was also noted that there are areas within the North End with a lack of suitable green spaces. Public Landscaping offers an opportunity to fill this void, by identifying these spaces within the North End and increasing the number of planters/trees/ flowers within these areas would contribute to a more attractive streetscape. Beautification projects such as these provide community benefits, support local economies, and attract tourism per Project For Public Spaces.

Goal 1.5: Identify areas within the North End with lower amounts of green space and expand the number of District Planters, with a focus on the areas identified.

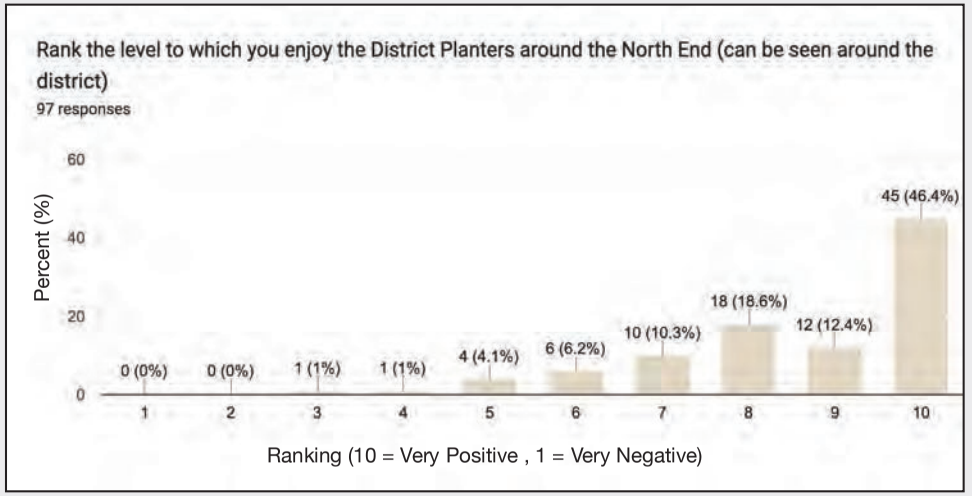


Figure 3.4: District Planters Response

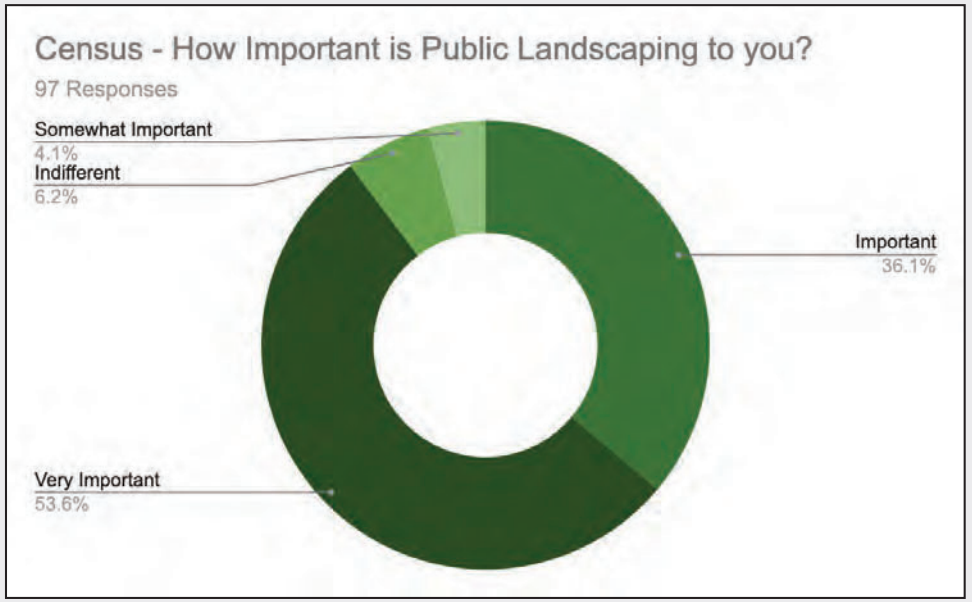


Figure 3.5: Public Landscaping Responses

Section 04

Active Transportation

Bikeability in the North End

As HRM continues to support Active Transportation solutions within the urban core of Halifax, there is a need for greater engagement with the community on this topic. After consultation with the North End community, it was found that responses are mixed on the bikeability of the North End. This may be a result of there being a perception that the North End is bikeable due to platforms such as 'walkscore.com' who rate the North End as a 92/100, and calling the community a Biker's Paradise.

When considering the information shown on Figure 4.1, it is clear that the North End has some areas which are bikeable, but these areas are usually disconnected from main streets where businesses operate. This is seen further in the comments given by respondents, where the North End's side streets are viewed positively. Lastly, many comments highlighted the lack of bike parking being a consideration as to why they viewed biking in the North End negatively.

Goal 2.1: Support the development of safe bike routes such as the Regional Centre AAA Cycling Network, allowing residents and visitors to intuitively navigate the North End on a bike.

Goal 2.2: Advocate for the installation of new municipal bike racks throughout the business improvement district.

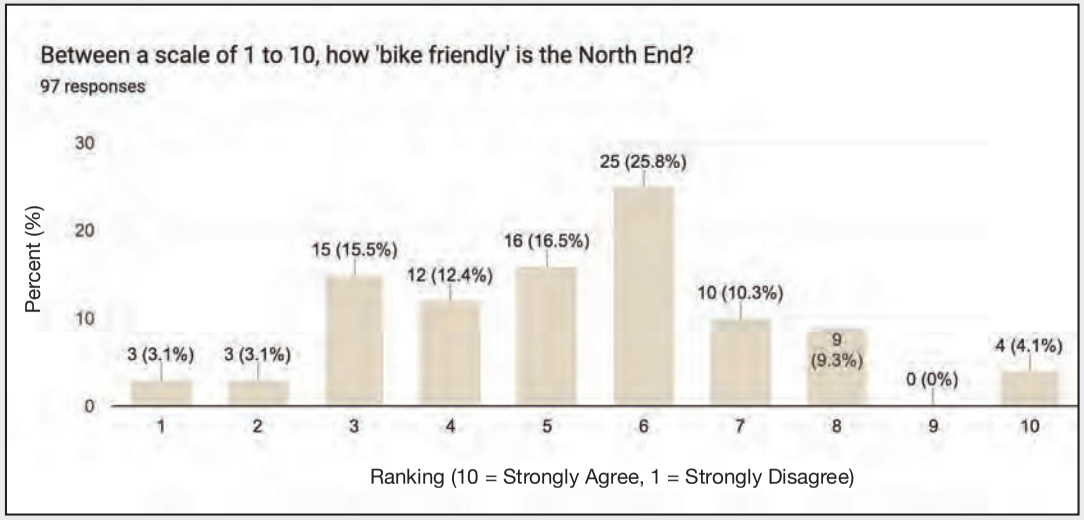


Figure 4.1: North End's Bike Friendliness

"Inconsistent & disconnected"

"Not enough bike trails and designated bike lanes"

"I do not use a bike in the city, I generally do not feel safe to do so"

"Easy to bike on side streets, but there are no bike lanes and limited bike parking"

Figure 4.2: Comments by Respondents on Bikeability in the North End

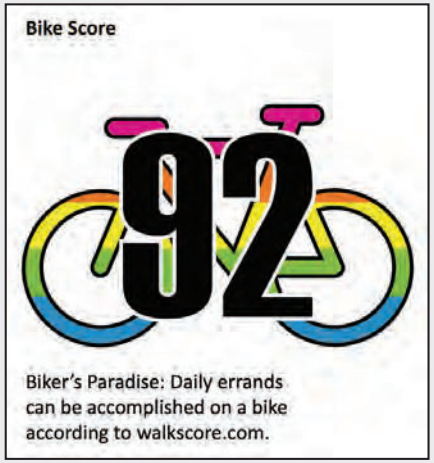


Figure 4.3: North End Bikeability Score

Section 05

Urban Artwork

05 Urban Artwork

Past Urban Artwork

Urban artwork is an excellent method of creating representation within the community. The Viola Desmond Legacy Art Installation has been positively received by the community, with 73.2% of respondents rating it an eight, nine, or ten out of ten. The success of the this project can be attributed to several different reasons. In conversations with community leaders it was found that representation which is visible to the community that celebrates the legacy of Black Nova Scotians, and other cultural groups is deemed as a form of best practice for reconciliation. By forming the Viola Desmond Legacy Committee, the Black Nova Scotian community was throughly consulted and empowered, avoiding any form of superficiality. Because of this, consulting with the community must become a requirement for social-based art installations.

Furthermore, the Agricola Street Art Banners, as seen in Figure 5.2, have also been extremely successful with the North End community. The success of the project is primarily a result of the delivery, whereby artists within the community were given the opportunity to design the banners themselves. This empowers the community and follows the highest order of citizen participation as per Sherry Arnstien's Ladder of Citizen Participation. Future projects must consider this form of delivery as it is reliant on the community being empowered to be successful.

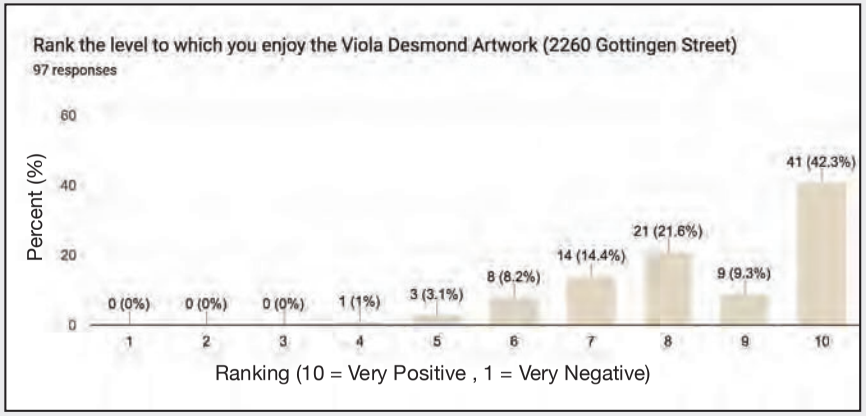


Figure 5.1: Viola Desmond Artwork Responses

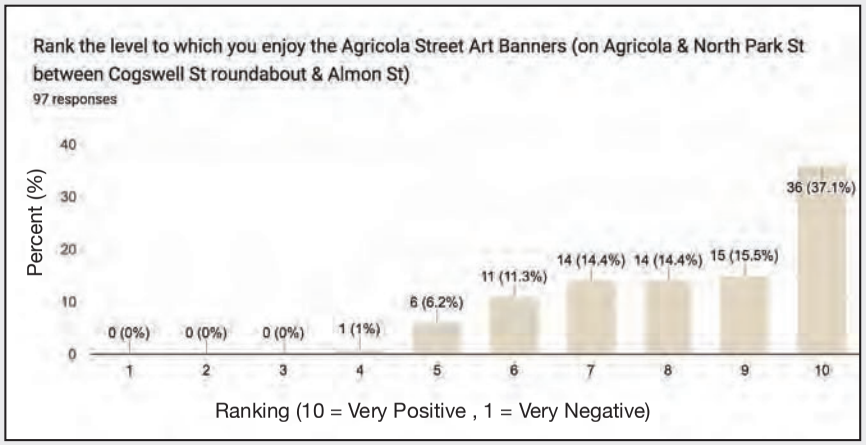


Figure 5.2: Agricola Street Art Banners Responses

Goal 3.1: Empower the creation of representative social-based artwork that has throughly consulted community groups and organizations to ensure any form of superficiality is avoided.

Goal 3.2: Engage in the development of more mass community-based art installations such as the Agricola Street Art Banners.

05 Urban Artwork

Past Urban Artwork

Of the past urban artwork which NEBA has been involved in developing, the far-most popular were the Mural Artworks which can be seen around the district. There are several reasons as to why murals are so popular within the North End. In reference to the Place Diagram, murals contribute significantly to the sociability, comfort, and image of an area. Due to their size and visibility from the street, whether that be from a car or pedestrian, murals are extremely visible to the community. This visibility can also have practical connotations, whereby murals have become meeting points for community members and destinations within the district.

Furthermore, this lends to the importance of street art, as seen in Figure 5.4. The overwhelmingly positive response to street art suggests that not only can it act as a median to beautify a streetscape but it also has the capability to be important nodes within the district for tourism, way finding, and as local gathering spots. By encouraging the development of street art such as murals, street banners, and socially conscious artwork not only does the streetscape benefit, but the community as a whole, encouraging a more visible and interactive North End.

Goal 3.3: Expand the number of murals which celebrate the historic culture and communities of the North End.

Goal 3.4: Empower the North End's marginalized community through visible and representative street art.

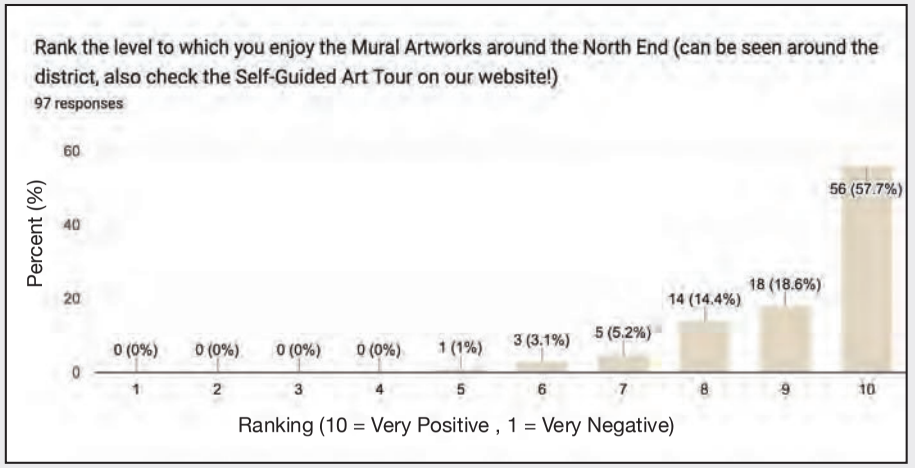


Figure 5.3: Mural Artwork Responses

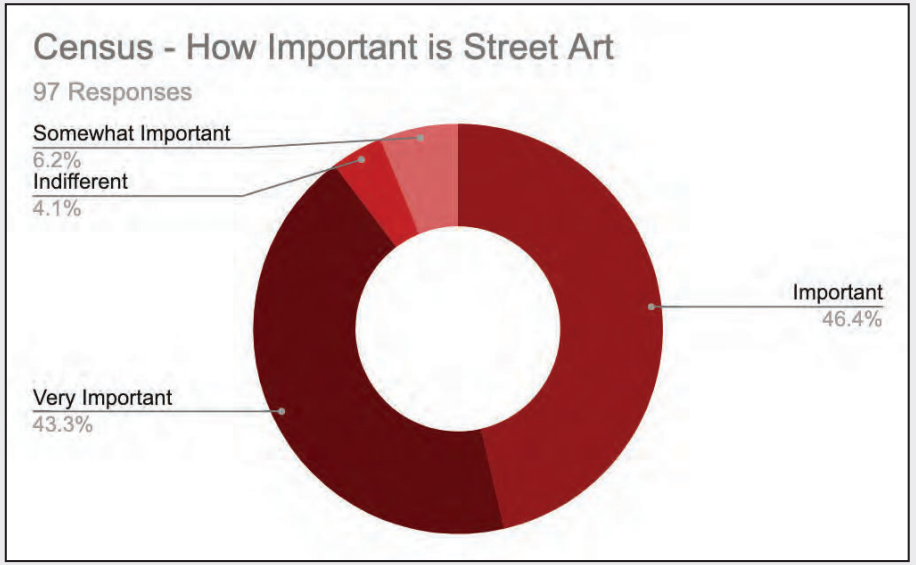


Figure 5.4: Importance of Street Art Responses

05 Urban Artwork

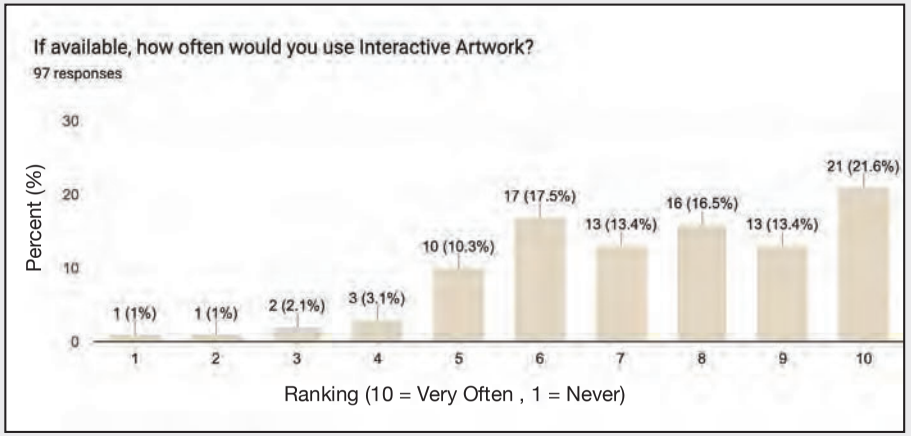


Figure 5.5: Response to Interactive Artwork

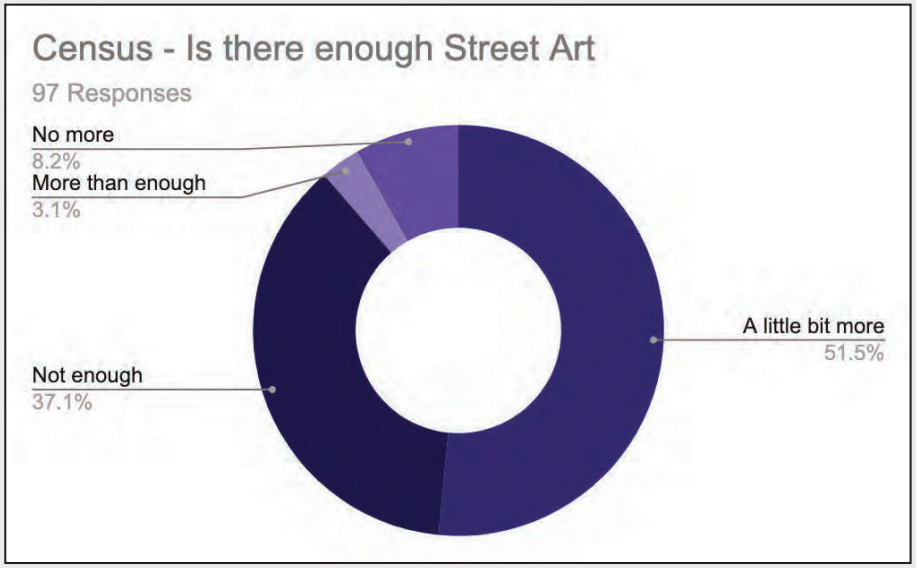


Figure 5.6: Abundance of Street Art

Future Urban Artwork

As seen in Figure 5.5, there was a somewhat positive response to the question of Interactive Artwork. When comparing the response in Figure 5.5 to that of other potential future placemaking projects it was found that Interactive Artwork is slightly less popular. One explanation may be the lack of feasible areas for an interactive artwork installation to the scale of the photograph presented with the question in the North End. Because of this and the fact that the responses were still for the most part positive, any future project considering an Interactive Artwork Installation must consult the community as to how the scale of the project could impact the community.

When asked if the abundance street art within the North End was enough it was found that the North End still has the scope to increase the number of street art installations. The majority of respondents said the North End needed ‘a little bit more’ when asked. In tangent with this, investments made by NEBA in street art over the course of the last 18 months may have resulted in respondents becoming increasingly content with the current amount of street art. Although, this investment must still continue in order for this trend to continue.

Goal 3.5: Complete further investigation into the viability of interactive artwork at varying scales.

Goal 3.6: Continue and expand investment into Street Art by continuing partnerships with organizations such as the Halifax Mural Festival.

Section 06

Public Spaces

Future Public Spaces

Similarly to the other responses to future placemaking projects, Figure 6.1 suggests that respondents were mixed on the viability of an Outdoor Cinema. Although the majority of respondents viewed outdoor cinemas more positively than negatively (greater proportion of responses fell between 5 and 10 than that of 5 and 1) the majority of responses fell between 5, 6, and 7, suggesting that outdoor cinema's are not viewed as positively when compared to other placemaking initiatives. As a result, further engagement and consultation with the community is required in relation to projects such as Outdoor Cinema's.

In addition, activated alleyways are viewed far more favourably to the North End community. This may be a result of activated alleyways being a form of 'appropriated public space' whereby this "allows citizens to take part in the production of urban space beyond the mere inhabitation/fruition of the already formed urban space by giving citizens the right to completely manage and use their everyday life" per Lebebvre, 1992. This connects with Arnstien's Ladder of Citizen Participation, whereby 'appropriated public spaces' are a form of citizen control, as the land use of the space is flexible and can be determined by any citizen.

Goal 4.1: Continue to engage with community groups and members to gain a greater insight into the viability of similar projects to Outdoor Cinema's.

Goal 4.2: Begin considering whether Activated Alleyways are able to be constructed within the North End.

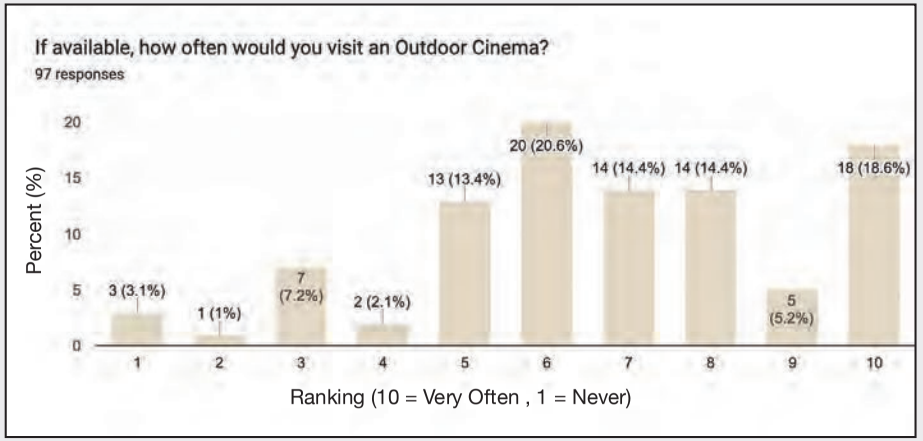


Figure 6.1: Response to Outdoor Cinema

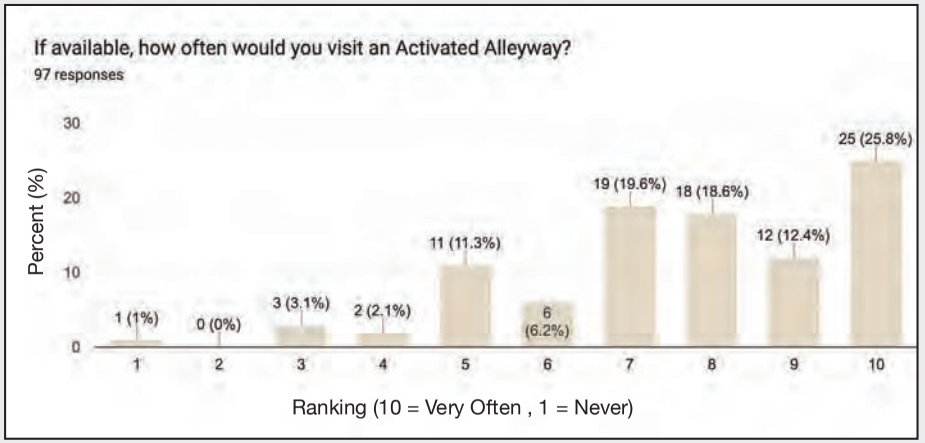


Figure 6.2: Response to Activated Alleyway

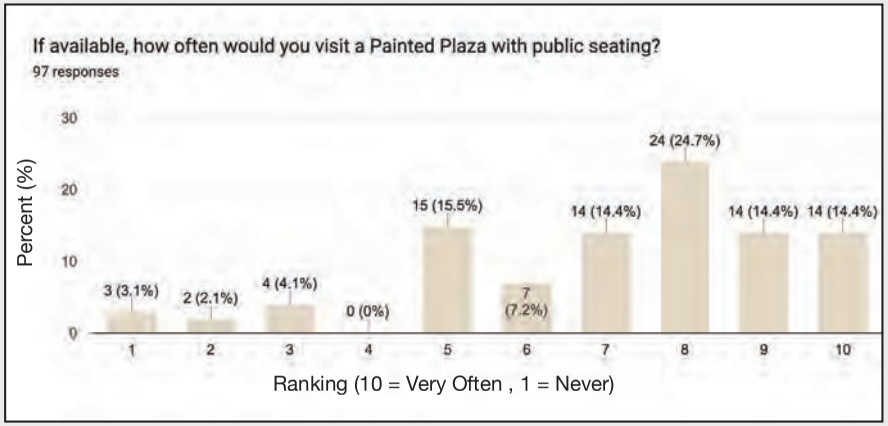


Figure 6.3: Response to Painted Plaza with Public Seating

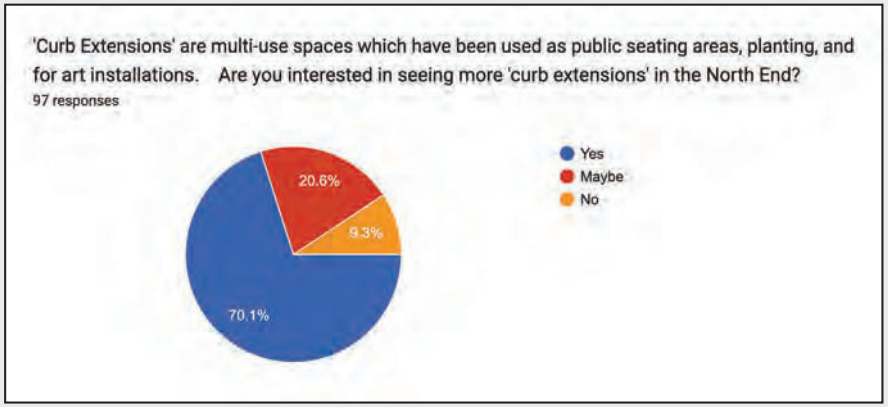


Figure 6.4: Responses to Curb Extensions

Future Public Spaces

Although respondents were generally positive about the prospect of a Painted Plaza with public seating, more research is required to understand the hesitation of these public spaces. The majority or 53.5% of respondents rated the prospect of a Painted Plaza with public seating an 8 or above, this suggests that the public generally view this form of public space positively. Despite this majority, understanding why other respondents were hesitant of giving a higher rating is important to know as it may gain a meaningful insight into the attributes of public spaces which are most important to North End residents.

Curb extensions have been widely used throughout Canada as a form of slowing traffic and creating safer communities. From the responses presented in Figure 6.4, it is evident that the North End community is widely supportive of curb extensions. However, many respondents highlighted that although they support the development of curb extensions it is important to consider the impact on the viability of bike lanes in the future if curb extensions are developed. Also, it will be important to consider visually impaired members of the community as it was commented that ‘unexpected changes in the streetscape can sometimes be confusing’, suggesting that before there is any change in the streetscape further consultation with differently-abled and visually impaired peoples and groups is required.

Goal 4.3: Gain a greater understanding of the drawbacks of Painted Plaza’s and address community concerns.

Goal 4.4: Encourage the development of curb extensions which have been designed to meet the needs of everyone within the community.

Past Public Spaces & the abundance of Public Spaces

The Gottingen St Planters Redesign has been an extremely successful seating installation as a large majority or 76.3% of respondents rated them an eight or above out of ten. The satisfaction of the seating may be derived by the lack of public seating which was highlighted by Figure 6.6. This suggests that further development of public seating should be a significant goal for the North End community, especially informal seating. In order for these installations to be successful a rubric such as the Place Diagram should be used as a indicator. This would allow placemakers and designers the opportunity to assess potential designs through a rubric that has historically been used very successfully.

Furthermore, it is important to highlight how across the categories of street art, public events, public seating, and public lighting not one respondent commented 'too much' when asked of the abundance of these initiatives, and the response to the vast majority of each category was either 'Not enough' or 'A little bit more'. This suggests that residents of the North End believe there is a lack of these initiatives within the North End. Because of this, it is important that community organizations continue to improve the accessibility and visibility of these projects as they continue to be developed, as well as further investment into increasing the abundance of these projects.

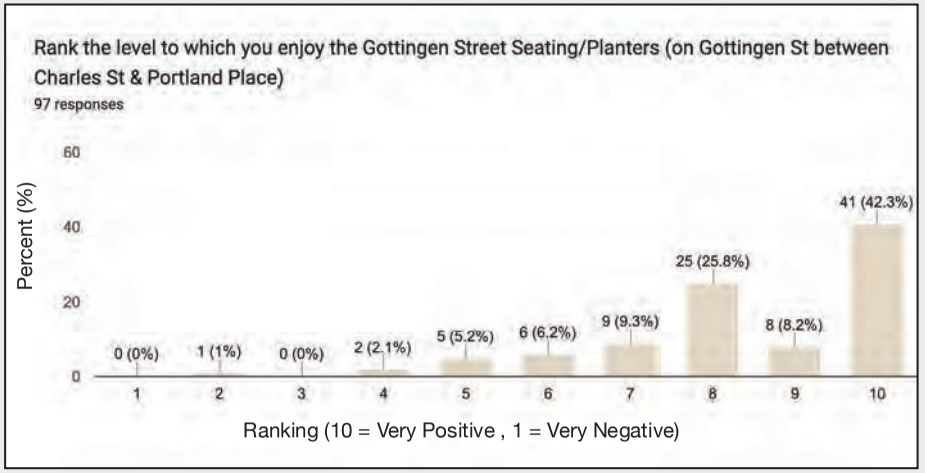


Figure 6.5: Responses to Gottingen St Planters

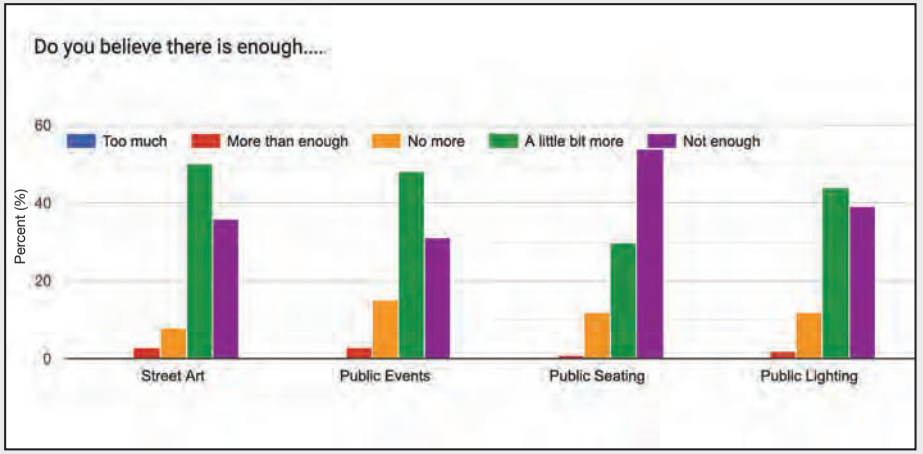


Figure 6.6: Abundance of Street Art, Public Events, Public Seating, and Public Lighting

Goal 4.5: Continue encouraging investment in public seating, while identifying more opportunity for informal seating around the district.

Goal 4.6: Identify methods of making events and initiatives more visible to the North End Community while continuing existing initiatives.

Section 07

Public Events

07 Public Events

Past & Future Public Events

Public Events have become one of the most successful initiatives supported by NEBA. This success can be seen in Figure 7.1, where only 12.4% of respondents have not attended a NEBA event. When considering events such as Open City, its success has been a result of its visibility to not only the North End community, but all of Halifax, resulting in a large scale event between neighbourhoods across Halifax. It is also very positive that the North by Night Market has been well attended and a success within the North End community. Continuing these markets while expanding the number of NEBA events could be an opportunity to engage with the community and expand on the Community Engagement Survey. Allowing for engagement to be dynamic as opposed to a static process. This feedback can not only be instrumental in understanding the needs of the North End community, but also how NEBA and other community organizations are better able to attract more people to the North End.

Goal 5.1: Continue and expand existing events to see greater turnouts and larger scale events.

Goal 5.2: With direct access to community members, begin a formal engagement process for future events/initiatives.

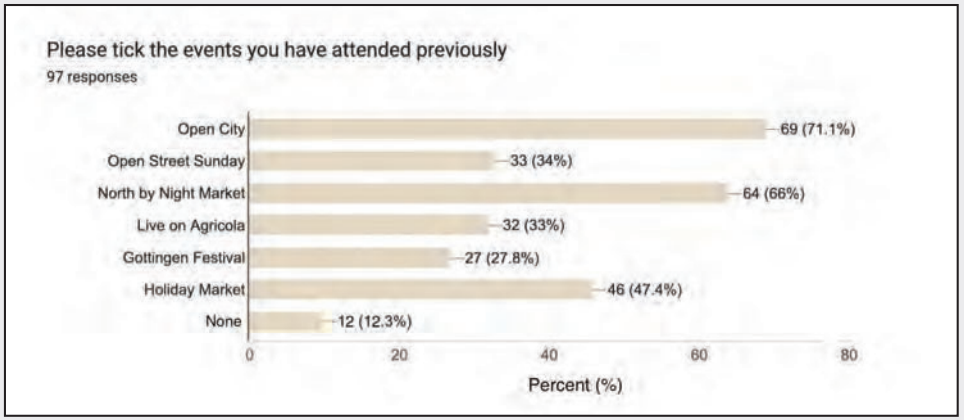


Figure 7.1: List of events respondents have previously attended

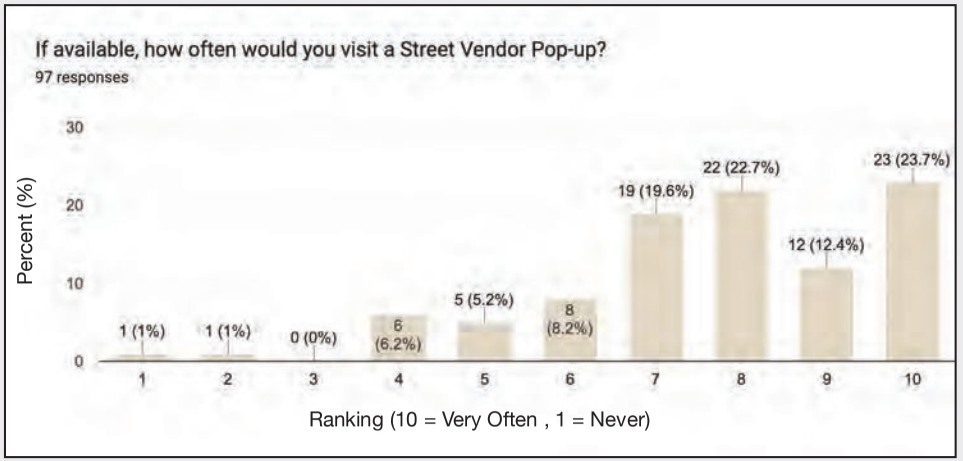


Figure 7.2: Response to Street Vendor Pop-Ups

Section 08

Goals, Recommendations, & Considerations

08 Recommendations & Considerations

Marginalized Groups & Placemaking

It is important to recognize the significance which marginalized groups hold within the North End community. The North End has historically been home for groups such as the Black Nova Scotian, 2SLGBTQIA+, and Immigrant communities. Because of this, it is fundamental that community organizations continue to advocate for greater visibility, and to preserve our historic cultural identity.

During conversations with community groups it was found that representation and visibility were of the upmost concern. Before representative placemaking can occur it is important that placemakers and designers converse with these groups. As seen in Figure 8.2, each social group's average response is lower than that of the census population, suggesting that these groups are still underrepresented within the community. Although, it is clear from conversations with community groups that the North End has historically been a much safer space for marginalized communities, it is important that this understanding is continued. Furthermore, it is also important that placemaking initiatives are considerate of these marginalized groups being present within the fabric of the design of public spaces, public events, and street art.

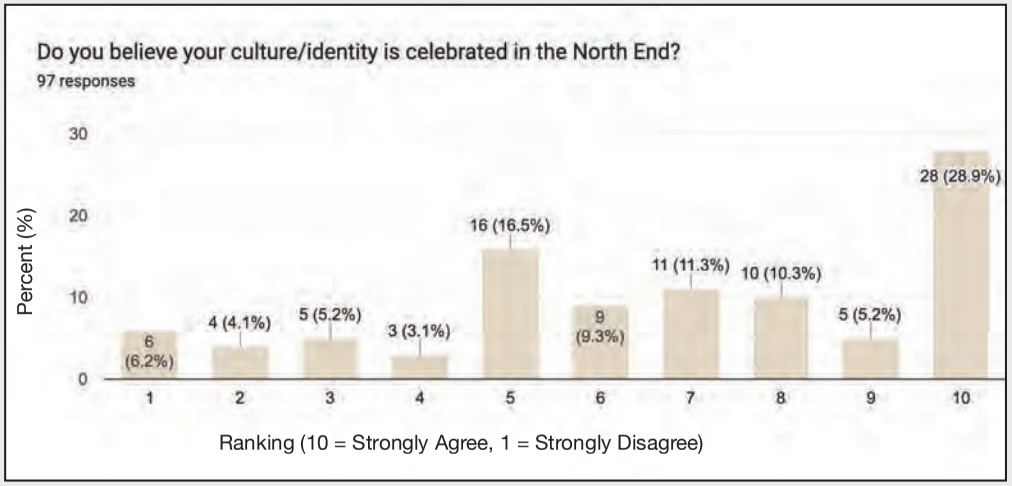


Figure 8.1: Breakdown of the extent to which respondents culture and identity are celebrated in the North End.

Social Group	Average Response
Black/African Nova Scotian	5.33
2SLGBTQIA+	6.6
Indigenous	3
Acadian	6.4
Asian Nova Scotian	4.5
Differently Abled	6
Recent Immigrant	5.5
Census Population	6.77

Figure 8.2: Social Groups response to 'Do you believe your culture/identity is celebrated in the North End?'

08 Recommendations & Considerations

Final Thoughts

During the course of writing this report, conversations with community groups and members have given an insight into the difficulties which are being faced - as well as considerations for the future. This section of the report intends for these conversations to have a platform to be heard by stakeholders within the community so these conversations become increasingly more formalized.

An interesting finding within the survey was the over-abundance of positive reactions to both past and future placemaking projects. Throughout the entirety of the survey respondents were very positive to any suggestion of a new placemaking projects, with minimal negative comments to newly suggested projects or previously completed projects. Although this may suggest a positive response to the survey, the lack of developments which look to improve public space's in the North End may be the reason as to why community members valued previous projects and the possible development of new projects. This could be seen as a cry for more public investment into the North End's infrastructure and public spaces. Whereby, the questions which received the largest number of comments and concerns were about green spaces, biking infrastructure, walkability, public seating, public lighting, and landscaping. These are services and investments which are common in other districts of Halifax but are sparse in the North End. This consideration for greater investment into the streetscape and the public spaces of the North End is essential as the district and all of Halifax sees increasingly more growth in population.

Moreover, as the North End continues to grow within the region it will become increasingly important for NEBA to strengthen strategic relationships with other community organizations. These relationships will become instrumental in identifying future placemaking opportunities and where improvements can be made within the community.

Finally, a greater emphasis for community engagement is needed by local and provincial government, and community organizations. In order to avoid repeating past mistakes, the North End requires a formal, consistent, and open dialog between residents, community groups, and government enabling community members to articulate their thoughts and concerns.



Section 09

Appendix

09 Appendix

References

- Arnstein, S. R. (1969). A ladder of citizen participation. *Journal of the American Institute of Planners*, *35*(4), 216–224. https://doi.org/10.1080/01944366908977225
- Lefebvre, H. 1992. The Production of the Space. 1996th edn. Cambridge, Massachusetts: Blackwell Publishers Ltd.
- Maciver, M. (2010, August 8). *Eric Reynolds, Master of Low-cost, High-return Public Space Interventions in London and NYC*. Project for Public Spaces. https://www.pps.org/article/eric-reynolds-master-of-low-cost-high-return-public-space-interventions-in-london-and-nyc
- Papanek, A., Campbell, C. G., & Wooten, H. (2023). Social and community benefits and limitations of urban agriculture. *EDIS*, *2023*(1). https://doi.org/10.32473/edis-fy1517-2023
- Planning & Development, & O'Toole, C., Regional Plan Review: Phase 4 Draft Plan Release 11–353 (2023). Halifax, Nova Scotia; Halifax Regional Municipality.
- Project for Public Spaces. (2007). *What Is Placemaking?*. Project for Public Spaces. https://www.pps.org/article/what-is-placemaking
- Urban Forestry, Bigelow, P., Burns, T., Charles, J., Simmons, J., & Vodicka, R., Urban Forest Master Plan 1–460 (2013). Halifax, Nova Scotia; Halifax Regional Municipality.

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go north

FACTS & FIGURES 2022

northend BUSINESS ASSOCIATION

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n°rthend
BUSINESS ASSOCIATION

WECLOME

UPTOWN

Halifax's northern tip is renowned for perseverance. Founded upon glacial deposits and ironstone, the North End through its ups and downs remains one of Halifax's economic hubs. In 1917, the Halifax Explosion changed everything. In the wake of devastation, residents suffered poverty, crime, and segregation. After losing their homes, churches, and businesses, the North End population slowly rebuilt itself. Presently, the North End is in the midst of a renaissance. Locals draw from the North End's deep soul, fierce spirit, rich history, and cultural diversity. The palette of saltbox houses, urban and community gardens, independent businesses, and eclectic arts scene has become home to a wonderfully cosmopolitan mix of people, giving the area a special vibrancy and character. Welcome to our home, our playground, where we work, where we create. This is the North End.

PLACE

The North End as a community consists of the northern portion of the Halifax Peninsula. While the exact boundaries of the North End are fluid, the general neighbourhoood is from Cogswell Street to Africville and Windsor St to the Halifax Harbour. The North End Business Association (NEBA) is located in the heart of the North End's central Business Improvement District (BID). Although NEBA's district runs between Agricola and Gottingen Streets from Cogswell Street to Young Street, the statistics shared in this document represent the greater North End community, unless otherwise stated.

Urban Neighbourhoods, HRM

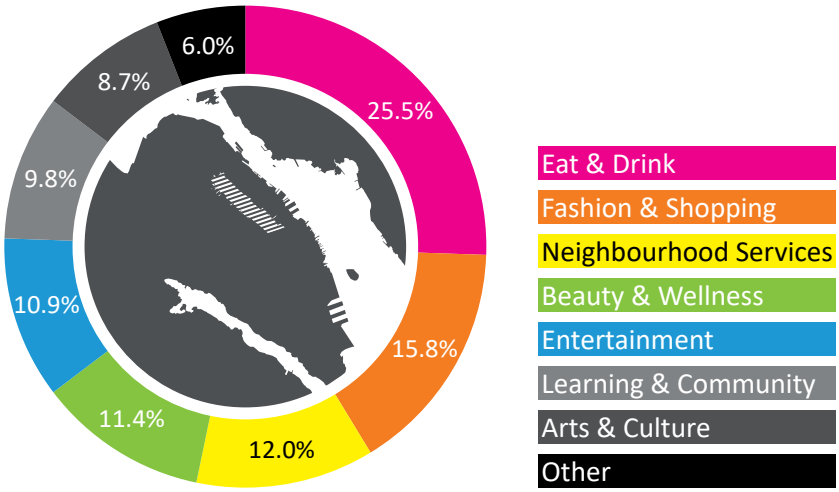


BUSINESS

The North End Business Improvement District is home to over 350 businesses, with many more located within the greater North End community. The North End has a diverse range of businesses known for its vibrant food, drink, and entertainment scene, indie boutiques and shops, and a wide selection of services including auto repair, personal services, education, and nonprofits, among others.

350+ BUSINESSES

Business Types within the Central Business District



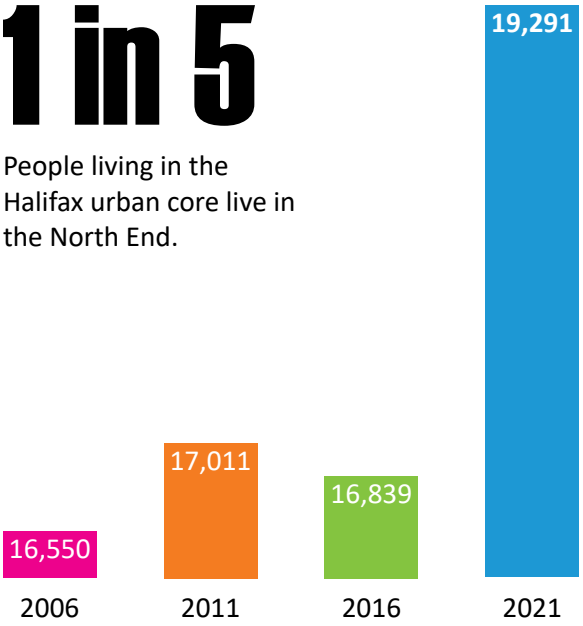
PEOPLE

GROWTH

The Halifax North End is a rapidly growing community. A sharp increase in population over the last five years has made the North End one of the fastest growing neighbourhoods in Halifax's urban core. With multiple large-scale developments being slated for completion within the next few years, expect to see the North End as a thriving population centre with continued growth.

1 in 5

People living in the Halifax urban core live in the North End.

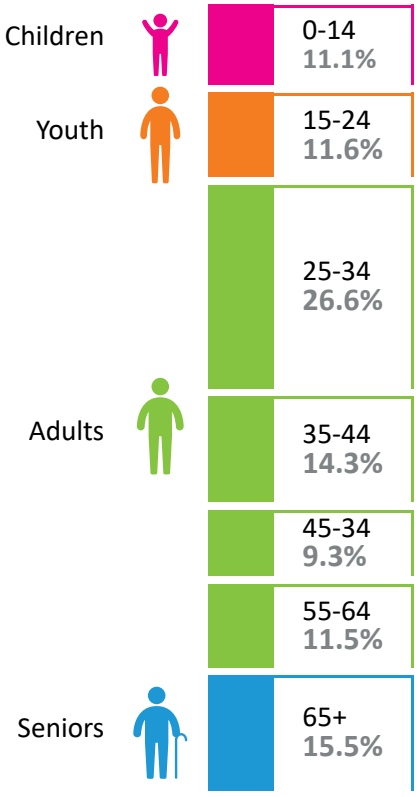


Population Growth
Census population 2006-2021.

AGE

Diverse communities come in many forms and that includes age. The North End is a community for all ages. While the North End's population mirrors that of Halifax Regional Municipality, the North End notably has a much larger proportion of adults (61.5%) than HRM (33.2%).

Population by Age

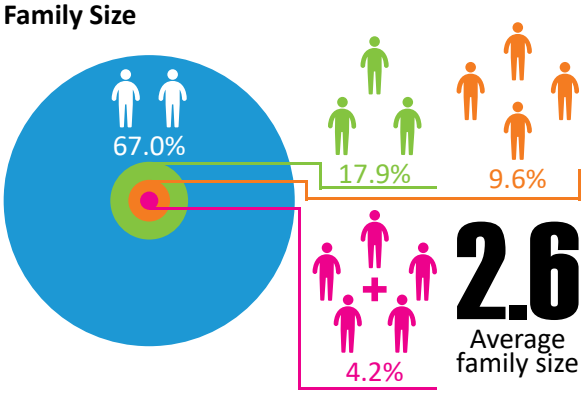


FAMILIES

Families in the North End resemble families throughout Halifax Regional Municipality. The proportion of the population in legally recognized relationships and family sizes are nearly identical to municipal averages. Even the number of children per family is nearly the same (1.6 in the North End, 1.7 in HRM).

56.6% of the population 15 and older is married or in a common-law relationship.

Family Size



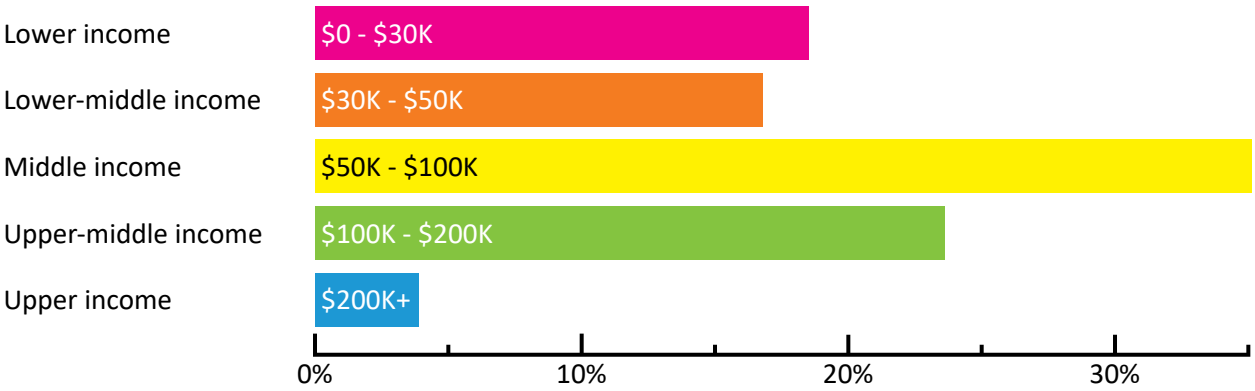
2.6
Average family size

INCOME

Households in the North End are predominately middle income. This mirrors the proportion of middle income households throughout Nova Scotia and Halifax Regional Municipality. However, the North End hosts a greater share of lower income households at 18.5% compared to the provincial and municipal rates of 15.2% and 12.2%, respectively. Median household income is reflective of this; HRM has a median $4,000 greater than the North End's.

$67,500
Median before tax income of North End households.

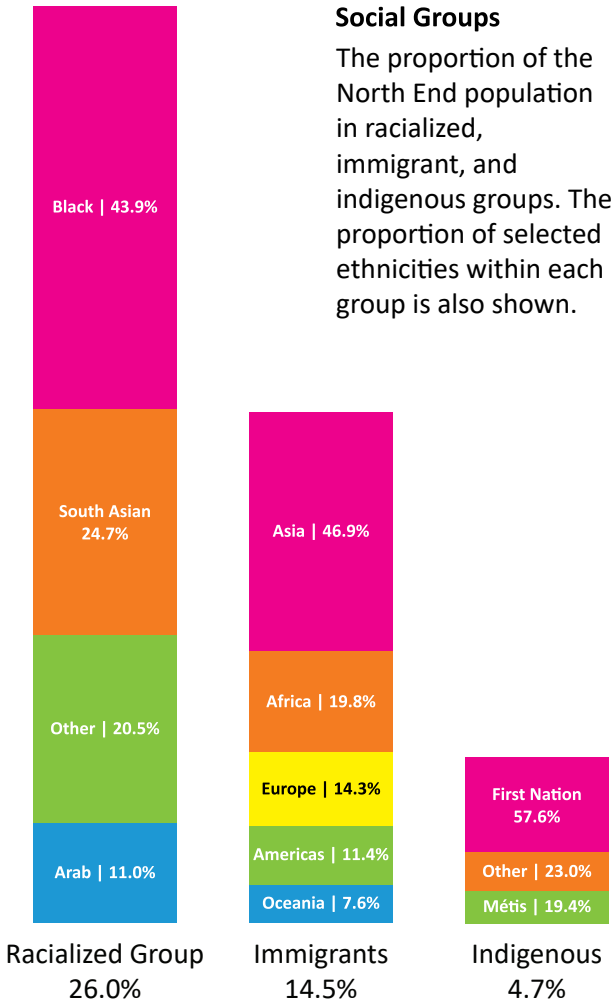
Household Income, Before Tax



**Economic classifications are approximate.*

DIVERSITY

The North End is a vibrant mix of cultural identities. Most North Enders identify themselves as having British and/or Irish cultural origins. Unique to Nova Scotia and the Maritimes, 4.6% of the North End's population is culturally Acadian, 2.8% are Mi'kmaq, and 0.7% are African Nova Scotian.



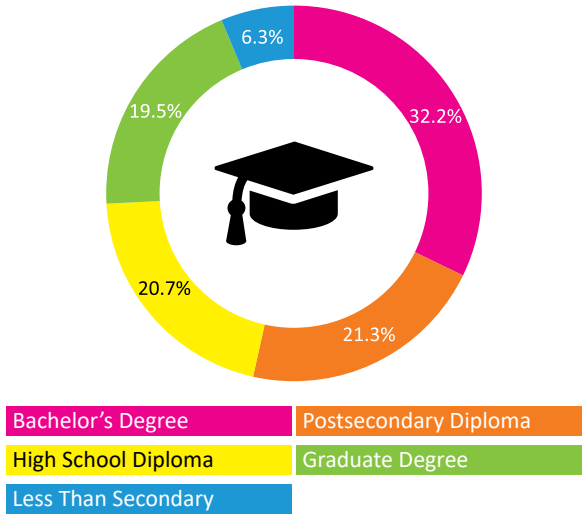
Social Groups

The proportion of the North End population in racialized, immigrant, and indigenous groups. The proportion of selected ethnicities within each group is also shown.

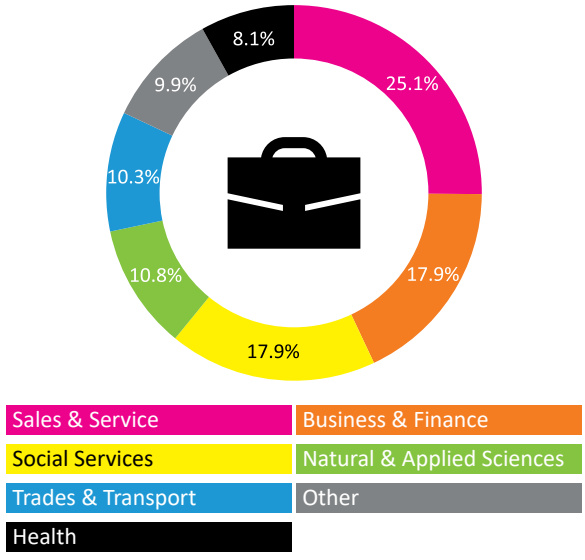
WORKFORCE

The workforce in the Halifax North End is highly educated and diverse. There is a much higher proportion of workers with bachelor's and graduate degrees when compared to HRM as a whole (18.8% and 10.1%, respectively). The proportion of workers working in different occupations resembles that of HRM and the province.

Highest Level of Education



Occupation

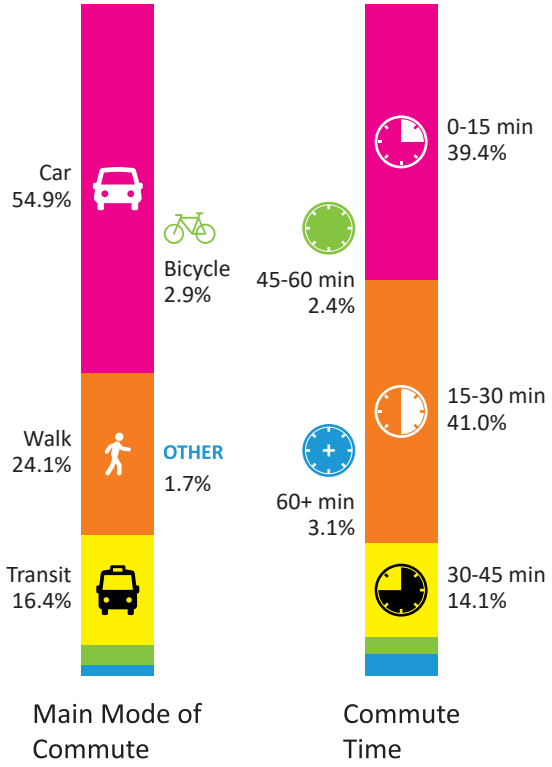


TRANSPORTATION

COMMUTING

The North End is a community that relies far less on cars and far more on transit and active transportation to get to and from work. Compared to HRM as a whole, North End commuters are more than twice as likely to take public transit and more than three times as likely to walk or ride their bikes to work. In addition, North End commuters generally take less time getting to their destination with 80% of residents commuting in less than 30 minutes.

Commuting Habits



TRANSIT

17 bus routes travel along Gottingen Street with an additional 17 running along Barrington Street. On a single bus route, you have direct access to 12 of 14 Halifax Transit terminals. Taking transit is as easy as walking out your door.

Transit Score



Excellent Transit: Transit is convenient for most trips according to walkscore.com.

ACTIVE TRANSPORTATION

There are six and half kilometres of dedicated bike lanes and active transportation trails in the North End neighbourhood. Most notably, there are bike lanes along Devonshire Ave, Windsor St, North Park St, Rainnie Dr, and Brunswick St. There is also the Barrington Street Active Transportation Greenway that connects the North End to Downtown Halifax.

Bike Score



Biker's Paradise: Daily errands can be accomplished on a bike according to walkscore.com.

Walk Score



Very Walkable: Most errands can be accomplished on foot according to walkscore.com.

PARKING

The Halifax North End's commercial district has free street parking available on nearly every street between Gottingen and Agricola, and Cogswell and Young. With over 50 public paid surface parking spaces and over 100 bike racks, there are plenty of places to park and enjoy all that the North End has to offer. Whether you are doing some shopping or dining from out of the neighbourhood, visiting from out of town, or just looking for a better place to park, this map will assist you for all your parking needs. Visit gonorthhalifax.ca/parking to use our interactive parking map!



ACCESS

While much of the Halifax Peninsula is accessible on foot, bike, or transit, major destinations are only a short drive away. Highways 102 and 103 can be accessed by Bayer's Road and Highways 118 and 101 can be accessed from the Harbour Bridges.

Drive Time to Key Destinations

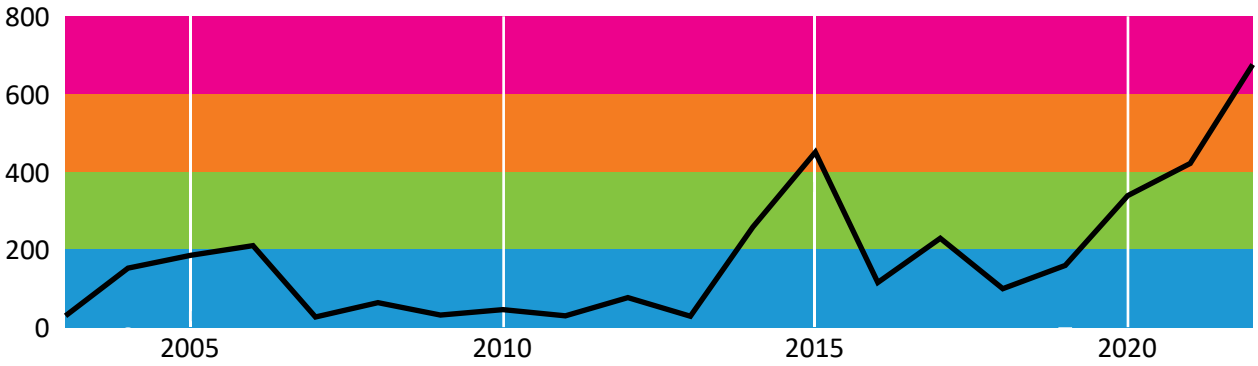


DEVELOPMENT

GROWTH

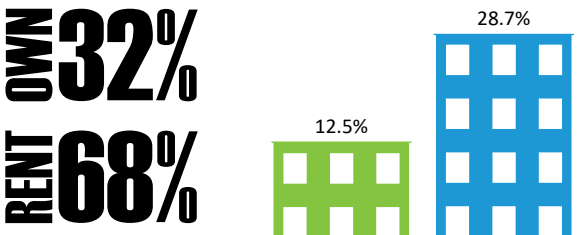
As with much of HRM, the North End is experiencing unprecedented growth, particularly with residential development. 2022 set a record for the most residential units added over the last 20 years with 677 new units. Many more developments are expected in the coming years, delivering thousands of new dwelling units to the market.

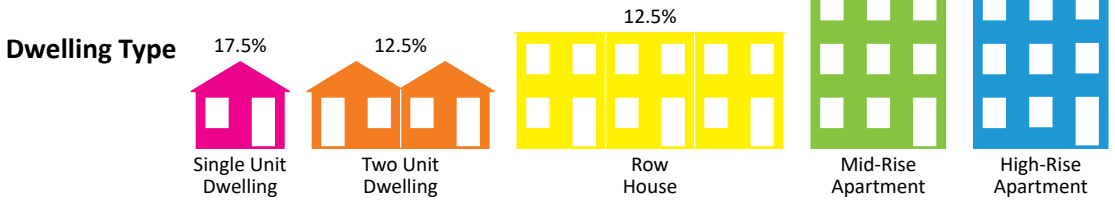
New Dwelling Units per Year, 2003-2022



HOUSING

Compared to HRM overall, the North End has a much higher rentership rate (43% vs 68%, respectively). North Enders are also much more likely to live in multi-residential dwellings. Notably, the North End has a higher percentage of row houses and high-rise apartment buildings.

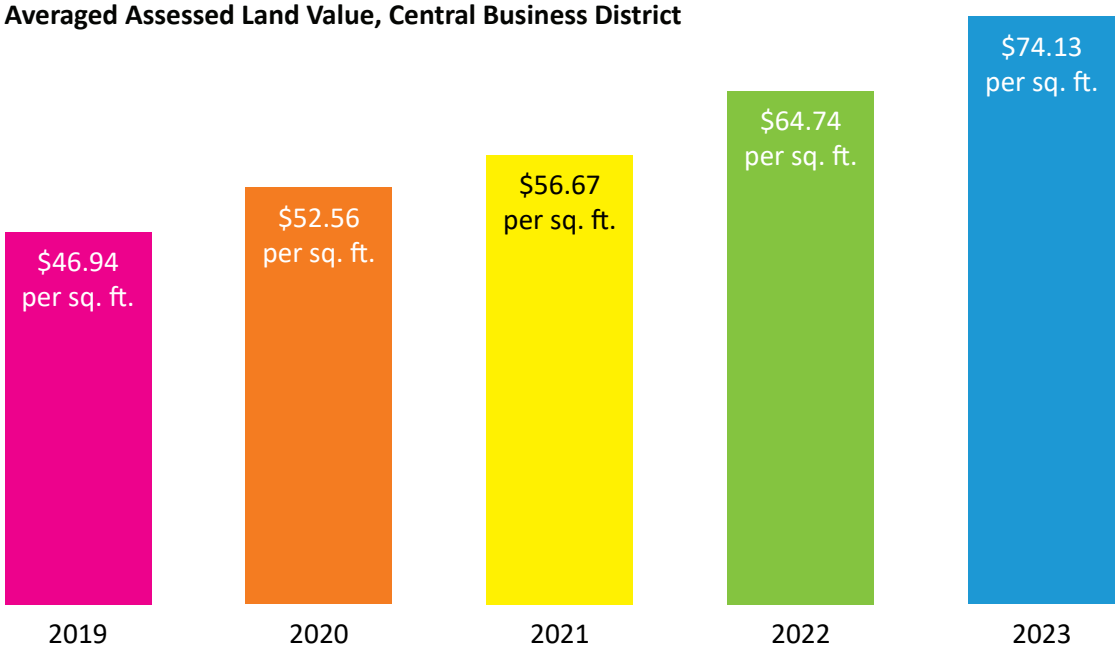




REAL ESTATE

Average assessed land value in the central business district has steadily increased over the last five years, with the most growth occurring between 2021 and 2023. There has been a 58% increase in average assessed land value since 2019. The current average assessed land value per square foot in the central business district in 2023 was $74.13/sq. ft.

Averaged Assessed Land Value, Central Business District



CULTURE & TOURISM

EVENTS

The North End Business Association hosts several annual events throughout each year. From summertime music, to street festivals, to markets, the North End has something for people of all ages to enjoy throughout the year.

- Open City
- Live on Agricola
- Open Street Sunday
- Gottingen Festival
- North by Night
- Holiday Market

ART

Cultural vibrancy has always been a core identity of the North End. Come explore the neighbourhood's many murals, installations, sculptures, architecture, and more that celebrate the North End's rich cultural identity and artistic expression. Find out more at https://www.gonorthhalifax.ca/art.







PARKS

The North End of Halifax has a variety of outdoor public spaces. From big to small, playgrounds to ball fields, from summer to winter, there's a park to play, relax, and enjoy. The North End's central business district is home to the George Dixon Centre and borders the Halifax North Common. To the north are Fort Needham Memorial Park and Merv Sullivan Park.

North End Public Parks



- Africville Park
- Merv Sullivan Park
- Fort Needham Memorial Park
- George Dixon Centre
- Halifax Common

HISTORICAL SITES

Rich in history and diverse with stories, the North End is filled with cultural heritage. Whether its from the steeple of the Africville church, the stone walls of the Halifax Armoury, or The Hydrostrone neighbourhood rising from the ashes of the Halifax Explosion, there is much to learn and see in the historic Halifax North End. In addition, the North End is the home to many pivotal and influential historical figures such as Delmore "Buddy" Daye, George Dixon, and Viola Desmond.







CC BY-SA 3.0

n°rthend
BUSINESS ASSOCIATION

BID BENEFITS

BENEFITS

The North End Business Association is a not-for-profit with goals and objectives to improve economic development in the area. This is done through marketing and promotion of the community, supporting business development, advocacy, placemaking, and community engagement. The North End Business Association works behind the scenes with various stakeholders to ensure that business can continue to grow and thrive in the North End while encouraging a strong sense of community and partnerships among local stakeholders.

- Enhanced maintenance
- Priority snow removal
- Member meet and greets
- Newsletters
- Events and festivals
- Webpage and directory
- Marketing and branding
- Advocacy and representation of association businesses

ACCOLADES

The North End District is a community comprised of unique independent businesses which contribute to a strong urban community. The restaurant industry is growing more diverse and renowned each year, making the North End a destination for foodies in Nova Scotia and beyond. It has several award winning restaurants, was called the songwriting capital of Nova Scotia by SOCAN, and recognized as one of the best neighbourhoods to call home in Canada by Huffington Post.

Contact Us

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Social: @nebahfx

gon°rth



Photo: Jackson Productions

C641

SACKVILLE RIVERS ASSOCIATION
RESPONSE to
REGIONAL MUNICIPAL PLANNING STRATEGY JUNE 2023 DRAFT

The Sackville Rivers Association appreciates and acknowledges the city planners who have worked tirelessly behind the scenes to create a plan that aims to make our communities more livable, sustainable, and inclusive. We appreciate the chance to participate in public meetings and look forward to collaborating in the future. We hope that the feedback we offer will prove valuable in helping improve our community.

As an environmental organization we believe that environment focused urban planning is essential for creating cities and communities that are more resilient, healthier, and sustainable in the face of global environmental challenges. It requires collaboration among urban planners, policymakers (including all levels of government), developers, businesses, and residents to achieve these goals. Following are the key points we would like addressed in the Halifax Regional Plan:

Wetlands

1. Wetlands come in various forms and sizes and are recognized for biodiversity, water storage and quality, climate regulation (through carbon sequestration), flood control, erosion control, recreation and aesthetics, and cultural and indigenous importance. The Halifax Regional Plan needs to reflect the importance of wetlands by strengthening the language around the protection of these very important ecosystems.

__ALL__ wetlands need to be protected, regardless their size or whether they are contiguous with other water courses. __(EC-24)__

Riparian Buffers

The Riparian buffer zones around watercourses protect water quality, quantity, and the natural ecosystem. These areas help filter pollutants, control erosion, and provide habitat for aquatic and terrestrial wildlife. The Halifax Regional Plan needs to reflect the importance of riparian in their document.

CI-9 Where a proposed development is considered by development agreement, the Municipality ~~may~~ __shall__ consider the acquisition of riparian buffers, wetlands, and islands as public open space to protect public interest and facilitate public access.

Floodplains

Floodplain mapping plays a critical role in minimizing the impacts of floods on both human and natural systems. By providing essential information about flood risk, it helps communities and individuals make informed decisions, reduce vulnerability, and enhance their resilience to one of the most common and destructive natural disasters as we witnessed in the summer of 2023.

Sackville Rivers Association strongly recommends that:

- *HRM shall map and zone all floodplains.*
- *HRM shall consider adopting the 2017 CBCL Sackville Rivers Floodplain Study.*
- *HRM shall work with the province and environmental organizations to restore wetlands, where possible, for flood mitigation*
- *HRM shall create a policy for acquisition of flood prone properties.*
- *HRM shall preserve natural floodplains and wetlands to allow for natural flood attenuation.*

Watersheds

Watershed management is a dynamic and evolving process that requires ongoing commitment, coordination, and adaptive strategies to balance the often-competing demands of water use, conservation, and **ecological health** within a watershed. Effective watershed management can lead to more resilient ecosystems, improved water quality, and sustainable water resource use.

10.5.3 Source Water Protection
I-53 The Municipality shall, through the applicable land use by-law, establish a Protected Water Supply Zone which:
Add e) work with the province to protect fish passage.

Wildlife Corridors

*Sackville Rivers believes it is essential to include **important** corridors as well as essential corridors in the HR Plan. This would align with the HGNP 4.1.2:*

"Corridors: Two types of natural corridors:
- Essential Corridors are connections that provide unique or critical connections between important core areas, the loss of which would severely degrade connectivity throughout the Region and to adjacent Municipalities.
- Important Corridors are connections between natural habitats, the loss of which would impact local connectivity but are unlikely to impact overall regional connectivity."

Tourism

Nature-based activities in urban area offer opportunities for residents and visitors (eco tourism) to connect with the natural world, promote physical and mental well-being, and foster a greater appreciation for the environment. These activities help create more sustainable and livable cities.

EP-28 The Municipality shall work with Discover Halifax to implement the goals of the Integrated Tourism Master Plan by:

Add *d) working with community and stakeholders to increase the tourism focus on urban parks and green spaces, wildlife observation, guided nature walks, biking on public trails, and water-based activities (i.e., canoeing, kayaking, fishing), etc.*

Development and Environmental Protection

Ensuring post-development protection of the environment

Overall, ensuring post-development protection of the environment requires a multi-faceted approach that involves proactive planning, on-going monitoring, strong regulations, community engagement, and a commitment to long-term sustainability. It is a shared responsibility among governments, developers, communities, and individuals to protect and preserve the environment for future generations.

HC-4 The Municipality shall develop a Suburban Secondary Municipal Planning Strategy and Land Use By-Law for the Suburban Area identified on Map 1, which shall be guided by the policies of this Plan.

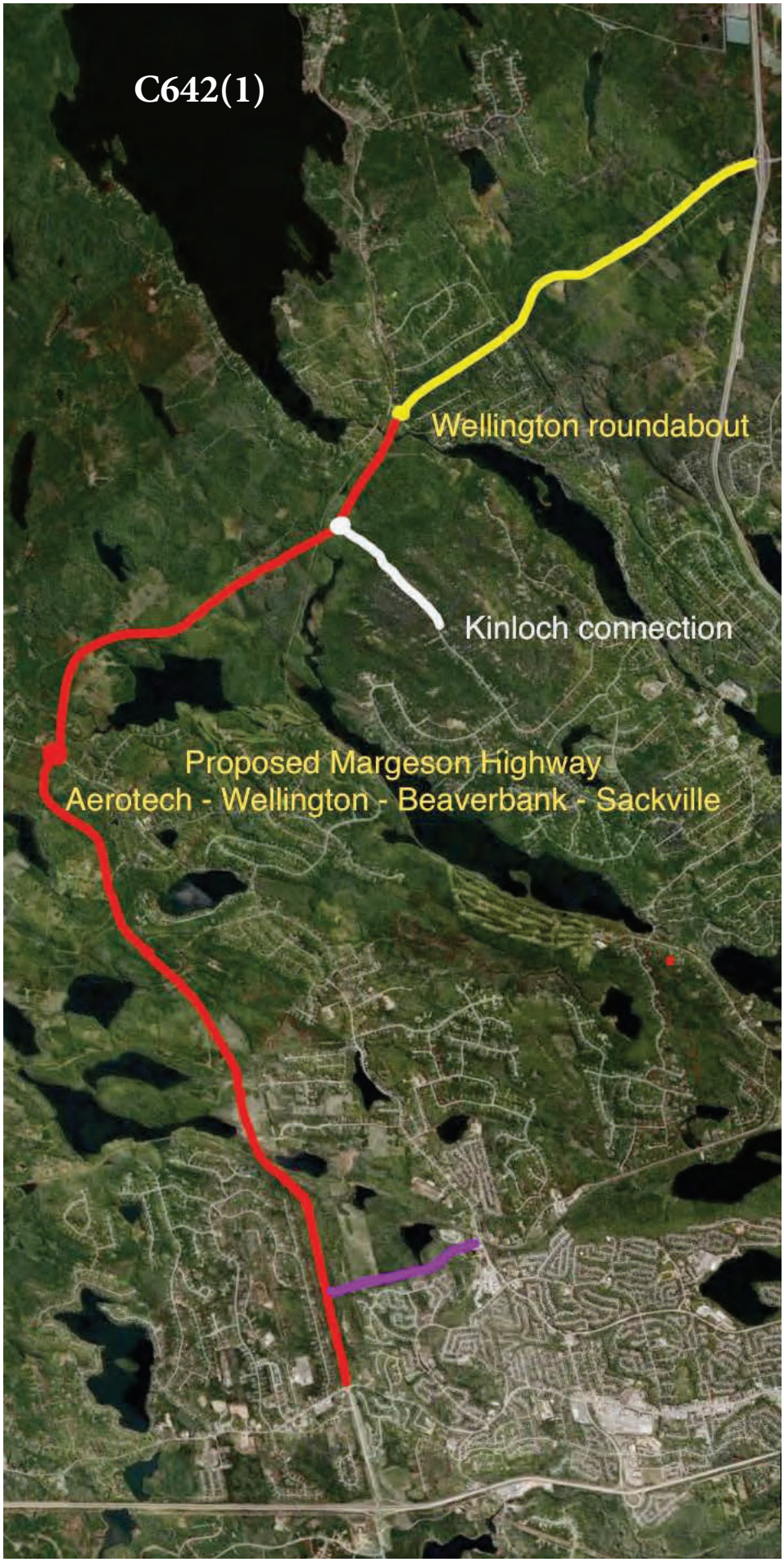
ADD:

Education and Community Engagement:

- *Educate local communities and stakeholders about the importance of post-development environmental protection (i.e., retain buffers in place on properties abutting watercourses)*

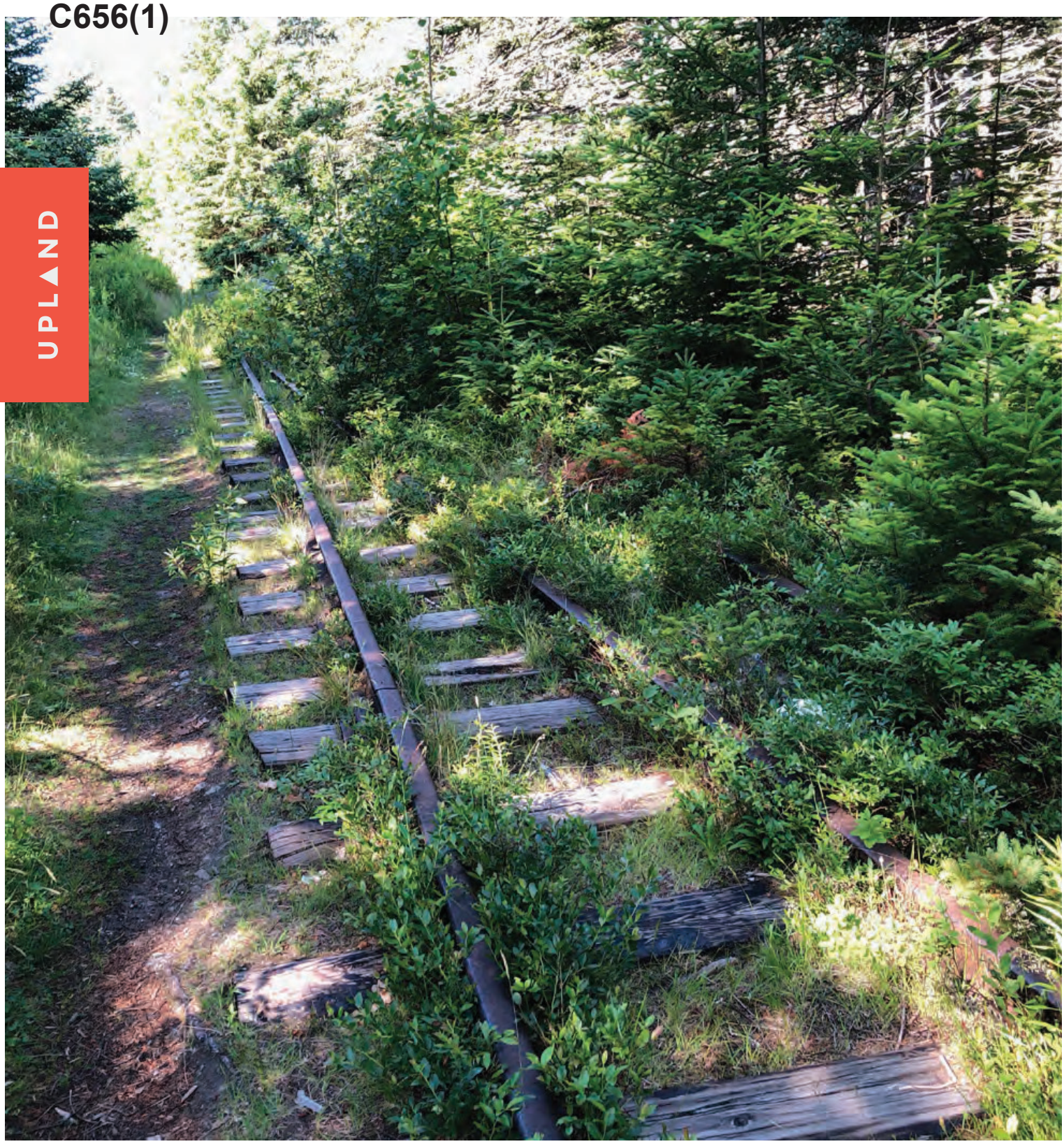
Legal Frameworks and Enforcement:

- *Strengthen environmental by-laws.*
- *Enforce penalties for non-compliance with environmental protection measures.*


C642(1)
Wellington roundabout
Kinloch connection
Proposed Margeson Highway
Aerotech - Wellington - Beaverbank - Sackville

C656(1)

UPLAND



Little River Greenway Trail Assessment and Concept Design

Draft Report

09.17.2018

Prepared for
the Musquodoboit
Trailway Association

1 Context

Project Objective

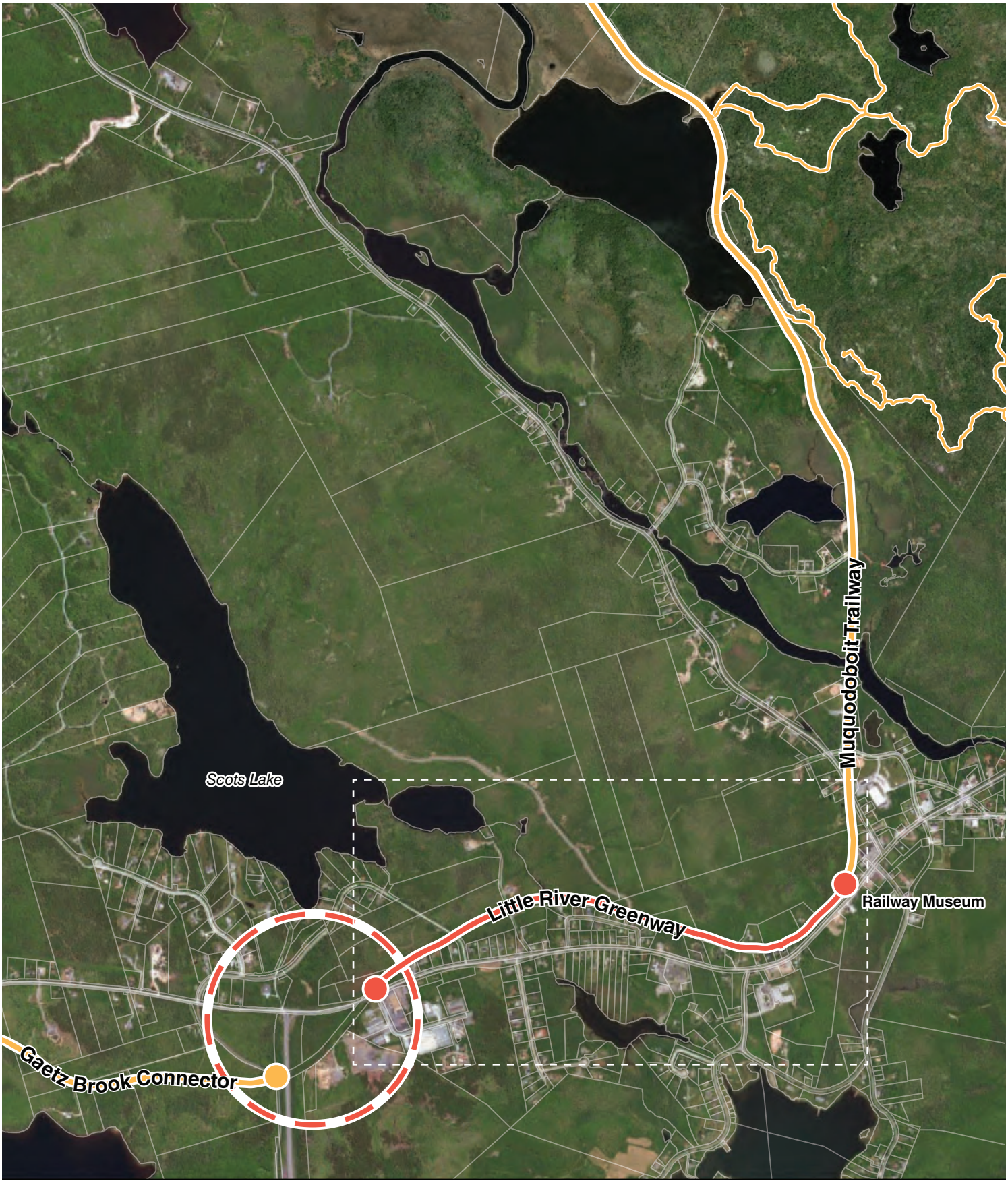
The ultimate objective of this project is to complete a 2,030 metre long section of abandoned rail corridor between the Musquodoboit Railway Museum / Tourist Bureau and Highway 7. The trail will be a non-motorized walking, biking, and cross-country skiing trail that will meet active transportation standards as defined by the HRM. When complete, this trail will link the Gaetz Brook Trail to the Musquodoboit Trailway, providing an invaluable regional active transportation route.

In order to begin construction on the trail, the Musquodoboit Trailways Association (MTA) requires a Construction Plan prior to seeking public consultation and, ultimately, Department of Natural Resources (DNR) approval. It is anticipated that the trail will be built in the following fiscal year (2019-2020). Ultimately the Construction Plan will include a set of detailed design drawings for the trail, including a specific non-motorized trail delineation and standard cross sections, and other site details as necessary. Details to be assessed and documented include vegetation clearing, width of trail surfacing, ditching/culverts, slope shaping and material needs, signage, access control and other amenities. The trail includes a 130 metre section that includes a bridge, its abutments and approaches. This section of trail is not included in the scope of work.

Prior to the development of the Construction Plan, a trail assessment and conceptual trail design is required, which are the subject of this brief report. The trail assessment describes existing conditions, such as surface conditions, drainage issues, encroachments, and road crossings. The conceptual plan provides a basic trail delineation and identifies proposed amenities (e.g., benches, gates, signage).



Regional Connection



2 Trail Assessment



Surface Condition

The railbed surface is generally in very good condition and can act as a competent base on which to build a trail. Some areas along the trail have been rutted or washed out. In one area, there is a drainage issue where fill material will need to be brought in to create an even sub-surface which would prevent water from pooling on the trail and help maintain a smooth trail surface. In certain areas along the trail, the railbed may need to be widened in order to accommodate a 3.0 m wide AT trail. Significant tree trimming will be required throughout the trail.

The following map identifies the condition of trail segments along the Little River Greenway.

Poor
Significant drainage issues, tight right-of-way, poor surface, and/or lots of vegetation over growth

Medium
Minor drainage issues, minor sub-surface work required, minor rutting or sporadic washouts

Good
No drainage issues, appropriate right-of-way width, and competent sub-surface





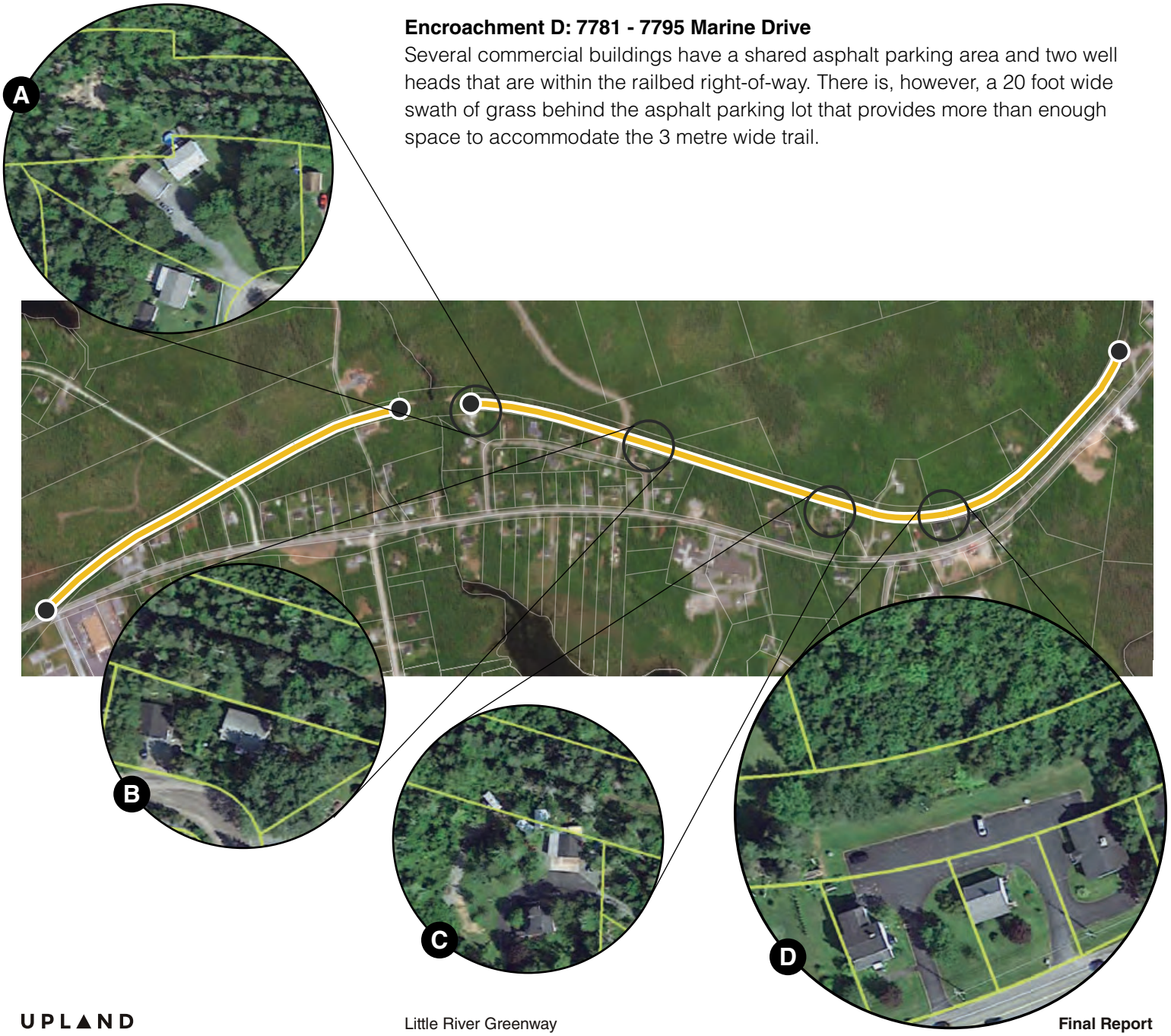
Encroachments

There are four instances where private residences or businesses have encroached onto the railbed right-of-way, and may require encroachment mitigation measures.

Encroachment A/B: 10 Little River Drive & 24 Little River Drive
Both of these lots are private residential lots that each have one primary residence and an accessory unit (shed). In both cases, all buildings are within the lot boundary, but the rear yards have encroached on the railbed ROW. While both yards are visible from the trail, there is adequate distance and vegetation cover between them to prevent the need for encroachment mitigation measures.

Encroachment C: 7739 Marine Drive
This private residential lot consists of a primary residence, a shed and other accessory units. Some of these structures appear to be built within the railbed rail-of-way. Similarly to encroachments A/B, there is enough distance and vegetation between the structures and the trail to prevent the need for encroachment mitigation measures.

Encroachment D: 7781 - 7795 Marine Drive
Several commercial buildings have a shared asphalt parking area and two well heads that are within the railbed right-of-way. There is, however, a 20 foot wide swath of grass behind the asphalt parking lot that provides more than enough space to accommodate the 3 metre wide trail.



Trail Crossings



Petpeswick Hills East development on Brian Dickie Drive

Brian Dickie Drive

Brian Dickie Drive is an approximately 5 metre wide gravel road surface, with six feet of shoulder on both sides, on a 70 foot (21.34 metres) wide right-of-way. It intersects the trail at a 60 degree angle. The road originates at Marine Drive and provides access for about twelve existing lots. As a result, there is very little traffic on the road. However, the road also provides frontage to a large 22 acre lot that has a development agreement in place (since 2016). The development agreement approves a 42-unit clustered neighbourhood concept geared toward seniors. If this development occurs, it would result in more traffic.

Cobblestone Lane

Cobblestone Lane is a shared gravel driveway for two existing dwellings that intersects Marine Drive and crosses over the trail. The road is approximately ten feet wide and crosses the trail at a 90 degree angle.

Darius Lane

Darius Lane is a 6 metres wide shared access road built in 2011 by SWR Developments. The gravel road is gated and crosses the trail at a 90 degree angle. It provides access to 15 large lots near Scots Lake that have recently been rezoned and can now be built upon. When the lots are sold and built on, there will be increased traffic on the road. The road also provides access to a large 47 acre lot (PID 40192528) which is currently for sale and could be developed.

7763 Marine Drive

A small gravel driveway provides access to a private residence and crosses the trail at a 90 degree angle. The driveway is about 2.5 metres wide.

7813 Marine Drive

A small gravel driveway provides access to another private residence and crosses the trail at a 90 degree angle. The driveway is 2.5 metres wide and covered by trees.



Brian Dickie Drive





Cobblestone Lane





Darius Lane





7763 Marine Drive





7813 Marine Drive





3 Concept Design





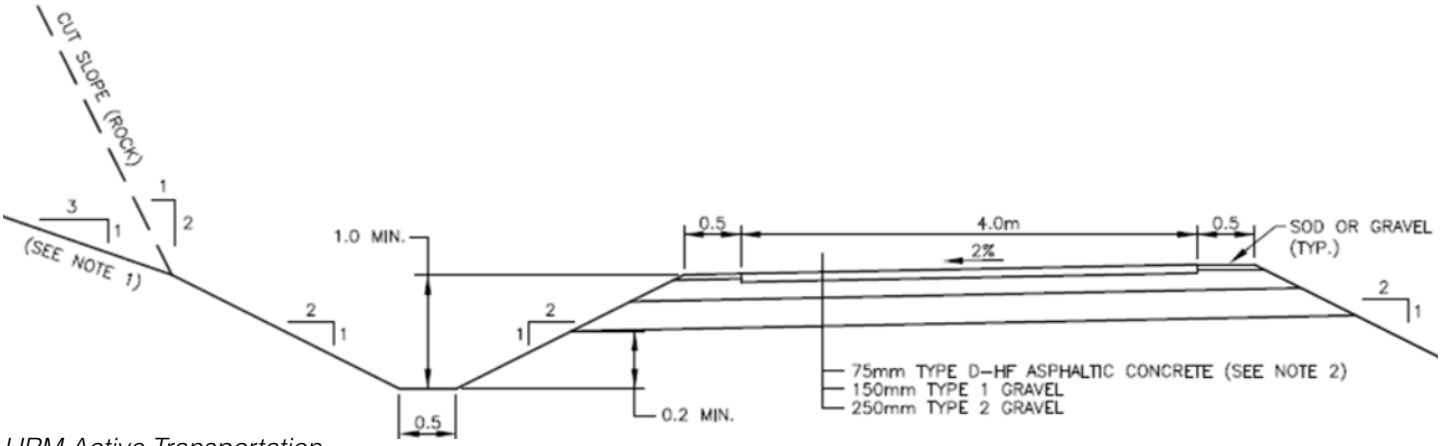
Trail Concept

Users

The proposed trail will be an active transportation greenway and, consistent with the Musquodoboit Trail and Gaetz Brook Connector, will accommodate non-motorized trail users such as walkers, runners, cyclists, cross country skiers, snowshoers and wheelchair users.

Cross Section

DNR and HRM have similar standards for converting former rail beds to active transportation greenways. The standards provide design specification guidance for clearing width and height, trail width, surfaces, and grades. Trail surfaces can range from 3 - 4 metres. For this project, the finished trail surface will be a minimum of 3.5 metres with a crusher dust finished surface (instead of asphalt, which is specified in the HRM specification below). These standards are consistent with adjoining trails.



HRM Active Transportation Trail Specification

Alignment

Because the proposed trail is on a former railbed, alignments have essentially already been taken care of. The proposed trail alignment ensures that the horizontal alignment has adequate sight lines and the vertical alignments range between 2 to 5%, which is ideal for cyclists and wheelchair users.

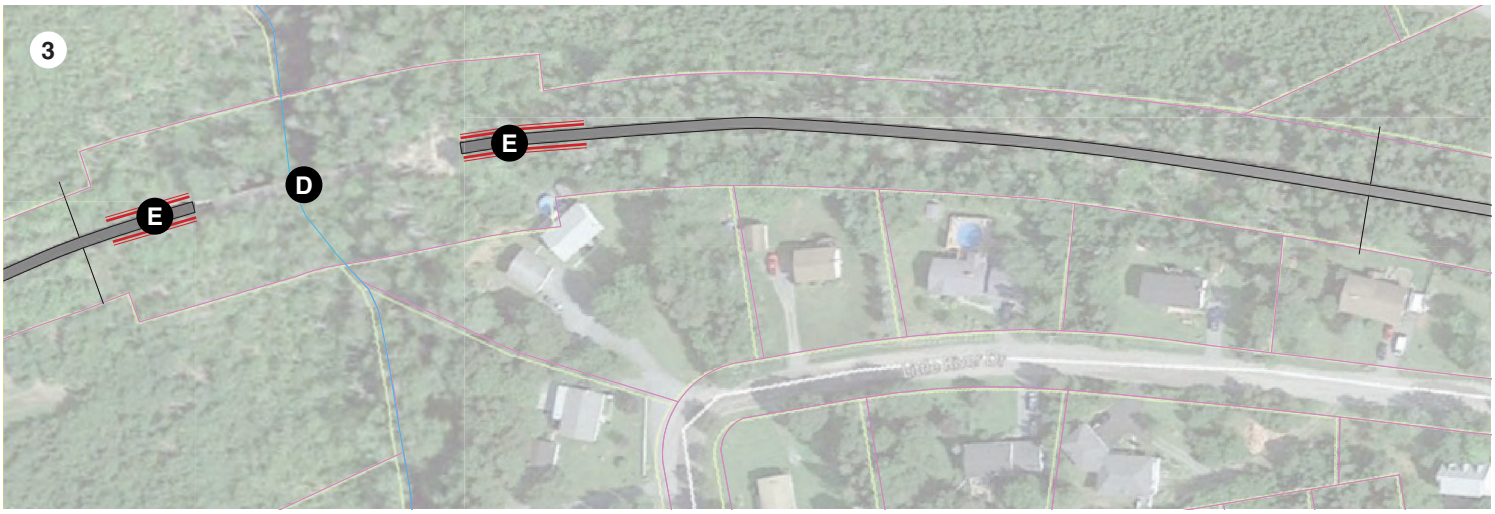


A | Trial to connect with Gaetz Brook Connector



B | Crossing at Brian Dickie Drive: Install standard trail crossing signage on road and trail (WC-46R / WC-7S, RA-1, RB-93), and install boulders or gate to restrict motorized access

C | Crossing at Cobblestone Lane: Install signage to indicate private driveway

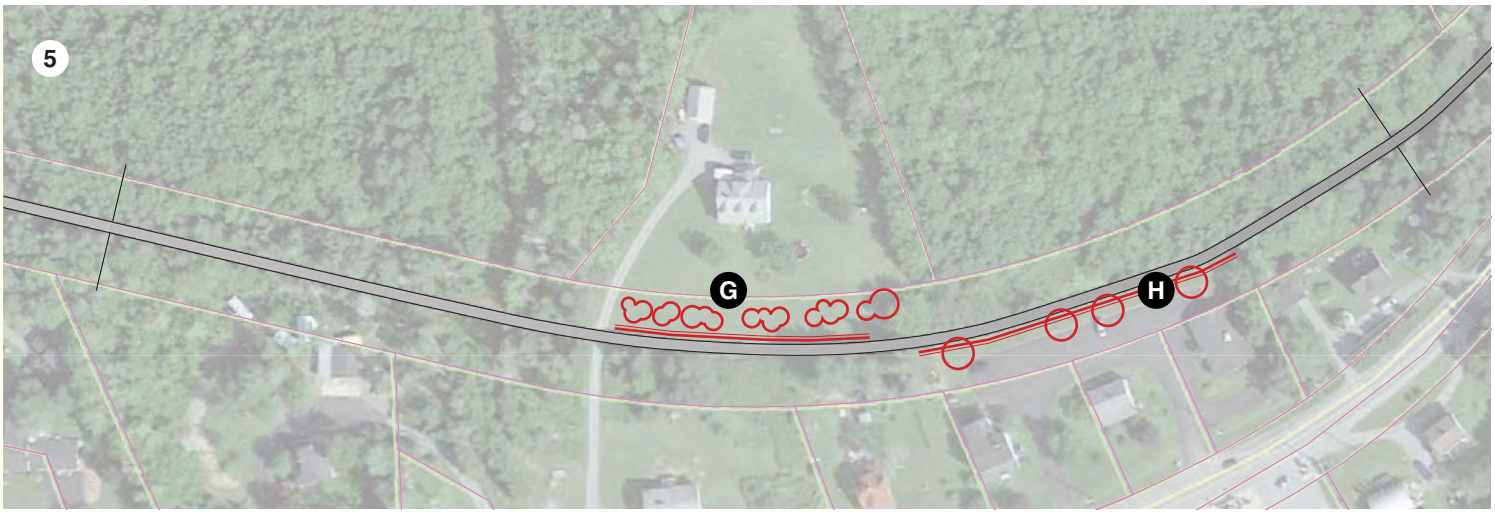


D | Bridge design, abutments and approaches by others

E | Install fence alongside trail near bridge approaches to guide trail users onto bridge and prevent trail users from going off the trail



F | Crossing at Darius Lane: Install standard trail crossing signage on road and trail (WC-46R / WC-7S, RA-1, RB-93), and install boulders or gate to restrict motorized access



G | Install a wooden fence and landscaping to maintain separation between private residence and trail
H | Install a wooden fence and trees to maintain separation between parking lot and trail



I | Tie trail into existing Musquodoboit Trail

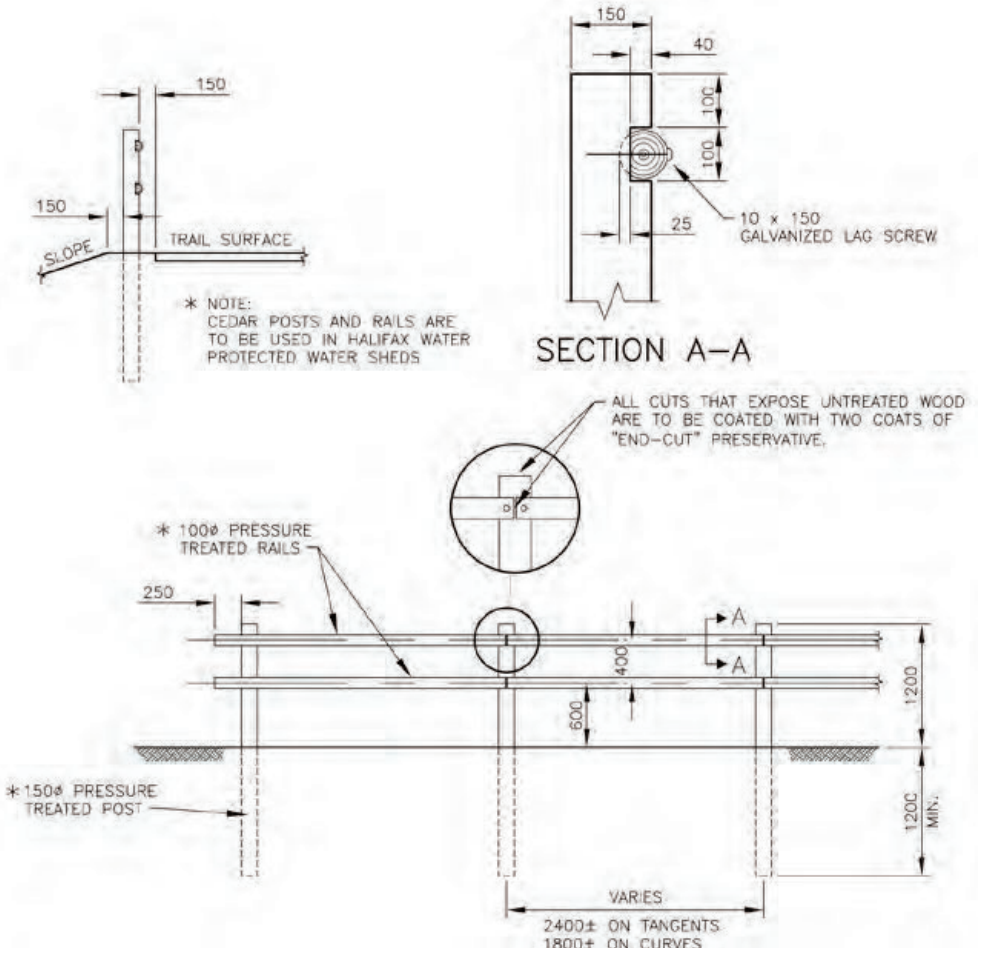
Trail Details

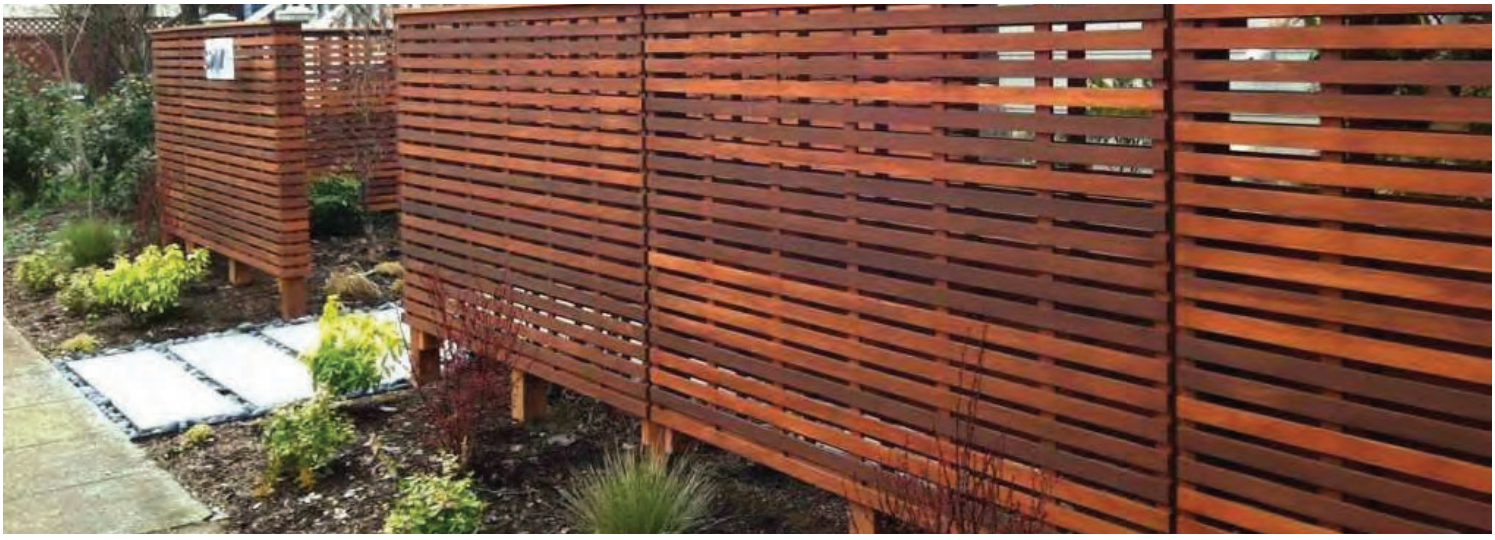
Fence

HRM has a standard wooden fence detail in the Red Book, which can be used where required along the proposed trail. The fence is 1.2 metres high and features two horizontal railings. Posts span 1.8 to 2.4 metres apart. In the area next to the funeral home, a fence that offers more screening may be desired by adjacent landowners. In this case, a 1.8 metre high slat wall fence can be installed to block sightlines from the trail onto the parking lot and vice versa.



Standard HRM Wooden Fence





Aesthetically pleasing slat wall fence that also provides screening



UPLAND

Planning +
Design Studio

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Dartmouth, Nova Scotia B2Y 2R7
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info@uplandstudio.ca

C656(2)

Feedback from Chezzetcook re: HRM Regional Plan

Healthy & Complete Communities:

- Safeguard access to nature, green space, recreation and active transportation; along the rail corridor trails and roads.
- Recognize the importance of AT Infrastructure/Spine along rail corridor as Healthcare, Childcare, and potential emergency evacuation transportation routes.

Community Infrastructure:

- Include the AT/Recreation Rail Corridor/Spine in the Parks Priority Plan
- Connect communities via the AT/Recreation Rail Corridor Spine
- Recognize that it is safer & easier for Families w/ children, and Seniors who are less mobile to enjoy AT/Recreation Rail Corridor Spine

Environment & Climate

- HRM needs to request ownership of the Rail Corridor/Trails within HRM from the Province of Nova Scotia, Dept of Natural Resources.
- This will ensure protection of investment in AT/Recreation Corridor.
- HRM should not be funding ATV use of rails to trails. The All Terrain Vehicle Association of Nova Scotia is a provincial organization, not a municipal organization. Councillor David Hendsbee has a nepotistic tendency to promote ATV use for his brother, and rural voter base. This is not in the best interest of Families with Children, nor Senior's. If a citizen is able to afford a 20-60K ATV, then they can afford to fund their own Motorsport Park, separate from the HRM AT/Recreation Spine.
- E-bicycles are the new trend, and more compatible than ATVs
- The West Chezzetcook/Seaforth/Porters Lake Rail Trail was developed by the West Chezzetcook Community Interest Group volunteers. Unfortunately, the key volunteer Roger Belanger developed cancer and was no longer able to maintain the Blueberry Run Trail. The NS Dept of Natural Resources transferred the Letter of Authority to the Marine Riders ATV Club in 2004. The Marine Riders ATV Club failed to maintain the trail, and in fact destroyed it due to the nature of ATV tires and use which tends to be too fast to be on shared multiuse pathways/trails. The OHV registration and trails fund with the Province of NS is insufficient to fund the remediation of this damage.
- HRM, NS Communities, Culture, Tourism and Heritage and the Trans Canada Trail are supporting the Marine Riders (formerly ATV) because they have changed their name to include trail association, however they will continue to permit ATVs on the West Chezzetcook/Seaforth/Porters Lake rail trail. How might HRM protect it's investment in AT/Recreation?
- The rail trails in HRM should be transferred from Provincial ownership to Municipal ownership to protect HRM's investment and citizens access to safe & quality

AT/Recreation Infrastructure, in addition to supporting the goals of HalifACT and transition to low carbon transportation and healthy recreation.

Economic Prosperity

- Protect HRM's investment in AT/Physically Active Recreation for Families, children and Seniors
- Request that the Province of Nova Scotia gift ownership of the rail corridor within HRM to HRM for the economic prosperity of healthy & complete communities.
- Recognize that the Province of NS can mandate the All Terrain Vehicle Association of Nova Scotia to develop an ATV Motorsport Park, similar to the Atlantic Motorsport Park where individuals practice racing vehicles such as Porsches, etc. HRM cannot afford to support individuals who can afford to drive ATVs purchased for 20-60K.

Mobility

- Humans are temporarily abled bodies. In time, we will all require safe and accessible mobility options. This does not include ATVs!

Culture, Arts, Heritage

- Nepotistic politics that enable privileged white men to ruin common spaces is unacceptable.
- Recognize that ATV use is not diverse and inclusive, but rather exclusive and treat it as such
- It is evident that non-motorized rail trails cost less than motorized trails to maintain because they require less maintenance.
- Federal funding for AT/clean/green transportation should not be used to fund ATV use of rails to trails within HRM.
- There are parts of HRM that are rural, but ATV use is not a right rather a privilege.
- Nepotism by Councillor Hendsbee must not be permitted, not for his brother [redacted], and not for his rural voter base. The policies of HRM do not include funding ATV use, especially given that ATV use degrades infrastructure use of citizens without ATVs.

C661

To: regionalplan@halifax.ca

Subject: Halifax Cycling Coalition (HCC) Feedback – Regional Plan Review Phase 4

It is the HCC's position that all mobility and active transportation-related elements of the Regional Plan must reflect the following principles:

Safety: all residents should enjoy a high degree of safety in their movements; the plan must support Vision Zero principles.

Accessibility: mobility options should be readily accessible to people of all ages, all abilities, all social and economic classes and places of residence .

Equity: Mobility options, particularly climate-friendly ones of walking, rolling, cycling, use of e-powered micro-mobility devices and transit, should be readily available to equity-deserving communities which tend to be underserved historically, with members too often unable to afford ownership of a licensed motor vehicle.

Affordability: climate-friendly mobility options are also the most affordable options, both in the users' capital investment and in annual operating cost: the annual cost of owning a modest car runs about $12,000 per year. Ownership costs of a traditional bicycle may average one hundred dollars per year.

Climate mitigation: while EVs are a necessary part of our climate mitigation, they are not sufficient; walking, rolling, cycling and transit have significantly less climate impact per trip and per user and will help the Municipality meet its goals.

Scalability: Most urban areas in Halifax cannot possibly accommodate the additional space required for the private vehicles implied by projected growth; personal mobility options must favour walking, rolling, cycling, and public transportation; this combination is the only way Halifax can grow without crippling congestion and more noise and air pollution.

Integrated Mobility Plan (IMP) Implementation

While the IMP lays out the right priorities, to this day the Municipality has not been very successful in implementing its spirit and letter. The Regional Plan must think carefully about implementation and constrain the Municipality sufficiently to obtain the desired results in a timely fashion. The dictionary definition of a plan is to list a future course of actions that has been decided on. It should avoid soft language and permissive "loopholes", such as trading off the comfort and safety of people walking and rolling against people cycling, and vice versa, creating conflicts, and by trying to minimize the impact of Active Transportation (AT) on motor vehicles or on-street parking.

The Plan should feature evidence-based prioritization (the Municipality seems to build infrastructure where it is easiest to do so and not necessarily where it is most needed or most effective). To achieve transparency and accountability, project evaluations should follow clear rubrics that are consistent with the IMP priorities. There should be penalties for missing milestones. Currently, the Municipality designs and builds bicycle infrastructure at their own pace, which is frustratingly slow. For example, there is no definitive timeline to complete the All Ages and Abilities (AAA) bike lane network outlined in the IMP.

Unfortunately, in areas of interest to the HCC, the language adopted in this draft version of the Regional Plan invariably falls short of the dictionary definition of a plan. By adopting non-committal, soft-language it offers no concrete course of action, and allows the Municipality to avoid transparency and accountability in areas where real and transformative action is needed. We are thus deeply concerned by this tone of the current draft of the Regional Plan.

To date most staff and consultant's reports, HRM website publications, and other communications about our mobility commons open with a invocation of the IMP Priorities but in their real content turn the IMP Hierarchy on its head: the first, largest chapters are devoted to considerations benefiting the licensed motor vehicles and their drivers; the second chunk may mention (usually in a much shorter section) Transit (while ignoring impacts of the fact that transit users are almost always pedestrians, occasionally cyclists or wheelchair users, for the "first mile, last mile" of all their trips).

A useful redirection of these professional work products would be to require that each document have as its **first** chapter a full consideration of how the proposed changes impact on people as pedestrians; the second chapter would then consider the impacts on other vulnerable road users–people who are cyclists or users of

other micro-mobility devices and wheeled assistive devices. The third chapter should examine transit users' trips fully, including attention to the "first mile-last mile" portions of users trips. The penultimate chapter would consider the next-to-last segment of the IMP hierarchy, shared licensed vehicle trips–taxis, ubers, minivans, car pools, carshare fleets. Only then in the final chapter, the documents would attend to private vehicles, most often single occupancy.

Internal Planning Inconsistencies

We also have concerns about the inconsistencies internal to this "planning" exercise. In the case of AT and the climate emergency, this inconsistency is glaring. Can HRM reduce, by 2030, its mobility-generated greenhouse gas emissions to half of 2009 levels while projecting that 65 percent of all trips within the municipality will be done by private vehicles? Can it do so while its population is expected to increase by 2 percent a year? If the Municipality is serious about the climate emergency, then it must tell us how the climate and AT goals are to be reconciled.

A case in point: the Windsor Street Exchange redesign capacity was projected to have , on average, 100,000 cars moving through this exchange every day in 2050 which is an increase of 150%, up from 40,000 per day currently. Is this how we will meet our greenhouse gas emissions targets? There appears to be no serious, scientific analysis backing these "plans", thus reducing their credibility to speculation. This "projection" *[sic]* leaves aside the question of where are all these cars going to be parking while their commuting drivers are working? And how do we reconcile this need for parking space with the acute shortage of land for badly needed housing?



Comments and Proposed Changes by Chapter

Chapter 1: Introduction

1.4 Relationship to Other Plans:

"The policies of this Plan support and implement the Priority Plans ... will enable the Municipality to work towards realizing the many objectives and directions outlined in these plans."

One of the Priority Plans noted is the IMP (2017). However, the ability to realize the objectives and direction in this plan is hindered by weak direction, worded as 'may' or 'may consider', rather than 'shall'. As noted in section 1.6.1, where this weak wording is used, the Municipality is not obliged to undertake (or even consider) a given action or direction.

Chapter 2: Planning for Our Region

2.3 Regional Planning

Mobility Services. "Infill and land use intensification will be further organized to support mobility systems that improve movement of people and goods, not just vehicles, by walking, rolling, cycling, transit or in a vehicle."

This is a laudable vision but, with the exception of conventional transit, the associated direction (RP-3) does not support its full implementation:

Current RP-3: "The Municipality shall organize infill and land use intensification to improve movement of people by aligning infill and land use intensification areas with conventional transit services, including high frequency transit service."

(Note that there is no direction for improvements with respect to walking, rolling or cycling. Infill and land use intensification seems to be driven by concerns about costs associated with a sprawling city, and without much thought given to multi-modal mobility needs of a denser population.)

Proposed RP-3: "The Municipality shall organize infill and land use intensification to support multi-modal mobility systems that improve movement of people and goods, not just vehicles, by walking, rolling, cycling, transit or in a vehicle. Infill and land use intensification areas shall be aligned with public transit services, including high frequency transit service, and support safe and easy pedestrian access to the transit stops and the infrastructure to support and encourage use of bicycle and micro-mobility mode switching at the transit stops."

Chapter 4: Strengthening Community Infrastructure

This chapter should include AAAA networks as part of the essential community infrastructure. "AAA" should be expanded to an "AAAA networks". We're including the fourth "A" for "**A**ll season": in Halifax snow happens, foul weather happens. Quality transit shelters and surrounding mode-shift enabling infrastructure are needed for equity, for promoting non-MV modes of travel for all sorts of trips.

Incorporating improvements to AAAA networks in community infrastructure is crucial for fostering inclusivity, ensuring safety, promoting active lifestyles and supporting economic growth.

Including improvements to AAAA networks in community infrastructure is important for several reasons:

1. AAAA networks promote inclusivity and accessibility by ensuring that people of all ages and abilities can navigate and participate in their community. By creating infrastructure that accommodates individuals with different mobility levels such as wheelchair users, elderly citizens or parents with strollers, we foster a more inclusive and equitable society.

2. AAAA networks enhance safety for all community members. Well designed infrastructure with accessible pathways, properly maintained sidewalks, and clearly marked crossings can reduce the risk of accidents and injuries. This benefits everyone, including pedestrians, cyclists, and motorists, by creating a safer environment for transportation.

3. AAAA networks support active and healthy lifestyles. By providing accessible routes for walking, cycling or using mobility devices, individuals are encouraged to engage in physical activity, leading to improved health and well-being. Accessible infrastructure also encourages alternative modes of transportation, reducing reliance on cars and promoting sustainable cleaner practices.

4. AAAA networks can boost the local economy. Communities with accessible infrastructure attract visitors and tourists value inclusive and user-friendly environments. This can lead to increased business opportunities, tourism revenue, and overall community development.

It is proposed that the above or similar wording be included in Chapter 4.

Chapter 5: Fostering Diverse and Affordable Housing

5.2.4 Reducing Minimum Parking Requirements

This section provides very good reasons why parking requirements should be minimized or removed, and direction should point to this as the default action. However, the current direction is weakened by the use of the words 'shall consider'.

Current H-12: To support development of additional housing and efficient use of land, the Municipality shall consider reducing or removing parking minimums for residential developments, especially where transit exists or is planned.

Proposed H-12: To support development of additional housing and efficient use of land, the Municipality **shall reduce or remove parking minimums** for residential developments, especially where transit exists or is planned.

By using this stronger wording, any deviations would have to be justified and authorized by Council on a case by case basis.

Chapter 6: Protecting the Environment and Act on Climate

This chapter points out the need to respond to the climate emergency by supporting the rapid transition to a low carbon future. AAAA networks play a significant role in protecting the environment and acting on climate by promoting sustainable transportation practices with little or no emissions. By prioritizing AAAA networks, communities can reduce carbon emissions, improve air quality, conserve energy and foster sustainable urban environments. However, except for an indirect mention of Active Transportation within the HalifACT policy, AAA networks are ignored in this chapter.

Proposed new section: 6.6 Active Transportation:

All Ages and Abilities and All season (AAAA) networks prioritize walking, cycling and other forms of active transportation and multi-modal mobility. By providing safe and accessible networks, the Municipality will encourage people to choose these modes of travel instead of requiring almost all of them to rely solely on personal motor vehicles. This change will reduce greenhouse gas emissions, air pollution, noise and traffic congestion, thus mitigating the negative environmental impacts associated with car usage. Many individuals and families will save thousands of

dollars a year. Lives will be saved and serious injuries avoided due to reduced motor vehicle traffic. Public health will improve due to reduced chronic illnesses such as heart disease, diabetes and some types of cancer.

AAAA networks should be designed to align with public transit, making it easier for people to access transit hubs. By facilitating connections and mode shifting between active transportation and public transit, the Municipality can encourage more people to use sustainable modes of travel. This further reduces reliance on private cars and promotes the use of public transportation, which is more energy-efficient.

When developing AAAA networks, the Municipality must incorporate sustainable design principles. These include features such as rain gardens, green spaces and tree-lined pathways. These elements enhance biodiversity, improve stormwater management, mitigate the urban heat island effect and contribute to overall environmental sustainability. People using the streets by walking, rolling, and cycling will experience more enjoyment and improve business for merchants adjoining these improved pieces of our mobility commons.

Planning AAAA networks involves considering land use patterns and community design. By focusing on mixed-use development, compact neighbourhoods, and transit-oriented design, the Municipality mitigates costly sprawl and encourages a more efficient use of resources. This integrated approach helps reduce the need for long commutes and supports the creation of liveable, sustainable communities.

By prioritising AAAA networks, the Municipality's goals to reduce carbon emissions, improve air quality, conserve energy and foster sustainable urban environments can be achieved. It is important to include measurable goals with progress tracked on an annual basis.

Proposed Policy statement:

EC-X The Municipality shall include the development and improvement of AAAA networks as a means of responding to the climate emergency and facilitating the rapid transition to a low carbon future.

Chapter 7: Transforming How We Move in Our Region

Overall, the objectives set out in this chapter are supported, and linking the Regional Plan more closely to the Integrated Mobility Plan makes very good sense. However, the associated policy direction is weak and needs to be strengthened.

Stronger wording of policies to ensure realization of the objectives set out in this chapter and the pillars and principles of the IMP includes the following:

M-3 The Municipality **shall** ~~strive to achieve or~~ **achieve or exceed** the 2031 targets for the percentage of trips to work by transit and active transportation ... and ~~will~~ **shall** ~~seek to~~ **measure** and track the percentage of **all** trips by transit and active transportation. Annual presentation shall examine the gap between actual and target to determine if additional actions are required.

(Note: Including the words 'strive to achieve' provides an 'out' for failure to realize the targets.)

On March 30, 2023, the HRM Transportation Standing Committee unanimously approved the following motion:

Motion:



"That the Transportation Standing Committee request a staff report on the development of a structured and proactive approach to plan, design, and evaluate infrastructure projects that is consistent with the objectives of the Integrated Mobility Plan (IMP). This approach would be based on the Complete Streets hierarchy of priorities as outlined in the IMP's inverted triangle (IMP Pg. 56) for all complete streets infrastructure projects involving pedestrians, cyclists, transit users, goods movement, and transportation by private vehicle, with appropriate weight given to the equity servicing population as outlined in the IMP Pillars. It would also consider the type of street and its functional role as a 'Link' and/or 'Place' in the transportation network."

While such an evaluation scorecard was already called for by the IMP, to this date, consultants, staff, and the Council have not used any such metric. This motion was itself prompted by the explicit concerns presented to the TSC by three advocacy organizations (HCC, Walk'n Roll Halifax, It's More Than Buses). These concerns emphasized that without a scorecard that is consistent with the IMP priorities, the infrastructure projects lack transparency and accountability. The wording in the next item must be revised and be consistent with the letter and the spirit of the Motion.

M-6 The Municipality ~~may~~ ***shall*** **use** the IMP Project Evaluation Scorecard to guide decisions, set priorities and evaluate the benefits of road network projects, and in doing so **shall** ~~consider~~ **ensure** equitable access for vulnerable or historically underserved communities, timing of complementary projects, and other relevant data.

M-7 Further to Policy M-6, when assessing the implications of new mobility infrastructure, the Municipality **shall** ~~consider~~ ***include***: ...

M-13 The Municipality **shall** ~~support the~~ **use** ~~of~~ the Complete Streets approach to prioritize movement of people ...

M-15 The Municipality **shall** ~~consider~~ **improve**~~ments~~ existing streets and pathways ...

M-16 The Municipality **shall** ~~consider~~ **establish**~~ing~~ new public street connections to support ...

M-17 The Municipality **shall** ~~consider~~ **seek and exploit** opportunities to dedicate streets ...

M-18 ... The Municipality **shall** ~~seek to~~ **reduce** serious injuries and fatalities ...

M-19 The Municipality **shall** ~~seek to~~ minimize exposure to transportation related safety risk, emissions, noise, vibration and nuisance, **by** ~~considering~~: ...

M-24 ... the Municipality **shall** ~~consider~~ **include** requirements and incentives for Transportation Demand Management (TDM) ...

M-26 When considering proposed AT projects or updating the Active Transportation Priorities Plan and Integrated Mobility Plan, the Municipality **shall** ~~consider~~ **include** the following criteria ...

M-27 In considering development agreements or amendments to development agreements. or any proposed amendments to this Plan, secondary municipal planning strategies, or land use by-laws, the Municipality **shall** ~~consider~~ **include** ...

M-30 In considering development agreements or amendments to development agreements, the Municipality **shall** ~~consider~~ **include** requiring developers to ...

M-32 When considering proposed cycling projects or updating the Active Transportation Priorities Plan and Integrated Mobility Plan, the Municipality **shall** ~~consider~~ **include** ...

Conclusion

Overall, HCC supports the principles and objectives set out in the Draft Regional Municipal Planning Strategy. In particular, transportation strategy is seen to be trending in the right direction and it is good to see linkages with existing plans such as the IMP and AT Priorities Plan. However, the timeliness of the realization of stated objectives is highly problematic, and there are inconsistencies with the implementation of these plans that must be addressed.

While it is important that the draft plan supports mobility systems that improve movement of people and goods, not just vehicles, and prioritizes options for walking, rolling, cycling and transit that are viable, safe and affordable alternatives to vehicles, the draft lacks direction. The wording must be strengthened so that the stated principles and objectives are translated into policy actions, as a plan would require.

The crucial role of AAAA networks in strengthening community infrastructure, and of AT as a means of protecting the environment and acting on climate, need to be emphasized in the plan.

HCC will continue to follow the Regional Plan Review, and requests that a stakeholder meeting be scheduled to discuss this feedback.

Yours sincerely,

David Trueman

Chair, Halifax Cycling Coalition


C678 - Refer to Correspondence
Log for associated comments













C689

COBEQUID CULTURAL SOCIETY
11 Glendale Ave, Unit 4, Lower Sackville, Nova Scotia, B4C 3P2

Aug.30,2023

Att: Regional Planning

Further to my phone conversation last week with Leah Perrin, Manager of Regional Planning ,regarding the draft Regional Municipal Planning Strategy, and in particular Chapter 9 ,Celebrating Culture ,Arts and Heritage .
I was in the understanding from conversations with planning and Councillor Lisa Blackburn back in March or April that we would be getting concrete answers in June regarding Margeson drive Area Projects , namely Cobequid Cultural Society , Armoyan Group and Marchand Group Proposals. These Proposals have been on the books for six to seven years, with each year being promised that Stage 1 has been completed (Shayne Vipond -Planner) and we are in Stage 2 , well each year we keep hearing the same thing " next Year".
As for Chapter 9 , it's a pretty story , no concrete proposals , only stories re Indigenous , Black , and LGBTQ ,Acadian and Francophone communities , nothing in the entire Planning Strategy about Middle Sackville , or Margeson Drive, Or Cobequid Cultural Society . It seems that our area is not part of HRM at all!
I would appreciate a reply with some concrete plans for our area .

Yours Truly ,
D.Rae Smith
President of the Cobequid Cultural Society .

C692

Ralf Dreimanis
[redacted]
Dartmouth Nova Scotia

2023 09 07

Distribution List

For Your consideration:

RE: HRM Case 22257 Regional Plan Review: Phase 4 Draft – Comments for consideration.

I offer for consideration the following items in the anticipation they may assist Halifax Regional Municipality (HRM) staff in the further refinement of its Regional Plan.

I submit that the current Draft Regional Planas issued under the Phase 4 Draft dated 2023 06 20:

a) neglects to consider the Indigenous Rights to the unceded Territory of Mi'kma'ki;

b) does not appropriately address HRM's legal fiduciary duty of care & protection of the Indigenous Natural Heritage Environment, and thereby violates Indigenous Individual Human Rights to survival, and Indigenous Collective Community Human Rights to physical, & cultural survival;

c) should consider science-based evidence regarding the Limits to Growth; and

d) should consider and give highest priority to the need for Nova Scotia to become self-reliant, & resilient to the ever-increasing number of external environmental, & economic stressors.

I submit for consideration that the base level paradigm(s) upon which this plan has been developed may need a reset.

For Your consideration and action, as you feel appropriate.

With respect

[redacted]

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Case 2257 - Regional Plan Review - Phase 4 Draft - Comments for Consideration

Author: Ralf Dreimanis
Date: 2023 09 07

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Reference: Bruce MacKinnon's cartoon 2023 08 19
[found at the following Saltwire media link -
https://www.saltwire.com/media/photologue/photos/2023/8/18/Bruce_08_19_2023_RGB.jpg?fit=clip&h=1400&w=1694&auto=compress,format]

Introduction

I offer for consideration the following comments regarding the HRM Regional Plan Draft Phase 4 in the anticipation they may assist Halifax Regional Municipality (HRM) staff in the further refinement of the next iteration of the Regional Plan.

I submit that the current Draft Regional Plan as issued under the Phase 4 Draft dated 2023 06 20:

a) neglects to consider the Indigenous Rights to the unceded Territory of Mi'kma'ki. As the territory of Mi'kma'ki, of which Nova Scotia is a part, is unceded territory, the indigenous peoples of Mi'kma'ki retain Imperium (Sovereignty), & Dominium (Control over Resources). As unceded territory, Canada, Nova Scotia, & HRM do not have the authority to convey territory, nor do they have authority to control its resources. I offer for consideration that in neglecting these Aboriginal Rights to the territory of Mi'kma'ki & continuing to develop & expand occupation of the territory, Canada, Nova Scotia, & HRM are engaging in systemic anti-indigenous sentiment against Indigenous Peoples of this territory;

b) does not appropriately address HRM's legal fiduciary duty for the care & protection of the Indigenous Natural Heritage Environment, & thereby violates Indigenous *Individual* Human Rights to survival, & Indigenous *Collective* Community Human Rights to physical, & cultural survival;

c) should consider science-based evidence regarding the Limits to Growth; and

d) should consider and give highest priority to the need for Nova Scotia to become self-reliant, & resilient to the ever-increasing number of external environmental, & economic stressors.

I submit for consideration that the base level paradigm(s) upon which this draft plan has been developed may need a reset.

The Draft Regional Plan that I have used as a reference in the development of the following comments was found at the following links:

> Ref: Link to this Strategic Priorities Plan pdf:
> https://www.halifax.ca/media/73138
>
> Ref: Link to website which has slightly different text info; [but appears to have the same headings]:
> https://www.halifax.ca/city-hall/budget-finances/budget/strategic-priorities-plan#:~:text=Strategic%20Performance%20Snapshot-,Strategic%20Priorities%20Plan%202021%2D25,economy%2C%20and%20a%20sustainable%20environment.

As well, with respect, please accept my apologies for the lack of polish in this discussion. I felt urgency more important than polish. I experienced difficulty in visualizing the structure and intent of the document, even after having read the Executive Summary and Introduction. As a result, some of my comments may be off base, and for those mis-directions / misunderstanding, I apologize.

In the process of reading the document, I began to have the sense that topics were repeatedly raised in different chapters; the text and tasking bullets seemed to have similar meanings in the different locations in the document, but without an easy mechanism to cross reference the serval references to the same topic, I had difficulty in confirming where any specific differences with intent of the duplication might exist. In the end, I was not able to complete a review to the level I wished in the time allocated for public review.

Regional Plan Covering Letter:

- **pdf pg 3; Executive Authority, subpara Legislative Authority**

  - Notes for Consideration:

a) HRM doesn't have the legal authority to manage, & disperse/convey lands in this unceded territory of Mi'ma'ki. As unceded territory, the Indigenous Peoples retain Imperium (Sovereignty) & Dominium (Control of Resources).

b) HRM does however, have the legal fiduciary responsibility to protect Indigenous Heritage Natural Environment in such a manner as to preserve the Indigenous Individual Human Rights to survival, & as well the Indigenous Collective Community's Rights to physical survival, & cultural survival.

- **pdf pg 4; Executive Summary; The purpose of this report is to... – issue of redress of Indigenous Grievances, restitution, & reconciliation**

  The Plan is responding to increased population growth & housing demand, the need to act on climate, & the actions in the Priority Plans (Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, Sharing Our Stories, & People Planet Prosperity)….

  The purpose of this report is to:
  • Present the Draft Regional Municipal Planning Strategy (Draft Regional Plan), to be used for public engagement purposes;
  • Receive Council's approval for the updated Public Participation Program, which will guide the public engagement activities on the Draft Regional Plan;
  • Provide an update on staff's progress on the overall Regional Plan Review work plan; and
  • Identify new and outstanding site-specific requests for amendments to the Regional Plan and receive direction on how to proceed based on staff's initial analysis.

  - Note for Consideration;

In reviewing this plan, one finds it is not responding to anti-indigenous racism issues; relating to violations of territorial rights, & violations of human rights (both individual & collective community rights). In the reworking of the next iteration of this Regional Plan, consideration must be given to addressing the Territorial Rights violations, & Human Rights violations that are associated with this territory of Mi'ma'ki being unceded territory.

Consideration must be given to including as one of the purposes of this HRM Regional Plan, the development of the plan in such a manner so as to contribute to the addressing of Indigenous Grievances, Restitution, & Reconciliation. The purpose of the Plan must include the development of

plans that contribute to addressing the intent of Nova Scotia Act to dismantle Anti-Racism, and align with the work of the OEA.

- Paradigm Shift Required:

A base level paradigm shift is needed in developing the Regional Plan from the perspective of addressing Indigenous Rights, & Redressing past grievances that have yet to be addressed by the Crown.

- **pdf pg 4; para Background:**
  … the themes & directions Report (referring to footnote 3, with link at bottom of pdf pg 4)

- Note for Consideration:

Does this background information align with para 1.1 Regional Context?
Appears that para 1.1 considers Historical Context, Urban & Rural Development.
But doesn't seem to adequately / appropriately consider:
a) science-based evidence & local observation of climate / environmental emergency
b) legal rights of Indigenous to Sovereignty & Dominion over unceded territory
c) alignment with Provincial Legislative Act to eliminate racism & hate

These themes must include science-based Actions to address current observations of Climate State of Emergency; & Indigenous legal rights to align with Provincial initiatives to address racism & hate.

- **Pdf pg 5; Table 1: Regional Plan Work Plan**
  Phase 4 Regional Plan Amendment Package

  Phase 5 / Future Growth • Complete a Strategic Growth and Infrastructure Priority Plan, to guide future growth

- Note for Consideration:

Consideration must be given to building HRM Plans such that they incorporate science-based knowledge of the Limits to Growth, & also that they be aligned with Provincial efforts to eliminate Anti-Indigenous Racism.

a) Phase 4 Draft Plan must be redeveloped to align with Provincial efforts to eliminate anti-indigenous racism
b) Phases 4, & 5 must be redeveloped to address science-based evidence & ground level observations of emergencies of climate crisis & environmental destruction.

- **pdf pg 5; Community Engagement; - issue of HRM Charter,...**

- Note for Consideration;

Consider adding a reference link to the City Charter
Consider whether the Charter addresses Indigenous legal rights issues, & science-based actions to address State of Climate emergency; & science-based limits to growth.
Consider that the charter likely needs to be reworked for modern conditions/state of affairs

- **pdf pg 9; para Environmental Implications**

The Regional Plan includes a range of policies that deal both directly & indirectly with the natural environment.
Chapter 6 of the Draft Regional Plan includes comprehensive policies regarding the **environment & climate issues**, & the Plan supports the objectives of the Halifax Green Network Plan & HalifACT.
Site-specific plan amendment requests have considered the environmental objectives of the Regional Plan &**Priority Plans.**

- Note for Consideration:

Consideration might be given to providing a link to the online documents being referenced; Priority Plan, Green Network Plan, HalifACT.

Regional Plan Preface:

- **pdf pg 12; Preface: - issue of priorities**

Regional Plan is a powerful document that **guides the Municipality's planning and decision-making**.

This Plan:
• provides policy direction for planning at the regional and community level;
• sets up region-wide land use by-law regulations;
• establishes the Municipality's intent to conduct future research programs or studies;
• identifies programming or partnership opportunities; and
• guides municipal operations.

- Note for Consideration:

What is not mentioned here are priorities. These may be hidden in the meaning of the text or provided later, but at the introduction of the document, one must identify that priorities have been identified; in so doing, the reader is provided confidence in the planning process; along with confidence in the follow-on future appropriate allocation of money, & resources.

Also missing is any mention of metrics of success.
Without priorities, objectives identified with their associated metrics, a "plan" is not a plan but a collection of wishes from a wishing well.

The plan must identify the actions to be taken, the sequence of actions to be executed, who is to take those actions, the timeline, the reason for taking those actions, along with the metrics for success. (ie. we cannot increase population without underlying services & accommodations in place; otherwise, we have chaos)

Chapt 1: Introduction

- **pdf pg 19; para 1.1 Regional Context**

- Note for Consideration:

This section does not acknowledge the encroachment, & occupation of Indigenous territory by colonists; an encroachment contrary to several Crown Proclamations for colonists to remove themselves.

This section does not acknowledge that the English did not fulfill their part of the Peace & Friendship treaties; in that they did continue to expand, & occupy territory contrary to the agreements; & furthermore, where the English had agreed to use the English system to resolve Indigenous redress of grievance, they refused to acknowledge at least three formal requests for redress of grievance made by the Indigenous peoples to the British Crown; all three requests for redress were ignored. In violating the Peace, & Friendship treaties, the treaties could be considered as void/suspended/terminated.

- Petitions to the Crown for Redress of Grievance

Wicken, W.C. in his book of 2002 Mi'kmaq Treaties on Trial, pg 222-224 notes three Indigenous Petitions to the Crown for Redress of Grievance; 1794, 1853, 1864. An extract from one of the petitions reads as follows: "…May it please Herr Majesty. The terms of that treaty have never been violated by the Indians, but the white man has not fulfilled his engagements."

Wicken then writes "Like the ones before it, the 1854 petition was not answered. Indeed, one might argue that in deciding to defend Donald Marshall Jr, the Mi'kmaq of Nova Scotia were just continuing something they had been doing for more than two hundred years."

- Suspension and termination

The following extract from Wiki is of interest:

> If a party has materially violated or breached its treaty obligations, the other parties may invoke this breach as grounds for temporarily suspending their obligations to that party under the treaty. A material breach may also be invoked as grounds for permanently terminating the treaty itself.[27]
> [ref: Wikipedia:
> https://en.wikipedia.org/wiki/Treaty#:~:text=If%20a%20party%20has%20materially,permanently%20terminating%20the%20treaty%20itself.
> Ref [27] note fm Wiki site: Article 60 of the Vienna Convention on the Law of Treaties.]

One could consider the treaties to have been "materially breached" in a manner that cannot be reconciled.

Additionally, this para could be considered the background situation of the plan.
Consideration might need to be given to a review from that perspective, and to determine if conflict exists with the Background Para on pdf pg 4.

- **pdf pg 20; para 1.1.1 Historical Settlements**

  - Note for Consideration:

This para doesn't address issues of Anti-Indigenous Racism.
Consideration must be given to addressing the Indigenous Territorial Rights, & Human Rights that stem from the territory of Mi'ma'ki being unceded territory.

- **Pdf pg 23; para 1.2 Regional Vision & Principles**

  - Notes for Consideration:

1.2.1 Vision

The vision statement here includes the term growth, but the statement doesn't consider the science-based evidence for limits to growth

1.2.2 Guiding Principle
Para 1.2.2 Guiding Principles, doesn't address issues of Anti-Indigenous Racism; eg. violations of Territorial Rights, & Human Rights. Additionally, this guiding principle doesn't address the Indigenous legal rights that stem from the territory being unceded.

1.2.3 Principles
The principles outlined in para 1.2.3, do not address commitment to anti-indigenous racism; the very fact that it is missing strongly suggests a deep seeded systemic issue relating to anti-indigenous racism.

- Paradigm Shift Required:

Consideration must be given to a base level paradigm shift in the next iteration of the Regional Plan that addresses the issues of Anti-Indigenous Racism.

- **pdf pg 24; para 1.4 Relationship to Other Plans; - various issues**
  Regional Plan is the overarching planning document guiding:
  a) Municipality **growth & development**;
  b) Community plans, and
  c) Creation of **Priority Plans**.

- Notes for Consideration:

a) if the planning document is guiding Growth, then must consider science-based limits to Growth

b) if the planning document is guiding Creation of Priority Plans, then must set out system of ranking priorities, or at least, setting out the objectives with decisive points, reqmt to rank priorities/objectives; also with reqmt for metrics of success

c) reading thru this section, one sees only reference to Municipal plans. No mention is made of the NS Act to Eliminate Racism & Hate.

Consideration should be given to either renaming this section or including other higher level Provincial Plans which directly impact how HRM would conduct its planning.

- **pdf pg 24 Hierarchy of HRM Plans**
  ...**implement the planning & land use direction contained in this Plan**, the Municipality **relies on** the Regional Subdivision By-law & on **community plans,**...

- Note for Consideration:

The text here seems to conflict with the previous paragraph. The first para indicates this Regional Plan provides guidance for direction of community plans; but then second para indicates it needs the community plans to develop this plan. The question that arises from this is "What is the actual hierarchy / taxonomy of HRM Plans; which is overarching & which is subordinate?" The community plan must be a lower-level document, and therefore take its lead / direction from this higher-level document; the Regional Plan.

- **pdf pg 25; para 1.4 Relationship to Other Plans; - issue of Hierarchy of HRM plans:**
  ...policies of this Plan support and implement the Priority Plans,...

  - Note for Consideration:

This text implies that Regional Plan is subordinate to the Priority plans. where earlier the text implies that the Regional Plan is a higher-level document. The text of this entire section may need reconsideration from the perspective of Hierarchy of plans.

The overarching plans defines & describes the Situation / Background, then the high-level Council vision, then the Mission statement [to include who, what, where, when, why, with some measures of effectiveness / metrics of success].

All subordinate plans describe the execution / the how of the mission statement; ie. How each element of the mission is to be achieved; the steps along the way to the goal / the decisive points; and the metrics of success along the way to reaching the coal.

pdf pg 25; para 1.4 Relationship to Other Plans – issue of missing Indigenous Economic Prosperity Plan
unidentified table titled Plans & Strategies; section Other Subject Area Plans;
African Nova Scotian **Road to Economic Prosperity**

- Note for Consideration:

In reviewing the table, I was not able to find anywhere an equivalent Indigenous Road to Economic Prosperity. This omission reflects a systemic issue of anti-indigenous sentiment & by extension, does not comply with the intent of the NS Act to Eliminate Racism & Hate.

- Paradigm Shift Required:

Consideration must be given to identifying, & then addressing issues of Anti-Indigenous Racism in the next iteration of the Regional Plan. The recently brought into force Nova Scotia Act to Dismantle Racism, & Hate is a major initiative of Nova Scotian. The HRM Regional Plan must be reviewed & reworked to align with the intent of that Act.

- **pdf pg 26; 1.5 Provincial Role in Planning; - issue of Outdated Provincial Role & Statements of Interest**
  Statements of Provincial Interest enacted in accordance with the Nova Scotia Municipal Government Act (MGA) outline the province's vision for protecting Nova Scotia's land and water resources, & growth of communities.
  They are adopted as regulations under the MGA & apply to all municipalities.
  The statements are intended to help provincial government departments & municipalities make land use decisions that support the principles of sustainable development. Municipal planning documents must be reasonably consistent with the statements.
  The six Statements of Provincial Interest:
  1. Regarding Drinking Water;
  2. Regarding Flood Risk Areas;
  3. Regarding Agricultural Land;
  4. Regarding Infrastructure;
  5. Regarding Housing; and

6. Regarding the Development of the Nova Centre.

This Plan considers & is consistent with the following Statements of Interest as described below....

- Note for Consideration:

I submit that this list of Provincial Statements is outdated, & is without appropriate prioritization that would allow appropriate allocation of effort & resources. In this format, the list is merely a wish list. HRM has the opportunity here to review the list; incorporating a more appropriate list in its action / task lists in the Regional Plan. Where the hierarchy of plans does not provide appropriate guidance in the current economic and environmental situation that we find ourselves in, then HRM must consider getting ahead of the game. Alterations to the HRM Charter may be required, but we can no longer wait for the slow cogs of pedantic administration; appropriate focused execution of the plan is needed.

The statements must consider guidance on Provincial & Municipal legal fiduciary responsibilities regarding Indigenous rights to Territory, Indigenous Individual Human Rights violations, & Indigenous Collective Community human rights violations

The statements must consider guidance on Regional Planning that considers science-based evidence for Limits to Growth.

Consideration must be given to establishing a Provincial Interest regarding Self-Reliance & Resilience to existential impacts of Climate change;

Consideration must be given to establishing a Provincial Interest regarding Environmental protection as the number one priority over all other priorities.

Consideration must be given to Ranking these interests in order of priority. Without identifying a ranked priority list, effort & resources cannot be appropriately managed to ensure the highest priorities are address appropriately.

- **pdf pg 27; para 1.5 Provincial Role in Planning; - issue of Prov Statement Agricultural Land**
  Provincial Statement (3): Agricultural Land
  ...Plan provides protections & regulations for agricultural land across the municipality in **Ch 2 & 10,** & highlights the importance of agricultural land for food security in **Ch 4.**

- Note for Consideration;

Consideration could be given to adding / including in the Regional Plan, the concepts of food self-reliance & resilience to withstand disruptions either from weather or loss of supply from outside sources.

- **pdf pg 27; para 1.6 Interpretation; - issue of reqmt for Land Use By-Law amendments**
  1.6 para 1:...Regional Municipal Planning Strategy or Secondary Municipal Planning Strategy; .. must regulate from a Land Use By-Law adopted by the Municipality to carry out the intend & direction of this Plan.

- Note for Consideration:

I have not had the opportunity to review the Land Use By-Law as part of this Phase 4 Regional Plan Review. The text here indicates that the Municipality can only regulate the Planning Strategies from a Land Use By-Law.

I would offer that:

a) the Land Use By-Law amendment process should be identified in this planning document; and
b) that the Land Use By-Law must prioritized the existential issues now clearly observable relating to impacts on environmental destruction as a result of Human Induced Climate change.

1.6, para 2: Implementing the actions, initiatives, & programs identified in this Plan will need to be reviewed against the priorities & municipal financial capacities of current & future Municipal work plans, as well as other existing plans.

- Note for Consideration:

The above text leaves confusion as to the priority ranking of plans and the subsequent process of achieving an objective. Which is the overarching plan from which the other plans take guidance & direction from?

- **pdf pg 27; para 1.6.1 Key Terms; - issue of Hierarchy of plans**

1.6.1 para 1 bullet 4: **Priority Plan** means a subject-focused, strategic plan used to direction actions from the Regional Plan;

- Note for Consideration:

Consideration might be given to reworking the text of this bullet; the text is confusing. A strategic plan is a high-level plan. The Regional Plan should be the high-level strategic plan, with other plans falling out from the Strategic plan being subordinate plans. Additionally, the Priorities must be defined in the highest-level Strategic Plan.

1.6.1 para 2: In this Plan, there are three used terms found in various policy statements:

- Note for Consideration:

The text of this sentence might need to be reworked as it is a bit awkward in its present form.

Chapt 2: Planning for our Region

- **pdf pg 30; para 2.1 Acknowledgment**

Halifax Regional Municipality is in Mi'kma'ki, the ancestral & traditional lands of the Mi'kmaq people. Halifax Regional Municipality is also the home to peoples of African descent who have lived here for over 400 years. This Plan acknowledges that the legacies of colonialism have shaped our current settlement pattern & that a commitment to act differently is required for reconciliation. We must work together to identify & change policies that have disproportionately impacted these communities & residents.

- Note for Consideration:

Consideration must be given to aligning this territory acknowledgment with that of the Nova Scotian OEA which acknowledges the territory as unceded. As unceded territory, the indigenous peoples retain Sovereignty & Dominium (control of resources) to the territory.

Additionally, para 2.1 Acknowledgment should be earlier in the document; perhaps before the Chapt 1 Introduction. Furthermore, the document seems to duplicate the Acknowledgment in several places;
a) pdf pg 13 in the preface in the unnumbered para title Land Acknowledgment, & then
b) here in Chapt 2, para 2.1.

The two paras do not have the same text. Perhaps the intent of each para is different, & if that is the case, then consideration should be given to reworking the two texts to show the reasoning for the difference. As well, the Acknowledgment must align with the Nova Scotia Government OEA Acknowledgment.

OEA uses terminology of Land Welcome, but does acknowledge territory is unceded.

> Land Welcome
> We acknowledge that this event is taking place in Mi'kma'ki, which is the traditional and unceded territory of the Mi'kmaq and Maliseet peoples. This territory is covered by the Treaties of Peace and Friendship. We acknowledge that all land in Canada is the traditional territory of Indigenous People. As individuals who reside in Canada, we are all Treaty people, and all hold the responsibility to respect and honor these laws.
>
> references for OEA acknowledgment
> https://www.oeaengagement.ca/equity-and-anti-racism-legislation
>
> https://www.oeaengagement.ca/27457/widgets/120597/documents/88794

Furthermore, Council meeting acknowledgments do not align with the text found in this plan, nor with that of the OEA. The following is an example:

> 1. CALL TO ORDER AND LAND ACKNOWLEDGEMENT
> Mayor Savage called the meeting to order at 10:02 a.m., & acknowledged that the meeting took place in the traditional & ancestral territory of the Mi'kmaq people, and that we are all treaty people.
> reference link to Council acknowledgment:
> https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/230711rcmins.pdf

Adding to this, the Acknowledgment in the HRM Administrative Order, para 38A, has yet another version of the text for acknowledgment, in this case, text may be used:

> Land acknowledgment statement
> para 38A. The Land Acknowledgement Statement may be in the following form:
> The Halifax Regional Municipality is located in Mi'kma'ki, the ancestral, & traditional lands of the Mi'kmaq people. The Municipality acknowledges the Peace & Friendship Treaties signed in this Territory, & recognizes that we are all Treaty People.
> reference link for HRM Admin Order:
> overall page:
> https://www.halifax.ca/city-hall/regional-council/regional-council-committee-whole-meetings

link to pdf:
https://cdn.halifax.ca/sites/default/files/documents/city-hall/legislation-by-laws/AO1.pdf

Of further interest is the land acknowledgement included as part of Department of Community Services emails:

> I respectfully acknowledge that I live and work on Mi'kma'ki, the ancestral and unsurrendered territory of the Mi'kmaq people.
>
> I also acknowledge that within Nova Scotia, people of African ancestry settled and contributed to the building of formative developments, particularly in the 18th and 19th centuries…..

- Paradigm Shift Required:

Consideration must be given to reworking the HRM Indigenous Acknowledgment so that it aligns with Nova Scotia's OEA acknowledgment, so that it recognizes the territory as unceded territory.

- **pdf pg 30: para 2.2 About this Plan; - issue regarding Priorities**

  ...Regional Plan (this Plan) envisions that HRM will grow to be a region supporting 1 million people....
  ....Population growth and development cannot be considered without a view to greater socio-economic and environmental well-being.....

- Note for Consideration:

Consideration must be given to the science-based evidence regarding the limits to growth. Science based evidence must be considered before developing a plant to grow the region to 1 million people.

Additionally, priorities must be developed in the plan for growth; eg. environmental diversity; agricultural food diversity, food self-sustainability, water, wastewater, transit, employment, infrastructure, shelter. Environmental sustainability must be the first priority, as without a supporting environment no food production or shelter development can proceed.

- **pdf pg 31; para 2.3 Regional Planning; - issue of wastewater management**

  Past studies undertaken for the Municipality have found that:
  -The provision of central municipal water & wastewater management services to communities with lower densities is cost prohibitive.

- Note for Consideration:

Consideration should be given to providing the reader the reference title to the past study relating to municipal water & wastewater management, as well as a link to the location where the document is stored. This allows the reader to the document & assess its validity of results, methodology, etc, then make comments.

Did the study consider for example dry toilet systems? (systems that are not reliant on a water supply system, piping system to take waste away, & facilities for treating the waste). Dry composting systems; the waste is biologically processed; the waste is then processed by the building owner. These systems

reduce water use, reduce costs of piping for supply & removal, & large treatment facilities that currently become overwhelmed in extreme overload situations.

Dry composting toilet systems in use in Europe, Sweden
https://www.biolan.lv/produkti/biolan-skidrumu-atdalosa-sausa-tualete.html
https://220.lv/lv/sports-turisms-un-atputa/turisms/biotualetes/kekkila-garden-kompostesanas-sausa-tualete-230-l?id=14402322

- **pdf pg 31; para 2.3 Regional Planning; issue of wastewater management**
  Past studies undertaken for the Municipality have found that:
  -The provision of central municipal water & wastewater management services to communities with lower densities is cost prohibitive.

  - Note for Consideration:

Did the past study of municipal water & wastewater consider a system of payment/tax applied to wastewater? applying a cost to wastewater then perhaps stimulates water users to clean & reuse wastewater, as well as incorporating systems & processes that reduce amount of wastewater?

- **pdf pg 31; para 2.3 Regional Planning; issue of water management**

  - Note for Consideration:

Did the past study of municipal water & wastewater consider that fresh water is a limiting resource for population density? Consider two examples; Communities on Vancouver Island, where each home in the community draws fresh water from wells supplied by the ground water available. The community has by-laws limiting the number of homes in that community, and thereby have limited the population density. By limiting the density, one limits the demand for water, thereby conserving the supply in such a manner that all can survive; all are self-reliant, and resilient to outside stressors.

Additionally, consider the situation in Bermuda. Rainwater is collected from the white painted roofs of the homes. The water is collected into a cistern in the home. The home is designed with a certain number of occupants based on the cistern size & ability to capture fresh water for the occupants. The by-laws limit the number of occupants of each home thereby limiting the demand for water, and ensuring survival off the general population; ensuring self-sufficiency and resilience in the face of environmental stressors.

  - Paradigm Shift Required:

A paradigm shift is needed in the reworking of the next iteration of this Regional Plan to consider freshwater resource as a limiting factor for population density.

- **pdf pg 31: para 2.3 Regional Planning - 4 Critical Services analyzed**
  When considering where intensification and new growth should occur, these four critical regional-scale services are analyzed.
  1. Natural and Cultural Services
  2. Water & Wastewater service
  3. Mobility Services
  4. Community Services

- Notes for Consideration:

a) consideration must be given to changing the framework from an analysis of services to an analysis of survival, self-reliance, & resilience.

b) Additionally, where do these past studies fit in the hierarchy of plans & objectives? Have these analyses developed where these activities fit in the list of priorities.

c) Additionally, have these analyses provided any metrics of success within the individual plan & additionally within the overall unified hierarchy of plans.

d) Furthermore, consideration must be given to assessing risks of Arsenic, & Uranium in drinking water. Homeowners, & developers considering development of properties relying on well water must be aware of the risks (probability & severity/consequences) of contamination. HRM has the duty to inform citizens of the hazards to drinking water.

Uranium
https://novascotia.ca/natr/meb/water-resources/uranium.asp

Arsenic
https://novascotia.ca/natr/meb/water-resources/arsenic.asp

- **pdf pg 32: para 2.3 Mi'kmaw Friendship Accord**
  ...Mi'kmaw Friendship Accord are needed to address historical inequities, & injustices...

  - Note for consideration:

Consideration should be given to providing a reference link to the location of the document; ie. the link to the pdf of the Mi'kmaw Friendship Accord.

- **pdf pg 32: para 2.3 Regional Planning; - issue of Shifts required in the Vision**
  ...Mi'kmaw it is recognized that shifts may be required in this vision to support outcomes.

  - Note for Consideration:

Consideration might need to be given to changing the text here to read "shifts shall be implemented" vice "shifts may be required". The entire basis of this Regional Plan does not consider the implications of the Territory of Mi'kma'ki being unceded Territory. As unceded territory, the Indigenous peoples retain Imperium (Sovereignty), & Dominium (Control of Resources).

  - Paradigm Shift Required:

The base level paradigm regarding Indigenous territorial rights must be reconsidered for the next iteration of the Regional Plan.

- **pdf 32: para 2.3 Regional Planning; - RP list RP-1 to RP-5**

  - Note for Consideration:

Consideration should be given to reworking this section of text as no lead in sentence or para is given to introduce this list; nor is any indication made to what the RP actually stands for. One must go back to

the para 2.3 heading and notice there the title of the para is **R**egional **P**lanning; this then giving a hint that the **RP** might stand for Regional Planning.

But even with one having made this connection, one cannot connect the dots within the hierarchy of HRM Planning documents. Where does this list come from? How is it used? The placement of this list without an introduction gives the impression of something plunked into the document to add complexity and volume. Are these planning points listed in order of priority? if not, then consideration must be given to assigning a priority; as well as metrics of success; also some indication of who will execute them.

- **pdf 32: para 2.3 Regional Planning; - RP list RP-1, & RP-5**

  RP-1; The Municipality shall **protect and conserve ecosystem health** & natural open spaces by using the green network to shape where new development is located.

  RP-5; The Municipality shall **partner with the African Nova Scotian Communities & Mi'kmaq communities to address historic inequities** & injustices & the legacy of colonial approaches to settlement.

  - Notes for Consideration:

Consideration might need to be given to providing some indication of the priority of the RPs.

In an initial reading through the document, the issue of ecosystem health appears to be the subject discussed in several other Chapters and/or paragraphs. Similarly for African & Mi'kmaq community issues. The question that arises relates to the Hierarchy of chapters and the associated Tasks in those chapters. The relationship of RP-1 ecosystem health to other chapter taskings is not clear. Without going into deeper research, the question that arises is whether some duplication has occurred in taskings in various chapters. Similarly for RP-5. Consideration might need to be given to reviewing this chapter's RPs with other chapter taskings; eg. RP-1 and taskings of para 4.2 Parks, 6.7.3 Green Roofs, 4.7.4 Indoor Farming, Chapt 6 Protecting Environment, & Acting on Climate change, 8.4.5.2 Water lots, etc. For RP-5, review potential overlapping taskings in para 8.8.1 African Nova Scotian Community, 9.1 Objective 1 – reflect municipality's commitment to Reconciliation, Anti-Black Racism etc.

- **pdf pg 33; para 2.4 Community Planning; - issue of base level paradigm**

  - Note for Consideration:

In reading this para 2.4 & the associated RPs, I do not get a sense of the base level paradigm of how the community is to be developed. In other parts of this Plan, I have read some discussions regarding the 15 min/walkable community (para 3.5.1 Vision for Rural Community Planning, 3.4.3 Suburban Growth Areas, & Chapt 7 Transforming our region), issues of transportation, issues of proximity to employment, then issues of food access / security. I don't see a Vision for Community Planning. I am also struggling with the organization of Chapt 2.

  - Paradigm Shift Required:

My feeling is that Strategic Planning para 2.5, should be the high-level planning that introducing the base level paradigms of Regional Planning. Falling out in the hierarchy of plans would then be Community Planning. I am not understanding how para 2.3 Regional Planning is different from Strategic Planning.

Consideration might need to be given to reworking this Chapt 2 Planning our Region.

- **pdf pg 33: para 2.4 Community Planning; - issue of codes for these lists eg. RP list**
  -RP-6 to RP-11

  - Note for Consideration:

Consideration must be given to reworking the text of this para to provide some type of introduction to the RP list. where does this list come from? how does it fit into the hierarchy of HRM Plans? Are these RPs listed by priority? if not, then consideration must be given to providing some sort of prioritization mechanism to the list. Additionally, each RP must include the basic elements of who, what, where, when, why, along with some identification of stepping stones to achieve the goal and the metrics to measure that success. Without the "Ws" defined with some decisive points and metrics of success, this gives the impression of just a "wish list".

Furthermore, the question of the RP letter meaning rises again. This list is under the para heading of Community Planning. In para 2.3 Regional Planning, one could make the connection between the letter designation of RP, but here in para 2.4 Community Planning, does the RP designator still apply. Should RP-6 to RP-11 be subordinate planning items to RP-1-RP-5?

Consideration might need to be given to reworking this planning document in order to describe the hierarchy of plans more clearly, & to "connect the dots" to higher level plans of the Province or Canada.

- **pdf 33; para 2.4 Community Planning; issue of RP-10& Science Based & Common Observation Based Limits to Growth**
  RP-10 The Municipality shall identify large tracts of underutilized land within the Urban Area as future growth nodes to enable redevelopment.

  - Note for Consideration:

Consideration must be given to:
a) science-based evidence regarding Limits to Growth;

b) in the hierarchy of priorities/needs, setting the highest priority on self-reliance & resilience for survival in face of the dramatic changes to the natural environment;

c) Legal fiduciary responsibility of HRM, the Province of Nova Scotia, & Canada for the protection of the Indigenous Natural Heritage Environment.

- **pdf pg 34; para 2.5.1, figure RP-1**
  ...The annual change in growth can be found in Figure RP-1:

  - Note for Consideration:

Consideration might need to be given to amending the Figure identification system. RP-1 was previously identified in para 2.3 Regional Planning pdf pg 32 as "RP-1 The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located."

Figure RP-1 here on pdf pg 34 doesn't seem to relate to the bullet RP-1 identified on pdf pg 32.

- **pdf pg 34; para 2.5.2 - Figure RP-2**
  ...scenarios have been developed as described below and shown in Figure RP-2:

  - Note for Consideration:

Consideration might need to be given to reworking the Figure labeling system. The text refers the reader to a figure below with the figure number of RP-2, however, the figure below is identified as RP-1, the same figure number as the previous figure.

Furthermore, as identified in the previous note for consideration, a rework of the figure numbering system might need to be considered.

- **pdf pg 36; para 2.5.3 Service Areas; - issue of Biodiversity sustainment**
  ...islands of natural habitat that may not be large enough to sustain biodiversity.

  - Note for Consideration:

Consideration must be given to identifying the metrics to be used in measuring the success of sustaining biodiversity. What is the level of biodiversity that is needed for survival? What level of survival is being considered/ ie. quality of live for the entire ecosystem. Furthermore, the sustainment of biodiversity relates to HRM's legal fiduciary duty to preserve the Indigenous Natural Heritage Environment to support their Indigenous Individual Human Rights of survival, and as well, their Collective Community Human Rights for survival, both of the physical community and the cultural of that community.

HRM, NS, Canada have failed in their fiduciary duty, & as a consequence, some form of restitution must also be considered under UNDRIP.

- **pdf pg 36; para 2.5.3 Service Areas; - issue of Cost-Effectiveness**
  ...infrastructure in a cost-effective manner

  - Note for Consideration:

Consideration might need to be given to including a discussion of the Economic modeling used to support the Plan's Strategic Growth Planning process. What seems to be missing from this section of the plan is a discussion of the relationship with the Province & Canada in developing a Strategic Growth Plan. For example, under the current economic model, the province is experiencing a significant inflation of cost of housing, cost of rental, cost of living in general. With this we see a significant increase in the Homeless culture of Nova Scotia. We see people wishing to participate in higher level education, but are priced out of the opportunity.

The current economic model is pumping money into the economy to support people and businesses, at both the Provincial & National levels (Government Fiscal Policies), which has the effect of stimulating inflation. One the other hand, we have a National body (Bank of Canada) trying to control inflation by increasing interest rates (Monetary Policies), which not only has the effect of increasing inflation, but also creating stress on people and businesses in trying to keep up the pace with interest rate hikes. Unable to keep the pace of payment hikes, businesses go out of business, home owners & renters are force into tents on the streets.

We have an outdated economic model being worked by both Provincial & National governments. HRM cannot achieve any kind of serious or accurate Strategic Plan without a change in the Provincial and National economic model as it currently is being worked. In the absence of any change to the model, HRM must build a plan that can withstand the pendulum swings of both Fiscal & Monetary policies.

- **pdf pg 37; para 2.6.2 Long Term Growth & Infrastructure Planning; - issue Supply of Housing**

  ...supply of housing to understand whether residents' housing needs are being met...

  - Note for Consideration;

Consideration might need to be given to amending this para to provide information relating to the metrics for success. As it stands in its current format, the monitoring program is merely an information gathering program with no criteria against which an analyst could make an analysis of the data. Criteria for success must include measures of the ability for self-reliance in the housing in which a person is residing (self-reliance with respect to protection, cost of existence, ability to support oneself off-grid for power, ability to support oneself with food for survival); measures of resilience of the housing to withstand trauma of environmental stresses of climate warming and environmental degradation. With respect to housing needs, HRM can only do this in conjunction with the Province and with the National government. National Housing strategies and codes must now be developed that work towards off-grid self-reliance with standards such as Passive House, Net-Zero to a standard of an earlier time, Off-grid or semi-off grid with solar, wind, micro-hydro or various forms of heat pumps. The concept of a bigger grid (ie. Atlantic Loop; the Big-Grid) to support power reqmts of Nova Scotia is slowly being realized as not a viable option. An outdated option that if vigorously pursued by the Province will leave the people of the province in an increasingly financially desperate situation; another stimulator of inflation which the people cannot endure. The responsibility will slowly be realized to fall on the lower levels of government such as HRM. Every new building must be off-grid or semi-off grid to ensure the highest probability of self-reliance & resilience. Every building must have the opportunity to provide excess power to others in the micro-grids in a cooperative manner, and in this manner, we can create small business opportunities within each building for the benefit of the owner; not pouring money into the Big-Grid supplier. Power for individual vehicles can be supplied by these off-grid suppliers; eg. the homeowner's system is set up to be self-reliant, for their in-home power needs and their transportation power needs, thereby reducing the reliance on the Big-Grid, which, when it goes down due to environmental stressors or is under-capacity to supply the demand, cannot support the individual homeowner. A self-sufficient, self-reliant, resilient system for the homeowner, and small business is the most effective, & cost-effective option

- **pdf pg 39; para 2.7.1 Open Space & Resource Designation; - issue of Natural corridors interconnecting natural areas**

  ...The natural corridors interconnect natural areas and provide opportunity for wildlife to migrate between habitat patches and maintain natural
  ecological functions....

  - Note for Consideration:

Consideration must be given to reworking this section of the plan in that the concept of natural corridors interconnecting natural areas is not a means to preserve current biodiversity, nor restore lost biodiversity. This corridor concept is outdated.

Additionally, it does not address the legal fiduciary duty of HRM, the Province, & Canada to have maintained the Indigenous Natural Heritage Environment such that it meets the requirements to not violate Indigenous Individual Human rights, nor the Indigenous Collective Community Human rights for their individual physical survival and their cultural survival.

- **pdf pg 42; para 2.7.6 Agricultural Designation; - issue of inappropriate designation for Agriculture**

  ....these lands are highly suitable for agricultural production.
  .....Agricultural Designation is intended to preserve land for farming and other forms of resource production, prevent wide-spread residential uses in resource production areas where such development may conflict with the operations of a farm, forestry or extractive facility, and protect a traditional way of life.
  ...a) encourage the use of this area for natural resource-based activities and industries such as farming, forestry, mining and renewable energy, and to protect these uses from the intrusion of incompatible non-resource related uses;

  - Note for Consideration:

I submit that a huge mistake is being made here by including residential uses, resource production, forestry, extractive facilities, mining, renewable energy all under the heading of Agricultural Designation.

To lump these all together is outdated; is missing the importance of agriculture in supporting the people of the province in their need for self-reliance, & resilience in the face of economic stresses from outside sources/agencies.

Agricultural designation must mean only agriculture in the sense of this area providing the necessary support for survival of the population. It must not be compromised with any intrusion of residential activities, forestry, or mining. The fact that this designation includes all these various activities raises the question of the integrity of the process and the agency having developed this plan.

Furthermore, consideration must be given to including the following agricultural support mechanism in the plan;
a) consideration must be given to recovering lost agricultural territory; and for every bit of agricultural territory that is lost a 10:1 offset must be implemented (ie. for every acre lost, the developer, miner, forester, must provide 10 acres or readily usable agricultural territory) [the 2:1 offset seen in other HRM developments is totally not acceptable; the offset must be much higher; something like 10 or 12:1 as seen in other nations work);

b) HRM must consider a mechanism that provides incentive for young entrepreneurs to enter the field of agriculture as a lifelong career/occupation;

c) HRM must consider a mechanism for the transfer of agricultural territory that prevents the territory from going on the open market for sale in the current manner which results in inflated prices leaving the territory inaccessible to new farming entrepreneurs.

Chapt 3: Building Healthy & Complete Communities

- **pdf pg 45; para 3.0 - Indigenous Community goals**

...Indigenous & African Nova Scotian communities to ensure that policies at the regional & community level **support the goals of those communities**.

- Note for Consideration:

Consideration might need to be given to the following points being addressed in the Region Plan:
a) how will the Indigenous community goals be identified?;

b) will HRM take the self-initiative to articulate/incorporate in the planning process, goals already identified by the Indigenous community; goals already previously identified by UNDRIP, TRC & Calls-to-Action, Inter-American Declaration on the Rights of Indigenous Peoples ("IADRIP"), etc.

c) will HRM recognized the territory as unceded territory, & the associated Indigenous rights that come with the territory being unceded.

As a minimum consideration should be given to at least noting HRM's recognition of the items listed above, and reference to a mechanism that will address the above noted issues.

- **pdf pg 45; para 3.1 Objectives - issues of objectives 1, & 2**
  item 1. lens of inclusive community
  item 2. Climate mitigation

- Note for Consideration:

The following points are offered for consideration:

a) Consideration might need to be given to aligning the bullets outlining the Regional Vision & Principles in Chapter 1, para 1.2, the bullets outlining Regional Planning items (RP items) in Chapter 2, & the bullets outlining objectives in Chapter 3. The manner in which these principles, planning items, & objectives are listed does not appear to facilitate the readers understanding of how this Regional Plan is to be put into practice. How are Regional Staff & Regional, & Provincial governments to understand what is to be done. What are the actual priorities, where must resources and funds be allocated. Consideration might need to be given to reworking the various principles, RPs, & objectives into a consolidated task list with identifiable goals, with associated metrics, & all being prioritized under first principles of survival, self-reliance, resilience.

b) these objectives do not appear to consider science-based evidence to limits to growth;

c) consideration might need to be given to sustainable self-reliance, & resilience to survive in face of emergencies before going for outside federal or global support;

d) consideration might need to be given to resilience of food, shelter, energy, security, health; and

e) consideration might need to be given to changes to building codes; transportation plans; agricultural preservation plans etc.

- **pdf pg 48; para 3.3.2 - Core Concepts & Guiding Principles for Regional Centre – issue of hierarchy of plans**

- Note for Consideration:

A question arises here regarding integration of all the various visions, principles concepts, objects RPs, HCs etc. For example, in Chapt 1 Introduction we see Vision & Regional Principles; Chapt 2 Regional Planning we see RPs; then in Chapt 3 Healthy Communities, para 3.1 we see Objectives, then in para 3.3.1 we see another Vision, and in para 3.3.2 one sees another set of Principles, Concepts, & HCs. As a reviewer of this document, I am experiencing difficulty in understanding the hierarchy of Visions, Concepts, Principles, RPs, vs HCs, etc. I have difficulty describing to myself how staff & government leaders will find an elegant method of executing/implementing this plan.

Consideration must be given to reworking the various Visions, principles, concepts, and RPs/HCs such that some sort of prioritized hierarchy can be recognized easily, with metrics to measure progress along the way and the achievement of a final goal.

- **pdf pg 53; para 3.4.1 Suburban Plan Vision**
  -A vision for suburban communities will be created and refined as part of the Suburban planning process.

- **pdf pg 52; para 3.4.2 Suburban Plan Guiding Principles - issue of Walkability**
  Complete Communities
  •Support people of all ages, abilities and backgrounds to live, work, shop, learn, and play within a short journey.

- **pdf pg 53; para 3.4.3 Suburban Growth Areas - issue of Walkability**
  -In addition to increased density, transit use must be supported by land use and urban design that provides walkable access to transit, & a safe, convenient and pleasant pedestrian experience....

- **pdf pg 57; para 3.5.1 Vision for Rural Community Planning - issue of Walkability**
  -Rural communities are defined by wilderness areas supporting ecological integrity, traditional rural
  economies, ecotourism and rural lifestyles. They also include well-defined and walkable centres offering a range of housing options, places to shop, learn, play and gather. Significant rural centres
  are thriving, compact, complete communities with multimodal connections to the rest of the region.

- Notes for Consideration:

Para 3.4.1 Suburban Plan Vision has not yet been defined, yet para 3.5.1 Vision for Rural Community Planning has some vision described. A question arises as to why, in this high-level document the Visions cannot be defined. If in the highest-level document, a Vision cannot be defined, then no objectives can be defined; no taskings (ie. the HCs) can be defined; Without the high-level intent, and high-level vision statement defined, nothing can be further developed. Something is not correct in the "workflow" for this section. An outside observed would question whether any of the lower-level statements in this para 3.4 are even valid.

Consideration must be given to the following:
a) reworking this section completely.

b) before reworking this section, formal guidance must be provided on the writing of planning documents. A hierarchy exists in any planning; starting with the highest-level intent, then followed by some type of vision, then some sort of tasking statement (mission statement) with objectives, some timeline, some high-level metric to measure success, then what follows should be the tasking statements (here I believe they are the RPs, HCs, etc).

Regarding the community planning vision of walkability. A consistent high-level vision must be identified. This vision can be used as the basis in developing the sub-visions for each of the Urban, Suburban, & Rural communities.

Consideration might be given to defining a hierarchy of needs to be used in developing the sub-plans of the high-level Regional Plan. This hierarchy could be considered as the Guiding Principles for the overall Plan, which are then used to develop sub-plan visions. (not sure if that makes any sense; hopefully yes. Just a thought as this stage. Not enough time to dedicate more thought to this. apologies for the scattered stream of consciousness comments).

At the base level of Guiding Principles, a livable, survivable environment (ie. air, water, territory that is livable); then the next level up of shelter security (includes safety, economic security/affordability, survival / protection from the elements [heat, cold, etc], food security, (includes access to food, both growing & transport to obtain), water security. These second level needs of shelter, food, water, must be defined not only in "normal" circumstances, but also in the context of worse case scenario; fires, floods, extreme heat, extreme cold; emergency shelters, emergency supplies of food, water, supply chain disruptions, economic disruptions etc. Then on up to the next levels of such as Community, culture & other levels from there.

In reworking the next iteration, consideration might need to be given to having HRM Council provide the Intent, & Guiding Vision, as these should come from a higher-level authority. HRM Staff then build the Plan to tackle the Intent & Vision; a plan with objectives, tasks, timelines, metrics etc.

Chapt 4: Strengthening Community Infrastructure

pdf pg 73; Chapt 4 Community Infrastructure; para 4.7 Food Security, 4.7.1 Rural Agriculture

- Note for Consideration:

Consider the notes provided previously under pdf pg 42; para 2.7.6 Agricultural Designation

- **pdf pg 78; para 49 Regional Energy & Telecommunications Infrastructure; - issue of Regional Energy resilience & self-reliance**

- Note for Consideration:

Consideration must be given to developing an Off-Big-Grid option for Regional Energy. Through energy analyses, the conclusion is developing that Quebec will not be able to supply its own electric energy requirements, & consequently, the Atlantic Loop is beginning to be understood as not a viable option for the supply of electric energy to Nova Scotia, & the Atlantic provinces. A similar situation is highly likely with Muskrat falls, but this analysis has not yet developed sufficiently. HRM must take the lead from the Province in developing its Regional Energy supply Plan; waiting for the Province will result in a critical lost window of opportunity. Building codes & permits must only be issued for energy self-

sustaining/reliant or near self-sustaining/reliant buildings; eg. codes for Passive House Design, Net Zero concept, energy self-reliance from Solar, Wind (vertical, horizontal), Micro-Hydro, Heat pump (ground, air, water). This self-reliance must extend to support the occupant's electric transportation needs, with power supplied from the off-grid or semi-off grid system. This level of self-reliance is required, as we have seen, in times of extreme high energy demand on the grid during heating & cooling; where people are asked to reduce usage; reduce heating, cooling, electric vehicle charging. Small mini-grids should be considered.

Furthermore, consideration must be given to the concept that each building owner is a small energy generating business, providing their excess needs to the mini-grid. In this manner, owners can supply energy for their own needs of heating, cooling, and transportation without paying to mercantile enterprises focused on 10% profits for themselves & shareholders. The result then is that we establish a Nova Scotian community of cooperative small energy supplying small businesses; a positive for the people of Nova Scotia from a self-reliance & resilience in the face of climate stressors perspective; a positive for the environment to meet climate mitigation goals.

Interests of the Big-Grid to fence off any incursion by small micro-grids, as well as Off-Big-Grid solutions by homeowners, & small businesses, must be absolutely resisted; & any limitations that have been put in place must be reversed.

This issue of resisting Big-Grid solutions, & supporting micro-grids, & Off-Big-Grid solutions as the primary energy option is one of the base level paradigm shifts that must be considered in the reworking of the next draft of this Regional Plan.

Additionally, the issues of Energy & Telecommunications are both so significant that they should not be combined in one paragraph; they should each have a dedicated set of objectives/goals, & task identifiers. Without specific dedicated tasking identifiers, the tracking metrics for goal achievement will not provide sufficient clarity for the progress towards the goals of Energy self-reliance, & resilience; and Communications self-reliance, & resilience.

- **pdf pg 78; para 4.9 Regional Energy & Telecommunications Infrastructure - issue of missing Communications Plan as component of this Regional Plan**

    - Note for Consideration:

In scanning through this document, I have not found any note regarding a Plan for Emergency Communications; mention is made of Infrastructure in more than one place, but I do not seem to be able to find any documentation in the plan relating to emergency communications. As we have recently seen communications to community residents has been very weak, to abysmal. We see the lack of ability to communicate with residents fleeing the wind driven wildfires of Maui. We see Prime Minister Trudeau "slamming" Facebook for taking the position to not allow Canadian news to be published on their communication platform. The communications weakness can be seen at every level of government (municipal, provincial, federal). We saw the problems in Portapique in Nova Scotia.
I would offer for consideration that this Regional Plan must include a component of HRM portion of the government fiduciary duty for the protection of its citizens includes an integrated communications system; integrated elegantly with all other Nova Scotia municipalities, with Nova Scotia government, with Federal Government agency (eg. RCMP, Military)

The emergencies that HRM is already dealing with require an elegantly integrated system. Communications infrastructure is one component. Communications planning is the other. Speed in the advance of development of elegant communications infrastructure & organization is becoming increasingly necessary. HRM has a fiduciary responsibility in this regard to its citizens.

- Paradigm Shift Required

This communications organization & planning established to effectively deals with the ever increasing environmental & economic stressors is yet another of the base line paradigm shifts necessary in the reworking of the next iteration of the Regional Plan.

- **pdf pg 78: para 4.9 Energy & Telecom Infrastructure; - issue of Source References**

- Note for Consideration:

Consideration should be given to providing all referenced documents on the HRM website, & providing a link to those references in this Planning Document. Without quick easy access to the references, the reader is left with the task of Hunting & Pecking the HRM website, or failing success with that search, hunting & pecking through the poorly organized Internet.

Chapt 5: Fostering Diverse & Affordable Housing

- **pdf pg 81; para 5.0; issue of HRM housing**

  -HRM needs more housing across the entire housing continuum.
  -The housing landscape has been significantly impacted by the region's high rate of population growth since 2016.
  -The region's record-high home prices and low vacancy rates have led to affordability issues for both renters and potential homeowners.
  -As a result, HRM is experiencing an affordable housing and homelessness crisis.
  -While the rise in homelessness is driven by several factors, the primary one is a lack of affordable, stable, and supportive housing.
  -Quickly increasing housing supply requires rethinking historical approaches to land use that have kept supply low and exacerbated economic and social inequities.

- Note for Consideration:

This chapter appears to have been developed from the paradigm of building more housing (across the housing continuum) will fix the housing crisis. I submit that this is a false paradigm & requires re-evaluation. The question that must be asked is how did we get into this situation? The chapter makes not mention of any analysis of how we got into this situation. Without an understanding of the root causes, one cannot fix the problem. The solution proposed of building more housing is merely a hope/ a wish in the hope that it will resolve the situation for the very long term, not to be seen again.

The situation developed as a result of a number of factors.
a) the federal government's fiscal economic policies, & Bank of Canada's monetary policies, created an environment of very low interest rates. This overstimulated demand for low interest loans by individuals & business for too long a period.

b) The Federal government fiscal economic policy pumped money into the economy, both before, during and after COVID. The money was not controlled, the distribution was very much willy nilly; not focused on those with need. The end result stimulated the current hyper-inflation.

c) The time came when the Federal Government & BOC then realize inflation is out of control & needs to be reigned in. This resulted in Interest rate hikes. This then starts both a further inflationary trend and a slowing of rate of increase of inflation, but NOT a stopping of inflation or a deflation to get back to previous level of affordability.

d) The banks now respond to Bank of Canada rate increases, & increase their rates. Businesses who took the Govmt funding to take out low interest loans are now stuck with paying back the loan at a higher rate; a rate that is passed on to the consumer; thereby stimulating further this hyper-inflation.

Nothing in this process will stop inflation; as that is not the government's or BOC's intention. A fool's paradise has been created. One pillar of Govmt stimulating inflation, the other trying to reduce the rate of increase, but nowhere along the line are we going to get to no inflation, and by consequence, a long-term solution to affordable housing.

What must be addressed is the **Demand** side of the economic equation in general, and for housing in particular. Demand must be reduced in order to achieve a long-term solution. Additionally, profit taking must be reduced. Furthermore, the banking system must be modified to reduce or prevent the stressors created by easy access to low cost of borrowed money, & subsequently, the bank profit taking in times of crisis as we see in the above-described scenario. The Govmt should not have been dishing out money willy nilly without putting controls on the banks lending methodology.

- Paradigm Shift Required:

This HRM Regional Plan should consider a base level paradigm shift with respect to resolution of the affordable housing crisis; the solution must include option that address the demand side of the economic practices that resulted in this situation.

- **pdf pg 81; para 5.0 Introduction; - issue of Fig 5.1 Housing Continuum.**

- Note for Consideration:

The housing continuum diagram (Fig 5.1) does not appear to include a type of housing that is business associated. I am not sure of the terminology; the type of accommodation that is situated over the owner's business, so that the two are incorporated into one structure. In this manner, transportation requirements to get to work are eliminated; this option stimulates the development of small shop owners; the cost of the shop & the accommodation are such that the family can survive & live comfortably in an apartment over their own business.

In our current world, emergency shelter requirements are becoming more and more important. An ever-increasing number of people are requiring emergency shelter, due to economic displacement. Additionally, we are seeing an increasing requirement to provide emergency shelter to people who have been "environmentally" displaced, due to fire, flood, wind. The continuum provided in fig 5.1 must be considered as outdated; built in the "sunny times" of another era. HRM has an opportunity with this next version of its Regional Plan to address appropriately the issue of Housing in Emergencies. The Regional Plan must include consideration for the development of Emergency Shelter Infrastructure.

- **pdf pg 83; para 5.2.1 Diverse Housing Types; -issue of other Housing types**
  -H-2 The Municipality shall continue to identify and remove policy and regulatory barriers to alternative forms of housing.

  - Note for Consideration:

Consideration should be given to including Tent and Trailer campground type accommodations in the Diverse Housing model / Housing Continuum.

One can envision in the campground model, a miniature walkable village. Central collective bathroom facilities, cloths washing facilities, small shops for food & other amenities; with people working remotely; children playing in a safe from traffic area; perhaps even small home school arrangements.

Additionally, one could envision small off grid power, heating, & cooling systems supporting the village, dry composting toilets, with areas for growing own food.

Chapt 6: Protecting the Environment & Acting on Climate Change

- **pdf pg 96; para 6.1 Environmental Objectives – issue of reqmt for Paradigm Shift**

  - Note for Consideration:

None of these objectives appear to reflect the seriousness of the climate crisis in which we are not living. The objectives as written leave the reader with the feeling that these are all nice to have; a kind of wish list that will keep us in our present life style. Not one of the objectives is written with a strong statement using the word Shall; this shall be done, as a high priority that is necessary for our collective survival.

HRM has a fiduciary duty to protect (shared with other Govmt levels) our natural environment for our collective survival. HRM holding 10% of the total land area of Nova Scotia, HRM is a significant player in environmental protection of the province.

Given the scientific evidence, along with the now clearly, readily observable environmental stressors experience in the province and the world, this HRM plan must place Environmental Protection objectives as the highest priority.

  - Paradigm Shift Required:

A base level paradigm shift is required in the next iteration of this Regional Plan.

- **pdf pg 97; para 6.3.1.1 A Regional Green Network; issue regarding balancing ecological protection with human activity.**

  - Note for Consideration:

Consideration must be given to developing science-based metrics by which HRM can establish goals & measure success. New developing science indicates as much as 50% up to 70% and in some places 80% of the environment must be maintained in its natural state in order for survival. The Rideout work of 2012 (see next comment for reference information), is an example of the kinds of metrics available for

establishing riparian zones to ensure good biodiversity. Additionally, the metrics for setting goals for ecological protection with human activity must consider food sources; metrics are available for the area required to sustain a certain size of population.

- Paradigm Shift Required:

A paradigm shift is required in the next iteration of the HRM Regional Plan to address metrics to define goals for ecological preservation, & restoration with human activity.

- **pdf pg 101; para 6.3.4 - Urban Forests – issue of connecting to other paras in the document that relate to similar issue**

- Note for Consideration:

Consideration might need to be given to describing how this para 6.3.4 relating to Urban Forests is connected to / associated with para 2.7.6 Agricultural Designation; where RP-30 a) suggests that the Agricultural Designation includes forestry.

- **pdf pg 105; para 6.4.5 Lake Monitoring - issue of Municipalities critical role in water quality**

  -The Municipality has a critical role to play in water quality,...

- Note for Consideration:

Consideration must be given to describing HRM's legal fiduciary duty to protecting, & restoring the aquatic environment. HRM has more than merely a "critical role", HRM has a legal requirement.

-EC-21 The Municipality may consider preparing a water quality monitoring protocol....

- Note for Consideration:

Consideration must be given to amending the wording of this EC such that it directs HRM to conduct aquatic environment surveys that will provide baseline data against which future surveys can be compared in order to conduct scientific analysis of trends.

This EC should read "The Municipality SHALL conduct aquatic environment surveys for the purpose of baseline data gathering".

Without baseline data, future analysis of the aquatic environment changes is futile. HRM monitoring must be more than merely water quality. The flora & fauna of the environment must be baselined. Consideration must be given to the fact that in this year of 2023, HRM is perhaps 50 years behind in its fiduciary reqmt to protect & restore the aquatic environment.

Furthermore, much of the work needed in these types of surveys is at the very basic, not complicated level, & could easily be done by a program of Citizen Scientists. With little training, citizens could gather water quality data, gather flora, & fauna, & compile the data to create a baseline of lake status data.

- **pdf pg 106; para 6.4.6.1 Riparian Areas**

  -The Green Network Plan recommends a watercourse buffer of 30 metres for stream bank stability, flood mitigation, water temperature regulation, minimal protection of wildlife, partial

benefits for sediment removal, and aesthetic value. A general riparian buffer of 30 metres will be applied for protection for the whole of the Municipality until buffers that...

- Note for Consideration:

Consideration must be given to reworking this 30 metre riparian buffer.

Consider the following information from Rideout (2012) Setbacks & Vegetated Buffers in Nova Scotia. https://diffusion.mern.gouv.qc.ca/public/Biblio/Dossiers/ArticlesBaretteJaballah/Rideout%20-%202012%20-%20Setbacks%20and%20vegetated%20buffers%20in%20Nova%20Scotia.pdf

This document I found on the HRM Watershed Advisory Board website. https://cdn.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/170712rwab911.pdf (the link in this Board document list is broken, but the document can be found online. From this, I make the conclusion that this information is available to the board.

The following information is extracted from a table on pdf pg 99 of the Rideout document.

30 metres - May have use as a wildlife travel corridor and avian habitat
600 metres - Excellent wildlife habitat value; supports a diverse community; protection of significant wildlife habitat

From this we can conclude that the 30m setback is of absolutely no value in today's current environmental protection requirements. The 30 metres distance is an outdated concept & must be revised to the level that will "support a diverse community". Failing to meet the highest standard requirement, will lead one to question the integrity of the HRM government.

- **pdf pg 107; para 6.4.6.2 - issue of determination of Wetland of Special Significance**

EC-33 The Municipality may identify wetlands to be recommended to the Province as a Wetland of Special Significance,...

- Note for Consideration:

Consideration might be given to providing the reader a link to the document that identifies how Wetlands of Special Significance are described & identified; what are the criteria & metrics associated with the definition of Special Significance. Does some type of integrated semi-quantitative Options Analysis & Risk Analysis exist that is used to assess Significance vs Potential for development near wetland areas?

- **pdf pg 108; para 6.5.1 HalifACT - issue of hazards posed by climate change**

-HalifACT, approved by Halifax Regional Council in 2020, is the Municipality's long-term action plan & response to Halifax declaring a climate emergency in 2019. The goals of HalifACT are to reduce emissions & help communities adapt to climate change.
-The changing climate poses hazards to health, economic growth, safety and the natural world....

- Notes for Consideration:

a) Consideration might be given to providing the reader a link to the online location of the HalifACT action plan; &

b) Consideration must be given to amending the text relating to the hazards posed by climate change; Evidence is available (both scientific & common observational) showing the hazard posed by climate change is one of survival of the natural world as we know it. In the common legacy hierarchy of needs, a healthy survivable environment is at the same level of shelter, food. At the time of the development of that hierarchy, no one envisioned the human destruction of the natural environment. The modern hierarchy must now be considered to have the survivable natural environment as the basis of the pyramid; without this we have no shelter, no food. The survivable environment is now the highest priority.

- Paradigm Shift Required:

A paradigm shift must be considered in reworking the next iteration of the Regional Plan; the highest priority must be identified as the preservation & restoration of the natural environment for our survival.

- **pdf pg 112; para 6.5.4 Floodplains - issue of flood plain mapping resource**
  -EC-48 The Municipality shall restrict development & prohibit the placement of fill or alteration of grades in association with development that restricts the capacity of flow or increases flood levels within the 1 in 100 year and 1 in 20-year floodplains for designated watercourses, under secondary municipal planning strategies & land use by-laws.

- Notes for Consideration:

a) Consideration might be given to identifying the document that provides the information regarding the 20 year & 100 year floodplains. I may be misunderstanding something here. The lead-in para describes some mapping associated with the Sackville River. No reference appears to be indicating work done for the remaining floodplain mapping of HRM in total.

b) the text in the lead in para uses the terminology of "Limiting Development" & in EC-48 "restricting development". Consideration must be given to amending the text to completely prohibit development within the 200 year floodplain. Failing to absolutely restrict development is a serious failure of HRM Regional Planning.

In General, HRM must identify "at Risk Properties" (at risk from things like fire, flood, wind, heat, cold, etc). These must be mapped. The mapping results must be available to the citizenry so that they understand the potential 200 year risk events. Insurance industries are raising rates, or refusing to insure at risk properties; the consequence is two-fold, people already in those high-risk areas will be at a loss financially, & secondly the increased rates affect the entire society. Additionally, Federal Government payments to damage caused by these events, directly affects inflation, with the knock-on affects to the entire society. Agricultural land that is frequently flooded will be lost to productivity, with the knock-on effect of reducing our self-reliance, & resilience to the environmental & economic stressors.

All homeowners & developers must have access to these risk maps, so that they are aware of the situation they are in.

- Paradigm Shift Required:

A base level paradigm shift is required here in the rework of the next iteration of the HRM Regional Plan. The base level paradigms must consider the stressors of climate change as the highest priority, with the associated requirements for protection, & restoration of the natural environment as the lead priority.

c) Consideration might need to be given to making a connection in the text of this para, between paras 6.5.4 Floodplains, Chapt 5 Fostering Diverse & Affordable Housing, & 6.5.6 Protecting Infrastructure. These paras are interconnected; the Tasking bullets may be overlapping in some areas.

d) Consideration might need to be given to developing some type of spreadsheet or tracking tool for the various Taskings in each chapter. With such a tool, staff & readers of this document may get both a better high level, & detail level picture of the plan; thereby more elegantly facilitating analysis & task completion.

pdf pg 113; para 6.5.5 Coastal Protection - issue of mapping resources, & development policies

> EC-53 The Municipality shall regularly update municipal LiDAR data, digital elevation models & vulnerability mapping, & may adopt policy to require emergency management services & current & future climate change hazard projections are considered as part of the as of-right development process, discretionary planning applications, & during reviews of planning documents.
> EC-55 The Municipality shall develop &/or update policies to limit development in areas determined to be vulnerable to climate hazards.

- Notes for Consideration:

a) Consideration must be given to making all mapping source data readily, & publicly available at no cost. In this manner, community volunteers with the appropriate skills can develop mapping products that will assist HRM staff & council in their decision making.

b) Consideration must be given to reworking EC-53 as it is very awkwardly written; difficult to understand. It appears to be very much a run on sentence.

c) Consideration must be given to amending the "soft" approach to development in floodplains as written in EC-53, & EC-59. No As-of-Right development can be allowed in floodplains; to do so is craziness from a planning perspective. Policies should not merely "limit development" in floodplains, policies must be developed that absolutely prohibit development in floodplains.

- Paradigm Shift Required:

A serious paradigm shift is required here. One begins to wonder here what is driving the soft approach to development in floodplains. When this question starts to raise its flag, the associated question of integrity is close behind it. The primary focus must, with respect to development in floodplains, must be the residents, not the developers. If I have misunderstood the intentions here, then consideration must be given to reworking the text where this soft approach is put forward for consideration in the plan.

d) Consideration might also be given to referencing the work of Rideout 2012 (mentioned earlier) as a source of information regarding coastal protection.

pdf pg 114; para 6.5.6 Protecting Infrastructure - issue of resilience <u>& self-reliance</u>

> EC-63 The Municipality shall seek to identify current & future climate change hazards & critical infrastructure at risk to climate hazards & may adopt policy to prioritize resiliency measures that will help reduce risk, protect critical infrastructure, & rebuild more resilient infrastructure.
> EC-64 The Municipality shall incorporate new standards into the Municipal Design Guidelines that

consider climate change impacts and improve the resiliency of new and retrofitted municipal infrastructure in the right-of-way.
EC-65 To support climate resilient design standards the Municipality may:...

- Notes for Consideration:

a) Consideration must be given to including the concept of Self-Reliance along with resilience. We must retool our economy & infrastructure to resilience, & self-reliance, to protect from the stressors of climate hazards, & to protect from the stressors of "outside" influence (eg. broken supply chains, lack of supplies, loss of power from the Big Grid, failed outside economic "activities" etc.) HRM design standards must consider buildings that are self-reliance for power, heat, cooling. We cannot rely on the Big Grid option as already we are seeing analyses indicating it cannot support Nova Scotia's needs; & additionally, that which is supplied will be economically untenable for Nova Scotians as we are at the "end" of the loop; each handler of the power taking their cut before it reaches the Nova Scotian home. Passive House, Net Zero, solar, wind, micro-hydro, thermal pump, all must be mandated within the design guidelines. Electric Vehicles are then powered from Self-Reliant sources, not from the Big Grid, thereby saving Nova Scotians money in their pockets.

b) Consideration might need to be given to reworking the wording of EC-64. The wording of EC-64 is not completely clear. Text is all understood until the words "in the right-of-way" are tagged on. What does this actually mean?

c) Consideration might need to be given to making a connection between paras 6.5.6 Protecting Infrastructure, para 4.6 Public Safety & Emergency Services, & par 4.9 Regional Energy &Telecommunications Infrastructure. Protecting Infrastructure is necessarily driven by the need for Infrastructure in Emergencies & for Public Safety in those emergencies (eg. shelter, food, energy communications in times of evacuations during storm, fires, floods, etc). I haven't had time to review the several paras to compare for overlap or duplication. As I read further, I am starting to get a feeling that this plan has been developed in "silos"; Silos that have similar intentions with similar written "objectives" (although I don't yet know what to call these lettered/numbered bullets). They could be Tasks, but they do not appear to me to be written as Tasks, with specific objectives, agency to execute, metrics, etc.

- **pdf pg 115; para 6.5.7 Renewable Energy - issue of Self-Reliance & Resilience**

EC-69 The Municipality shall encourage the use of alternative energy systems, such as district energy, & microgrids, as part of secondary planning and master neighbourhood planning projects.

- Notes for Consideration:

a) Consideration might need to be given to making a connection in the text, between para 6.5.7 Renewable Energy, & para 4.9 Regional energy & Telecommunications Infrastructure; and Chapter 7 Transportation.

Energy might need to be considered as a separate Chapter, not as a sub-component of Climate Change; with renewable energy as a sub-component; with wind, solar, energy pumps (air, water, ground), micro-hydro as a sub-sub-component, & non-renewables as another sub-sub-component.

b) Consideration might be given to providing a description of "district energy", & "microgrids".

c) Consideration must be given to setting Off-Big-Grid (O-B-G) Self-Reliance as a priority Energy Option. Evidence is mounting that the Big-Grid (eg. Atlantic Loop) is not the solution for Nova Scotians from the perspective of a) ability to provide the energy needed; & b) ability to provide the energy at a cost that doesn't put Nova Scotians taking the brunt of Mercantile profit taking.

- *Hydro Quebec Insufficient Generating Capacity:*

We are beginning to see analyses revealing that Hydro Quebec does not have enough generating capacity to support the Atlantic Loop.

> [ref: ***Marisa Coulton*** article 13 July 2023 Hydro-Québec's looming power shortage seen threatening climate goals]
>
> Hydro Quebec, for years has enjoyed surplus production that it committed to long-term export contracts, is now expected to face a power shortage of over 100 terawatt-hours as early as 2027.
> https://financialpost.com/commodities/energy/renewables/hydro-quebec-looming-power-shortage-threatens-climate-goals?r
>
> [ref: ***Aaron Beswick*** article 1 Aug 2023; Quebec short on power to feed Atlantic Loop]
>
> ...in four years, Quebec Hydro is on track to not be able to generate enough electricity to meet growing domestic demand and its contractual obligations to Massachusetts and New York State. This comes as the federal government pushes Nova Scotia and New Brunswick to borrow some $7.9 billion to build the Atlantic Loop....
> https://saltwire.pressreader.com/the-chronicle-herald-metro/20230801/page/1/textview]

I submit that the Atlantic Loop idea is a false promise; a pit into which Nova Scotians will pour immense amounts of money to build, and once constructed will pay even higher prices for this power (if it is in fact generated and supplied)
Muskrat Falls is likely in the same situation; unable to supply the needs of Newfoundland Labrador; but I haven't seen any analysis of this scenario.

Nova Scotians being at the "end of this loop" will bear the brunt of profit taking from every supplier and middle transporter/handler of this power. Hydro Quebec will take a cut, NL Power will take a cut, Central Maine Power Company will take a cut for any portion going thru their grid, NB Power the same, and finally Nova Scotia Power. The greed and Profit taking will not stop under the current Nova Scotian economic model for climate boiling mitigation.

HRM has the opportunity now at this stage of development of its Regional Plan to consider an Energy Plan that does not rely on the BIG-Grid as the primary option. Off-Big-Grid, DIY self-sufficiency, reliance, resilience are the call words that should be considered for the next iteration of the HRM Regional Plan.

- *Off-BIG-Grid Concept for Consideration:*

I offer for consideration that Nova Scotia should be shifting focus to an off-grid concept.

a. Every home, new construction building that consumes energy must be set up to be largely off-grid supplied; with its own combination of Solar, Wind (both vertical axis for low winds, and horizontal axis for higher winds, micro-hydro if available, and some form of heat pump [Air Source Heat Pump (ASHP), Ground/Geothermal source, Water source, and Hybrid). In this manner, consumers are not burdened by the profit taking from a Sole Source Grid power supply.

b. Every home, new construction should be set up to provide more power than it could consume. In this manner, each "owner" is cooperating with the greater community to provide power to the collective community. Additionally, in this model, each "owner" could be set up as a small business; a small power supply business, able to earn some small amount of money to assist in their survival.

c. Every home, new construction should be set up as Off-Grid power supply for recharging Electric vehicles. In this manner, consumers are not burdened with the profit taking from a Sole Grid power supply.

d. In the Sole Source Grid supply model, with increased temperatures in summer, and perhaps decreased temperatures in the winter, the cooling and heating needs will overburden the grid; as we have already seen in California for summer cooling seasons. In the California case, the government is asking people to reduce consumption; the grid cannot supply the full load reqmt. They have gone to rolling blackouts. In this model, electric vehicles cannot be fully recharged; governments ask that EVs not be charged.
We have evidence already that the big grid model for electric power generation does not support the survival of our Collective Nova Scotian Community; it will however fulfill the profit motives of the grid companies and the banks holding consumer & small business debt.

- *Big-Grid not BIG Enough - California EVs restricted from charging*

[see ***Livia Albeck-Ripka*** article 1 Sept 2022, Amid Heat Wave, California Asks Electric Vehicle Owners to Limit Charging
...California asked electric vehicle owners this week to limit when they plugged in to charge...
...not the first time extreme heat has affected drivers of electric vehicles. Last month, a heat wave in China created havoc for drivers,...
...Experts acknowledge that moving to more electric vehicles in the coming years will present a challenge, and part of that challenge is building a grid that is up to the task....
https://www.nytimes.com/2022/09/01/us/california-heat-wave-flex-alert-ac-ev-charging.html]

e. Every home, new construction must be built to Passive House standards, and Net Zero 1920s [or earlier] Carbon levels.

The comments provided further down in the document, relating to Chapter 7 Transforming How we Move, para 7.2 Integrated Mobility, are also relevant here in para 6.5.7 Renewable Energy.

- Paradigm Shift Required:

A paradigm shift is needed in the reworking of this para 6.5.7 Renewable Energy to consider Off-BIG-Grid Self-Reliance as the primary path to energy self-reliance, with Big-Grid as the secondary option.

Chapt 7: Transforming How We Move in our Region

- **pdf pg 120; para 7.1 Transportation Objectives**

  1. Connect people to one another, to jobs, education, recreation, food and other daily needs by facilitating sustainable choices in transportation and lifestyle, anticipating demand, ***managing congestion*** and considering the context of urban, suburban and rural communities.

  - Notes for Consideration:

Consideration must be given to identifying metrics for acceptable, & maximum congestion permissible for achieving the goal of an enjoyable lifestyle for HRM residents.
-HRM Transportation Impact Studies (TIS) Guidelines must provide these metrics.
-**TIS rev 8, of 2007, para 6.1.4** makes reference to "surveys or analyses may be needed to assess saturation..."

Consideration must be given to amending the text to allow citizens of HRM to define the maximum saturation level. It is the citizens that must define their quality of lifestyle, with traffic saturation being one component. The saturation metrics must be developed for all modes of transportation [vehicles, bicycles, tricycles, quadricycles, walking, boating, etc. The metrics must be developed for all pathways. eg. roads, sidewalks, trails etc]

Consideration might be given to including some text regarding Car Free City, Car Free Village. [eg. Zermatt https://www.zermatt.ch/en/sustainability/Elektros-Autofrei-Anreise/Zermatt-is-car-free#:~:text=Zermatt%20has%20been%20car%2Dfree,is%20closed%20to%20normal%20traffic.]
Consideration should also be given to including some text relating to objectives that integrate with the Provincial Transportation/Mobility Objectives

- **pdf pg 120; para 7.2 Integrated Mobility; - issue of references being available, & Cultural Change**

  -The Integrated Mobility Plan (IMP),...

  - Notes for Consideration:

Consideration must be given to providing the reader quick links to all these types of HRM Plans & studies. Consider providing a link to the Integrated Mobility Plan.

Consideration might be given to a Transportation Education Program with the goal of building a Nova Scotian culture of *Active Transportation*. A Cultural shift may be needed in order to achieve a goal of a community more engaged in active forms of transportation.

Consideration might be given to a Transportation Education Program with the goal of building a Nova Scotian culture with deep *Knowledge of Electric Vehicles*; their design, hazards, operation, etc. The changeover to EVs is happening at a rapid pace. Much of the population using gas / diesel vehicles had time to develop the knowledge of their use, hazards, design etc; much was learned in school auto shop classes, or working with parents on maintenance. The pace needed to change to EVs, does not allow the population to develop a comfort level with the new technology. Without that in-depth cultural "comfort" in knowledge of this new technology, the transition will encounter a level of resistance that may not allow us to achieve our collective goals

Consideration might be given to a Transportation Education Program with the goal of building a Nova Scotian culture with deep *Knowledge of Off-Big-Grid Electric Vehicles* (O-B-G EVs); EVs that that can be self-sufficient, self-reliant, using Integrated Solar panels, accessory Portable power generation by Solar or Wind (ie. Portable solar panels to plug in & re-charge Off-Big-Grid; or portable small wind generators to plug in & re-charge Off-Big-Grid). In times when the Big-Gird is in such high demand that the population is asked to reduce use, O-B-G EVs will become the most viable option for vehicular transportation.

The above three considerations are also relevant in the discussion of Chapter 6, Protecting the environment & Acting on Climate change, para 6.5.7 Renewable Energy

Chapt 8: Driving Economic Prosperity

pdf pg 153; para 8.8.1 Historical African Nova Scotian Community Action Planning - issue of missing Indigenous Action Plan

- Note for Consideration:

In reading this Regional Plan, I am not able to find a similar action plan for the Historical Indigenous Nova Scotian Community. Failure to have a similar action plan is a reflection of the systemic anti-indigenous racism that the OEA, thru the Nova Scotia Act Dismantling Racism & Hate, is trying to address.

reference links to NS Act:
https://nslegislature.ca/sites/default//files/legc/statutes/dismantling%20racism%20and%20hate.pdf

https://novascotia.ca/news/release/?id=20220324002

https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-96

Chapt 9: Celebrating Culture, Arts, & Heritage

- **pdf pg 157; para 9.1 OBJECTIVES - issue of missing Anti-Indigenous Racism**

  1. Reflect the Municipality's commitment to Reconciliation, Anti-Black Racism, & Diversity, Equity & Inclusion (DEI) in municipal policies & programs.

- Notes for Consideration:

I am failing to see the full scope of NS Act Dismantling racism & Hate being incorporated into this Regional Plan; eg. no specific mention here in the para 9 Objectives of dealing with Anti-Indigenous Racism. The first objective mentions "Reconciliation", which may imply this Plan's consideration for the Calls-to-Action; however, I would submit that if this is the case, the text must be altered, AND, in addition, consideration must be given to Restitution for harms done to Indigenous Peoples of Nova Scotia.

UNDRIP Article 28
1. Indigenous peoples have the right to redress, by means that can include **restitution** or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.
https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

https://www.justice.gc.ca/eng/declaration/un_declaration_EN1.pdf

- Paradigm Shift Required:

Consideration must be given to the following:
a) liaising with the OEA to assess how the progress they have made can be incorporated into the Regional Plan.

b) a complete paradigm shift must be made regarding addressing anti-indigenous systemic racism in the next iteration of the Regional Plan

- **pdf pg 158; para 9.2.1 Mi'kmaq & Indigenous Reconciliation**

In 2015 Regional Council made a Statement of Reconciliation to First Nations communities....

- Note for Consideration:

Consideration might be given to providing a reference link to the online version of this Regional Council Statement.

Chapt 10 Implementation

- **pdf pg 169; Chapter 10 Implementation.**

- Note for Consideration:

Much of the content of this chapter seems to very similar to the content in the previous chapters, but with a slightly different wording. How the tasking items in this chapter are rationalized against the tasking items in the other chapters that deal with similar or the same issues is not clear on this initial reading.

Consideration might be given to eliminating this chapter, and including an implementation concept in each of the other chapters. Each chapter should have its own Intent para, a Vision para, a Mission Statement, then a list of taskings, where the taskings describe what is to be done; ie. how the Chapters Vision & Mission are to be executed/implemented. Each tasking should have its own metrics for success. A tasking matrix can then be constructed and progress of each tasking towards a final goal can be documented against the metrics assigned.

- **Pdf pg 182; para 10.3.5.3 Sites Supporting Affordable Housing.**
  I-24 The Municipality shall, through the applicable land use by-law, permit emergency shelter uses, shared housing uses, multi-unit dwellings uses and community facility uses on 5853 College Street, Halifax, (PID 00125427) to support the development of affordable housing through the Canada Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative.

Land use by-law requirements shall ensure that the building scale respects the historic character of the Carlton Street area.

- Note for Consideration:

Consideration might need to be given to reworking the text of tasking I-24. In the current format it is difficult to read, & understand; somewhat of a run-on sentence. In the present format I am not sure if the intent of the plan includes the construction of Emergency Shelter infrastructure. The HRM plan, must include the construction of Emergency Shelter; more than just permitting other structures to be used in an emergency. The Plan must also consider the construction of infrastructure to accommodate storage of emergency food & water supplies.

Appendix A: Key Performance Indicators

- **pdf pg 194; Appendix A: Key Performance Indicators**

- Note for Consideration:

Consideration might be given to the concept of tracking metrics being associated with each of the tasking items in each chapter.
Consider that KPIs should be developed at the time of writing the taskings in each chapter.

Appendix C: Suburban Design Guidelines

- **pdf pg 197; Appendix C; Suburban Design Guidelines**

- Note for Consideration:

Consideration might be given to describing the purpose of this Appendix. Much of the text appears, at first blush, to be a duplication of content provided in the previous chapters.

Additionally, this appendix is too graphics heavy, resulting in difficulty processing the actual information. That said, however, the format of the document follows a more logical outline; ie. What, Why, How. (the Ws of Who, What, Where, When, Why form elements of a mission statement; with the How providing the method execution/implementation;

Consideration might be given to using this type of format within the main body of the Regional Plan; with each taskings having some sort of metrics whereby tracking of progress towards the goal can be achieved.)

Attachment C: Regional Plan Review Work Plan

- **pdf pg 275; Attachment C - Regional Plan Review Work Plan**

- Note for Consideration:

Consideration might be given to providing some description of the purpose of this Attachment, and how it relates to the tasking items within each chapter.
How are the Themes related to the previous chapters of the Regional Plan? Where did the themes come from? What is the purpose of this Attachment?

I am not able to make a connection between, for example, the Theme & Direction Reference numbers and anything in the main body of this Regional Plan. I can see some similar text regarding Building Healthier & More Complete communities.
If some connection does exist, consideration might be given to providing the reader the guidance that would facilitate quick cross referencing between this Attachment, and the Main body of the document.

General Comments:

- **Pdf Navigation Bookmarks:**

General comment regarding **Bookmarks function.** Somehow when this document was created, the navigation bookmarks function is duplicating all the Chapter bookmarks.

eg. for Chapter 7, one sees one bookmark as chapter 7: transforming how we move in our region; then a second bookmark just below one sees Chapter 7: Transforming how we move in our region.
further up the navigation bookmarks, one sees just after para 6.5.3 STORMWATER & FLOODING, and just before EC-43, the following nav bookmark; chapter 10: IMPLEMENTATION; certainly this bookmark is out of place or misidentified.

Chapt 4.7.4 Indoor Farming comes after 6.7.3 Green Roofs; bookmarks out of order.

Additionally, the formatting of the Chapter bookmarks is not consistent with a mix of upper case & lower case not always the same.
For Chapter 1, again issues of mixed-up upper case & lower case.
Consideration might be given to cleaning up this complication / duplication.

Attachment C: Regional Plan Review Work Plan does not appear to be showing up in the Bookmarks Navigation pane.

- **Links to References:**

Consideration should be given to providing all referenced documents on the HRM website, & providing a link to those references in this Planning Document. Without quick easy access to the references, the reader is left with the task of Hunting & Pecking the HRM website, or failing success with that search, hunting & pecking through the poorly organized Internet.

- **Question of Duplication of Content & Taskings:**

Many of the chapters touch on the same or similar subjects. The text in each chapter, however, doesn't make a connection for the reader to the other paragraphs which touch on the same or similar subject. The impression that is left is that each chapter has been written in a silo and not elegantly integrated with the whole body of the plan. This is just an impression as I read through the document. The question that arises relates to the taskings identified in each chapter; if chapters have been written in silos, then perhaps taskings have been duplicated; written with different wording, but having the same or similar intent/objective.

- **Formatting of Footnotes:**

Note for Consideration: Generally, throughout this document, references are identified only by an online link. Consideration must be given to amending the format to include the Author or Agency creating the document, the date of creation, the title, & when only a certain portion of the document is

being referenced, the page number where the referenced text or idea can be found. With this, the online link must be provided.

>>>>>>>>>>

C707

From: Jenifer Tsang <sunrose@eastlink.ca>
Subject: [External Email] Brycon - Regional Plan Industrial conversion policies

Hello Leah,

This email is a follow up to the Teams call we had with my Client Brycon Construction on August 10, 2023.

I have reviewed the draft Regional Plan policy EP-17 as you suggested in the context of Brycon's request to allow them to build residential units on their Light Industrial property located on Ragus Road in Dartmouth.

I have attached the following:

1. Letter that provides my analysis and our formal request.

2. Four photos to this email of nearby land uses that are not industrial.

3. Three page document itemizing nearby amenities and bus stops.

4. Letter from Brycon to Councillor Sam Austin dated May 26, 2023.

Please do not hesitate to contact me for follow up discussions.

Kind Regards,

Jenifer

1. **Ocean Park Dental**

30 Ragus Rd. This commercial/medical facility is immediately adjacent to the 20 Ragus Road Brycon lot.



2. **East Coast Varsity**

15 Ragus Rd.

This facility is across the road from the 20 Ragus Road Brycon property. This is a private school for academic, physical and social enrichment.



3. **Oakwood Terrace**

10 Mount Hope Ave., Dartmouth

This is a Long Term Care facility – 111 bed community. Located within walking distance from the 20 Ragus Road Brycon property.



4. **Acadia Place**

8 Mount Hope Ave., Dartmouth

This is a Seniors Housing Complex. Located within walking distance from the 20 Ragus Road Brycon property.



Please let me know your thoughts on this matter. We are available for a follow up conversation, particularly before a final draft Regional Plan goes to Council.

Jenifer Tsang, MCIP, LPP
Sunrose Land Use Consulting
sunrose@eastlink.ca
902-478-2541

SUNROSE

Sunrose Land Use Consulting
Halifax, Nova Scotia

October 12, 2023

Leah Perrin, MCIP, LPP
Manager, Regional Planning
Regional & Community Planning/Planning & Development
Halifax, Nova Scotia

Dear Leah:

Re: Commercial Industrial section 8.4.3 of Draft Regional Plan and Brycon request affecting 20 Ragus Road

This letter is a follow up to the meeting we had on August 10, 2023 where we discussed a request from my Client, Brycon Construction Limited. Brycon are requesting that they be permitted to provide housing at their Light Industrial (I-1) zoned property in Dartmouth because they are struggling to secure new employees due to the housing shortage which has become so severe that it is impeding the growth of their business.

Brycon was founded in Nova Scotia and has been in operation for over 20 years. They play a key role in the road and infrastructure construction industry of HRM. Brycon employs over 100 people in a variety of categories. They consider their employees their largest asset and continually invest in training and safety programs.

In addition to hiring people who already live in HRM, Brycon often hires people through the Temporary Foreign Worker Program. Through this program, foreign workers come to Canada ahead of their families to secure employment and get acclimated to their chosen city. In HRM, there are very few housing options which has caused many of these workers having to share apartments amongst themselves which prevents them from being able to bring their families to join them. This is causing hardship to the employees and to Brycon which has led to our current request to the draft Regional Plan.

At our meeting, you explained that the draft Regional Plan enables the conversion of industrial and employment lands in Section 8 and Policy EP-17. You suggested that I have a look at the draft policy and apply the Brycon request as a test scenario and noted that I could also provide feedback on the draft policy. I have done that below with the draft policy shown in italics and my response in regular font:

EP-17 The Municipality may consider conversion of industrial and employment lands to non-industrial and employment uses through a comprehensive review of planning documents that considers the following criteria:

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a) *Whether the land is required for the Municipality to maintain a sufficient supply of land for industrial and employment purposes over the long term;*

This criteria may present challenges to HRM because it implies that HRM would have to maintain an inventory of all industrial, commercial and "employment" land. HRM should define what "employment purposes" means. In today's society, many people work from home and I assume that devising a metric to measure home employment is beyond the scope of the intent of this critera.

If HRM is intending to keep an inventory of industrial and commercial lands for the ability to measure applications against this criteria, HRM would also have to develop a measure for how much land is adequate in comparison to the working age population and unemployment statistics, and a projection of said data into the "long term". Many scholars have the opinion that in our market-based society, the market will dictate the need for the supply of industrial and commercial land. I think this criteria is too difficult for HRM or a developer to adequately measure and should not be included in this policy.

In terms of the Brycon request, the reason for their request is so that Brycon can hire more employees to maintain the growth of their business. Brycon own two properties in the light industrial park that is regulated under the Centre Plan. One property is where the Brycon office is located and includes some outdoor storage of their industrial vehicles. The 20 Ragus Road property is a second property that Brycon owns nearby. The Ragus Road property is currently vacant and is not needed by Brycon "to maintain a sufficient supply of land for industrial and employment purposes" because the Brycon business is already in the area. They need to use this property to house their new employees, who may not otherwise come to HRM to work due to the housing crisis.

If there is no housing for their employees, it would be a detriment to their business, which seem to meet the intent of Chapter 8 and policy EP-17 which is to promote and protect businesses yet also enable conversions to residential. The Brycon request is an example of where an existing light industrial business needs land to expand upon, not for their light industrial operation but for their employee housing in order to protect and promote their business.

b) *The proposed uses would not adversely affect the overall stability of the employment area and conversion will not introduce incompatible land uses to the surrounding employment area;*

This criteria presents a need for HRM to create a way to measure the "overall stability of the employment area". I do not know how this would be done. In the Brycon example, I would say that they need the conversion to residential to protect and promote their business and therefore would not "adversely affect the overall stability of the employment area".

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Residential housing in the area may actually help the overall stability of the employment in the area because there are other land uses that would benefit from having affordable housing in the area, such as the hospital, the NSCC and other businesses.

Secondly, in the field of land use planning (and in the perception of the general public), "incompatible" land uses are often considered to be when there are residential land uses in the same area as industrial or commercial land uses. Therefore, this criteria goes against the very intent of the policy, being to enable the consideration of converting industrial land uses to residential. In land use planning, "incompatibility" of land uses can be mitigated through site design (i.e. buffering, setbacks, architectural design, etc). So perhaps this criteria should be re-worded to say that consideration should be given to the ability of the property to incorporate mitigation measures that would reduce perceived land use incompatibilities. Another consideration would be to allow residential uses in a mixed-use building because a mixed-use building would be more compatible to a light industrial area than a stand alone residential building.

The Brycon property on 20 Ragus Road is large enough to accommodate a multiple unit building or mixed-use building and provide landscaping to address mitigation of incompatible land uses.

The location of this small Dartmouth industrial park already consists of a mix of industrial, commercial and multiple residential land uses. The surrounding properties are zoned HR-2, CLI, COR, and INS (Higher Order Residential 2, Commercial Light Industrial, Corridor, and Institutional). There are several multiple unit residential buildings nearby so the Brycon request would be compatible with the area. I have enclosed four examples of nearby land uses with this submission (Ocean Park Dental, East Coast Varsity education center, Oakwood Terrace long term care facility, and Acadia Place seniors housing complex).

c) *Existing or planned infrastructure and public service facilities are available to accommodate the proposed uses, including public transit access;*

This criteria is reasonable for the policy. In the Brycon case, there are several bus stops nearby as well as the ferry service, schools, daycares, the NSCC, the Dartmouth General Hospital, grocery stores, pharmacies and shopping nearby that would support the residential use. We have enclosed a plan that shows the location of various amenities and land uses. There is also the Carl Morash Memorial Park that is designated and zoned PCF (Park and Community Facility) that is large enough and near enough to provide recreation to new residential on Ragus Road.

d) *Site(s) are mixed use blocks and located along the edges of employment areas, or the site is an irregular or island parcel unable to support industrial uses;*

This criteria may unintentionally exclude properties that would be reasonable for conversion from industrial/commercial to residential. It is limiting the conversion to properties that are

already mixed use and that are on the "edges" of employment areas. This seems to go against the intent of the policy.

It also requires one to define what the "edge" of the employment area is. Not all industrial parks are specifically defined and many generalized land use designations are intended to have flexible edges. I think this criteria is too specific and does not accomplish what Chapter 8 intends. The intent is to enable conversions, therefore, it should be applied fairly to all industrial employment properties and not just the ones that are in an already converted area (mixed use) or on the edges of industrial areas.

The criteria goes on to offer the alternative of being "irregular or island parcel unable to support industrial uses". Again, if the intent of this section of the Regional Plan is to enable conversions, this phrase severely limits that ability. Most industrial employment properties will not be irregular shaped or on an island. This criteria is written such that even if the property is irregular in shape or on an island, it also has to be "unable to support industrial uses". The ability to support or not support industrial uses may be hard to determine or prove. This part of the criteria will exclude most properties and therefore, does not enable the conversion option fairly to industrial employment lands. I think this criteria should be removed from the policy.

In terms of the Brycon request, the Ragus Road property would probably not be considered on the edge of the "employment area" but I cannot say for sure without a definition. The block that it is located on is not a mixed-use block. The Brycon request would likely not meet the first half of this critera. In terms of meeting the second half of the criteria; the Ragus Road parcel is not irregular in shape nor is it on an island.

e) *Conversion of the site(s) will not compromise any other planning policy objectives of the Municipality, including planned commercial functions;*

This criteria makes one ask what HRM's "planned commercial functions" would be. It implies that commercial functions, by their nature, would exclude a residential component, which would be offside from the planning profession generally in seeking to encourage mixed use developments. I would have to know more before I could provide constructive feedback on this criteria. I do not think that this criteria is necessary because the very intent of the policy is to enable conversions, therefore, it would not be going against any other planning policy objectives.

In any MPS document, there are policies that may appear to be contradictory to one another, yet they co-exist in the planning document. Policy criteria are intended to achieve a suitable development, not to be used as a tool to make sure that the policy does not compromise other policies. That creates a never ending search for the latest approved planning policies.

An applicant would not be able to assess whether their request would meet this criteria without knowing what HRM's "planned commercial functions" are. In terms of the Brycon request, I am not aware of any HRM planning policy objectives that would be compromised so perhaps the Brycon request meets this criteria.

f) *The site is constrained due to size, configuration, or physical conditions (e.g. grade, natural heritage, environmental features) that do not make it feasible for industrial employment uses;*

This criteria would seem to unintentionally exclude suitable properties for conversion. It is saying that the property would have to be too small, too steep or have an environmental feature that makes it unfeasible for industrial employment land uses in order to be considered.

A wide variety of properties can be designed and engineered to accommodate industrial employment uses, even if they are small, steep, or have historical or environmental features. This criteria essentially eliminates all properties for conversion which goes against the intent of Chapter 8. I think this criteria should be removed from the policy.

Most existing properties that are located in light industrial parks are made up of cleared, flat, rectangular land parcels and would not meet this critiera. In terms of the Brycon request, the 20 Ragus Road property would not meet this criteria.

g) *That the conversion proposal can demonstrate that a similar level of employment density (e.g. jobs per hectare) would be maintained; and*

How would an applicant demonstrate employment density? Does HRM have a measurement for this criteria? Instead of this criteria, which is difficult to measure, it might be more effective to require the conversion to include an employment element (i.e. mixed-use building).

In terms of the Brycon request, the residential conversion is needed to secure additional employees. Therefore, it would be increasing the employment density of the area.

h) *Conversion of the site(s) will result in a more logical land use boundary for an employment area.*

This criteria would unintentionally exclude suitable properties for conversion. Land use boundaries are often designed to be flexible and often do not follow grid patterns. This criteria also implies that the property in question would have to be on the edge of the industrial employment area, which has previously been addressed in criteria d) above.

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The very nature of enabling conversion from industrial employment land uses to residential land uses will result in the blurring of the boundary lines between land uses. Land use planning is no longer in the age where separation of land uses is of utmost importance. We now see the benefits of mixed-use areas and the positive impacts it has on transportation, transit and livability. Therefore, I think this criteria should be removed from the policy.

In terms of the Brycon request, the Ragus Road property would probably not meet this criteria.

In summary:
The Brycon request to convert their light industrial zoned property at 20 Ragus Road to allow multiple residential uses is a reasonable request and critical to protect and promote their business.

New multiple unit housing in this industrial employment area would not compete with new residential developments in the suburbs such as Bedford West and Port Wallace. Most of the new residential future growth areas involve high-end condos and subdivisions that will take years to be available due to the roads and infrastructure that has to be built.

There has been recent reporting of the Bayers Lake Industrial Park expansion which is proposing residential uses. This is an example of how the current housing crisis has made society re-examine where housing should be provided, even in industrial areas.

We are respectfully requesting that the Regional Plan team amend the draft Policy EP-17 as outlined in this letter and amend the Centre Plan to allow the property at 20 Ragus Road to be a mixed-use property by allowing multiple residential uses in addition to the uses permitted in the I-1 zone.

Please do not hesitate to contact me to discuss this matter.

Sincerely:

[redacted]

Jenifer Tsang, MCIP, LPP

Enclosures:

- Four photos of non-industrial land uses nearby
- Three page document itemizing nearby amenities and bus stops
- Letter from Brycon to Councillor Sam Austin dated May 26, 2023

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Micmac Mall
*6A
Caledonia Junior High School
Dave's Fruit & Vegetable Market
Halifax Regional Fire & Emergency...
Nova Scotia Community College-Akerley Campus
Lakecrest Dr
7
ALBRO LAKE
CRICHTON PARK
Crichton Ave
Lake Banook
Superstore
Swiss Chalet
Hearthstone Inn Boutique Hotel...
111
Sobeys Tacoma Drive
Brightwood Golf and Country Club
Voilà by Sobeys Wyse Road - Online...
DARTMOUTH CENTRE
ELLENDALE
NANTUCKET
Penhorn Plaza
Giant Tiger
Sobeys Penhorn
3C
1C
Dartmouth
Shoppers Drug Mart
Metropolitan Place - NSHA Mental...
Lakefront Park
3B
Atlantic Superstore
Portland St
322
Alderney Dr
Pleasant St
Home Depot of Canada Inc
Russell Lake
5B
*1B
*4B
Kent
*20 Ragus Rd.
*4C
Sobeys Russell Lake
3A
*2
1D
NSCC Ivany Campus
Dartmouth General Hospital
Halifax North Memorial Public...
Nova Scotia Hospital
Bowlarama
5A
NSCC - Aviation Institute
*4A
Scotia Square
Scotiabank Centre
Hollis St
Halifax Citadel National
Halifax
WOODSIDE
*1A
Pizza Pizza
Nearby Amenities
See Table 1

20 Ragus Road, Dartmouth, NS
PID #40580573

Nearby Amenities			Distance (km)	Walking (min)	Cycling (min)	Driving (min)	Transit (min)
Schools	1A	South Woodside Elementary School (PP-6)	2.3	25	11	4	16
	1B	Dartmouth South Academy (PP-8)	1.4	19	8	4	-
	1C	Dartmouth High (9-12)	4.1	46	20	8	28
	1D	NSCC Ivany Campus	1.0	11	3	3	-
Hospital	2	Dartmouth General Hospitals	0.9	11	2	3	-
Grocery Stores	3A	Sobeys – Baker Drive	1.6	22	9	3	9
	3B	Atlantic Superstore – Portland Street	3.9	45	15	7	22
	3C	No Frills – Wyse Road	4.8	51	19	10	22
Pharmacies	4A	Guardian Dartmouth Gate – Pleasant Street	1.5	17	4	3	-
	4B	MacKay's PharmaChoice – Pleasant Street	1.5	15	5	3	10
	4C	Lawton Drugs – Baker Drive	2.0	26	10	4	26
Transit to Downtown Halifax	5A	Woodside Ferry Terminal	1.7	16	6	4	13
	5B	Alderney Ferry Terminal	4.0	42	14	8	19
Shopping	6A	Mic Mac Mall	5.9	60	19	7	36
	6B	Dartmouth Crossing Shopping District	9.3	-	36	10	51

Table 1 - Nearby Amenities


Transit
10 Stops within 10 minute walking distance
20 Ragus Rd, Dartmouth, NS B2Y 4R6
Acadia St Opposite Ragus Rd (7270)
Acadia St After Pleasant St (7271)
Pleasant St After Acadia St (7464)
Mt Hope Ave After Acadia St (7272)
Mt Hope Ave Before Neptune Cr (8892)
Mt Hope Ave After Neptune Cr (8893)
Ragus Rd
Renfrew St
Acadia St
Mawiomi Pl
Pleasant St
Mount Hope Ave
Estates Rd
Overall Collision
Eagles nest tattoo company
1 Fish 2 Fish
Indigo
Halifax Regional Municipality...
CONCRETE SHORING TECHNOLOGIES INC
MARINER FORGE ENTERPRISES Ltd
Falck Safety Services Canada
UniglassPlus / Ziebart
Icon Marine Services
Advantage Food Equipment
NewStar Marine
GRF Structural Engineering Ltd
Maritime Stress Contracting Ltd
Dartmouth General Hospital
NSCC Ivany Campus
Nova Scotia Hospital
Oakwood Terrace

BRYCON

May 26, 2023

Halifax Regional Municipality
District 5

Deputy Mayor, Mr. Sam Austin

Re: 20 Ragus Drive, Dartmouth, NS

Dear Mr. Austin:

I am the president and founder of Brycon Construction Limited. We are a Nova Scotia business, based in Dartmouth, that has been in operation for over 20 years. Brycon plays a key role in the road construction industry of HRM. We conduct approximately 80% of our business in HRM for projects such as, infrastructure works, road construction and private development. We employ over 100 people in a variety of categories.

We consider our employees our largest asset and continually invest in training and safety programs. We have extended our role to include the hiring of foreign workers mainly due to the lack of availability and interest from local resources. We reviewed 288 possible local candidates in 2022 of which only 91 showed for an interview. 64 were hired with the company but unfortunately only 6 remained at the end of the season. Brycon also has current staff that travel from outside the city in which temporary accommodations are required which we have seen rise in costs by 50%. Last year alone we have had to secure spots during the off season to ensure availability for this construction season or else face the fact that we would lose staff.

The Temporary Foreign Worker Program comes with its challenges and the major one is finding affordable housing. There are many expenses with the program, but we find the ethics of the program to be worth the work. Brycon Construction is giving people the chance of a lifetime and they are so grateful for the opportunity to come work in Canada. As a company that stands behind their employees, we also see the need to consider the future as our current staff retain their permanent residence and start to apply to have their families join them. Many of which currently share accommodations which will not be viable when their loved ones join them in the future. Another reason is the need to have affordable housing available to ensure their future and for our company to retain staff that are well trained and diverse in our industry.

Brycon Construction Limited, 67 Atlantic Street, Dartmouth, Nova Scotia B2Y 4P4
Telephone: (902) 468-0070 Fax: (902) 468-5022

BRYCON

Brycon has 13 staff members to consider and are actively seeking to fill open LMIA positions for the future.

We are asking for your support to allow us to build employee housing near our Brycon office that is in the Light Industrial area of Dartmouth at 67 Atlantic Street and 20 Ragus Road. Our properties are designated Industrial Employment and zoned Light Industrial which permits a wide range of light industrial and commercial land uses.

We understand that normally light industrial, commercial, and multiple unit housing land uses are not allowed in the same zone. However, the Dartmouth light industrial park area already consists of a mix of these uses with properties zoned HR-2, CLI, COR, and INS (Higher Order Residential 2, Commercial Light Industrial, Corridor, and Institutional).

One of the objectives of the Industrial Employment designation and LI and CLI zones is to protect "employment lands" by preserving areas for light industrial and commercial light industrial land uses and avoiding the pressure to convert them to residential uses. However, in the current housing crisis, Brycon is at risk of losing business due to our inability to secure employees because they do not have a place to live.

The light industrial park is an ideal place to allow mixed uses of commercial, light industrial and multiple residential because of its location near the Dartmouth General Hospital, the Community College, transit and ferry service, schools, daycares, and many commercial amenities. Adjacent to the Industrial Employment Designation are two HR-2 designated and zoned properties and the Carl Morash Memorial Park that is designated and zoned PCF (Park and Community Facility).

Housing in this area would not compete with new residential developments in the suburbs such as Bedford West and Port Wallace. Most of those new residential future growth areas involve high end condos and subdivision that will take years to be available due to the roads and infrastructure that must be built.

We are willing to specify that new housing on our light industrial properties would be in the "affordable" category because we would be doing it to house our employees rather than doing it to make a profit as landlords. We would consider labeling the housing as temporary employee housing or requiring housing to be in buildings that also contain light industrial or commercial uses to address the concern with avoiding residential pressures that may attempt to push out the light industrial and commercial zoning of the area. For example, if Brycon was successful in supplementing its workforce, we would need to expand our office and our operations space. This could be accomplished as described above with a mixed-use facility.

Brycon Construction Limited, 67 Atlantic Street, Dartmouth, Nova Scotia B2Y 4P4
Telephone: (902) 468-0070 Fax: (902) 468-5022

BRYCON

This type of housing could also benefit other local companies and institutions. Students going to NSCC seeking temporary housing, staff at local hospitals and or other business in the area needing housing for their employees.

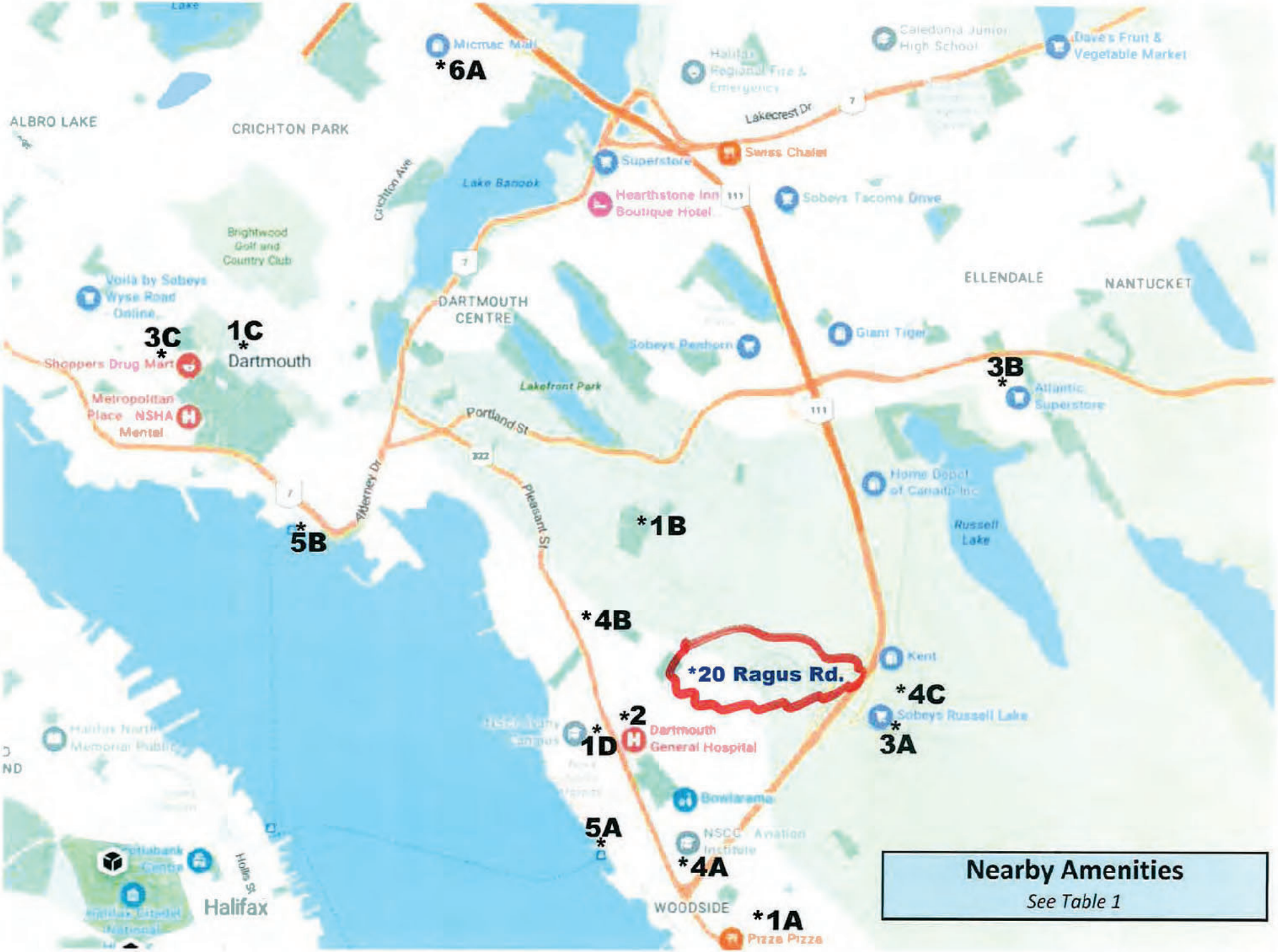
We are in dire need of employee housing and intend to apply for an amendment to the Centre Plan to allow employee housing in the Light Industrial Designation Zone. I am available to discuss the situation with yourself or HRM staff at your convenience.

Sincerely:

[redacted]

Bryan Naugle, President
Brycon Construction Limited

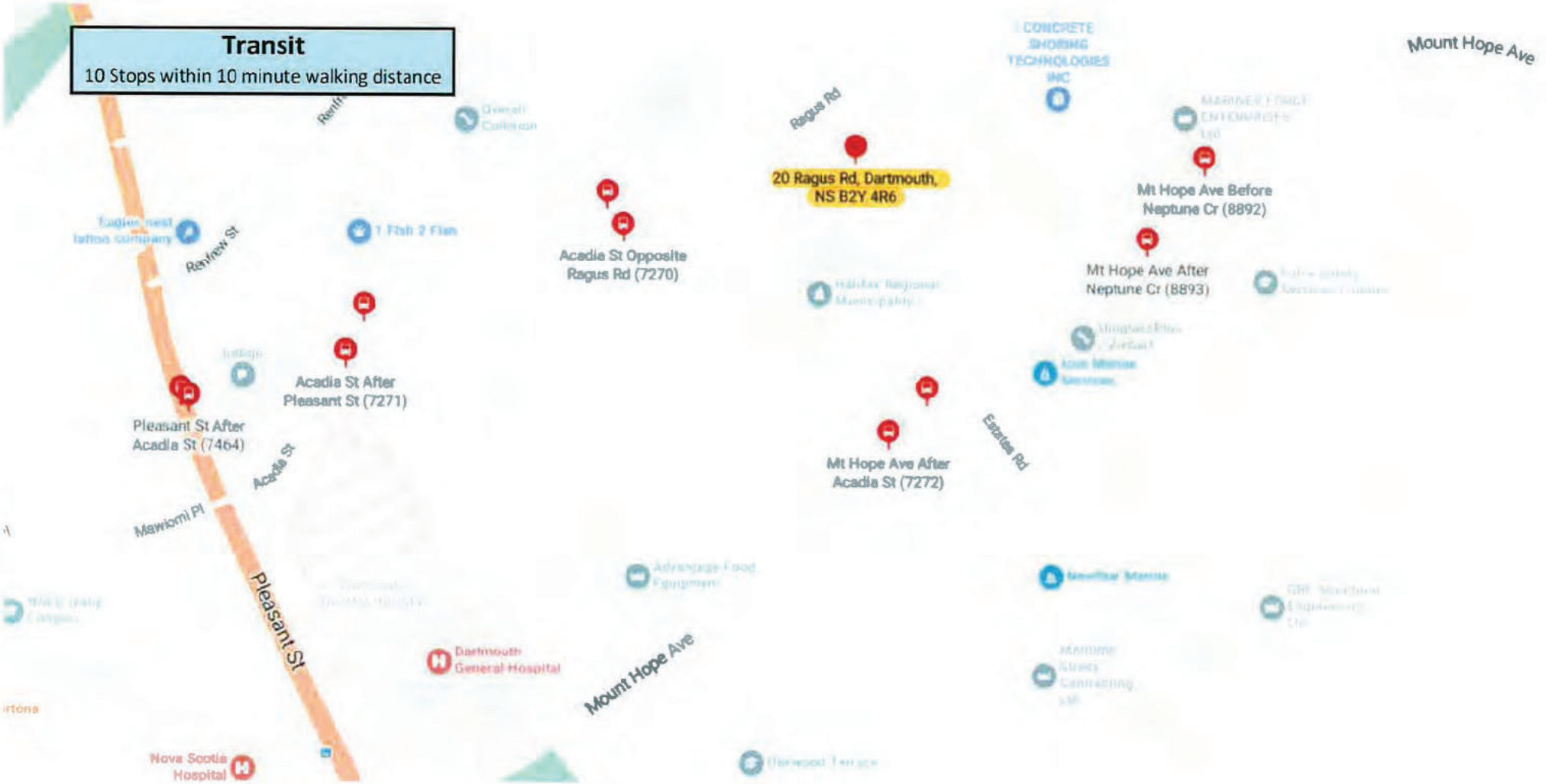
Brycon Construction Limited, 67 Atlantic Street, Dartmouth, Nova Scotia B2Y 4P4
Telephone: (902) 468-0070 Fax: (902) 468-5022


*6A
Micmac Mall
ALBRO LAKE
CRICHTON PARK
Lakecrest Dr
Caledonia Junior High School
Dave's Fruit & Vegetable Market
Superstore
Swiss Chalet
Lake Banook
Hearthstone Inn Boutique Hotel
Sobeys Tacoma Drive
Crichton Ave
Brightwood Golf and Country Club
Voila by Sobeys Wyse Road Online
3C
1C
Dartmouth
Shoppers Drug Mart
DARTMOUTH CENTRE
ELLENDALE
NANTUCKET
Giant Tiger
Sobeys Penhorn
3B
Atlantic Superstore
Lakefront Park
Metropolitan Place NSHA Mental
Portland St
Abernethy Dr
Pleasant St
Home Depot of Canada Inc
Russell Lake
5B
*1B
*4B
*20 Ragus Rd.
Kent
*4C
Sobeys Russell Lake
3A
*2
1D
Dartmouth General Hospital
Bowlarama
5A
NSCC Aviation Institute
*4A
Halifax
Holles St
WOODSIDE
*1A
Pizza Pizza
Nearby Amenities
See Table 1

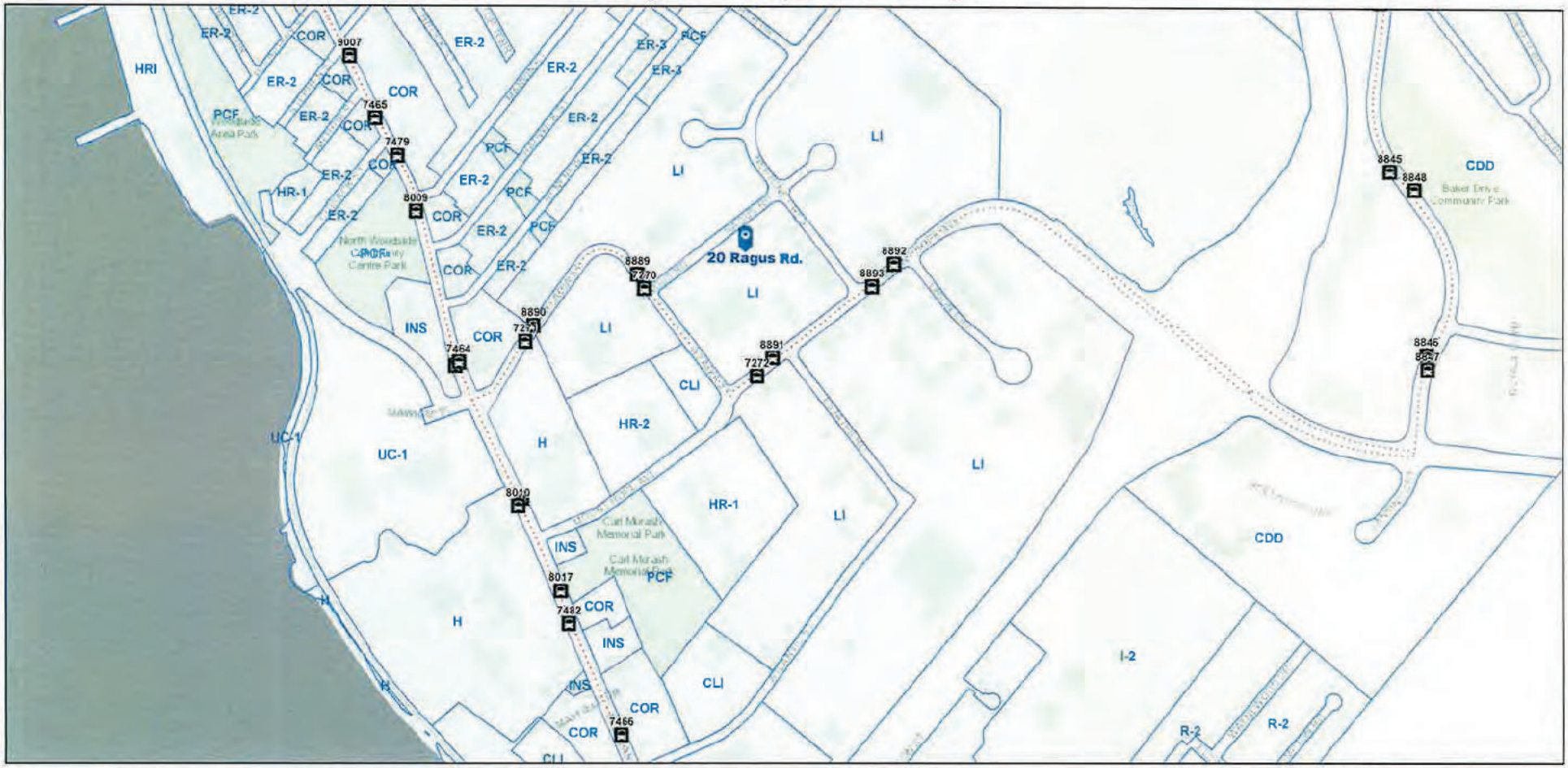
20 Ragus Road, Dartmouth, NS
PID #40580573

Nearby Amenities			Distance (km)	Walking (min)	Cycling (min)	Driving (min)	Transit (min)
Schools	1A	South Woodside Elementary School (PP-6)	2.3	25	11	4	16
	1B	Dartmouth South Academy (PP-8)	1.4	19	8	4	-
	1C	Dartmouth High (9-12)	4.1	46	20	8	28
	1D	NSCC Ivany Campus	1.0	11	3	3	-
Hospital	2	Dartmouth General Hospitals	0.9	11	2	3	-
Grocery Stores	3A	Sobeys – Baker Drive	1.6	22	9	3	9
	3B	Atlantic Superstore – Portland Street	3.9	45	15	7	22
	3C	No Frills – Wyse Road	4.8	51	19	10	22
Pharmacies	4A	Guardian Dartmouth Gate – Pleasant Street	1.5	17	4	3	-
	4B	MacKay's PharmaChoice – Pleasant Street	1.5	15	5	3	10
	4C	Lawton Drugs – Baker Drive	2.0	26	10	4	26
Transit to Downtown Halifax	5A	Woodside Ferry Terminal	1.7	16	6	4	13
	5B	Alderney Ferry Terminal	4.0	42	14	8	19
Shopping	6A	Mic Mac Mall	5.9	60	19	7	36
	6B	Dartmouth Crossing Shopping District	9.3	-	36	10	51

Table 1 - Nearby Amenities


Transit
10 Stops within 10 minute walking distance
Mount Hope Ave
Ragus Rd
20 Ragus Rd, Dartmouth, NS B2Y 4R6
Acadia St Opposite Ragus Rd (7270)
Mt Hope Ave Before Neptune Cr (8892)
Mt Hope Ave After Neptune Cr (8893)
Acadia St After Pleasant St (7271)
Pleasant St After Acadia St (7464)
Mt Hope Ave After Acadia St (7272)
Renfrew St
Acadia St
Mawiomi Pl
Pleasant St
Estates Rd
Dartmouth General Hospital
Nova Scotia Hospital

20 Ragus Road, Dartmouth, NS



5/9/2023, 8:16:34 AM

Bus Stops

Transit Bus Routes

6A/B/C - Woodside (A), Eastern Passage (B), Heritage Hills (C)

67 - Baker

Zoning Boundaries

1:9,028

0 0.07 0.15 0.3 mi

0 0.1 0.2 0.4 km

Halifax Regional Municipality

Halifax Regional Municipality | Halifax Regional Centre for Education | HRM Traffic Management |

C708

Attn: HRM Planners and Council
RE: Draft Regional Plan, Public Comment

To Whom It May Concern,

I am writing this letter to provide feedback on the recent Draft Regional Plan. In 2005, I and my six Field brothers donated 22 acres of land which includes part of Purcell's Pond to the Nova Scotia Nature Trust. The land is designated as the Captain Arnell Conservation Land in memory of our grandfather who bought the land in 1922. Purcell's Pond has been a favorite swimming location for the residents of Purcell's Cove for at 100 years. I note that 2 of my brothers, the widow of one brother and three nephews all live in the Purcell's Cove/Ferguson's Cove area.

1.One of our main concerns is to secure the land between the Nature Trust lands and the Shaw Wilderness Park and to ensure the Backlands (wildlands located between Purcell's Cove and Herring Cove Roads) remain as wildernesss). As a result we strongly support the recommendation in RP-14 to denote lands such as the Backlands as Open Space and Natural Resource Areas. Over the years many people have commented to us how much they value the Nature Trust Lands in Purcells' Cove as an untouched Wilderness Area very close to the urban core and accessible by public transit.

2. In sections CI-3 to CI-6, we are very happy to see the considerations of most of the Backlands being designated as a Nature Park. As you may be aware, the Nature Trust land in Purcell's Cove was subject to a fire about 10 years ago and is fire-prone so to maintain it as open space is very important.

3. From my involvement with the Nova Scotia Nature Trust, I appreciate the vital importance of green corridors and strongly support using the Green Network Plan in the development of urban plans as referred to in EC-1.

4. For privately owned land, the advice is to "re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcell's Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties.." The 250m setback will make it difficult to achieve the goal in point 1. We would be much happier with a reduction in this distance to perhaps 100m.

We would like to commend the planning team on producing a very thoughtful report which if implemented will ensure the continuing existence of precious wilderness land very close to urban Halifax which can be enjoyed by our children and grandchildren.

Submitted on behalf on my surviving brothers, Nick, Nigel, Ken, Peter and Rob Field.

Sincerely

Chris Field, [redacted]

C709

United Gulf
Developments Limited

Jacob Ritchie MCIP, LPP
President
United Gulf Developments Limited

October 10, 2023

Kate Greene MCIP
Director, Regional & Community Planning
Halifax Regional Municipality

Re: Housing Accelerator Fund Application Update

Ms. Greene,

Following from the recent Regional Council discussion regarding the Housing Accelerator Fund on September 26th, 2023 we wanted to touch base with some notes from our office that may be helpful in your work.

As much as possible, we want to help in ensuring that we remain responsive as the region continues to welcome residents who drive demand for housing, services, and infrastructure.

Notably, staff and council discussed two issues that we are providing comment on here.

- Increasing density and creating opportunity for housing within walking distance from post-secondary institutions. Specifically looking at post-secondary institutions outside the Regional Centre and near NSCC & MSVU.

- Lot standards that impact gentle density implementation through back yard suites.

We hope that these comments can assist staff in making necessary adjustments to policy and regulation and continue the good work with other orders of government to respond to the housing crisis in Canda.

<u>Suburban Density in Proximity to Post Secondary Institutions</u>

As you are aware, United Gulf applied for an amendment to the Dartmouth Municipal Planning Strategy to allow for taller buildings at the corner of Main Street and Caledonia Road (PIDs 40612228, 40612236) in January of this year.

When our application was made, our motivation was completely in line with comments from the Federal Minister of Housing, Infrastructure and Communities. Our Post-Secondary Institutions act as anchors in the community and provide a magnetism and energy that defines their immediate neighbourhoods and, in many ways, our entire municipality. We can maximize this benefit by having appropriate redevelopment plans for underutilized lots near these institutions.

NSCC Akerley is a community of nearly 1,500 students and staff who spend significant portions of their days on the campus and around the Woodlawn community. The drive for students to live and work near their institutions is well supported in literature and market data, and the recent addition of 150 beds of campus housing at Akerley shows that the demand is real.

Our project site is an approximately 1.5-hectare site located directly across the street from the second largest campus of the Nova Scotia Community College (Akerley). The project site formerly housed a car dealership and maintenance shop serving the Dartmouth area, which has undergone substantial remediation in 2017 and meets the environmental standards for residential and commercial land use.

The site is designated under the Main Street area in the Dartmouth Municipal Planning Strategy and redevelopment of the site to include multifamily dwellings is supported in policy. The height of redevelopment is limited to 24.4m throughout the site, with limits on ground oriented residential units and materials relating to adjacent land uses.

Our amendment application in January of 2023 focused on height as a limiting factor at the site. The 24.4m height limit effectively limits the density on the site to an FAR that is similar to lower-density residential areas. While this would allow for limited development on the site, it would be difficult to achieve the Community Design Goals of the Suburban Design Guidelines (Appendix C, Draft Regional Plan) under these as-of-right conditions. Further, the use of height controls to limit density is exceedingly difficult on large sites that have substantial depth from the right of way, ultimately impacting the ability to meet the policy objectives of not only the Draft Regional Plan, but the Dartmouth Municipality Planning Strategy itself.

Given the openness to discuss opportunity sites near suburban institutions we feel it would be an opportune time to discuss our project to understand how we could advance to a Development Agreement with the municipality and how an FAR control could be used to ensure that the project is viable, and that the design is in tune with the desires of the Municipality.

We have received feedback on our design as shared in early 2023 and are open to working with HRM staff to refine the design as we work toward a Development Agreement for the site.

The size of our site allows for considerable density where we can position towers and other amenities in the best location and create an open space network that is useful for community and pedestrians, creates streetwalls that improve pedestrian comfort, all while providing the housing, retail, and commercial opportunity that will anchor Main Street in the greater Woodlawn neighbourhood.

An FAR at the levels that have been used on similar sites at major crossings in the Centre designation of the Centre Plan will allow for the best redevelopment of the subject property. Not only will the project achieve the Community Design Goals of the suburban plan, but this density will help maximize the use of existing public and private assets in the Woodlawn neighbourhood and through the Village on Main while building on what NSCC creates and nurtures through their Akerley Campus.

Lot Coverage

Additionally, our team has been looking at a few scenarios where backyard suites can create an opportunity for more housing. We know that traditional residential zoning throughout Halifax Regional Municipality has tended to use lot coverage in the 35% (maximum) range for residential zones depending on local context.

What we have seen in our design exercises is that making this lot coverage maximum work to provide the gentle density that is desired by HRM is prohibitive, especially if backyard suites are limited to single floors. We believe owners require more leniency in how certain setbacks and coverage statistics are considered. We recognize that a desire for permeability in landscape, a robust forest throughout our urbanized environment, and a sense of "space" form the rationale for these type of lot standards, but we think in urban contexts we can live well with more coverage on private lots.

We would suggest that on residential lots throughout HRM a 50% lot coverage maximum and a 0.5m minimum side yard would make backyard suites feasible for many more sites. Controls on total footprint could safeguard against large lot outliers, and at less than 50% lot coverage these sites will continue to support the fabric of the landscape.

These allowances would stack positively with the minor adjustments to height that were discussed at Regional Council to help with the necessary acceleration of adding housing stock.

We appreciate the opportunity to provide this comment and we look forward to meeting to discuss the opportunity site at the corner of Main & Caledonia.

Regards,

[redacted]
Jacob Ritchie MCIP, LPP

CC:

Regional Plan Team

C712

DALHOUSIE UNIVERSITY
Inspiring Minds

OCEAN FRONTIER INSTITUTE

October 4, 2023

Attn: HRM Planners and Council
RE: Draft Regional Plan, Public Comment

To Whom It May Concern,

I write this letter to provide feedback on the Draft Regional Plan, writing as a **citizen of Fergusons Cove, HRM, a member of the Backlands Coalition, and a Professor of Conservation Biology** at Dalhousie University.

My **main concern**s center around **limiting urban sprawl and maintaining the quality of life and access to natural and wilderness areas** close to our city. In this regard, I will comment specifically on the various points marked by their RP- or CI-number.

RP-14: I strongly support the Plan's directive to direct housing and employment growth to the Urban Area, which is serviced with municipal water, wastewater and stormwater services and conventional transit services. Halifax features rural and wilderness areas close to the urban core, which are critical green infrastructure that support our quality of life and provide nature-based solutions to climate change. As such, I am strongly in favor of formally protecting these areas and limiting most development to the urban area as suggested in the plan.

RP-21: I also **strongly support the Open Space and Natural Resource Designation for natural areas like the Backlands** (wildlands located between Purcell's Cove and Herring Cove Roads), to preserve urban access to the last remaining wilderness areas and wildlife corridors close to the downtown area and accessible via public transit to everyone. Much of this land is currently zones as Urban Reserve, yet it is wholly unsuitable for urban development and needs to be designated **Open Space and Natural Resource.**

CI-3 to CI-6. I further **applaud the HRM planning Committee for considering designation as a Nature Park for a majority of the Shaw Wilderness & McIntosh Run** areas (known collectively as the Purcell's Cove Backlands). I especially support CI-6 which recognizes the unique, fire-prone ecology of the Purcell's Cove Backlands and the need to protect the majority of this area as open space.

EC-1. I strongly **support the importance of using the Green Network Plan as a guiding principle for city planning. The Purcell's Cove Backlands provide an important green corridor in this regard**, equally used by people and wildlife and connecting to the larger green spaces and conservation areas in the Long Lake and Herring Cove Provincial Parks.

EC-18. I **support the Municipality in developing community-based Watershed Management Frameworks**, recognize the way watersheds may connect across regional districts and boundaries. In this regard I am **concerned about the health of the Williams Lake and McIntosh Run watershed which both experience accelerated pressure from urban development that does not recognize the connectivity in these watersheds.** For example McIntosh Run Watershed extends well beyond (west of) Herring Cove Road, an area that is currently considered for urban development. I think it is important to review these plans such that they may not interfere with the health of this watershed, which is otherwise in a near-natural state.

EC-19. In this regard the **areas west of Herring Cove Road that are part of the McIntosh Run water course need to be considered for a watershed study**, prior to further development.

EC-24 The **30-m riparian buffer is an important new planning feature**, and very much supported.

OTHER ISSUES:

Revisiting the scale of environmental setbacks: The Draft Regional Plan advises: to "re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcell's Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties." While the intention of this setback may be to create an area of privately owned undeveloped Open Space land adjacent to the Backlands, the distance of 250 m from Purcell's Cove Road would allow development further into the vulnerable and fire prone areas of the Backlands and appears arbitrary. **A 100m setback may be more reasonable** in terms of provide real protection to the backlands and allowing private lands to be contributing substantially to the integrity of this and other wilderness areas.

Recognize the urgent need for accurate environmental mapping. The Backlands area is under extreme development pressure. There is a **need for accurate and complete environmental mapping** of the land that includes both large and small wetland areas and to understand how they work together. The maps being used currently are incomplete, vague, and some date back to before amalgamation in 1996.

I would like to thank the Planning Team for their time and consideration and look forward to hearing from you.

Yours sincerely,

Boris Worm, Ph. D., F.R.S.C.
Dalhousie University and Ocean Frontier Institute
1355 Oxford Street, Halifax, NS
Canada B3H 4J1
Phone: [redacted]
Email: [redacted]
Web: [redacted]

[redacted]

C713

The Village on Main Community Improvement District

Housing & Development

PREPARED BY
GRAZIELLA GRBAC & DEVON ARMSTRONG



Agenda

The Village on Main

1- Who We Are

2- Why We're Here

3- What We Recommend

WHO ARE WE?

The Village on Main

EARLY 2000'S -ENGAGEMENT & NEW VISION

HRM performed an extensive engagement exercise with our community and a new vision arose.

2008- MAIN ST DARTMOUTH BID CREATED

To pursue this vision.

- approx 100 properties

2013 - NEW RULES (LAND USE BY-LAWS) APPROVED TO ENCOURAGE GROWTH

- Capacity for 8000 residents in The
- "Main Street Designation" (VOM)

MAIN STREET DESIGNATION

2013 vision in the Dartmouth Municipal Planning Strategy

(a) to become a clearly defined, **dense**, mixed use **town centre** with **pedestrian spaces**, a range of **housing choices**, conveniently located goods and services, and buildings and uses that invite residents to walk or bicycle to obtain daily needs and, in so doing, informally interact with their neighbours.

(b) to focus **higher density housing** within a short walk of shops, services, employment and public transit, and minimize impacts on established low-density residential neighbourhoods to the north and south of the Main Street Designation;

(c) to encourage buildings which evoke **streetscapes and townscapes** ranging from traditional to modern;

(d) to ensure visibility between building interiors and the street while addressing privacy issues for residents;

(e) to provide direction, **predictability and scope for private sector re-investment** in accordance with the vision;

(f) to continue to consider the needs of local businesses, the potential for incremental investment, and the **viability of potential redevelopment opportunities**; and

(g) to maximize synergy and **minimize conflicts between residential and commercial uses**.

WHY ARE WE HERE?



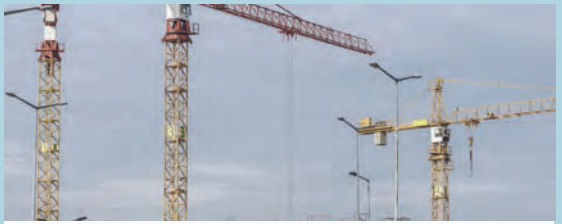
"ESTABLISHED TO CARRY OUT ECONOMIC DEVELOPMENT"

Within the Municipality



WE AGREE WITH YOU

Village on Main wants higher-density housing options.

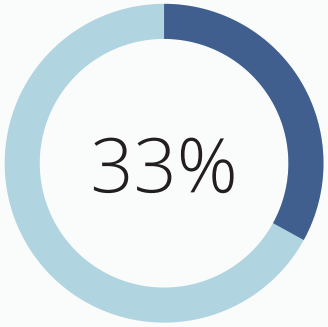


WHY WAIT FOR THE SUBURBAN PLAN?

We have done the engagement, visioning and changes to the LUB...then we monitored them for 10 years and are ready for amendments.

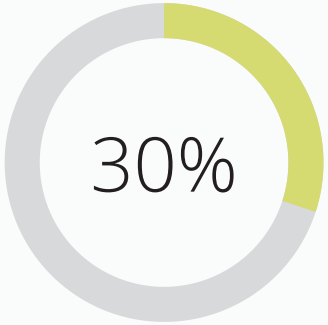
Since 2014 - Is Growth & Development Happening?

YES AND NO



COMMERCIAL PROPERTIES

Sold or applied for development permit



RESIDENTIAL PROPERTIES

Sold or applied for development permit

EFFORTS BY VOM TO ENCOURAGE GROWTH

2013-PRESENT

1. Created interactive map of new rules to simplify awareness for developers and community
2. Created animations (fly-by) of the maximum potential of new rules
3. Presented vision, animations, news of development to groups, city and social media
4. Affirmative Ventures Development
5. Demolition of the former Garden View restaurant
6. News article about development on Main Street
7. Offered M.Plan support to large property owners to design and develop based on new rules
8. Offered modeling and pro-forma assessment to property owners to encourage development
9. Provided accessibility and sustainability resources for development
10. Advocated for affordable housing non-profits to wave development fees
11. Submitted documents and reports, and met with the city requesting support and adaptations to encourage growth
12. Prepared data requesting streetscaping program be extended from urban core to VOM in an effort to attract development: request denied.
13. Advanced GIS mapping project tracking underground infrastructure (power, water, drainage, etc) to determine suitability for public space location.
14. Created Development Map to track development permits and sales: VOM Development Activity Map - Google My Maps
15. Implemented programs to encourage growth
16. Age Friendly Community Plan as welcoming tool
17. Place Making for beautification
18. Webcams for security
19. Networking to meet our members face to face
20. Branding and Community Events

From 10 years of tracking LUBs, 25 amendments emerged in 4 categories:

- PEDESTRIAN ACCESSIBILITY & PRIORITIES
- PARKING, SIDEWALKS & GREEN SPACE
- HEIGHT, SET BACKS & STEP BACKS
- ADAPTIVE USES FOR COMMERCIAL BOTTOM FLOORS

Recommendations

- Address 25 LUB amendment recommendations
- Move VOM out of the "Urban Growth Center" category
- Create a new designation in the Regional Plan
- Work in partnership with BIDs for expedited growth

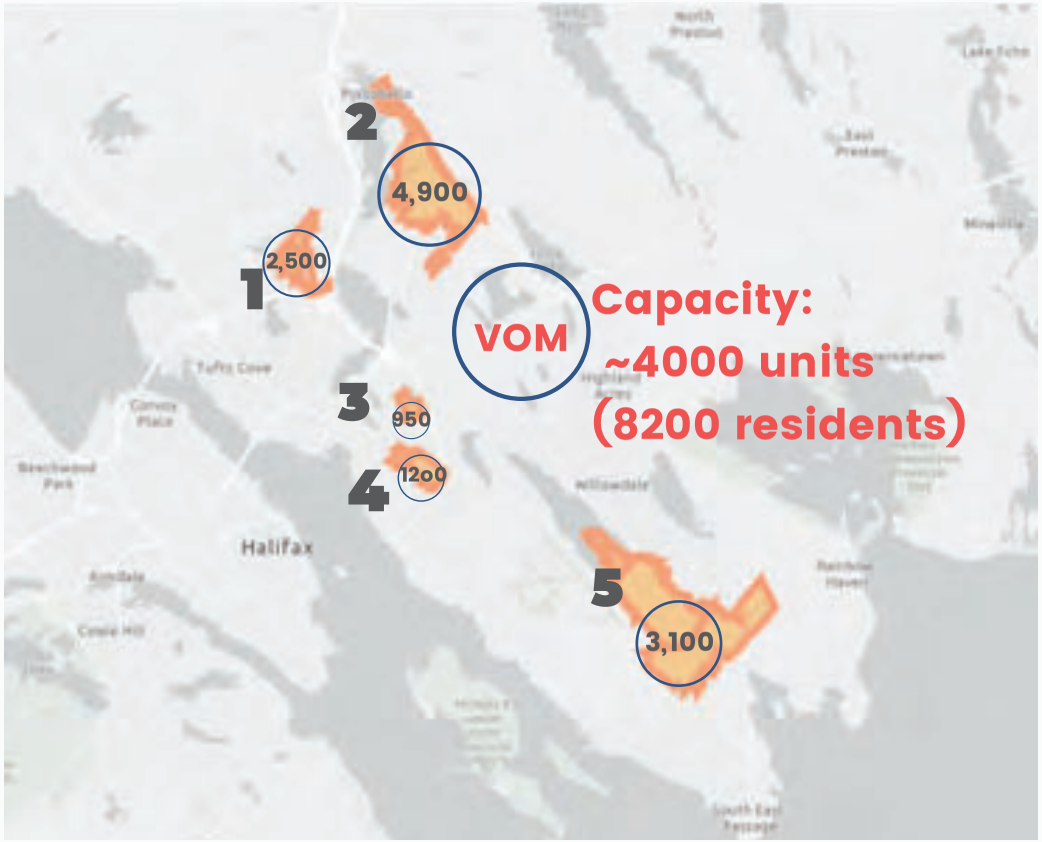
1

Address 25 LUB amendment recommendations .....

USE THEM AS BEST PRACTICE FOR OTHER COMMUNITIES IN THE SUBURBAN PLAN.

Projected Growth Areas in Dartmouth:

Special Planning Areas



1 Dartmouth Crossing

2,500 Units

2 Port Wallace

up to 4,900 units

3 Penhorn Mall

950 Units

4 Southdale-Mount Hope

1,200 Units

5 Morris Lake

3,100 Units

Total: 12,650 Units

Source: Ecology Action Center, 2022

2 Move the VOM out of the "Urban Growth Center" category

Urban Local Growth Centre	Herring Cove Lakeside/Beechville Timberlea Village Clayton Park West Birch Cove Kearney Lake Bedford Mill Cove Lower Sackville Main Street Middle Sackville Morris Lake North Westphal Cole Harbour Eastern Passage	• Mix of low, medium and high density residential, small office, small institutional and convenience commercial uses • In established residential neighbourhoods, low to medium density residential uses • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • Pedestrian oriented facades	• Transit to connect to other centres and Regional Centre • Pedestrian oriented transit stops • Enhanced pedestrian linkages • Street, or rear yard parking wherever possible • Access to AT routes • Short interconnected blocks for ease of walkability	• Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Provisions for food security	• Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors

Table 3-1: Future Characteristics of Urban Settlement Growth Centres (Regional Municipal Strategy Plan)

Regional Plan - 4 categories:

1.Regional District Growth Centre
- West End Mall
- Mic Mac Mall

2.Regional Local Growth Centre
- Shannon Park
- City of Lakes
- Penhorn-Woodlawn
- Woodside

3.Urban Growth Centre

→

4.Urban District Growth Centre
- Spryfield
- Bedford West
- Sunnyside Mall
- Sackville
- Russell Lake
- Port Wallace
- Sandy Lake
- Hwy 102 West
- Bedford South

3

Consider creating a new designation in the Regional Plan

CONSIDER A NEW "GATEWAY" DESIGNATION IN THE REGIONAL PLAN.



4 Work in partnership with BIDs for expedited growth

Business Improvement Districts:

- Are mandated to promote and advocate for the community they represent
- Have resources to hire consultants
- Can engage the community
- Have the infrastructure to expedite development/housing



Thank you!

ANY QUESTIONS?

GET IN TOUCH!

The Village on Main

GRAZIELLA GRBAC

175 Main St., Suite 208, Dartmouth,
NS, Canada, B2X 1S1

EMAIL

graziella@villageonmain.ca
welcome@villageonmain.ca

PHONE/TEXT

(902) 229-6711

The Village on Main Community Improvement District

Transportation Needs in Dartmouth

PREPARED BY
GRAZIELLA GRBAC & DEVON ARMSTRONG

Agenda

1- Where We Are

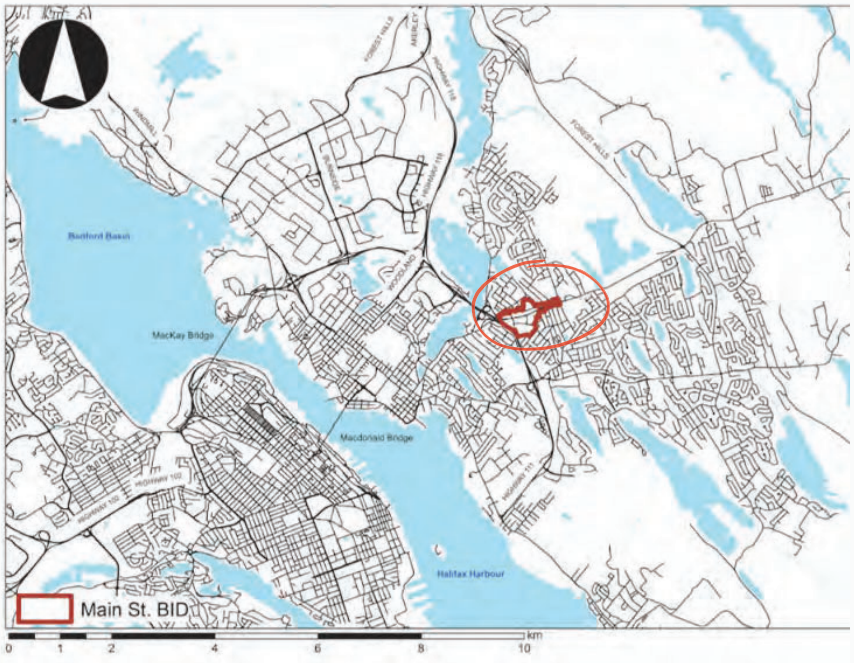
2- Why We're Here

3- What We Recommend





Where We Are



"URBAN CENTER FOR THE EASTERN SHORE"

CENTRAL DARTMOUTH

10 minute drive to 90,000 Dartmouth residents

197 BUSINESSES IN A 1KM RADIUS

68 health & wellness facilities

4 SCHOOLS, 5 CHURCHES

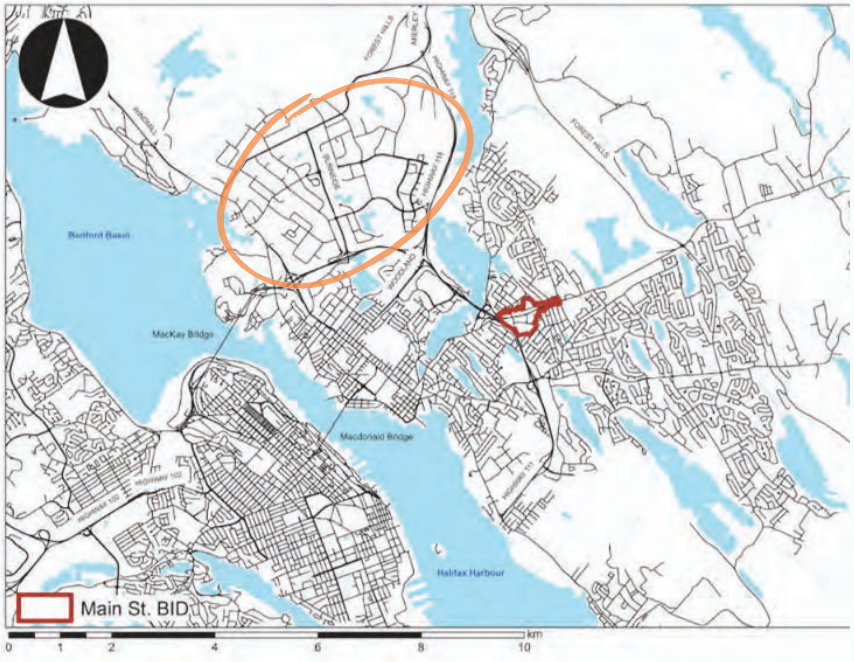
Elementary, Junior High, High School & NSCC - Akerley

1 OF 9 BIDS

Responsible for economic development

The Village on Main

Burnside Industrial Park



2000 BUSINESSES

30,000 EMPLOYEES (2022)

78% SERVICE / 22% INDUSTRY



A COMMON VISION

HALIFAX TRANSIT'S MISSION STATEMENT:

"Working together to provide a **safe, reliable, and sustainable** transit system for all."

IMP VISION STATEMENT:

"Residents will have a choice of connected, healthy, affordable, sustainable travel options for moving both people and goods, through integrated transportation and land-use planning"

VILLAGE ON MAIN VISION STATEMENT:

" An **inclusive and sustainable** community where spaces and neighbours are **welcoming and connected.**"

Why We're Here

AS ONE OF THE 9 BIDS UNDER AN HRM AGREEMENT:

"established for
the purpose of carrying out economic development within the Municipality...

...to help Halifax Regional Municipality to identify business development priorities, resolve service delivery issues, make business districts more attractive to investors, developers and clientele and otherwise assist the Municipality in achieving its economic development mandate."



VOM's Involvement & Timeline

2013

- VOM petition and letter submitted to HRM Transit
- Submitted demographic report with recommendations in response to Moving Forward Together
- Presented active transportation recommendations to HRM's Active Transportation committee

2015

- Designed pedway connection from Lakecrest to Waverly Rd.
- Attended Moving Forward engagement sessions (2015 -2016)
- Community Engagement of suggested transit changes
- Met with District 6 and 4 councilors with proposals (2014 -2019)

2016

- Formed a coalition with leaders in Dartmouth communities (The Dartmouth Thing) to address transit connections in all Dartmouth communities
- Prepared report with realigned routes to improve transit in Dartmouth without additional cost to city
- Prepared Public Infrastructure Plan listing how VOM requests line up with city documents and makes recommendations
- Presented request to city on behalf of The Dartmouth Thing Coalition.
- Submitted letter on behalf of all BIDs asking for transit amendments

2017

- Submitted funding application to design connection from Main/Lakecrest to Prince Albert Rd or Waverly Rd
- Report: The role of Active Transportation in Complete Communities
- Summary of Active Transportation as it relates to green space, complete communities, sustainability, age friendliness, and connectivity.
- Request submitted to Councilor of District 6 and all other Dartmouth Councilors.

2018

- Met with Dartmouth municipal election candidates with presentation
- Making The Case for Connections in The Village On Main outlining HRM's commitment to improving connectivity throughout their policy documents.

2019

- Engaged Planning Video Company, PlaniFax to develop video about gaps in transit for Dartmouth communities
- Active members of Leading With Transit coalition Leading With Transit, formed to recommend transit oriented design to stimulate growth/development (2019-2019)

2021

- Prepared Dartmouth Transit Challenges to new municipal councilors in Dartmouth districts
- Summary document of past efforts and recommendation status: Transit in VOM

HRM's Involvement & Timeline

HALIFAX REGIONAL MUNICIPAL PLANNING STRATEGY (2014)

DARTMOUTH MUNICIPAL PLANNING STRATEGY (2015)

MAKING CONNECTIONS: 2014-2019 HALIFAX ACTIVE TRANSIT PRIORITIES PLAN

MOVING FORWARD TOGETHER PLAN (2015)

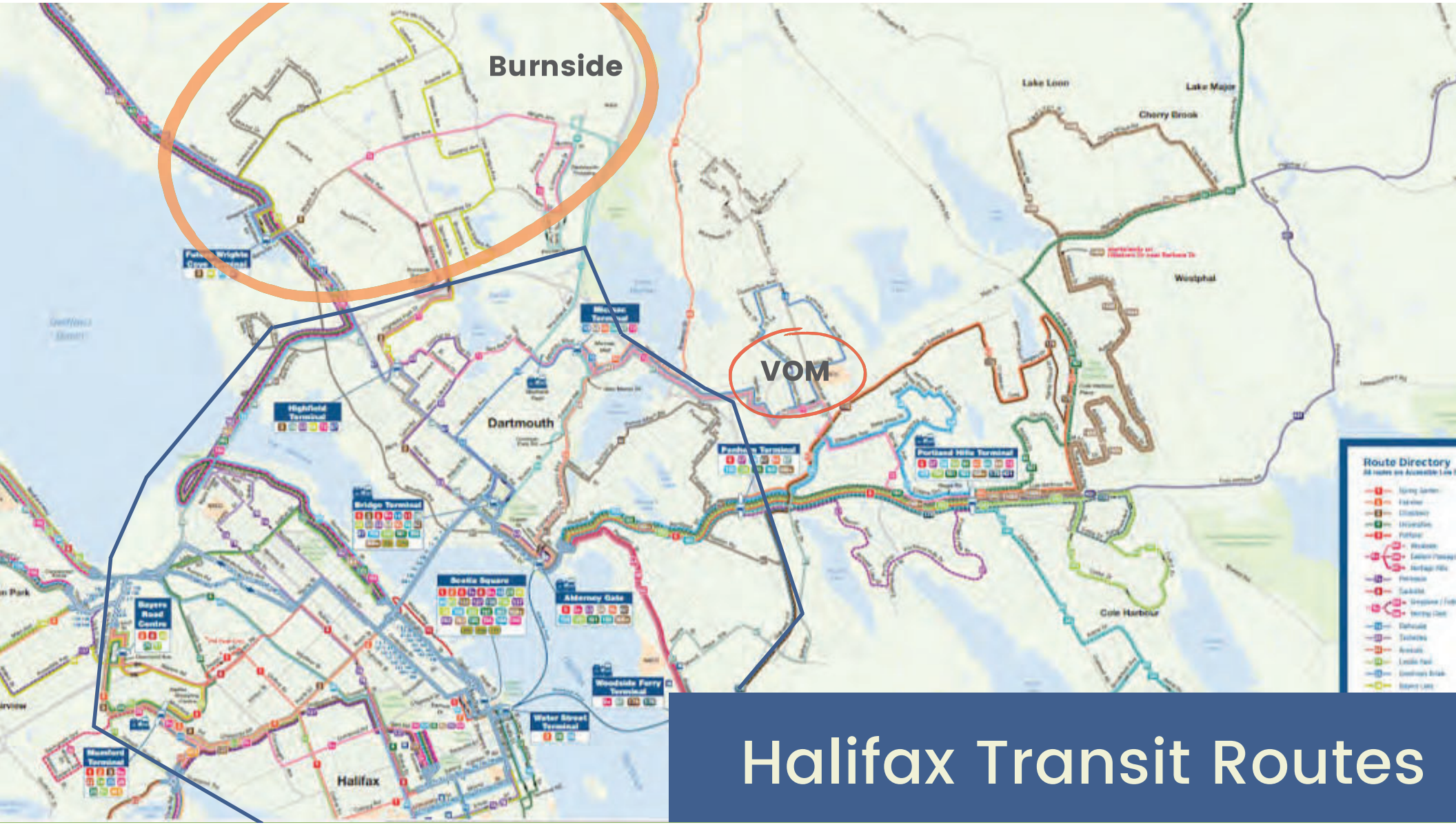
INTEGRATED MOBILITY PLAN (2017)

HALIFAX INDEX (2021)

CENTRE PLAN (2021)

HALIFACT (2021)

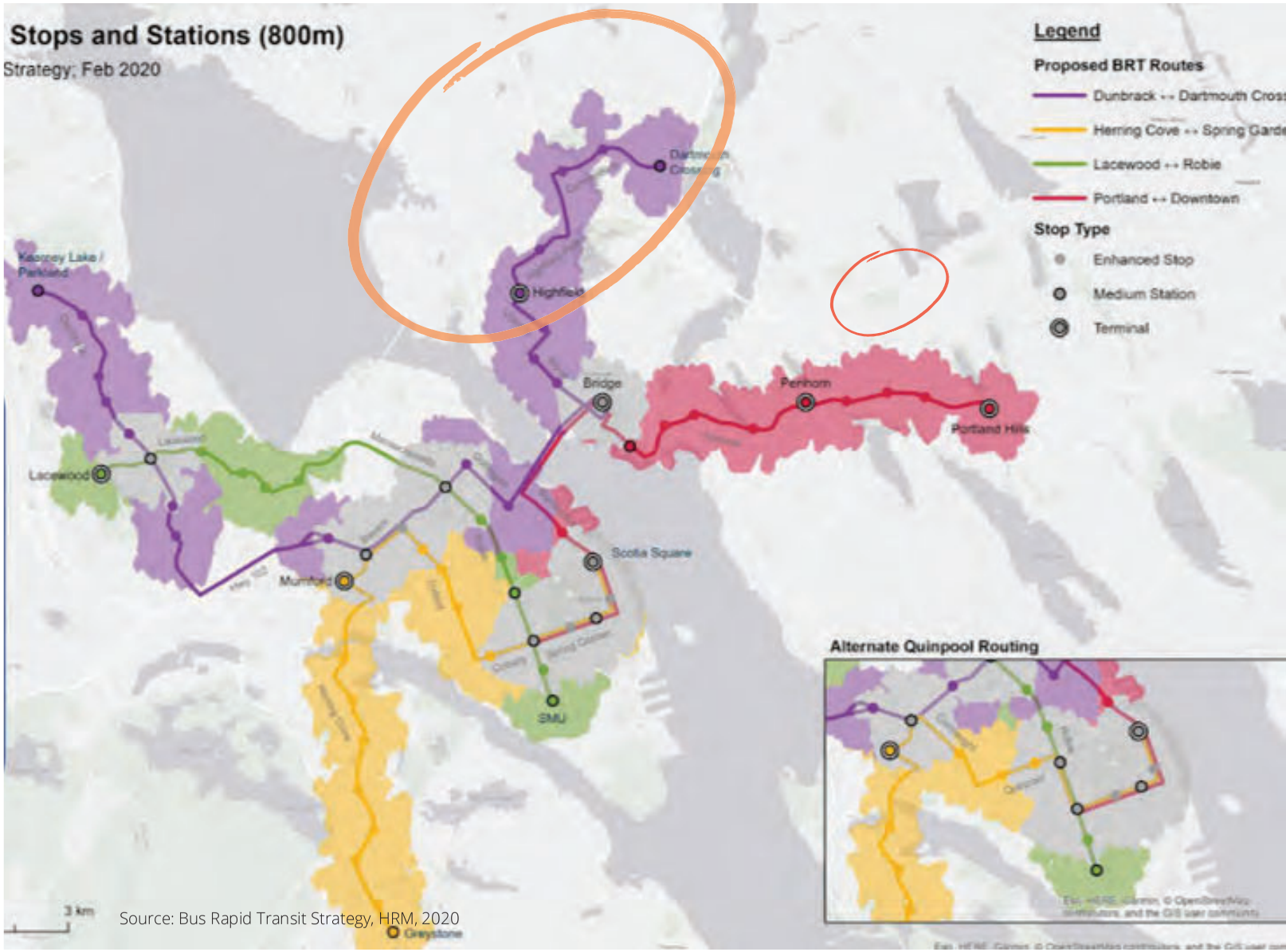
HALIFAX INCLUSIVE ECONOMIC STRATEGY (2022)



Halifax Transit Routes

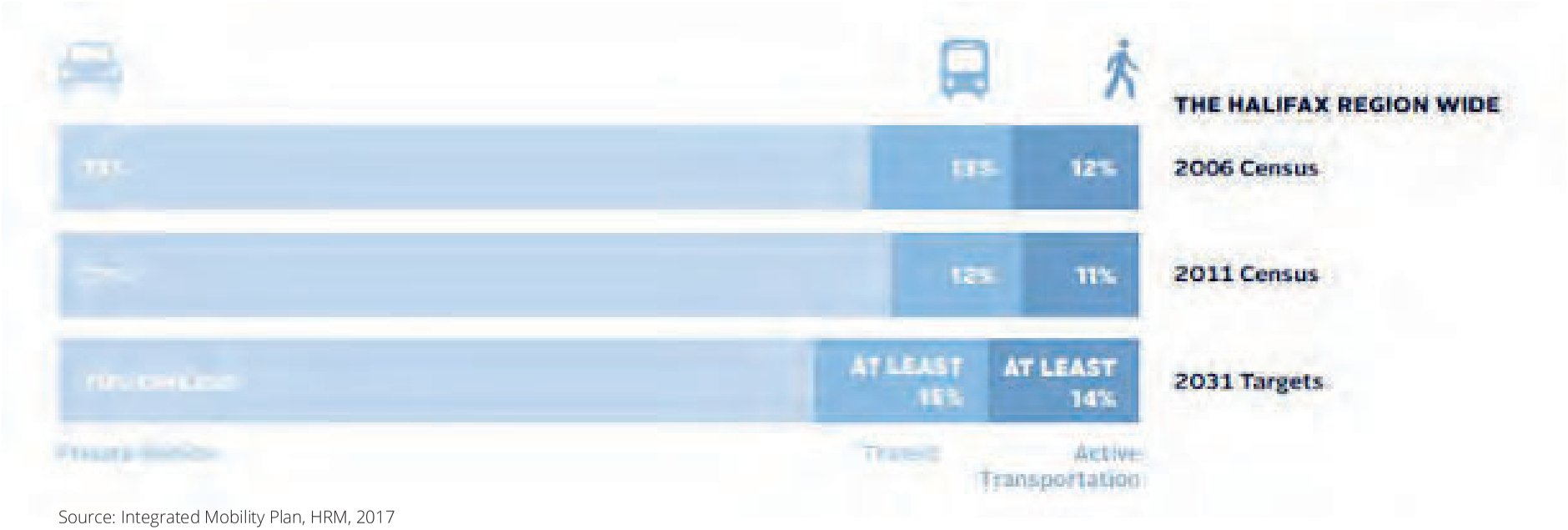
BRT Routes:

UNBALANCED ATTENTION



Source: Bus Rapid Transit Strategy, HRM, 2020

HRM's Mode Share Targets by 2031



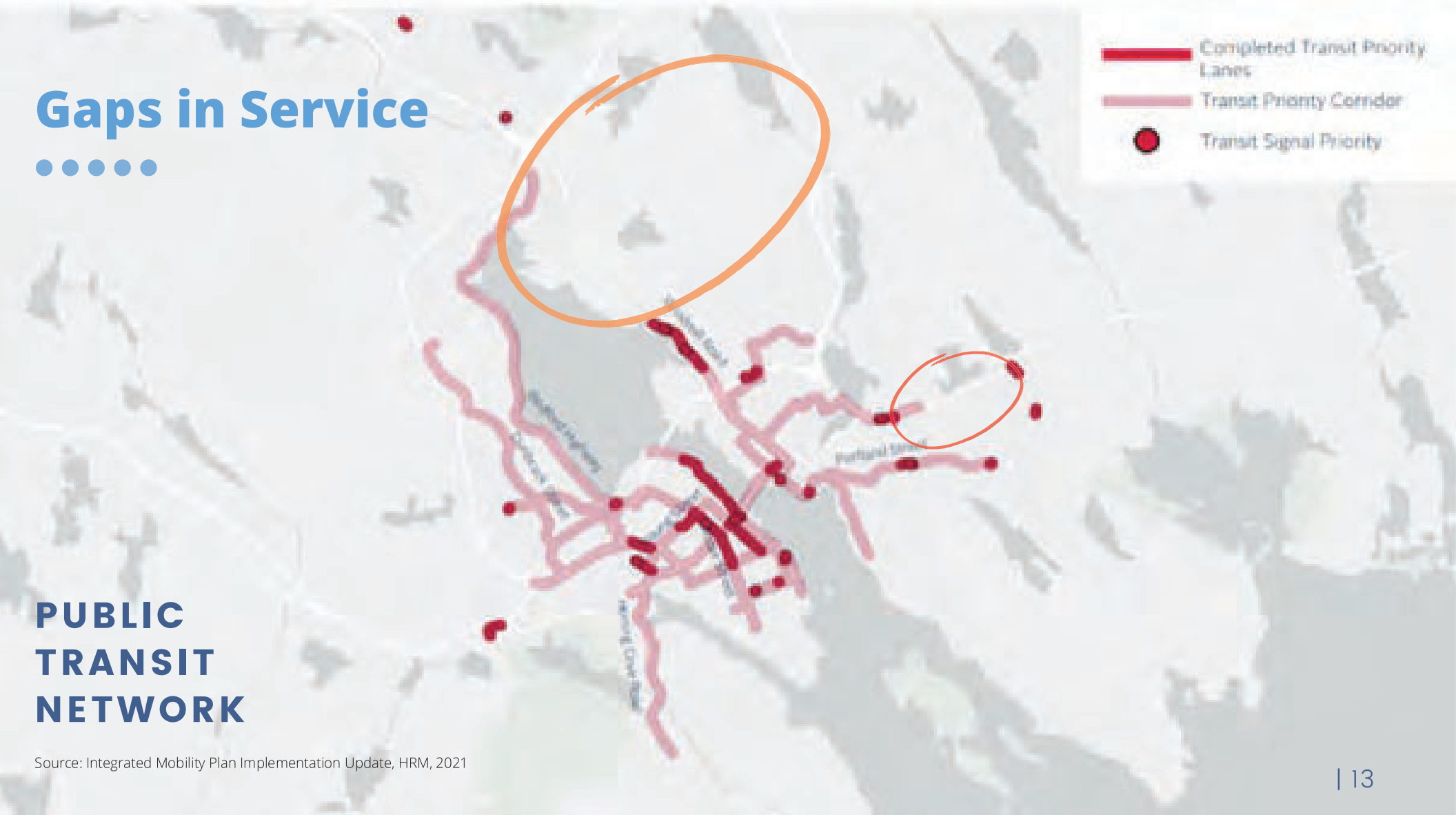
Source: Integrated Mobility Plan, HRM, 2017

"The average increase in driving in the entire region is approximately 1.5-2%.

The **largest increase in driving** is in Central Dartmouth, increasing by about **10-16%**."

- Integrated Mobility Plan Implementation Update, 2021

Gaps in Service



PUBLIC TRANSIT NETWORK

Source: Integrated Mobility Plan Implementation Update, HRM, 2021

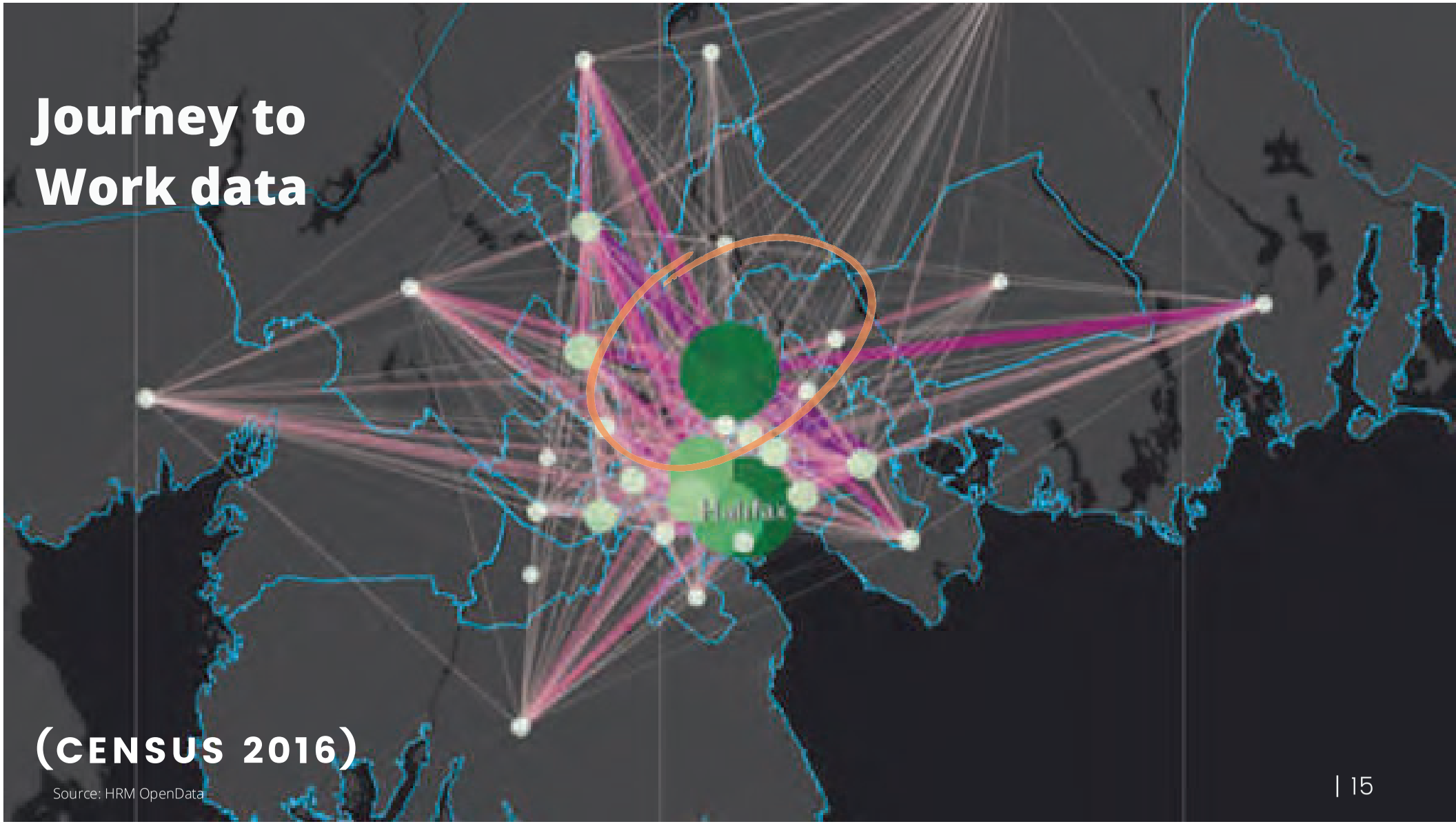
Gaps in Service



ACTIVE TRANSPORTATION NETWORK

Source: Integrated Mobility Plan Implementation Update, HRM, 2021

Journey to Work data



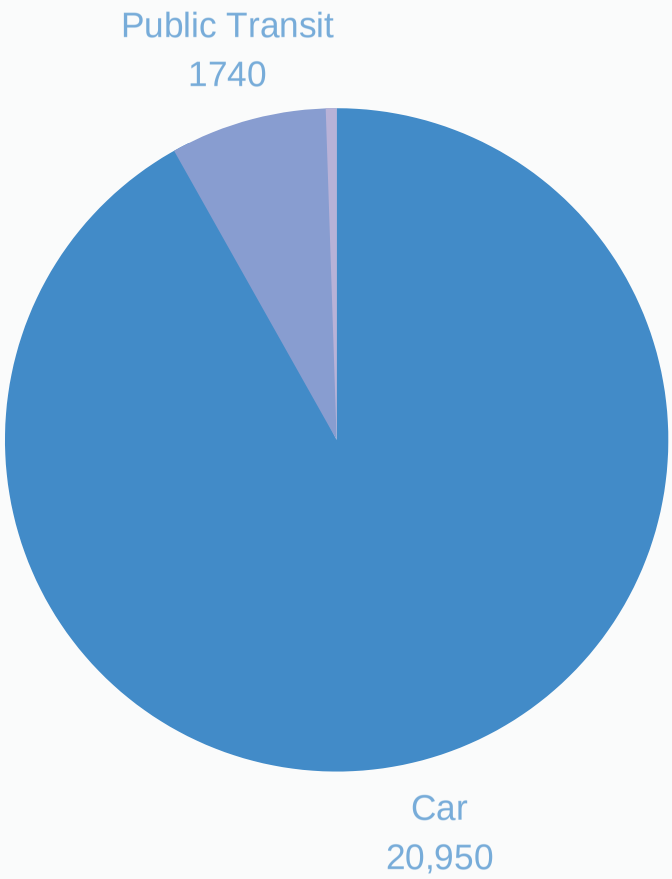
(CENSUS 2016)

Source: HRM OpenData

Daily incoming workers:

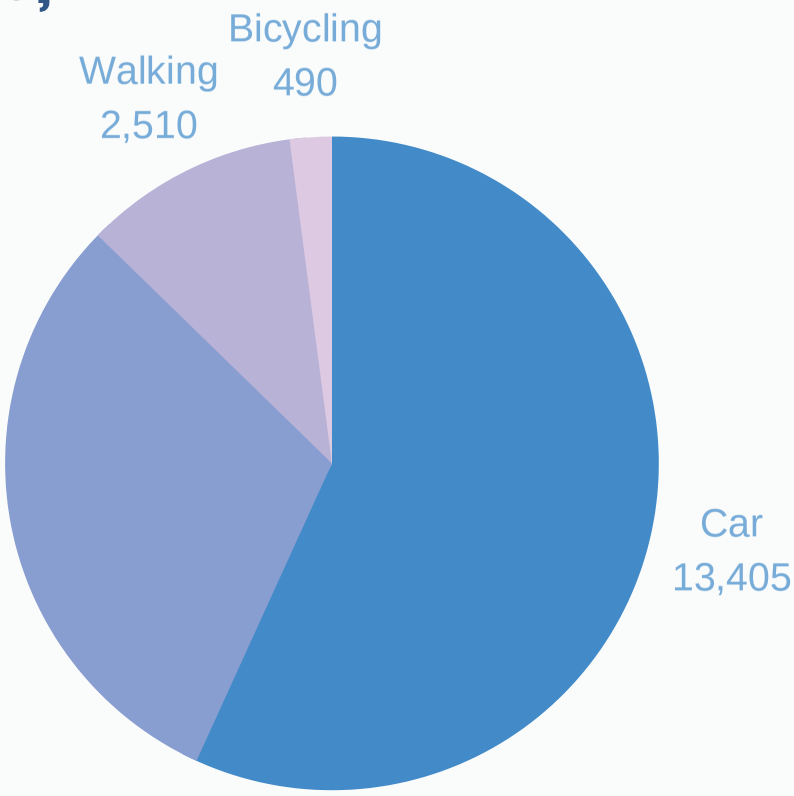
Burnside Industrial Park:

23,120



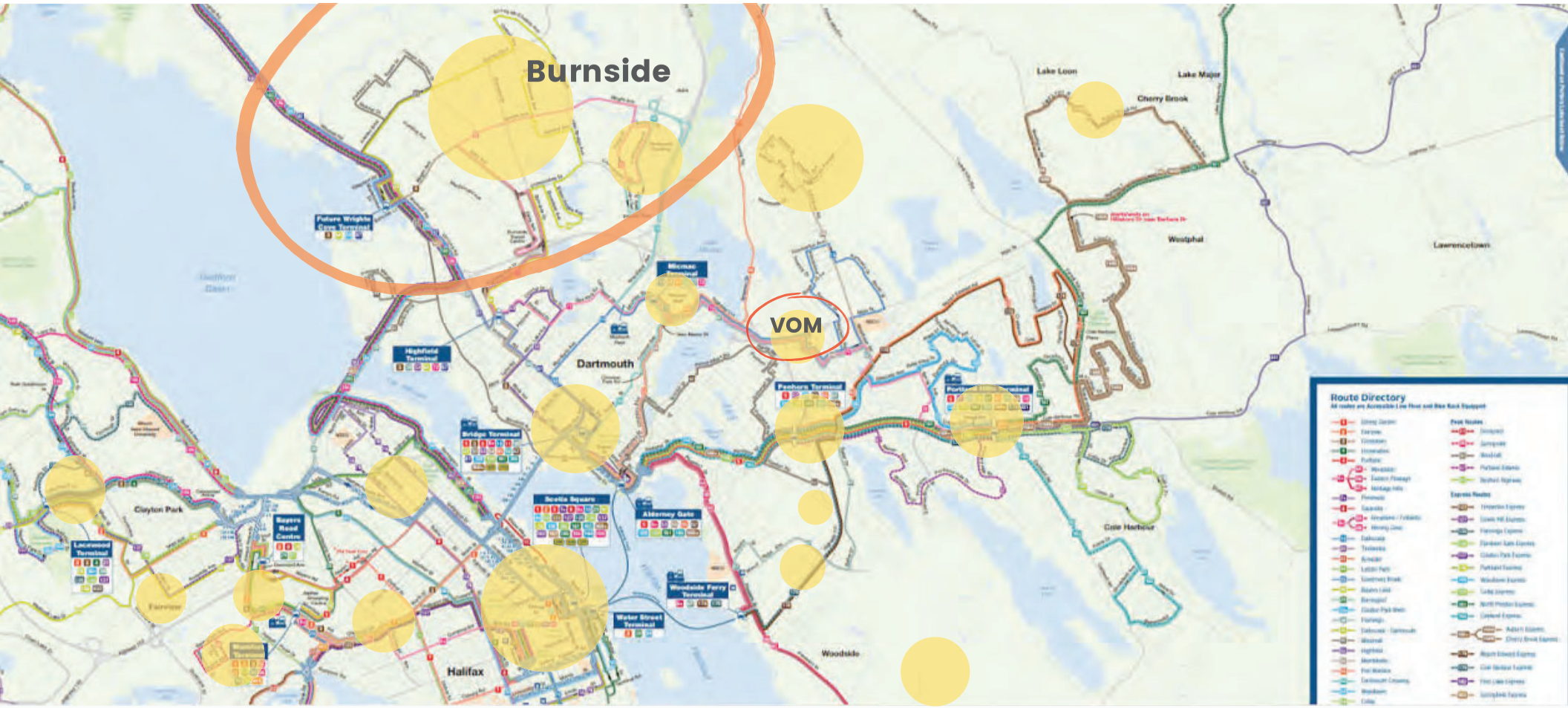
Downtown Halifax:

23,650



Key Issues

1. CONNECTING HUBS
2. DARTMOUTH VS HALIFAX: SERVICE & ATTENTION
3. HOUSING & EMPLOYMENT CONNECTIONS
4. PROJECTED GROWTH AREAS



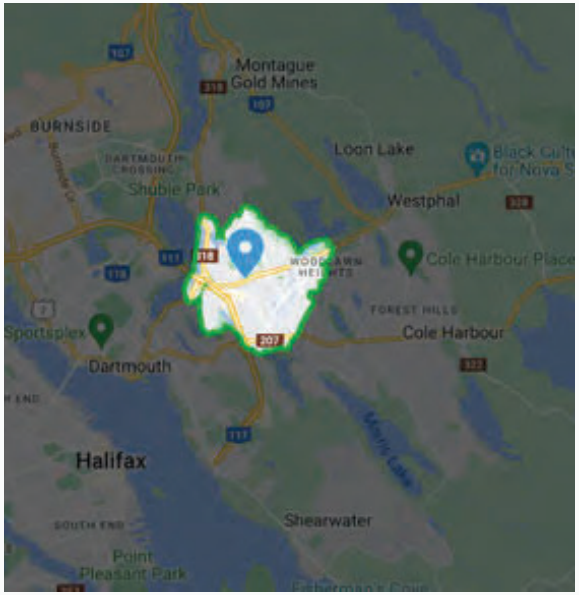
CONNECTING HUBS

Priority transit corridors based on residential and employment hubs.

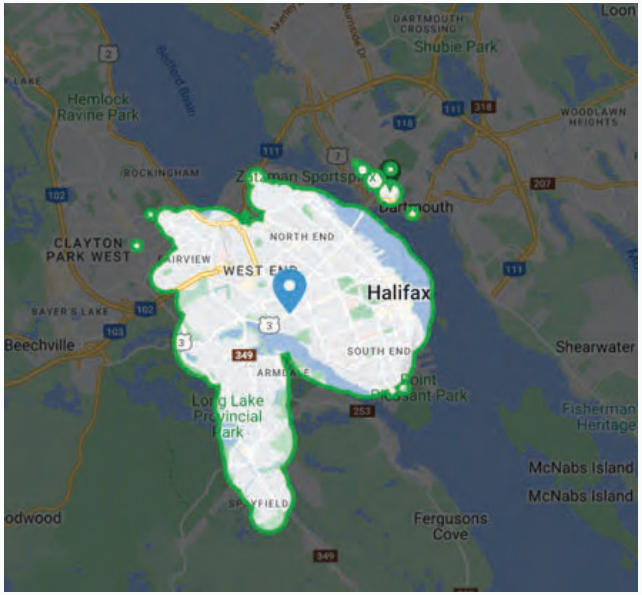
2 Dartmouth vs Halifax

HOW FAR CAN YOU TRAVEL IN **30 MINUTES BY BUS**?

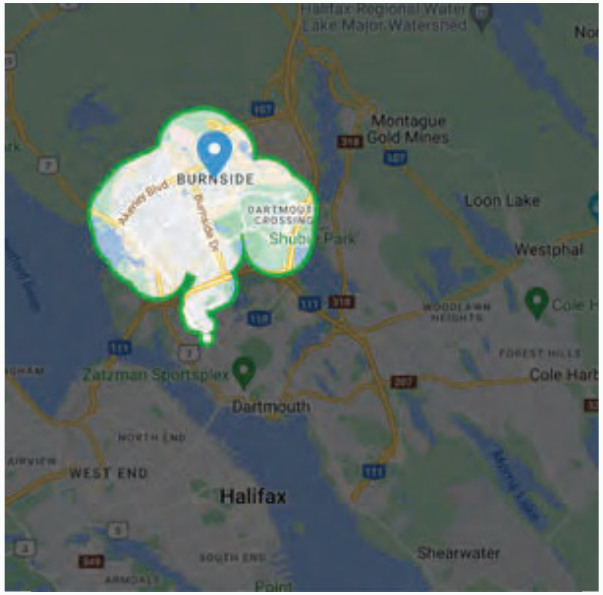
MAIN STREET



QUINPOOL ROAD

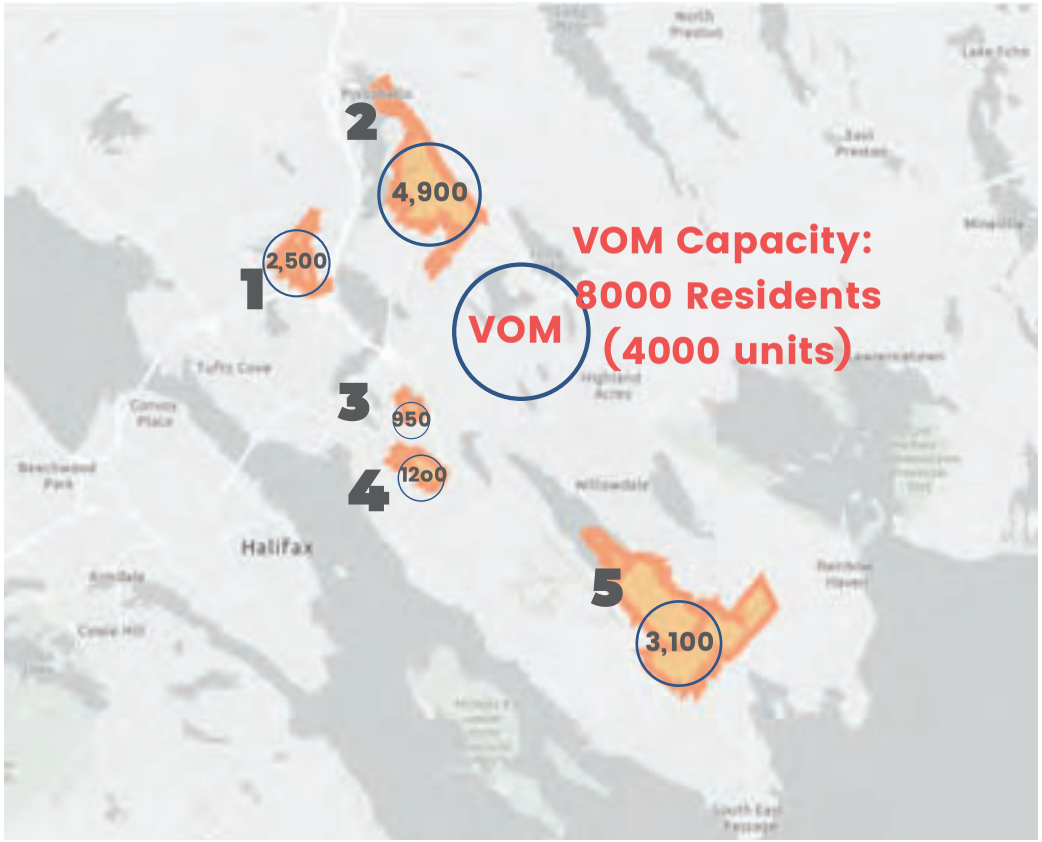


BURNSIDE INDUSTRIAL PARK



3 Projected Growth Areas:

Special Planning Areas



1 Dartmouth Crossing

2,500 Units

2 Port Wallace

up to 4,900 units

3 Penhorn Mall

950 Units

4 Southdale-Mount Hope

1,200 Units

5 Morris Lake

3,100 Units

Total: 12,650 Units

Source: Ecology Action Center, 2022



4

HOUSING & EMPLOYMENT CONNECTIONS

& LACKING TRANSIT CONNECTIONS

Accessible transit connections are vital in areas with affordable housing.

Can we expect people to drive to a food bank?

RECOMMENDATIONS

1

Closer working relationship between BIDs and Halifax Transit; BIDs and the Active Transportation Team

2

Improved alignment of transportation with hubs (especially employment hubs)

3

Work on narrowing disparity between Halifax and Dartmouth communities (Equity in transit)

Thank you!

ANY QUESTIONS?

GET IN TOUCH!

The Village on Main

GRAZIELLA GRBAC

175 Main St., Suite 208, Dartmouth,
NS, Canada, B2X 1S1

EMAIL

graziella@villageonmain.ca
welcome@villageonmain.ca

PHONE/TEXT

(902) 229-6711

C719

architecture + planning
1 Canal St, Dartmouth NS B2Y 2W1
www.zzap.ca

Date: October 20, 2023

Halifax Regional Municipality
Attn: Leah Perrin

Dear Ms. Perrin,

RE: Proposed Amendments to Schedule J of the Regional Subdivision Bylaw

On behalf of our client, Marchand Developments, we submit this formal request to the Halifax Regional Municipality for your consideration regarding specific land parcels listed under Schedule J of the Regional Subdivision Bylaw.

Marchand Developments either owns or has secured purchase options on strategic lands that can play a pivotal role in enhancing community connections, especially considering the recent natural calamities witnessed in the region.

Specifically, we request the following amendments:

1. Removal of parcels 00630152 and 00489195 from Schedule J to facilitate a crucial road connection between Westwood Boulevard and Pockwock Road.

2. Removal of parcels 41065327, 00424580, 00424366, and 40140113 from Schedule J to establish a direct road link between Rochester Drive and McCabe Lake Drive.

3. Rezone the specified parcels to R1-A to facilitate more compact development.

The proposed amendments are in alignment with the broader community's interest, given the increasing urgency for enhanced egress options. As underscored by the recent wildfires, the subdivisions, especially Westwood Hills in Upper Tantallon and the White Hills and Indigo Shores subdivisions, require efficient, multiple exit points to ensure the safety of residents during potential future disasters.

Marchand Developments aligns itself with the spirit of the motions recently passed by the Regional Council, which highlight:

1. The call for a staff report on an emergency exit for Westwood Hills subdivision.

2. The necessity for a comprehensive report on potential funding and costs related to community connector roads in areas constrained by limited emergency exit routes. These areas face augmented risks due to climate change, droughts, and the absence of piped fire hydrants.

architecture + planning
1 Canal St, Dartmouth NS B2Y 2W1
www.zzap.ca

Furthermore, with Regional Council's motion from August endorsing a report on wildland urban interface preparedness strategies, we firmly believe that the lands under the stewardship of Marchand Developments can significantly contribute to the overarching goal of community safety and connectivity.

Considering these factors, we urge you to facilitate the creation of these proposed connector roads. To ensure the viability of these projects and to balance the development expenses, Marchand Developments humbly asks for the removal of the previously mentioned parcels from Schedule J. This will enable subdivision and subsequent development in line with their current land use bylaw requirements.

We have met with members of the community, and the area Councillors, and have had positive feedback on this initiative so far. We look forward to having a continued positive dialogue with the broader community as we move this effort forward. We anticipate a positive and collaborative discourse with the Halifax Regional Municipality on this matter and are available at your earliest convenience for any clarifications or discussions.

Thank you for your attention to this vital community initiative.

Warm regards,



Chris Markides
Senior Planner
ZZap Consulting

C721

[redacted]

From: Deny Sullivan [redacted]
Sent: Thursday, October 12, 2023 2:49 PM
To: Regional, Plan
Cc: Mason, Waye
Subject: [External Email] Regional Plan Feedback

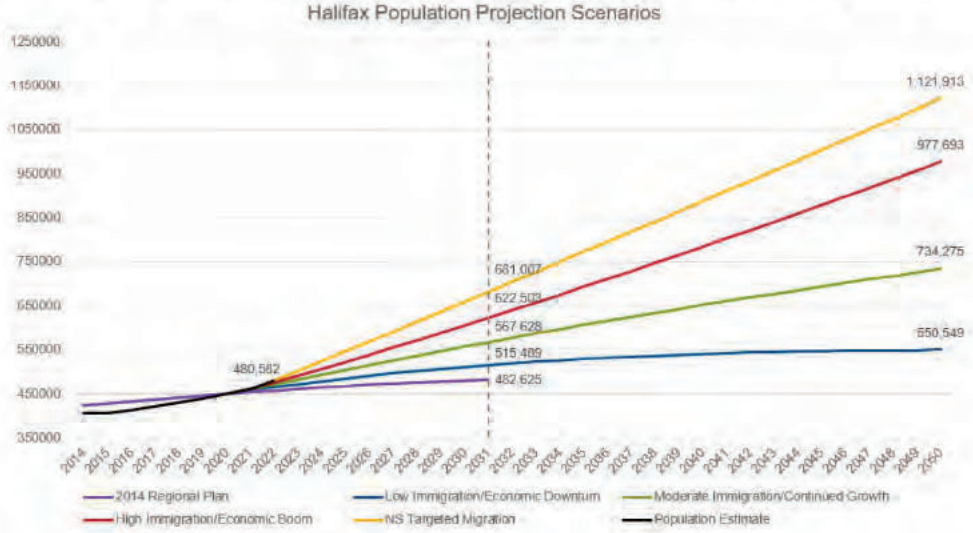
[This email has been received from an external person or system]

Hi there,

CC'ing my councillor. Waye - You'll be familiar with my views.

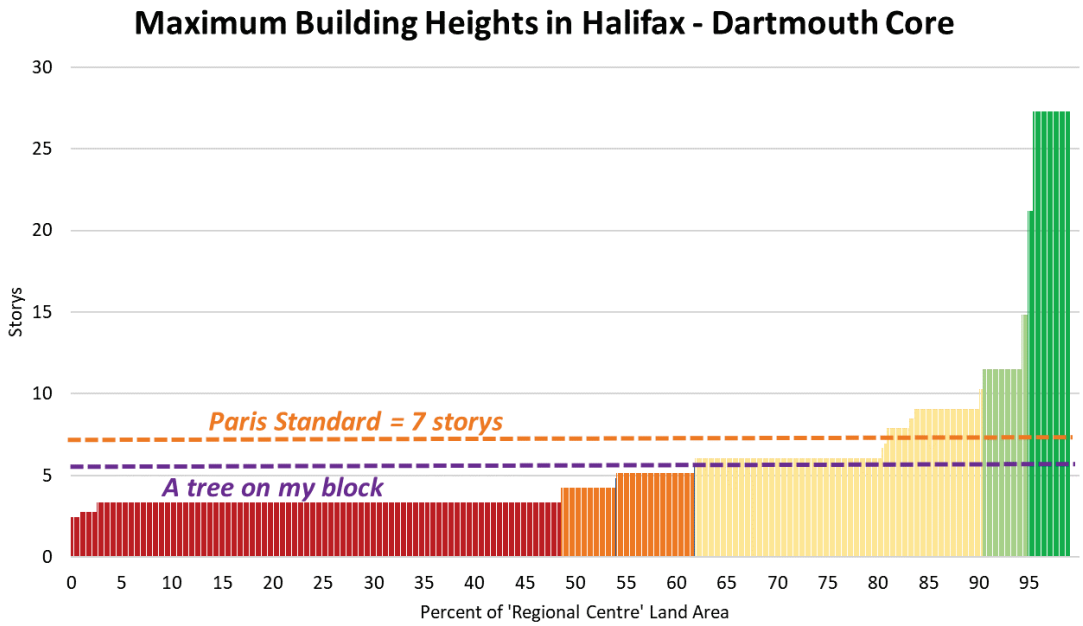
I've been meaning to share feedback on the draft regional plan. It's a bit awkward though, because the Housing Accelerator Fund drama has upended a good deal of the draft plan.

But it's helpful too, because the recent events show just how inadequate and inconsistent the draft regional plan is. The plan contemplates up to ~4% population growth, but doesn't elaborate how policy needs to adapt to a high growth world. Given the very poor track record of our forecasting (underestimating population growth at huge economic and social cost), we should be preparing for the highest possible population growth.



There is no evidence the draft regional plan is built to prepare us for high population growth. Overwhelmingly, it maintains existing land use planning more than it changes. The 3 units per lot is inadequate (now moot), the centre plan growth nodes are now demonstrably not enough to meet 20,000 resident population growth. Where is the housing coming from, and where will it go?

What is most clear is the extremely strict regulation of "residential" neighborhoods land use is planned to stay. In current rules, the Centre Plan area, the most dense and only walkable part of the city, half the land area has a 3 story height limit, with only small pockets of high density. It hasn't worked.



Furthermore, the report reads as not focused on the massive housing shortage (now 70k in NS units according to CMHC), I've collected the mentions of "established residential" zones from the plan:

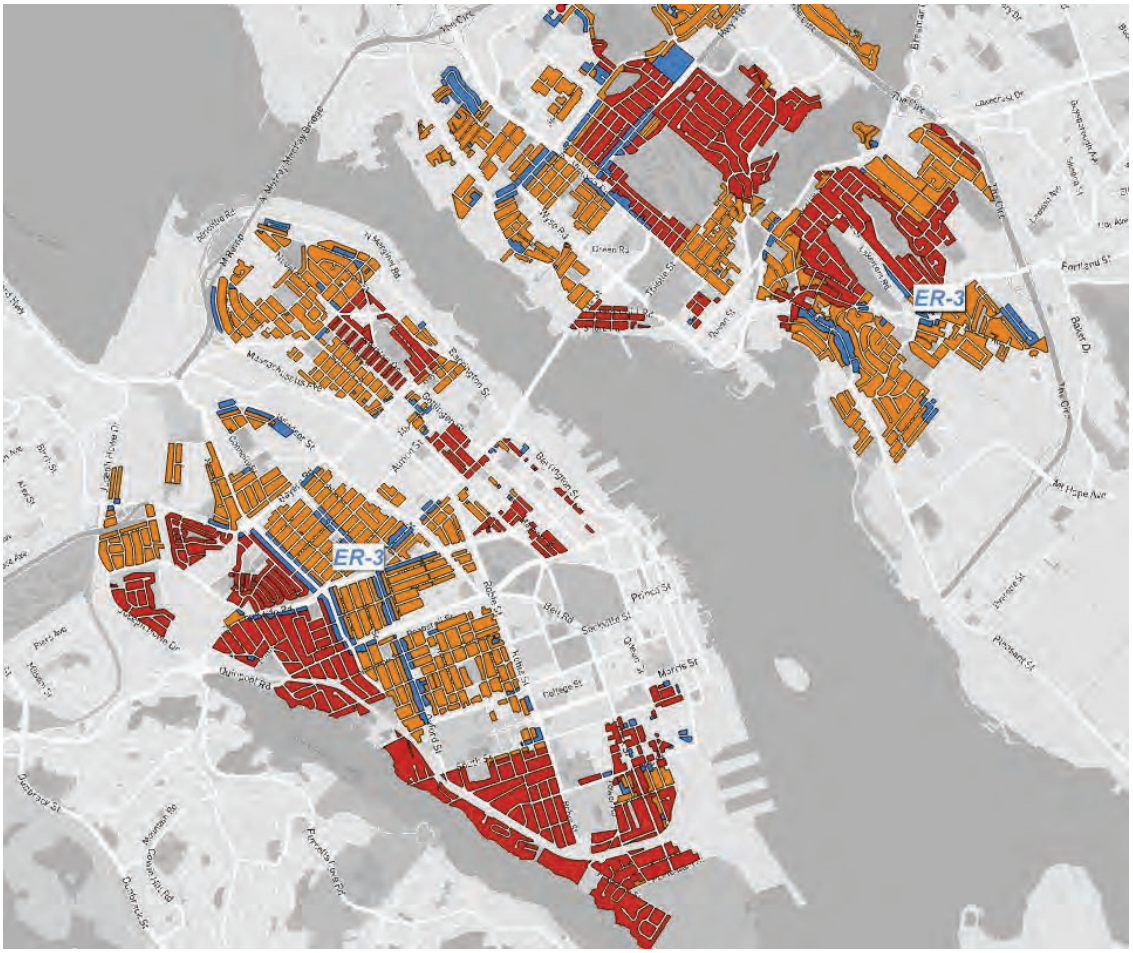
Every Mention of Established Residential Neighborhoods

Definition : Established Residential: areas intended to **retain the scale of existing low-density** residential neighbourhoods while providing opportunities for additional gentle infill and missing middle housing options;

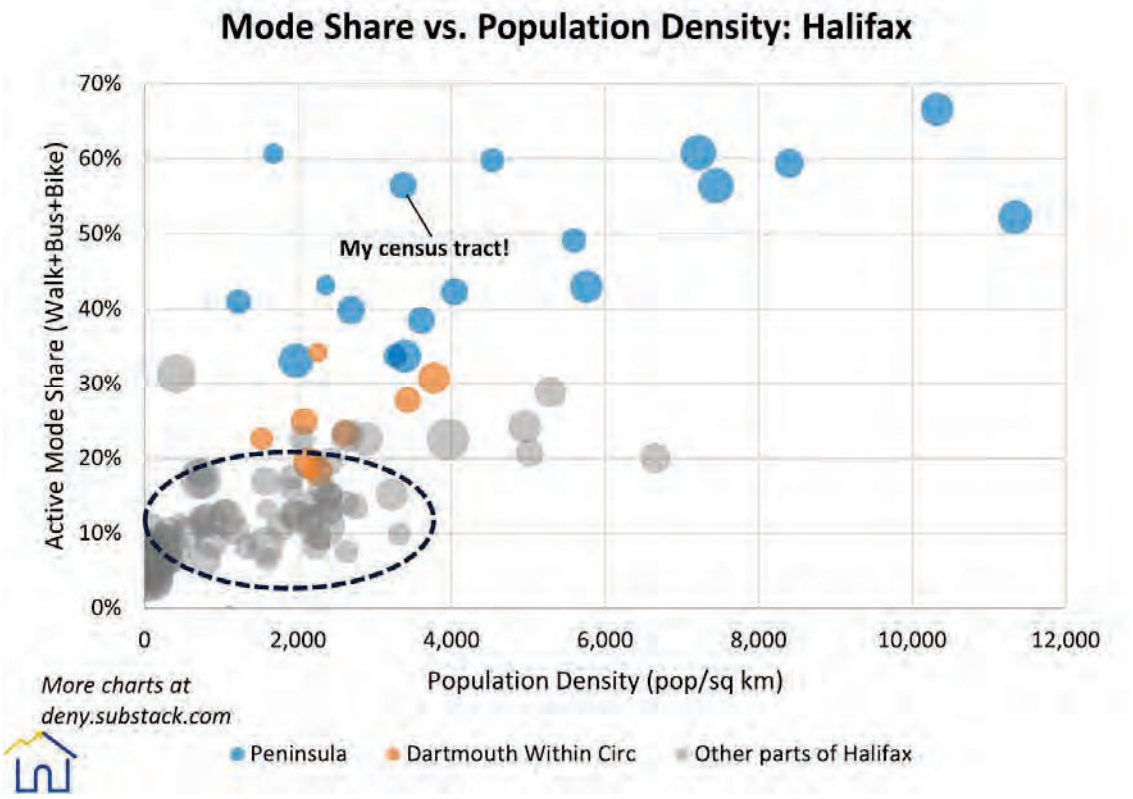
1. Established residential areas support complete communities, connectivity, and transit use
2. (are) neighbourhood **sensitive to wind and shadow impacts**
3. Establishing and enhancing pre-existing connections can help to increase overall connectivity for established residential areas, which are also important for the safety of residential areas in the event of an emergency .
4. The established residential context and limited amenities **does not make this site suitable** for a larger multi-unit development.
5. The Centre Plan also provides policy direction to **maintain** established residential areas while providing for additional housing options and gentle infill,
6. Established residential areas characterized by low-density housing can provide additional housing options through gentle infill on smaller lots, internal conversions, secondary suites, backyard suites, cluster housing, and missing middle housing, as outlined in Chapter 5.

Wind and shadow impacts?

ER-1 (red) and ER-2 (orange) represent overwhelming parts of the urban core. Given how restrictive they are (setback, side yards, unit count), playing "defense" for these regions dooms the city to miss its targets and to sprawl (including outside of HRM). Allowances for more housing on ER-3 are great, but they are very limited in scope.



The growth will continue, and it will happen somewhere. But the more the city refuses to grow in its walkable and transit-enabled neighborhoods, the more we will move away from our IMP goals.



The housing accelerator fund process should be a wake up call about just how far we are from a rational plan that actually intends to build the amount of housing required. I will stress to staff specifically that it is up you now to draft rules that can make 4 unit homes a viable option. We have seen with secondary suites that "legally allowing" things does nothing if the rules don't make sense. It is a cautionary tale, and it is sad that we wasted so much time over a policy that has only delivered a few hundred units across HRM, let's not repeat that mistake.

E.g., I would challenge staff whether they know anyone who can read this on HRM's website and understand what kind of secondary suite they can build.

	SECONDARY SUITES	BACKYARD SUITES
Maximum Floor Area	80m2	90m2 * or the maximum size permitted for an accessory building (garage); whichever is smaller
Parking Required	No	No
Size, Setbacks, Height	The same zoning requirements as for main dwellings	The same zoning requirements as for accessory buildings (garages)

* In the Halifax Peninsula and Downtown Dartmouth areas the maximum floor area is 90 m2 but the maximum building footprint is 60m2.

Simple, permissive rules are needed to make these fourplexes and all multi family homes viable. Please. We can't afford to mess this up.

Deny Sullivan,
Halifax

C723

OCTOBER 17, 2023

Sent by Email

Attn: HRM Regional Plan Feedback

Copy: Councillor Patty Cuttell, District 11
MLA Iain Rankin
Jacqueline Hamilton, HRM Planning
Leah Perrin, HRM Planning
Kate Greene, HRM Planning
Maureen Ryan, HRM Planning

Good Afternoon:

PROBE (Prospect Region Organization for a Better Environment)

Our Organization has a 40 year history of representing the interests of 17 communities spanning 30 kms from Goodwood to West Dover in District 11. We are a growing population of 7,200 people. The Prospect Road (Highway 333) is our gateway to Halifax and is also the gateway to the Province's largest tourist attraction, Peggy's Cove. More than 700,000 people visit Peggy's Cove annually.

The geography of our communities includes wetlands, lakes, rivers and access points to the Atlantic Ocean. Our residents have been and are active participants on committees affecting our daily lives such as The Community Liaison Committee for the Composting Facility, The Community Monitoring Committee at Otter Lake Landfill, The Western Common Wilderness Advisory Committee, local recreation and community centre committees, to name a few.

PROBE has recently become a member of Our HRM Alliance, a coalition of over 60 organizations from environment, community, business, and health sectors. We are pleased to add our communities 'voice to those members who support a sustainable approach to development in Halifax Regional Municipality.

Regional Plan Consultations, Phase 4

PROBE attended the public meeting on Regional Plan, Phase 4 at the Chocolate Lake Community Centre, Spryfield location on October 11, 2023. We appreciate the efforts of HRM to engage with community and found the session informative and well attended. We took advantage of the opportunity to provide feedback and look forward to seeing our input reflected on "What We Heard" report portion on these consultations.

The Regional Plan endorses the underlying principle of enhancing quality of life for residents of HRM. The three vehicles used to deliver the plan are:

1. Integrated Mobility Plan (IMP) (2017)
2. HalifACT (2020)
3. Halifax Green Network Plan (HGNP) (2018)

Created in 2017, IMP is the oldest of the delivery mechanisms for the regional plan. It's mission to transform mobility by moving people, connecting communities and rethinking transportation within the City.

HalifACT, the climate action plan for HRM, was created in 2020 and is staffed by a group of 15 positions and continues to grow. It has developed to the stage where there is a shared framework for business units to track and review actions and identify barriers to implementation.

Our input today is focused on Halifax Green Network Plan.

Prospect Communities and HGNP

The geography of Prospect Communities includes a watershed, wetlands, brooks, bogs, rivers, lakes and the coastline of the Atlantic Ocean. We are not included in the urban service boundary so access to water resources for domestic use is the responsibility of the homeowner. Our Communities rely on these water systems to supply water to our residential wells.

Our communities 'origins date back to land grants from the 1700's. We are not and do not want to be included in the urban service boundary. We highly value the more rural lifestyle enjoyed by our residents. In fact, we are very concerned about the continuing **industrial creep** that is increasingly evident in Goodwood, the gateway to the Prospect Communities. In the update of the Municipal Planning Document for District 4, we seek to continue to safeguard the residential character of Goodwood.

The HGNP is 5-6 years old. Its objective is to define interconnected open space which highlights the functions and benefits of land and aquatic ecosystems with emphasis on protecting watershed and wildlife corridors. The implementation deadline for this plan is 2025. A review of action items related to HGNP reveal that there has been little progress to date.

PROBE supports the HGNP. We believe HGNP and the Charette Report provide a unique opportunity to be the model for redevelopment of Ragged Lake Industrial Park. We also believe these policies should provide the foundation for sustainable development in the **HRM Case 086** (Residential Development at Halifax Exhibition Centre), in **HRM Case 24057** (Mills Drive industrial proposed expansion) and in other developments in the 100-900 block of Prospect Road. These developments sit on the perimeter of the urban service boundary. We welcome the opportunity to work with HRM on the these initiatives in District 11.

Industrial Development 100-900 block of Prospect Road

Prospect Road is the home of **Mills Drive Industrial Park** which is an eyesore. Among others, It contains a business for scrap metal and demolished vehicles. There have been very dangerous fires emanating from this business that have caused evacuation of nearby residences and businesses and resulted in extended closures to Prospect Road, our only link to HRM. Sadly, this is not an isolated incident.

Mills Drive is also home to a construction and demo debris business that has created dangerous driving conditions and persistent litter and debris issues caused by demo materials flying off unsecured loads in transit to the C & D operation.

These are two examples of the kind of industry not welcome in our residential neighbourhoods. Our decades of history with Mills Drive Industrial businesses informs our concern about new development initiatives in our backyard, especially those in close proximity to water courses.

Ragged Lake Industrial Park sits at the head of the watershed that feeds our streams, brooks, bogs, rivers, lakes and access points to the Altantic Ocean at both Shad Bay and Terence Bay. Ragged Lake Industrial Park encompasses some 1200 acres of proposed light industrial development and includes watershed lands and wildlife corridors. The Prospect Communities have been **stewards of this acreage** and rely on this precious watershed to serve our residential wells and to provide recreation and enjoyment for our communities. We believe Ragged Lake Industrial Park should be a model for HGNP and for future industrial development in HRM . Supported by information in the natural systems study and the watershed study currently in progress, the development of Ragged Lake should focus on green industry and construction processes that protect the watershed systems and wildlife corridors that have been defined in the studies. A 'build first, fix later 'mentality should not drive this development.

HRM Cases 086 and 24057

The lands surrounding the entrance to Prospect Road will not only host redevelopment of Ragged Lake, but are the site of a proposal for a residential development at Halifax Exhibition Centre **(Case 086)** that includes housing for 4,300 new residents in a combination of townhouses and apartment buildings. The current proposal calls for this population, which is more than twice the size of any one of our 17 residential communities, to exit onto Prospect Road, a secondary highway that has clearly been identified for decades in the Supplementary Plan for District 4 as over capacity for the existing communities.

There is also currently a proposal **(Case 24057)** for a major expansion at Mills Drive Industrial Park, such proposal adding 120 acres to the current 58 acre site. This addition represents a significant increase of the industrial footprint and increased heavy equipment traffic to this already congested and accident prone area.

Importantly, this development directly impacts a critical watershed feature, that being **Drysdale Bog.** As a raised bog, Drysdale Bog is a rare part of the watershed and is one of a very few number of raised bogs in the Province of Nova Scotia. It's role is critical in providing clean water to the water courses that feed our communities. The protection of Drysdale Bog by our Communities is historically documented and we continue to be stewards of this precious asset. No watershed study is complete without a delineation and understanding of the important role Drysdale Bog plays in the Prospect River water system.

Given the May/June 2023 experience of wildfires in Tantallon, our residents are increasingly concerned about the natural protection provided by wetlands. The unprecedented rise in all types of construction deepens this concern in as much as **infilling wetlands diminishes that natural protection.** We believe HGNP is the vehicle to protect these resources.

The construction of the new composting facility serving all of HRM has also resulted in significant increases of industrial traffic entering and exiting onto the Prospect Road. Throughout the construction of this facility, community has expressed concern about the heavy siltation occurring in adjacent brooks and streams along the Pipeline Trail. Although mitigation measures have been explored, the siltation remains an issue to our communities. We believe less clear cutting of forest lands could have minimized or even prevented this occurrence.

PROBE intends to work with our Councillor, Patty Cuttell, HRM, our MLA, Iain Rankin, and the Nova Scotia Department of Public Works on all of these developments. A new transportation plan is required to address this growth.

We need to incorporate the ecosystem and watershed protections espoused in the Halifax Green Network Plan on each proposal for development in these areas along Prospect Road. We will view all of the developments through the lens of Halifax Green Network Plan requirements. Protection of the watercourses, wetlands, bogs, rivers, lakes and the Atlantic Ocean are the highest priority to our communities. Simply put, the welfare of our water supply is at stake.

To be clear, PROBE is not opposed to development. We appreciate the impact of the housing crisis and the need for industrial growth. We are, however, in favour of development that is well researched with its impact on the district understood. Development should proceed using the principles outlined in Halifax Green Network Plan. We also see the value in developing connected communities that allow residents to live, work, and enjoy recreation in the same spaces and believe there are potential benefits in transportation, recreation, and education for Prospect Communities.

In summary, our significant input on the Regional Plan is focused on Halifax Green Network Plan as it has the highest potential to impact developments in the Prospect Road area of District 11 in the short to medium term.

In conclusion, our key messages respecting the Regional Plan are as follows:

1. HGNP must be properly resourced immediately so that residents and developers can use this plan to its full advantage in developments. **It requires both human and financial resources** to deliver the important foundational principles for development.

2. The protections of **ecosystems,** watercourses, aquatic resources, and wildlife corridors identified in HGNP should be the lens through which all developments are measured, including incorporation into Development Agreements.

3. Our residential communities are concerned about continued **industrial creep and expansion of the urban service boundary** into residential communities. District Plans should protect residential communities from encroachment that permits intrusive noise, odours, unsightly premises, unsafe traffic conditions and fouling of local environments.

4. Ragged Lake Industrial Park redevelopment should be a **model for implementation of Halifax Green Network Plan and the Charette Report** and a mechanism for community input must be an integral part of this plan.

5. Understanding the **cumulative impact** of all of these developments in close proximity to one another is essential. It is our continued belief that the developments proposed in the short to medium term for the lands adjacent to the beginning of Prospect Road at St. Margarets Bay Road must be occur in an integrated way. Assessing one project in isolation of the impact of all will result in a minimizing impact both to the environment and community.

How HRM interfaces with communities in this period of increased development is key. PROBE would like to be placed on mailing lists and participate in all community consultations related to progress on the Regional Plan and with all of the development initiatives identified in this correspondence.

Sincerely,

Maureen Yeadon
Chair
PROBE

October 17, 2023 Letter of Intent

Archipelago, Office for Architecture (AOA), on behalf of the proponent, the Archdiocese of Halifax-Yarmouth and Stella Maris Parish, proposes that the Halifax Regional Municipality (HRM) enact specific land use policies through the Suburban and Regional Plan Review processes to facilitate the Spryfield Community Development, a non-profit development. Furthermore, we propose that the HRM prioritize the Spryfield Community Development (hereafter "the Project") in Package A of the Suburban Plan Review or as an Opportunity Site.

This submission includes a comprehensive description of the Project, subject property, and neighbourhood. It also includes a Spryfield-specific housing needs assessment and outlines the Project's design requirements. Lastly, we describe ten (10) policy proposals aligned with municipal priorities.

We organized the Project into the Parish Component and Housing Component. Each component will be financially and operationally independent. The Parish Component will include up to six (6) low-rise buildings, including a church, chapel, meeting rooms, office, storage, and Parish residential unit. The Housing Component will include up to two (2) medium-rise buildings and up to forty-eight (48) residential rental units (RRU), serving households of all faiths, backgrounds, and compositions. All units will be affordable (i.e., 40% MMR, 60% MMR, 80% MMR).

The Project aligns with the future of the Suburban Area as proposed in the Draft Regional Plan, Suburban Plan Guiding Principles, Rapid Transit Strategy, and other municipal priorities. However, the Project is more ambitious than Mainland South land use policies currently allow. This submission will describe the policy proposals meant to overcome this

challenge. The Housing Component is the primary beneficiary of the policy proposals; the proponent can develop the Parish Component as-of-right.

The Project represents an unprecedented opportunity to provide affordable housing in the HRM. The proponent is a well-organized non-profit dedicated to serving the community through social justice, outreach, and affordable housing. The Design Team shares the proponent's commitment to affordable housing and will guide the Project from start to finish. The subject property is at the corner of Herring Cove Road and William's Lake Road, with convenient access to transit, employment, schools, and services. It adjoins the proposed Bus Rapid Transit (BRT) Yellow Line. More specifically, it is 100 m from a proposed BRT station, 800 m from a proposed enhanced BRT station, and well within the BRT walkshed. The Project is transit-oriented, has reduced parking, and includes medium-density residential and mixed uses. It also includes community services and amenities and will be highly energy efficient, accessible, and inclusive. The Project will provide affordable housing for at least fifty (50) years with an average rent of 63% of the Median Market Rent (MMR) in Spryfield.

A for-profit developer would need to build 480 units to provide a comparable number of affordable units through inclusionary zoning, and even then, the depth of affordability wouldn't compare to this Project.[1] Market-rate units, dominantly 1- and 2-bedroom units, would serve only a limited range of household compositions and income levels. The Project will provide various unit types and rent levels to serve more people and a more diverse range of households. In all, the Project will constitute an estimated $8.8 million public benefit over its service life.[2]

For-profit developers in the HRM have been unable to provide a similar depth of affordability, quantity of affordable units, or variety of unit types. Notably, none of the site-specific requests under consideration as part of the Suburban Plan Review mention affordable housing; that is, other than the *loss* of existing affordable units in Spryfield resulting from two proposed developments.[3] Many requests mention transit, but few commit themselves to transit-oriented development.[4]

This submission proposes Project-specific policies. It will also set a precedent and pathway for other affordable housing projects in the HRM. The Project's design requirements are reasonable and thoroughly aligned with municipal priorities. The HRM must support this Project, help it overcome land use policy challenges, and prioritize it in Package A of the Suburban Plan Review or as an Opportunity Site. The stakes are high for everyone if affordable housing development such as this isn't possible in the HRM.

1. This calculation assumes that 10% of units are affordable. However, the rent for these units may only be 80% MMR. The Project will rent units at 40% MMR, 60% MMR, and 80% MMR, the majority of which are 40% or 60% MMR.
2. The Project's estimated annual rental income is $325,000. The estimated annual rental income would be $501,000 if it were entirely market-rate units. Thus, the Project provides an annual public benefit of $176,000 or $8,800,000 over its service life. This calculation likely underestimates the Project's total public benefit.
3. HRM, 2023, Regional Council Report, "Suburban Planning and Rapid Transit Corridors," Appendix A, Requests C405 and C548.
4. HRM, 2023, Regional Council Report, "Suburban Planning and Rapid Transit Corridors," Appendix A.

Project Information

PROJECT NAME
Spryfield Community Development (SCD)

PROJECT CONTACT
Archipelago, Office for Architecture (AOA)
2662 King Street, Unit 3
Halifax, Nova Scotia, B3K 4T8
343 573 3451
patrick@a-oa.ca

PROJECT ADDRESS
6/14/28 St. Michael's Avenue
Halifax, Nova Scotia, B3P 1M5

CLIENT-OWNER
Roman Catholic Episcopal Corporation of Halifax ("the Archdiocese")
Stella Maris Parish ("the Parish")

PROJECT ARCHITECT AND PROJECT MANAGER
Archipelago, Office for Architecture (AOA)

PRE-DESIGN CONSULTANTS
Letter of Planning Opinion, KWRA Approvals Inc.
Financial Feasibility Consultant, N. Barry Lyon Consultants Ltd.
Cost Consultant, Vigilant Management Inc.
Civil Engineering Consultant, DesignPoint Engineering & Surveying Ltd.
Surveyor, DesignPoint Engineering & Surveying Ltd.
Wetland Consultant, McCallum Environmental Ltd.

This Letter of Intent is not intended to restrict or replace the professional judgement of AOA or the Design Team. As such, the building count, floor areas, and other design requirements are subject to change within reason.

AOA summarized reports and information prepared by the Design Team for convenience. In the case of conflict, the original documents shall take precedence.

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LAND AREA
15,599.8 m^2 or 167,914.8 ft^2

PARCEL IDENTIFICATION NUMBERS (PID)
00285171: 3,873.4 m^2 or 41,692.9 ft^2
40089666: 435.7 m^2 or 4,689.8 ft^2
00285189: 929.0 m^2 or 9,999.7 ft^2
00285247: 493.5 m^2 or 5,312.0 ft^2
00285239: 464.5 m^2 or 4,999.8 ft^2
40876674: 5,874.5 m^2 or 63,232.6 ft^2
00286567: 3,529.2 m^2 or 37,988.0 ft^2

DRAFT REGIONAL PLAN (DRP) DESIGNATIONS
Map 1 - Regional Plan Geographies: Suburban Plan Area
Map 2 - Regional Land Use Structure: Urban Settlement
Map 3 - Urban Growth Areas: Planned BRT Line (Contiguous)
Map 4 - Rural Centres: Not Applicable
Map 5 - Parks and Community Facilities: Not Applicable
Map 6 - Wildlife Corridors: Not Applicable
Map 7 - Regional and Community Links: Strategic Corridor (Contiguous)
Map 8 - Source Water Protection Areas: Not Applicable

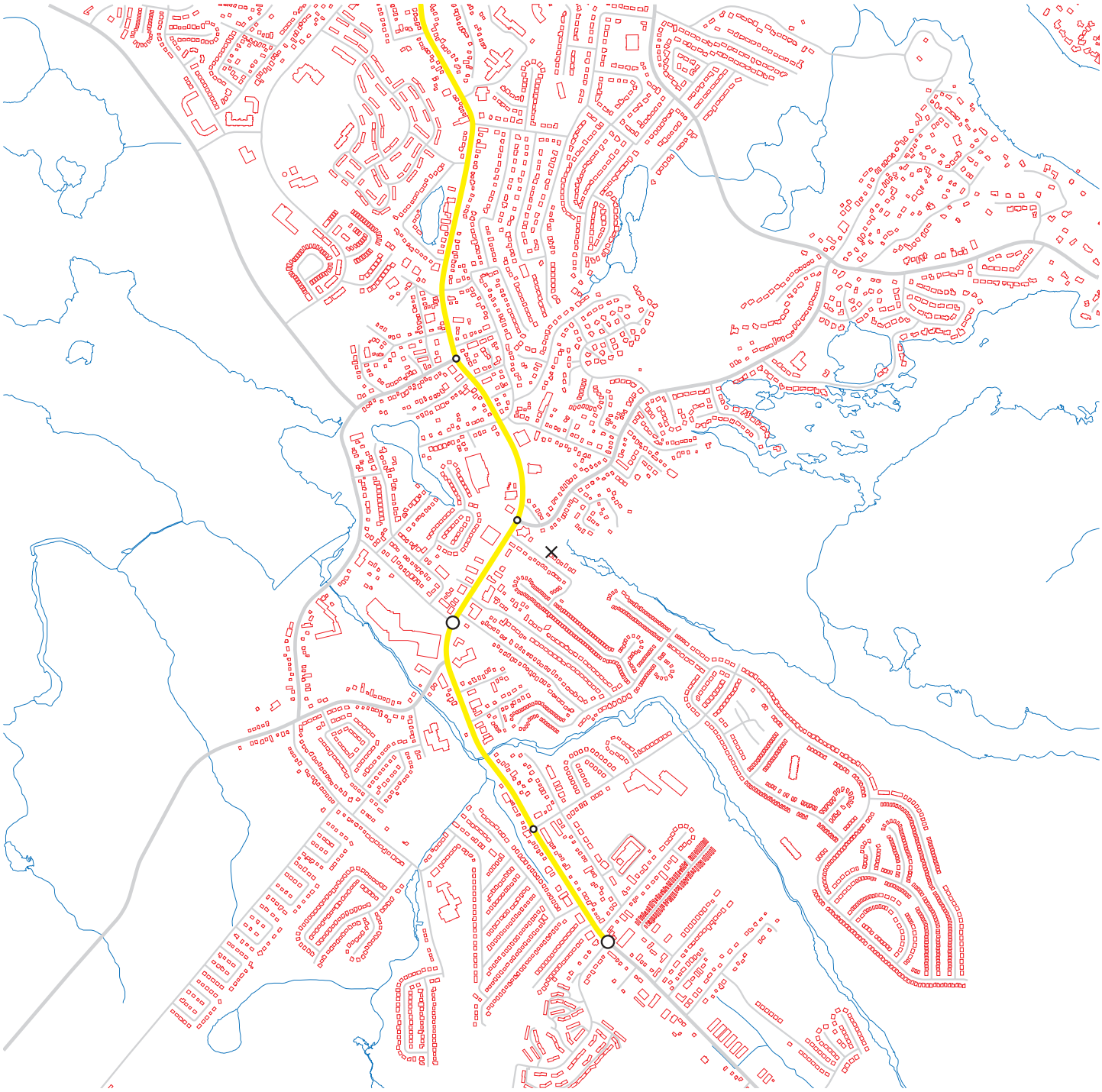
RAPID TRANSIT STRATEGY (RTS) DESIGNATION
The subject property adjoins the proposed Bus Rapid Transit (BRT) Yellow Line. The Rapid Transit Strategy proposes a standard station at the corner of Herring Cove Road and William's Lake Road, less than 100 m from the subject property. The strategy also proposes an enhanced station at Dentith Road, less than 800 m from the subject property.

HALIFAX GREEN NETWORK PLAN (HGN) DESIGNATION
Map 1 - Ecological Open Space: Minimal-to-Low Value
Map 2 - Working Landscape Open Space: Minimal Value
Map 3 - Socio-Cultural Landscape: Minimal Value
Map 4 - Summed Values: Low
Map 5 - Green Network Ecology: Minimal Value

MAINLAND SOUTH SECONDARY PLANNING STRATEGY DESIG.
Map 9F - Generalized Future Land Use: Low Density Residential (LDR)

HALIFAX MAINLAND LAND USE BY-LAW DESIGNATIONS
Map ZM1 - Zoning (South Section): R-2

Project Location

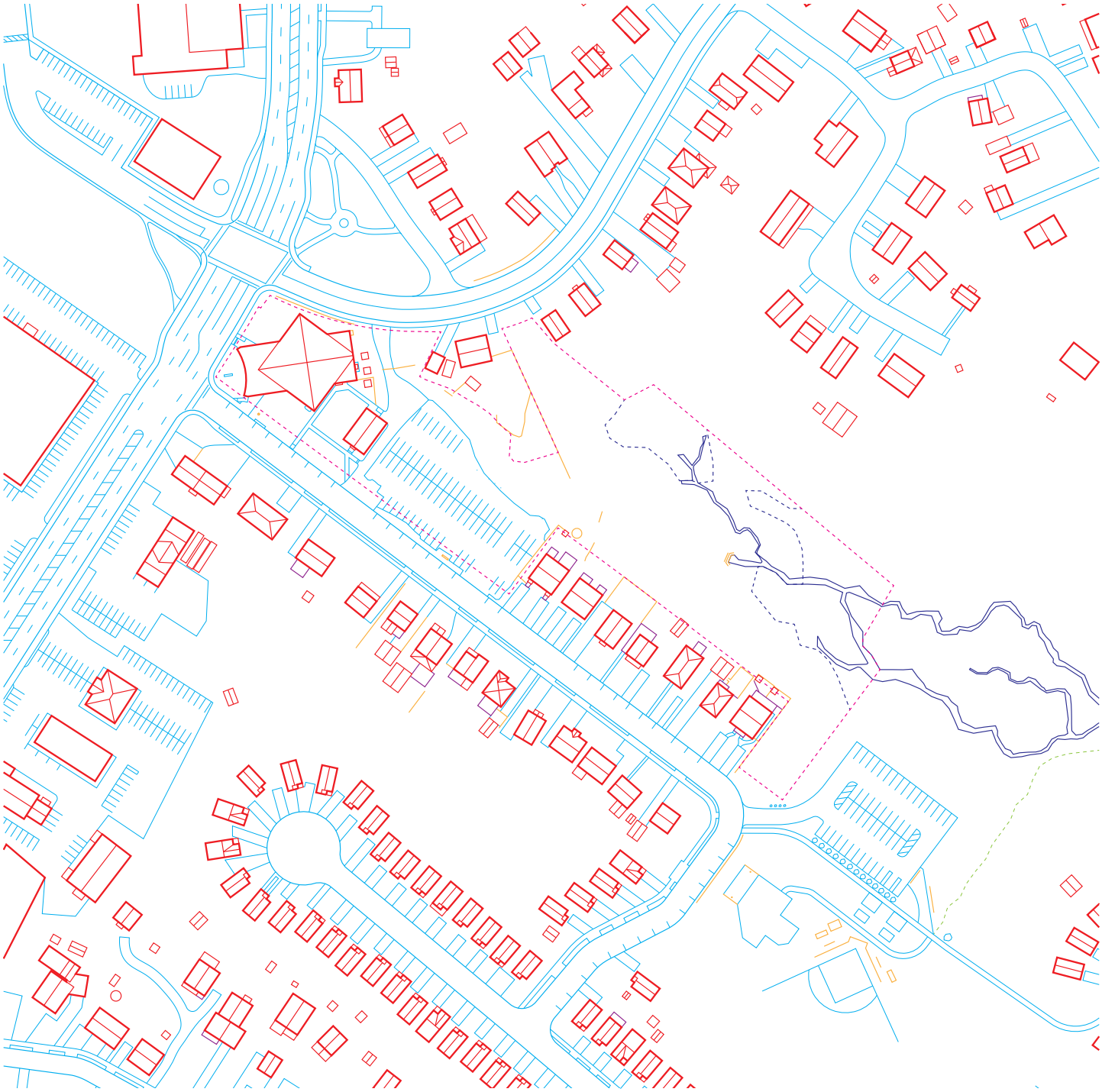


SPRYFIELD

The subject property is at the corner of Herring Cove Road and William's Lake Road, with convenient access to transit, employment, schools, and services. It adjoins the proposed Bus Rapid Transit (BRT) Yellow Line and has under-utilized land area.

- Yellow BRT Route (DRP)
- Standard BRT Station (RTS)
- Enhanced BRT Station (RTS)

Project Location



SUBJECT PROPERTY

The total land area is 15,599.8 m^2 (i.e., 167,914.8 ft^2). Currently, the Parish accesses the subject property from St. Michael's Avenue with controlled access from William's Lake Road. Hartlen Park and a municipal parking lot with fifty (50) parking spaces are to the south.

- Property
- Watercourse
- Wetland

Project Description

The Spryfield Community Development (SCD) is a medium-density, transit-oriented, non-profit development in Spryfield, Nova Scotia. The Archdiocese of Halifax-Yarmouth (AHY) is the landowner and property developer. The Stella Maris Parish (SMP), located on the subject property, is the main proponent. Archipelago, Office for Architecture (AOA) is the Project Architect and Manager.[1]

The Project is organized into the Parish Component and Housing Component. The Parish Component will include up to six (6) buildings, including a church, chapel, meeting rooms, office, storage, and Parish residential unit. It will include up to 18,200 ft^2 (i.e., 1,690.8 m^2) of gross floor area. The Housing Component will include up to two (2) buildings, up to five (5) storeys each, and up to forty-eight (48) residential rental units (RRU) and 47,400 ft^2 (i.e., 4,403.6 m^2) of gross floor area. It will also include a multi-purpose room and community service hub.[2] All RRUs will be affordable, defined as 80% of the Median Market Rent (MMR); deeply affordable, defined as 60% MMR; or transitional, defined as 40% MMR and a temporary step for people without housing. The average rent is 63% MMR.[3]

All exterior pathways, building entrances, shared areas, and 20% of RRUs will be accessible.[4] The Project targets a Total Energy Use Intensity (TEUI) of less than 80 kWh/m^2 and at least a 25% reduction in energy consumption and greenhouse gas emissions.[5] Importantly, the build quality will be the same for all units regardless of what a resident pays in rent. This ensures that the Project will not architecturally differentiate residents by income. The Project will include a comprehensive ecological design extending to all parts of the subject property. It will include extensive tree plantings, indigenous and resilient plantings, habitat creation, and soil restoration.[6]

In Pre-Design, AOA established the project objectives by engaging stakeholders and researching the Project area and proposed use. We interviewed over fifty people, held open office hours, and hosted roundtables and town halls.[7] We coordinated the resulting objectives with regulatory analysis and a property assessment to establish the Project's design requirements. AOA and the Design Team also completed the following studies and investigations: a topographic survey, boundary survey, wetland and watercourse delineation, service capacity study, civil engineering existing condition assessment, and letter of planning opinion. The Design Team also completed a construction cost estimate for both components and a market analysis and financial proforma for the Housing Component. AOA and the Design Team have yet to design either component.

The Housing Component will be operationally and financially self-sufficient and independent of the Parish Component (and vice versa). We will seek public funding for all work related to the Housing Component. The Parish will bear costs associated with the Parish Component. The Archdiocese and Parish will partner with an experienced third-party Housing Operator, who will manage all aspects of the Housing Component. They may also partner with an established community organization to provide additional services from the community service hub.[8] The Archdiocese and Parish have begun investigating these partnerships but have yet to decide on partners.

The Parish Component will welcome the entire congregation and communicate to the broader community that they are welcome. It will strengthen the Parish's commitment to serving the broader community while rejuvenating the Parish community along the Sambro Loop.

The Housing Component will serve households of all faiths, backgrounds, and compositions with diverse unit types and affordability levels.[9] This diversity will reinforce Spryfield's vibrancy and connect the Project to the broader community. The Housing Component's exceptional design and build quality will demonstrate that all households are valued and welcomed in the community.

1. For municipal policies related to partnerships, see HRM, 2023, Draft Regional Plan (DRP), §5.3.4 H-28. For municipal policies related to transportation planning, see HRM, 2020, Rapid Transit Strategy, §5.4.1 and §5.4.2.
2. For municipal policies related to mixed-uses and community facilities, see HRM, 2023, DRP, §4.3 CI-10(c).
3. For municipal policies related to socio-economic diversity, removing barriers to housing, and addressing housing affordability, see HRM, 2023, DRP, §5.1.4, §5.2 H-1(a), §5.2 H-1(d), and §8.1.5.
4. For municipal policies related to accessibility, see HRM, 2017, Integrated Mobility Plan, §2.1.3(b) and HRM, 2023, DRP, §3.4.2.
5. For municipal policies related to energy-efficient buildings, see HRM, 2023, DRP §6.5.6 EC-65(b), and HRM, 2020, HalifACT, §5.2.1.1.
6. For municipal policies related to habitat creation and urban forests, see HRM, 2018, Green Network Plan, §4.1.3.1 and §4.1.3.4.
7. For municipal policies related to community input, see HRM, 2023, DRP, §3.1.6.
8. For municipal policies related to inter-sector cooperation and building community capacity, see HRM, 2023, DRP, §4.1.5 and §5.1.1.
9. For municipal policies related to diverse housing types and affordability levels, see HRM, 2023, DRP, §5.1.4, §5.2 H-1(a), and §8.1.5.

PROJECT STATUS

Design will begin in January 2024, and construction is projected for late 2025, depending on the HRM planning approval process and affordable housing funding cycles.[1] The Project will take longer than a market-rate development because the Housing Component must seek public funding. It will also take longer than market-rate development because the Project will be designed and built to a higher standard.[2] Housing must be dignified, suitable, and durable regardless of a household's income. As such, the HRM should evaluate non-profit, all-affordable projects with different readiness criteria than that for market-rate projects.

ORGANIZATIONAL READINESS

The Archdiocese and Parish are committed to alleviating the housing shortage.[3] In 2021, the Archdiocese opened 20 single-occupancy emergency shelters across Nova Scotia. This program has grown to include 25 emergency shelters, three (3) of which are on the subject property. The Archdiocesan emergency shelter coordinator works with street navigators and community groups to situate people in the shelters. Since July 2022, five (5) former shelter residents have acquired permanent housing, and another eight (8) anticipate securing permanent housing before winter 2023.

The Parish provides community services, including a meal program, food bank collection in support of St. Paul's Food Bank, a public shower and washer-dryer, social programming for single mothers, and support for people without housing. These programs serve over 150 people each month.[4] Additionally, 400-450 people regularly worship at the existing church.

FINANCIAL READINESS

During Pre-Design, the Cost and Financial Feasibility Consultants prepared a Class D Cost Estimate and financial model for the Housing Component. The financial model demonstrates that the Housing Component is financially self-sustainable and affordable for at least fifty (50) years. We project receiving $12.8M in federal, provincial, and municipal funding, and rental revenues will sustain the remaining Housing Component costs and operational expenses. The Housing Component received $117,000 from the HRM Affordable Housing Grant (forthcoming) and CHTC Community Housing Growth Funding.

1. For municipal policies related to streamlining land use policies and processes to support affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.3.1 H-15.
2. For municipal policies related to high-quality design, see HRM, 2023, DRP, §3.4.2.
3. For municipal policies related to inter-sector cooperation, see HRM, 2023, DRP, §5.1.1.
4. For municipal policies related to complete communities, including service provision, and building community capacity, see HRM, 2023, DRP, §3.4.2 and §4.1.5, and HRM, 2020, HalifACT, §5.3.2.31.

Property Description

The subject property includes seven (7) contiguous land parcels. The total land area is 15,599.8 m^2 (i.e., 167,914.8 ft^2). The Parish will consolidate and re-subdivide the area as two properties, one for each component. The subject property is zoned R-2 (two-household) and designated Low-Density Residential. The subject property has two (2) buildings and various accessory structures (e.g., sheds and emergency shelters). One of the buildings is a two-storey church and the other is a four-storey mixed-use building. The Parish will demolish the existing buildings and construct all new buildings on the subject property.

The subject property fronts three (3) streets: Herring Cove Road (37.2 m or 122 ft), William's Lake Road (76.8 m or 252 ft), and St. Michael's Avenue (155.5 m or 510 ft). Currently, the Parish accesses the subject property from St. Michael's Avenue with controlled access from William's Lake Road. The adjoining properties are residential (i.e., LDR/R2) with 2-4 storey semi-detached and detached houses on mostly standard lots. Hartlen Park and a municipal parking lot with fifty (50) parking spaces are to the south.

The Wetland Consultant delineated one (1) watercourse and two (2) wetlands on the subject property. The wetlands are contiguous with the watercourse.[1] The watercourse is a shallow creek, approximately 0.9 m (i.e., 3 ft) wide. It is part of a hydrological system that flows from Long Lake to Colpitt Lake (via Catamaran Pond). Halifax Water has culverted parts of it, including that immediately upstream of the subject property. As a result, the watercourse "daylights" at two stormwater outfalls that discharge onto the subject property and a neighbouring property, respectively.[2] These outfalls are the water source for the watercourse and wetlands. The wetlands are not "Wetlands of Special Significance." The wetland areas are 866 m^2 (i.e., 9,322 ft^2) and 1,935 m^2 (i.e., 20,828 ft^2), representing 18% of the total site area. The combined 20 m watercourse and wetland buffer area is 7,174 m^2 (i.e., 77,220 ft^2), representing 45% of the total site area.

The subject property has three (3) service easements, all favouring the HRM. They permit Halifax Water to access the designated areas to construct stormwater and wastewater infrastructure. The agreement prohibits the Parish from building a permanent structure in the designated areas. The easements divide the subject property east to west. However, unlike the wetland and watercourse buffer area, the easements permit some development. We cannot locate buildings in the easement areas, but we can develop parking or driveways. The total easement area is 2,521 m^2 (i.e., 27,100 ft^2), representing 16% of the total land area.

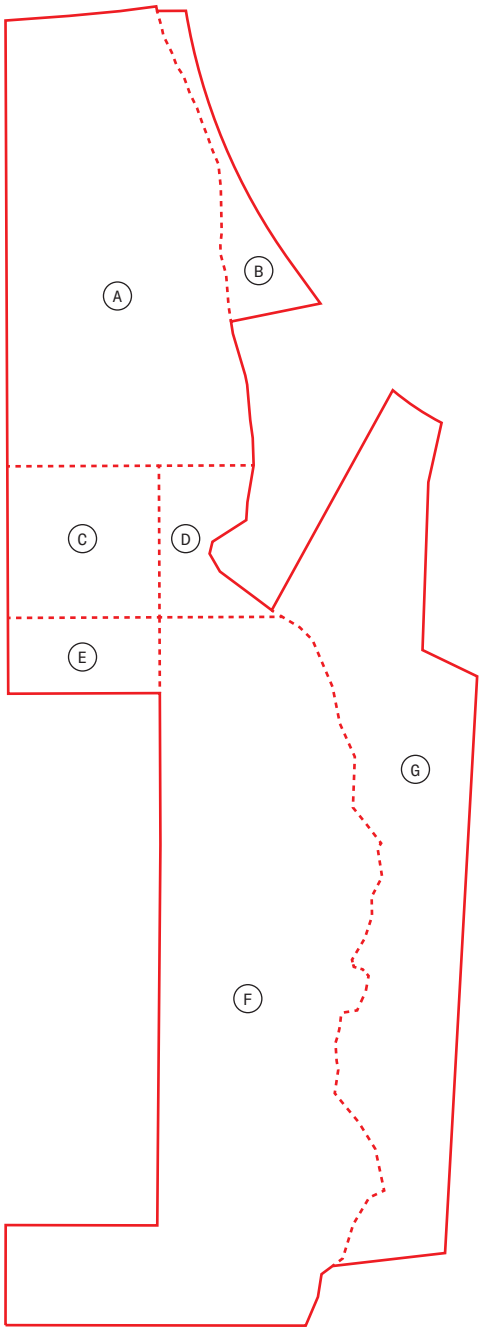
The subject property is in the municipal service boundary, within which Halifax Water provides water, stormwater, and wastewater service.[3] The subject property has adequate water and stormwater service for the Housing and Parish Components. The wastewater drainage system is over-capacity (i.e., by 248% at the limiting section). However, the Housing Component (i.e., 48 RRUs or less) would increase peak wet weather flows by only 0.33% (i.e., 452.6 L/s to 454.1 L/s).[4]

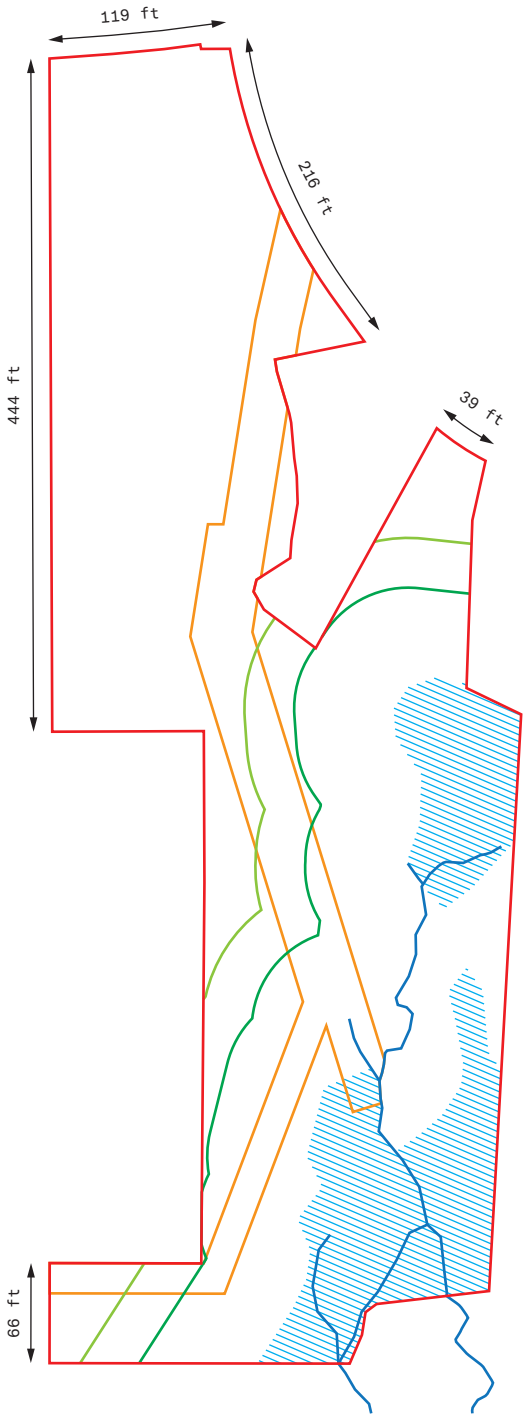
The subject property is serviced by 400 mm water mains on Herring Cove Road and St. Michael's Avenue, respectively, and a 200 mm water main on William's Lake Road (i.e., frontage of PID 00286567 only). The subject property is serviced by stormwater pipes on Herring Cove Road and for part of the street frontage on St. Michael's Avenue and William's Lake Road. A stormwater pipe section traverses the subject property west to east along a 9.1 m wide (i.e., 30 ft) service easement. Halifax Water installed this section in 1985 to replace a part of the watercourse draining Long Lake. This section connects at William's Lake Road (i.e., MH7699) and terminates at an outfall on the subject property.

The subject property is serviced by wastewater pipe on Herring Cove Road, St. Michael's Avenue, and part of the William's Lake Road street frontage. A wastewater pipe section traverses the subject property west to east along a 9.1 m wide (i.e., 30 ft) service easement. All sections servicing the subject property, including the traversing section, drain to the trunk line at St. Michael's Avenue and Lois Lane (i.e., MH11660) and then the trunk line at Theakston Avenue (via Hartlen Park). Halifax Water installed the traversing section in 1994 to replace force mains on the subject property and connect downstream where elevations realign (i.e., at MH11660). Halifax Water aligned the wastewater section with the stormwater section on the subject property. As a result, the wastewater service easement is separate from but partially overlaps with the stormwater service easement.

1. For municipal policies related to wetland delineation, see HRM, 2023, Draft Regional Plan (DRP), §6.4.6.2 EC-32.
2. The outfalls have discharged stormwater onto the subject property for over 20 years. Consequently, NSECC considers the wetlands established and subject to NSECC regulations.
3. For municipal policies related to housing development in serviced areas of the Suburban Area, see HRM, 2023, DRP, §2.4 RP-9 and §2.7.2 RP-22.
4. DesignPoint, "Spryfield Community Development - Civil Servicing Review," 2023-08-17, p. 6.

Property Description





LAND ASSEMBLY

A	PID 00285171, 41,692.9 ft²	E	PID 00285239, 4,999.8 ft²
B	PID 40089666, 4,689.8 ft²	F	PID 40876674, 63,232.6 ft²
C	PID 00285189, 9,999.7 ft²	G	PID 00286567, 37,988.0 ft²
D	PID 00285247, 5,312.0 ft²		

RESTRICTIONS

- Property
- HRM 20 m Buffer
- NSECC 30 m Buffer
- Easement
- Watercourse
- Wetland

The Parish will consolidate and re-subdivide the land area as two properties, one for each component. *We have yet to determine either component's lot boundaries or area.* Each component's building footprint, gross floor area, and target lot coverage are known with relative certainty and constitute design requirements.

Property	
Land Area	167,914.8 ft^2
Parish Component	
Parking Spaces	62-70
Parking Footprint	25,000 ft^2
Building Footprint	18,200 ft^2
Target Lot Coverage (Effective)[1]	25%
Gross Floor Area	18,200 ft^2
Housing Component	
Parking Spaces	6-7
Parking Footprint	2,520 ft^2
Building Footprint	9,480 ft^2
Target Lot Coverage (Effective)[1]	40%
Gross Floor Area	37,920-47,400 ft^2
RRU Count, Mix	33-48
CRU Count	1

1. We calculate the Target Lot Coverage (Effective) as a percentage of the unrestricted area, not the total land area. The riparian buffer and service easement areas offset total lot coverage requirements but do not contribute to building spacing or relieve site design constraints.

The subject property is in the Spryfield community of Mainland South, a sub-region of the Halifax Regional Municipality (HRM). Situated at the corner of Herring Cove Road and William's Lake Road, it is well-located with convenient access to transit, employment, schools, and services.[1] Herring Cove Road is the main arterial road in Mainland South. It connects Spryfield to the Halifax peninsula, other communities, and other thoroughfares, including Dunbrack Street, William's Lake Road, and Old Sambro Road.

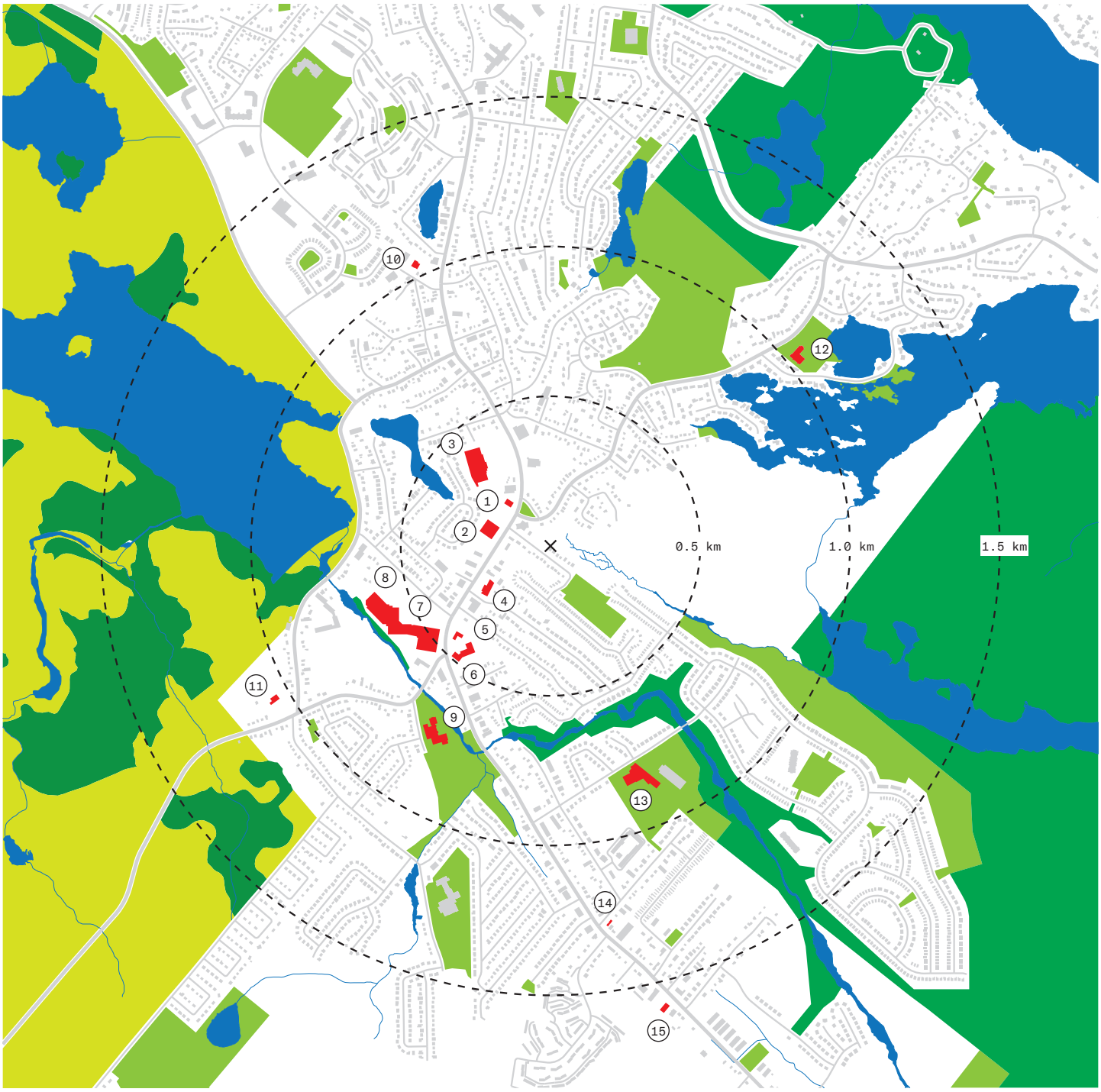
Currently, the subject property is a 10-minute drive or 15-minute bus ride to Mumford Road, a major transit and commercial hub on the Halifax peninsula. Five (5) bus routes service the area, including one (1) express line, one (1) corridor line, and three (3) local lines, with several stops within 500 m of the subject property.[2]

The Active Transportation Priorities Plan and Rapid Transit Strategy propose two bike routes that would service the subject property: one along Herring Cove Road and another on William's Lake Road.[3] The subject property is also proximate to many natural amenities. It is on an extensive trail network extending through McIntosh Run Regional Park, Colpitt Lake, and Long Lake, among other areas. Several trailheads, neighbourhood, regional, and provincial parks, and protected areas are within 1.5 km of the subject property.[4] Despite its proximity to natural amenities, the subject property is in a developed area of Spryfield.

The subject property is at the north end of Spryfield's main commercial area. There are several shopping plazas, grocery stores, pharmacies, health clinics, retail, restaurants, and personal services within a 10-minute walk or roll (i.e., 800 m). The Captain William Spry Community Centre and Library and Central Spryfield Elementary School are also within a 10-minute walk or roll. Cunard Middle School, Elizabeth Sutherland Middle School, and J.L. Ilsley High School are all within a 15-minute walk or roll.[5]

Established low-density residential development (e.g., 2-4 storey detached or semi-detached houses) adjoins the subject property. Minor commercial and medium-density uses are nearby, including several multi-unit residential developments, built from the 1960s onwards, along Herring Cove Road from the Armdale Rotary to Thornhill. Leiblin Park, Cowie Hill, Greystone, Governor's Brook, and Long Lake Village are among the low-density, planned developments in the area.

1. For municipal policies related to complete communities, transit-oriented community facilities and housing density, and in-fill development, see HRM, 2023, Draft Regional Plan (DRP), §3.4.2, §4.3 CI-10(d), §5.1.5, and §5.2 H-1(d), and HRM, 2017, Integrated Mobility Plan (IMP), §2.2.5(c).
2. For municipal policies related to prioritizing transit-oriented development, including increased housing density for low- to moderate-income households along transit corridors, see HRM, 2023, DRP, §3.1.4, §3.4.2, §4.3 CI-10(d), §5.1.5, §5.2 H-1(b), §7.1.2, and §7.8 M-39, and HRM, 2017, IMP, §2.2.5(b).
3. HRM, 2014, Active Transportation Priorities Plan, Map 2C, "Candidate Bicycle Routes and Greenway Network," and HRM, 2020, Rapid Transit Strategy, Figure 13, "Rapid Transit Network connections to bicycle network."
4. For municipal policies related to complete communities, natural connections, and healthy opportunities for residents, see HRM, 2023, DRP, §3.1.1 and §3.4.2, and HRM, 2020, Halifax Green Network Plan, §4.3.3.3, §4.4.3.1, and §4.4.3.11.
5. For municipal policies related to increased housing density in areas served by community facilities and other amenities, see HRM, 2023, DRP, §5.1.5, §5.2 H-1(a), and §5.2 H-1(d).



1	Herring Cove Community Dentistry	6	Central Spryfield Elementary School	11	St. Paul's Family Resources Institute
2	Shoppers Drug Mart	7	Dalhousie Family Medicine	12	Cunard Middle School
3	Sobey's Grocery Store	8	No Frill's Grocery Store	13	J.L. Ilsley High School
4	The Salvation Army	9	William Spry Community Centre	14	Chebucto Family Centre
5	YWCA Halifax	10	Jost Mission Daycare Society	15	Chebucto Connections

For this discussion, low-income renter households in Mainland South include those with a before-tax annual income of $31,000 or less (i.e., 1st, 2nd, 3rd decile groups in income distribution). Moderate-income renter households in Mainland South include those with a before-tax annual income between $31,001 and $61,500 (i.e., 4th, 5th, and 6th decile groups).[1] The median household income in Mainland South, of which Spryfield is a part, is $74,000; however, the median household income in the Spryfield Census Tract (CT 2050015.00) is $56,000.[2]

The Halifax Regional Municipality (HRM) is experiencing an acute housing shortage for several reasons, including population growth and regulatory impediments.[3] As a result, housing costs have increased at a greater rate than household incomes. Spryfield is particularly affected. It has a disproportionate number of low-income households and is experiencing even faster growth when compared to other subregions. Between 2011 and 2021, the HRM and Mainland South populations grew annually by 2.0% and 2.4%, respectively.[4,5] During the same period, the number of households in the bottom half of income distribution increased by 23.8% in the HRM and 31.9% in the Mainland South.[6]

The HRM estimates the municipality needs 56,000-249,000 new units, or 1,900-8,600 new units annually, by 2050 to accommodate the population growth.[7] However, Deloitte estimates the municipality requires 7,600 new units annually to balance the market by 2027 (due to a period of acute under-supply from 2016 to 2021).[8] Construction starts have increased in the past five (5) years, but only modestly (i.e., 3,290 units annually from a historical average of approximately 2,670 units annually).[9] As a result, construction starts are still well below the level needed to fulfill housing demand.

Most new development only serves moderate- to high-income households.[10] For example, the Financial Feasibility Consultant surveyed sixty-five (65) purpose-built rental apartment buildings completed in the last ten (10) years, and the average rent was $2,640 per month (i.e., affordable to those with an annual household income of $105,600). In Spryfield, developers have recently completed several large market-rate housing developments, including Governor's Brook and Long Lake Village. A recent listing for a $700,000 detached house on Alabaster Way (Governor's Brook) would require a $4,150 monthly mortgage payment (i.e., affordable to those with an annual household income of $166,000).[11]

There is significant demand for all unit types, especially for affordable ones. However, some households are in greater need than others. From a supply standpoint, one- and two-bedroom market-rate units represent the vast majority of new and existing housing stock in the HRM. However, this prevalence isn't necessarily an indication of demand or need, but rather an indication of the smaller units' greater profitability. Unfortunately, these units only serve high-income, 1-4 person renter households.[12] All market-rate unit types, including studios, are unaffordable for low-income households in Mainland South. Market-rate units with two or more bedrooms are unaffordable for most moderate-income households in Mainland South.[13]

From a demand standpoint, 31% of Mainland South renter households are in Core Housing Need, of which one-person households (i.e., studio or one-bedroom units) and one-parent households (i.e., two or more bedroom units) are in greatest need.[14,15,16] Mainland South also has higher rates of one-parent households and children experiencing poverty than any other subregion.[17] More broadly, in the HRM, poverty rates are highest among households with three or more children.[18]

The Project seeks to address housing needs persistently unmet by market-rate development.[19] The Housing Component will provide a variety of affordable unit types with two, three, and four-bedrooms for low- to moderate-income renter households (i.e., for one or two-parent households, including new immigrants) and studio or one-bedroom unit types for low-income renter households (i.e., for one or two-person households, including seniors). It will not include any market-rate units. This unit composition will ensure the project serves those in greatest need, while the household and income diversity will connect the project to the broader community.

1. The Financial Feasibility Consultant based this determination on 2016 Census data. See "Housing Market Assessment: Spryfield Community Development," prepared by the Financial Feasibility Consultant (NBLC) for more information.
2. Statistics Canada. Census Profile 2021.
3. Deloitte, 2022, "HRM Housing Development Barrier Review: Executive Panel on Housing in HRM."
4. Statistics Canada. Census Profile, Halifax Census Division, 2011; Statistics Canada, Census Profile, Halifax Census Division, 2021.
5. Statistics Canada. Census Profile, Census Tracts: 2050001.00, 02.00, 14.00, 15.00, and 16.00, 2011; Statistics Canada. Census Profile, Census Tracts: 2050001.00, 02.00, 14.00, 15.00, and 16.00, 2021.
6. Statistics Canada. National Household Survey, Halifax Census Division, Census Tracts 2050001.00, 02.00, 14.00, 15.00, and 16.00, 2011; Statistics Canada. Census Profile, Halifax Census Division, Census Tracts 2050001.00, 02.00, 14.00, 15.00, and 16.00, 2021.

7. HRM, 2023, "Updated Population and Housing Issues Paper: Regional Plan Review Phase 4."
8. Deloitte, 2022, "HRM Housing Development Barrier Review: Executive Panel on Housing in HRM," p. 4.
9. CMHC, Housing Starts and Completion Survey.
10. For municipal policies related to removing barriers to housing for all residents, see HRM, 2023, DRP, §5.1.2, §5.1.4, and §8.1.5.
11. "249 Alabaster Way, Halifax NS - For Sale - Price $699,000 - 202314389." HarbourSide Realty. (2023). https://harboursiderealty.com/listings/1139-Residential-249-Alabaster-Halifax-NS-3-Bedrooms-4-Bathrooms-CAD699-000/. The mortgage payment calculation assumes a $700,000 purchase price, $70,000 down payment, 25-year amortization period, and 5.99% Bank of Canada Conventional Mortgage Lending Rate. The 2,500 ft^2 house features three (3) bedrooms, four (4) bathrooms, solid surface countertops, and a finished basement.
12. For municipal policies related to addressing housing affordability and equity, and increasing housing supply and housing types diversity, see HRM, 2023, DRP, §5.1.2, §5.1.4, §8.1.5.
13. All unit types, including studios, are unaffordable for low-income Renter Households. Only studio units are affordable to all moderate-income Renter Households (4/5/6th decile). One-bedroom units are affordable to some moderate-income renter households (5/6th decile). Two-bedroom units represent the vast majority of new and legacy housing stock in the HRM. However, those units are only affordable to households with an annual income of $60,000 or more (i.e., 6th-decile moderate-income households). Three-bedroom units are only affordable to high-income renter households.
14. A household is in Core Housing Need if it meets one or more of the following criteria: the household spends more than 30% of gross income on shelter costs; the unit requires major repairs; the unit isn't suitable for the household's size or composition; or any combination thereof.
15. CMHC Housing Market Portal, StatsCan 2021 Census Profile.
16. One-person households represented the majority of households tested by the Financial Feasibility Consultant (i.e., 46% in Mainland South). Of those households, 48% are in Core Housing Need. One-parent households represented 19% of households in Mainland South tested; however, 51% of those households were in Core Housing Need. Two-person households, with and without children, and non-family households have significantly lower rates of Core Housing Need (i.e., 20% or less). Immigrants and non-immigrants have similar rates of Core Housing Needs. See page 28 of the "Housing Market Assessment: Spryfield Community Development," prepared by the Financial Feasibility Consultant (NBLC) for more information.
17. Canadian Centre for Policy Alternatives, May 2023, "2022 Report Card on Child and Family Poverty in Nova Scotia: Kids Can't Wait."
18. Statistics Canada. Table 11-10-0018-01, "After-Tax Low-Income Status of Tax Filers and Dependants Based on Census Family Low Income Measure, by Family Type and Composit."
19. For municipal policies related to addressing homelessness, affordability, and equity, and increasing housing supply and housing type diversity, see HRM, 2023, DRP, §5.1.1, §5.1.2, §5.1.4, §8.1.5.

RAPID TRANSIT-ORIENTED DEVELOPMENT DESIGNATION

Proposal

We propose the HRM:

1. Designate the subject property a "Proposed Rapid Transit Oriented Development" in the Draft Regional Plan.[1]
2. Develop a sidewalk on the north side of St. Michael's Avenue to connect Herring Cove Road and the proposed rapid transit station with the Project, Hartlen Park, trailheads, a municipal parking lot, and Governor's Brook (via existing pathway).

Rationale

Until the HRM designates the subject property as a "Proposed Rapid Transit Oriented Development," it cannot prioritize the Project in the Suburban Plan Review process. The subject property adjoins the proposed Bus Rapid Transit (BRT) Yellow Line and has an under-utilized land area. The Rapid Transit Strategy (2020) proposes a standard station at the corner of Herring Cove Road and William's Lake Road, less than 100 m from the subject property. The strategy also proposes an enhanced station at Dentith Road (i.e., Spryfield Shopping Centre), less than 800 m from the subject property.

The Project will serve as a compelling precedent for transit-oriented development in the Suburban Area. It will include medium-density housing and mixed-uses with interconnected and accessible pathways between building entrances, sidewalks, and other destinations for people who walk, wheel, or cycle, including the proposed rapid transit station at Herring Cove and William's Lake Roads.[2] Each building will include at least one pathway between the sidewalk and the building entrance, uninterrupted by surface parking or roadways. Buildings will be oriented to the street, pathways, and landscape instead of parking areas and include storage for bicycles and other mobility devices, such as mobility scooters, walkers, and wheelchairs.[3] The HRM must prioritize affordable housing near BRT stations, such as the Project, to ensure equitable transit provision.[4]

We minimized the Project's parking area to provide more housing and support transit-oriented development (see "Minimum Parking Requirements" for more information).[5] All on-site roadways will incorporate speed humps, raised medians, and other traffic calming measures for safety.

1. HRM, 2023, Draft Regional Municipal Planning Strategy, "Map 3: Urban Growth Areas." The HRM highlighted Proposed Rapid Transit Oriented Development areas in blue.
2. For municipal policies related to prioritizing transit-oriented development, including increased affordable housing density along transit corridors, see HRM, 2023, Draft Regional Plan (DRP), §3.1.4 and §5.2 H-1(b); HRM, 2020, Rapid Transit Strategy (RTS), §5.4.1 and §5.4.2; and HRM, 2017, Integrated Mobility Plan (IMP), §2.2.5(b) and §2.2.5(c).
3. For municipal policies related to supporting accessible and safe active transportation for all ages, abilities, and incomes, see HRM, 2023, DRP, §7.1.2; HRM, 2020, RTS, §5.4.3; HRM, 2017, IMP, §2.1.3(b) and §2.1.3(d); and HRM, 2020, HalifACT, §5.2.3.8.
4. For municipal policies related to the equitable transit provision, see HRM, RTS, §5.4.2.
5. For municipal policies related to minimum parking requirements, see HRM, 2023, DRP, §5.2.4 H-12, §7.6. M-24, and §7.9.1 M-42.


TRANSIT-ORIENTED DEVELOPMENT
Yellow BRT Route
Standard BRT Station
Enhanced BRT Station
Transit-Oriented Development
Subject Property

ENABLING POLICY FOR AFFORDABLE HOUSING

Proposal

We propose the HRM:

1. Enact a broadly applicable enabling policy for long-term affordable housing projects (i.e., 25-year term or greater; all units 80% MMR or less) located anywhere in the Suburban Area or Regional Centre to re-designate a property or pursue a Development Agreement without a PA/SSPA.[1]

Rationale

Existing land use policies assigned to the subject property do not include an enabling policy allowing the Project to re-designate the subject property or pursue a Development Agreement without a Plan Amendment (PA) or Site-Specific Plan Amendment (SSPA).

Above all else, the HRM must enact as-of-right policies such that affordable housing projects seldom require an enabling policy. As-of-right development is predictable, cost-effective, and quick. Ideally, this Project's involvement in the Suburban Plan Review process will result in as-of-right policies that eliminate the need for an enabling policy.

Still, if Suburban Plan as-of-right policies are insufficient or implemented too slowly, and in the interest of other projects, the HRM must enact a broadly applicable enabling policy for long-term affordable housing projects, including this Project.

1. For land use policies related to removing barriers to housing, increasing housing supply, and increasing housing affordability, see HRM, 2023, Draft Regional Plan, §5.1.2.; §5.1.3.; §5.2.1. H-2; and §5.3.1. H-15.

MINIMUM PARKING REQUIREMENTS

Proposal

We propose the HRM:

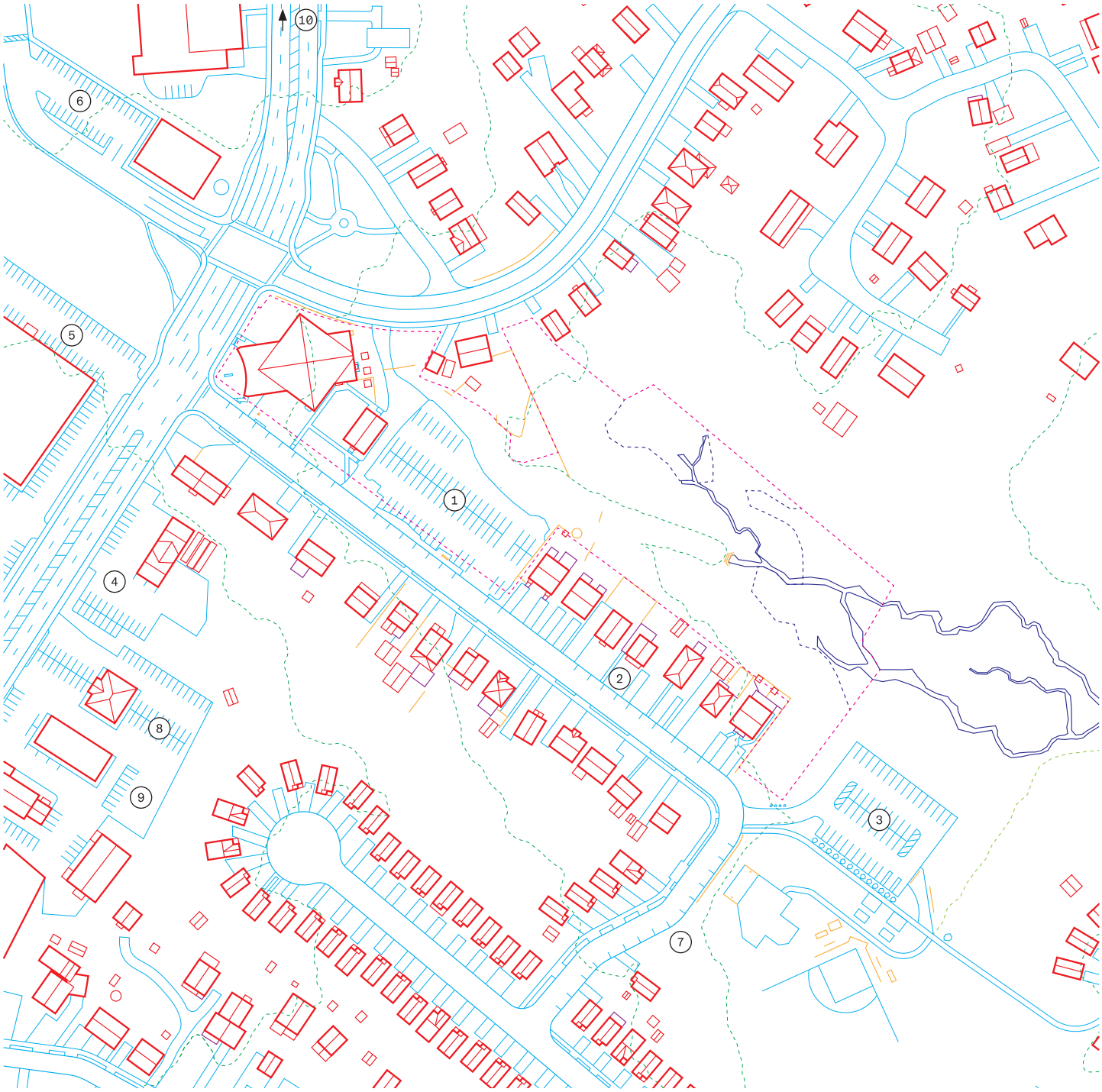
1. Eliminate minimum parking requirements (i.e., one (1) off-street parking space for each dwelling unit) assigned to the subject property.[1]

Rationale

The Project minimized the Housing Component parking area to provide more affordable housing and support transit-oriented development. Affordable housing operators emphasize that low-income households use public transit and seldom own a car, whether by choice or otherwise. Also, census data suggests that up to 30% of people in Spryfield take public transit or walk to work. We expect this to increase once the proposed Herring Cove Road rapid transit bus line is operational. Additional parking would increase the construction cost per unit, making financial feasibility more challenging and the housing less affordable. It would be under-utilized, diminish the quality of the outdoor space for both components, and decrease the number of units.[2]

We recognize some residents will own a car and require parking. There is a parking surplus in the immediate area (i.e., 665 parking spots within a 5-minute walk of the property), 84 of which are public and accessed directly from St. Michael's Avenue.[3] If still more parking is required, the Parish may assign 11-13 of the 62-70 parking spaces on the Parish Component property for residential use. Lastly, the housing operator may work with local businesses to use a small part of their under-utilized lots to provide tenants with dedicated parking for a small monthly fee. This would be especially useful for overnight parking when businesses are closed or during winter parking bans. These strategies are more cost-effective and do not reduce the Residential Rental Unit (RRU) count.

1. For municipal policies related to reducing minimum parking requirements, see HRM, 2023, Draft Regional Plan, §5.2.4 H-12, §7.6. M-24, and §7.9.1 M-42.
2. The area for each parking space is 360 ft^2 (i.e., 180 ft^2 plus maneuvering area). However, we must also maintain a paved-to-unpaved open area ratio of 1:4. Therefore, for each at-grade parking space, we must reduce the residential gross floor area by 5,400-7,200 ft^2 (i.e., 12-16 studio units or 24-32 occupants). Even if we could reduce the ratio as part of the planning approval, each parking space reduces the residential gross floor area by 1,080-1,440 ft^2 (i.e., 3-4 studio units or 6-8 occupants).
3. St. Michael's Avenue has 22 on-street spaces, Lois Lane has 12 on-street spaces, and the municipal parking lot at the corner of St. Michael's Avenue and Lois Lane has 50 off-street spaces.



1	61 Spots, 0 Minute Walk (Parish)	6	30 Spots, 2-3 Minute Walk
2	22 Spots, 1 Minute Walk (Public, Street)	7	12 Spots, 3 Minute Walk (Public, Street)
3	50 Spots, 2 Minute Walk (Public)	8	56 Spots, 3 Minute Walk
4	30 Spots, 2 Minute Walk	9	26 Spots, 4 Minute Walk
5	164 Spots, 2-3 Minute Walk	10	275 Spots, 4 Minute Walk

SETBACKS

Proposal

We propose the HRM:

1. Eliminate the front and building-to-building setback requirements assigned to the subject property.[1]
2. Reduce the side and rear setback distances assigned to the subject property to 5 ft.[2]
3. Simplify land use policies to encourage more diverse building morphologies, primarily employing lot coverage to control horizontal density for buildings and uses in the Suburban Area.[3]

Rationale

Existing land use policies in Mainland South overly restrict site design such that the only building location is in the centre of each lot. This encourages suburban repetition from lot to lot. It also divides the land area among front, back, and rear yards, making each yard less useful.

Land use policies assigned to the subject property restrict building location with setback distances ranging from 8-20 ft (i.e., 2.4-6.0 m). The Project requires more flexible setback requirements to contend with the service easements, riparian buffer area, and irregularly shaped property.

The Project's total building footprint (i.e., 28,000 ft^2) is relatively modest compared to the total land area (i.e., 170,000 ft^2). The total lot coverage is only 18%. However, the riparian buffer and service easements restrict 55-61% of the land area. These areas offset total lot coverage requirements but don't contribute to building spacing or relieve site design constraints. Excluding the riparian buffer and service easement areas, the effective lot coverage is 37-42%.

Reducing or eliminating setback distances assigned to the subject property will provide much-needed flexibility to contend with these challenges. It will allow for more diverse building-to-building and building-to-street relationships and greater street-level interest. It will also allow greater utilization of the front, side, and rear setback areas.

The subject property has three discontinuous street frontages. Each requires a distinct approach. Without the flexibility to do so, the Project will have one dominant frontage at the expense of the pedestrian experience on other streets.

1. For municipal policies related to removing barriers to housing, see HRM, 2023, Draft Regional Plan (DRP), §5.1.2, §5.2.1 H-2, §5.2.1 H-3, and §5.3.1 H-15.
2. For municipal policies related to removing barriers to housing, see HRM, 2023, DRP, §5.1.2, §5.2.1 H-2, §5.2.1 H-3, and §5.3.1 H-15.
3. For municipal policies related to increasing housing density and diversity, see HRM, 2023, DRP, §5.1.4 and §5.1.5.

Policy Proposal 5

BUILDING HEIGHT

Proposal

We propose the HRM:

1. Increase the maximum building height assigned to the subject property from 35 ft (i.e., 10.7 m) to 65 ft (i.e., 19.8 m), calculated such that a 5-storey residential building with 9 ft (i.e., 2.7 m) floor-to-ceiling heights is readily achievable.
2. Refrain from assigning vertical setback requirements to the subject property.
3. Calculate building height from the perimeter of each building instead of from the average grade of all adjoining streets.
4. Exclude the following from building height calculations: rooftop mechanical equipment, including photovoltaic assemblies, elevator shafts, and rooftop access stairwells.

Rationale

Existing land use policies assigned to the subject property restrict building height to 35 ft (i.e., 10.7 m). Medium-density uses in Mainland South restrict building height to 50 ft (i.e., 15.2 m). These heights have yet to account for medium-density residential building systems.[1]

The Project will minimize unnecessary floor area to make the greatest use of the building footprint and unrestricted land area while maximizing housing provision and build quality. This will result in well-designed and spacious units, but with less floor area than market-rate units. The Project will invest in spatial quality measures (e.g., larger windows, higher floor-to-ceiling height) to counteract the floor area efficiency. Higher floor-to-ceiling height (e.g., 9 ft or 2.7 m) improves daylight distribution and natural ventilation, which is especially important for energy-efficient housing. However, at 5-storeys, the Housing Component building heights will be up to 65 ft (i.e., 19.8 m).

Floor and roof assemblies in medium-density residential buildings must include structural, mechanical, plumbing, and fire protection equipment and systems for multiple units. Low-density construction doesn't require these systems, or the systems are much smaller. Medium-density floor and roof assemblies are often 18-24 inches thick. Passive standard roof insulation alone is 20-24 inches thick (i.e., R-70). Thinner assemblies are possible but more difficult and expensive to construct. Accounting for assembly depth is especially important if the HRM intends to prioritize climate-resilient building practices.[2]

A 9 ft (i.e., 2.7 m) residential floor-to-ceiling height requires a minimum 10.5 ft (i.e., 3.2 m) floor-to-floor height. A 13.5 ft (i.e., 4.1 m) commercial floor-to-ceiling height requires a minimum 15.5 ft (i.e., 4.7 m) floor-to-floor height. Therefore, a 5-storey building with a commercial ground floor requires a minimum 65 ft (i.e., 19.8 m) building height.[3] Anything less encourages poor spatial quality, including basement apartments and low ceiling heights, and excludes mixed-uses (i.e., commercial). It also encourages unsightly workarounds, such as mechanical equipment on balconies or near entrances.

In most jurisdictions, standards, and codes, the proposed building height (i.e., 65 ft or 5 storeys) constitutes medium-rise development (i.e., "missing middle").[4] By comparison, a one- or two-household dwelling has a 35 ft building height, and the podium height on a high-rise building is 36-60 ft (i.e., 11.0-18.5 m).[5] The residential development at 383 Herring Cove Road, at the other end of Spryfield's commercial corridor, has a 66 ft (i.e., 20.1 m) building height and 7 storeys above grade but a lower floor-to-ceiling height.

Much of the subject property is lower than Herring Cove Road, the most visible street frontage. This elevation change will absorb much of the building height from that viewpoint. The property slopes down from +190 ft to +154 ft (i.e., +58.0 m to +47.0 m), or 36 ft (i.e., 11.0 m). Still, the Project will be mindful of the development's height with respect to the houses on St. Micheal's Avenue, which range in height from 24-35 ft.

If the Project cannot develop part of the riparian buffer area, the Housing Component will require greater lot coverage or building height than that proposed above. If the HRM doesn't calculate building height from each building perimeter or exclude rooftop equipment from the calculation, the Housing Component will also require additional building height.

1. For municipal policies related to removing barriers to affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.1.2, §5.2.1 H-2, and §5.3.1 H-15.
2. For municipal policies related to climate-resilient development, see HRM, 2023, DRP, §3.4.2, §6.5.6 EC-65, and HRM, 2020, HalifACT, §5.2.1.1.
3. This building height assumes one (1) commercial floor-to-floor height, four (4) residential floors, a 3 ft low-slope roof assembly thickness, and a 2 ft parapet height.
4. This includes Toronto, New York City, and Vancouver. Standards that consider a 5-storey building as a medium-rise development include the NBC, ASHRAE, and BC Housing.
5. HRM, 2022, Regional Centre Secondary Municipal Planning Strategy, §3.2.3., Building and Streetwall Design, UD-10(d).

MEDIUM-DENSITY RESIDENTIAL USE

Proposal

We propose the HRM:

1. Designate and zone the subject property for medium-density residential uses (i.e., up to forty-eight (48) Residential Rental Units).[1]

Rationale

Existing land use policies assigned to the subject property prohibit medium-density residential uses. However, medium-density development houses more people per hectare and is more cost-effective than low-density development. This allows it to serve various household income levels and establishes a basis for socio-economic diversity that connects it with the broader community. The Housing Component, which includes various unit types and affordability levels, will house up to forty-eight (48) households of various compositions and income levels together in one or two buildings.[2] Compare this to low-density development, which separates households by building and income levels by zone or development.

This connectivity is especially important for affordable housing, which is often segregated by size or density (e.g., Mulgrave Park). Medium-density development achieves meaningful housing provision while integrating and connecting residents with the surrounding area. The scale of medium-density development reinforces the connections brought by its socio-economic diversity.

Medium-density development is especially important along rapid transit corridors in the Suburban Area where low-density development is insufficient and high-density development is disproportionate.[3,4] The subject property adjoins the proposed Bus Rapid Transit (BRT) Yellow Line and Spryfield's commercial corridor, necessitating greater density, but in such a way that it transitions to the low-density development in the surrounding area.

New development in the HRM is overwhelmingly low-density suburban development (e.g., Governor's Brook, Long Lake Village) or high-density towers (e.g., Spring Garden West) and mega-developments (e.g., Richmond Yards, South Park). The HRM needs more medium-density development to mediate these extremes.

This discussion refers to population density (i.e., medium-density) independently of building size (i.e., medium-rise). We recognize that the two issues are interrelated. See "Building Height" for more information on building size. For our purposes, medium-density development includes 12-48 Residential Rental Units (RRU), situating it between low-density development (i.e., 1-12 RRUs) and high-density development (i.e., more than 48 RRUs).

1. For municipal policies related to removing barriers to housing, see HRM, 2023, Draft Regional Plan (DRP), §5.1.2, §5.2.1 H-2, §5.2.1 H-3, §5.3.1 H-15.
2. For municipal policies related to increasing and diversifying housing supply and affordability, see HRM, 2023, DRP, §3.1.1, §5.1.3, §5.1.4, §5.2.1 H-2, and §8.1.5; and HRM, 2020, Rapid Transit Strategy (RTS), §5.4.2.
3. The HRM estimates that at least 100 people per hectare are required to support Bus Rapid Transit lines. HRM, 2020, Rapid Transit Strategy, p. 37.
4. For municipal policies related to prioritizing housing densification along transit corridors, see HRM, 2023, DRP, §3.1.4, §3.4.3 HC-5, and §5.2 H-1(b); HRM, 2020, RTS, §5.4.1; and HRM, 2017, Integrated Mobility Plan, §2.2.5(b).

MULTIPLE BUILDINGS AND USES PER LOT

Proposal

We propose the HRM:

1. Assign as-of-right land use policies to the subject property that permit multiple buildings and uses per lot.[1]
2. Refrain from assigning land use policies to the subject property that restrict building locations (e.g., building-to-building setback distances).[2]
3. Reduce minimum lot area and frontage requirements.[3]
4. Refrain from assigning land use policies to the subject property that restrict size or location of accessory use buildings (e.g., in backyards).

Rationale

Existing land use policies assigned to the subject property permit only one building and use per lot (with some limited exceptions).[4] These policies also require a minimum of 50-60 ft (i.e., 15.2-18.3 m) of lot frontage and 5,000-6,000 ft^2 (i.e., 464-557 m^2) of lot area. The subject property has more area than frontage: 170,800 ft^2 and 885 ft, or 193 ft^2 per 1 ft. Thus, frontage limits the number of lots we can create, limiting the number of buildings and uses we can develop as-of-right.

The Parish Component will include up to six (6) single-storey buildings for greater energy efficiency and community engagement. The Housing Component will include up to two (2) buildings, up to five (5) storeys each. Interconnected pedestrian pathways will connect parking areas, building entrances, sidewalks, and gardens. The Project only requires two properties to separate each component financially (e.g., for loans registered to each component). Having to subdivide the property further will unnecessarily restrict land area (e.g., with setbacks) and obstruct more innovative site planning.

The Parish is active at different times and frequencies. Parish uses vary in duration from one hour to all day and require rooms that vary in size and functionality. Many of these uses function independently of others, so room adjacency is optional. Yet, the existing church building contains all Parish uses except the office. Therefore, the Parish conditions (e.g., heats, cools, ventilates) most of its floor area, even when it only uses a small fraction.

In response, the Project will separate Parish Component uses that occur at different times, frequencies, or with different requirements into separate buildings. This strategy will result in smaller, contextually appropriate buildings with greater access to daylight, views, and ventilation.[5] It will also simplify access control, circulation, and noise separation. Smaller buildings are also easier to locate on the irregularly shaped property. Importantly, the activity between several buildings would be visible to the broader community.[6]

Land use policies that permit multiple buildings and uses on a single lot would allow for innovative building compositions. We could orient buildings to pathways and landscapes instead of streets and cars and prioritize pedestrian-level interest and connections between buildings while maintaining visual and physical access to the street.[7] Permitting multiple uses on a single lot is also socially sustainable and responsive to a community's present and future needs.

1. For municipal policies related to supporting multi-use community hubs and complete communities, see HRM, 2023, Draft Regional Plan (DRP), §3.4.2, §3.4.3 HC-5, §4.1.5.
2. For municipal policies related to removing barriers to housing see HRM, 2023, DRP, §5.3.1 H-15.
3. For municipal policies related to reducing lot frontage and size requirements, see HRM, 2023, DRP, §5.2 H-1(c).
4. Currently, the Project could develop the Parish Component in a few different ways as-of-right. We could develop the uses as one building on a lot, several buildings on a lot, or several buildings each on a lot. As several buildings on a lot, the meeting rooms, offices, and chapel would be "accessories" to the church. They would be limited in size and composition. As several buildings each on a lot, it would be an inefficient use of area and frontage. We want to develop the Parish Component as several buildings on a single lot, but without "accessory use" restrictions and building-to-building setback distances.
5. For municipal policies related to high-quality design and climate-resilient development, see HRM, 2023, DRP, §3.4.2, §6.1.4, §6.5.6 EC-65, §6.5.7 EC-70(d); and HRM, 2020, HalifACT (ACT), §5.2.1.1.
6. For municipal policies related to supporting complete communities, see HRM, 2023, DRP, §3.4.2, §4.3 CI-10(c), and §4.1.5.
7. For municipal policies related to high-quality design and active transportation, see HRM, 2023, DRP, §3.4.2 and §7.1.2.

RIPARIAN BUFFER AREA

Proposal

We propose the HRM:

A. Abide by the Nova Scotia Department of Environment and Climate Change's (NSECC) approval of development in the buffer area.

   The Design Team will apply to the NSECC with a low-impact design that infringes on the riparian buffer area but does not alter the wetlands or watercourse (including hydrology). If NSECC approves the design, the Design Team will request that the HRM abide by the decision and allow the design to proceed unadulterated. This is our preferred option. It is cost-effective, uses an existing compliance path, and the NSECC's subject matter experts will evaluate and approve the design.

Alternatively, we propose the HRM:

B. Introduce a second compliance path for a variable-width riparian buffer.

   The Design Team, including ecologists, engineers, and hydrogeologists, would scientifically determine the Project's buffer distance. It would be site-specific and account for soil conditions, terrain, drainage, hydrogeology, and vegetation.[1] This is *not* our preferred option. It is expensive, would still require NSECC approval, duplicates the NSECC process, and the HRM doesn't have subject matter experts to evaluate and approve the design.

Rationale

The HRM riparian buffer area prohibits development on 45-55% of the subject property (i.e., 77,200-92,800 ft^2).[2] The riparian buffer restricts so much area and limits building size, spacing, and location to such a degree that it jeopardizes many other Project objectives, including meaningful housing provision, an enhanced landscape design, a low-impact parking design, and medium-rise building height. To implement these ambitions, the Project requires greater flexibility, including authorization to develop part of the riparian buffer area.[3]

The Project isn't seeking to alter or remove the wetlands or watercourse. The Draft Regional Plan doesn't designate the subject property or surrounding area as or near a protected or high-ecological value area, nor on a wildlife corridor. The Green Network Plan designates it as a minimal-to-low ecological and working landscape value area. The low-impact design will minimize infringement on the buffer area and incorporate measures to retain and treat stormwater runoff such that the post-development improves on the pre-development condition.[4] The Project will include a comprehensive ecological design extending from the buffer area to all parts of the subject property. It will include extensive tree plantings, habitat creation, and soil restoration to convey that the Project's residents are valued in the community and the Project is committed to a climate-resilient future.[5,6]

We deliberately limited the Housing Component's building heights to provide medium-rise, ground-oriented, affordable housing. This density is contextually appropriate and consistent with Regional Plan objectives. However, we require enough unrestricted land area to locate an adequately sized residential building footprint. If the Project cannot develop in the buffer area, we will require greater building heights to provide affordable housing meaningfully. See "Building Height" and "Medium Density Residential Use" for more discussion.

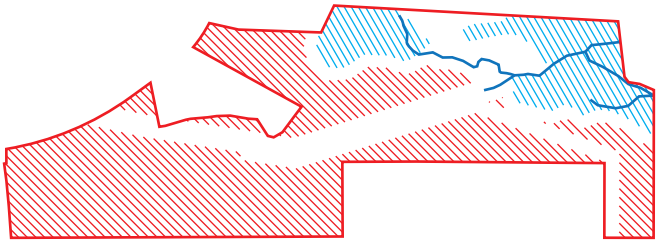
This proposal has an especially relevant and proximate precedent. In 2004, the Archdiocese sold a land parcel to the HRM for $1 (PID 00285270). The parcel adjoins the subject property to the south, and the same wetlands and watercourse affecting the Project extend onto it. In 2022, the HRM developed the parcel as an asphalt parking lot within 5.3-11.3 m of the wetlands.[7]

1. The Design Team would make the work available for peer review. This compliance path should be challenging and have limited applicability. For example, the policy may only apply to long-term affordable housing (i.e., 25-year term or greater; all units 80% MMR or less).
2. The existing 20 m watercourse and wetland buffer restricts 77,200 ft^2, representing 45% of the total land area. The proposed 30 m watercourse and wetland buffer restricts 92,800 ft^2, representing 55% of the total land area.
3. For municipal policies related to removing barriers to affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.1.2, §5.2.1 H-2, and §5.3.1 H-15.
4. The primary concern will be an increased risk of pollutants, sediment and erosion, and changes to stormwater runoff. In response, the design will include stormwater retention and treatment measures to manage runoff before it enters the wetlands or watercourse.
5. HRM, 2023, DRP, §3.4.2 and §3.4.3.
6. For municipal policies related to supporting ecologically-responsible development, see HRM, 2018, Green Network Plan, §4.1.3.1, §4.1.3.3, and §4.1.3.4; HRM, 2023, DRP, §6.1.5 and §6.5.3 EC-41; and HRM, 2020, HalifACT, §5.2.7.22.
7. HRM, 2021, Tender No. 21-336, New Parking Lot, Hartlen Park, prepared by Jane Pryor, Director of Procurement. Krista Hogan served as the Project Engineer.

Policy Proposal 8

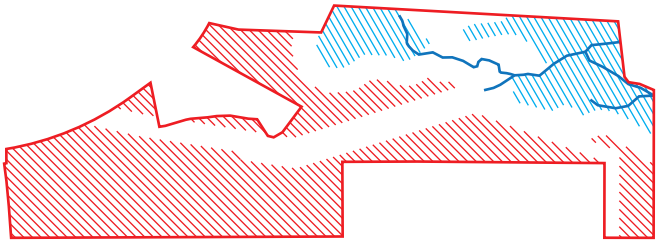
UNRESTRICTED AREA

The following diagrams represent the total land area minus the area restricted by the service easements and various fixed-distance riparian buffer areas. *They are for illustration purposes only.* AOA and the Design Team are not determining the site design based on a fixed-distance buffer area. Rather, we will propose a site design for NSECC approval that infringes on the buffer area as minimally as possible while still satisfying other Project objectives. In some instances, development might be within 5 m; in others, it might be 35 m (i.e., variable distances). Terrain, soil conditions, vegetation, and other site-specific considerations will guide our decision-making.



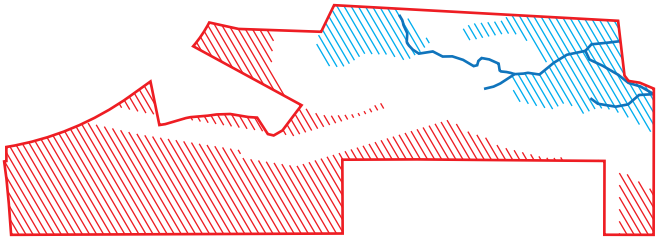
5 m Fixed-Distance Riparian Buffer

- Unrestricted Area, 99,000 ft² (58%)
- Watercourse
- Wetland



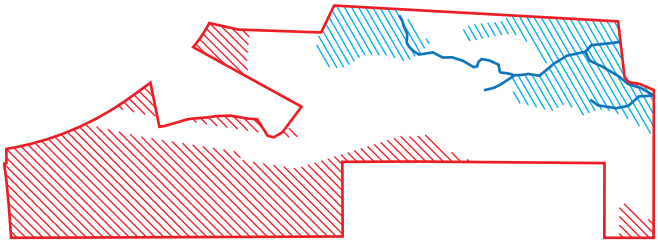
10 m Fixed-Distance Riparian Buffer

- Unrestricted Area, 91,800 ft² (54%)
- Watercourse
- Wetland



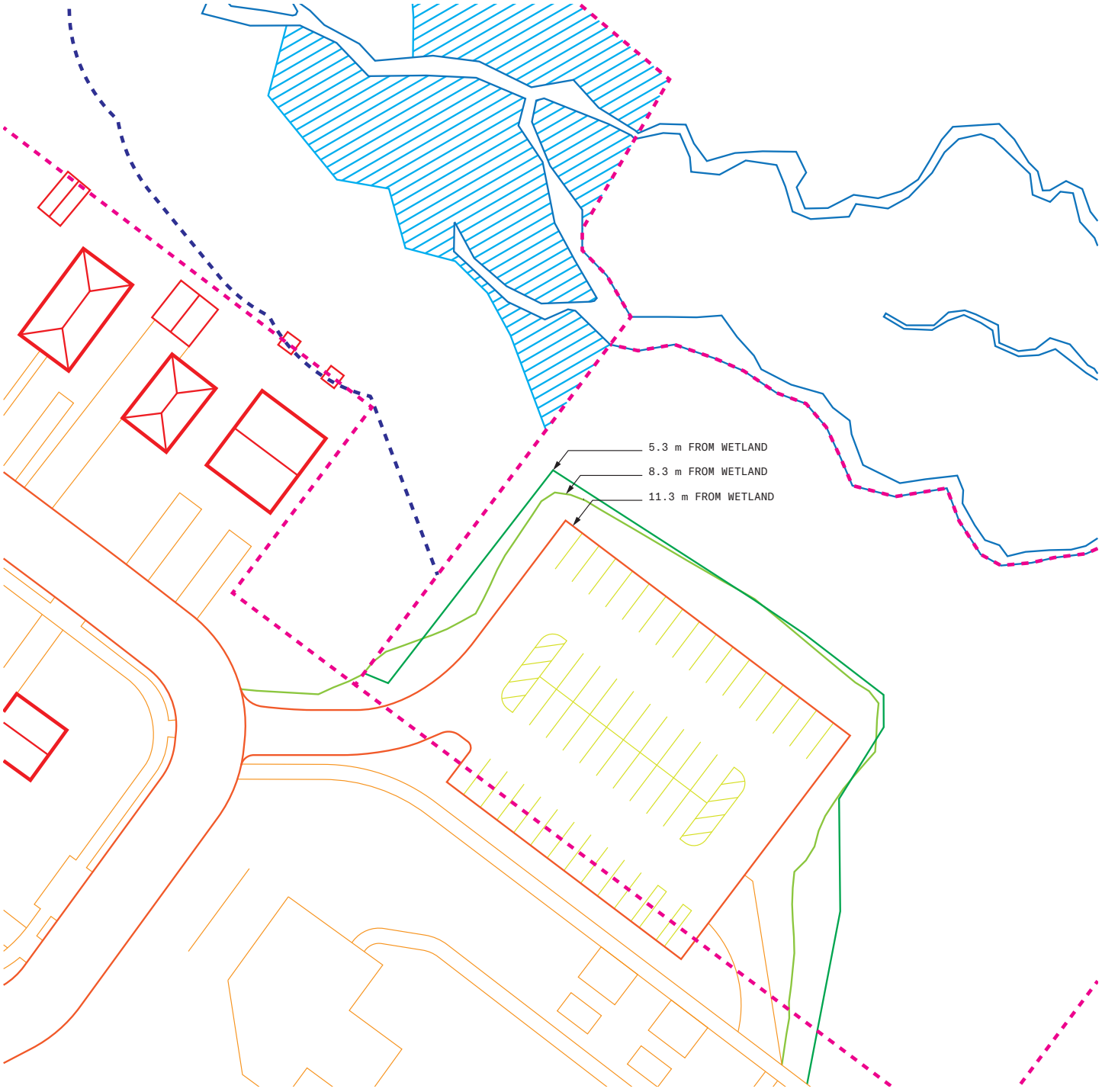
20 m Fixed-Distance Riparian Buffer

- Unrestricted Area, 76,100 ft² (45%)
- Watercourse
- Wetland



30 m Fixed-Distance Riparian Buffer

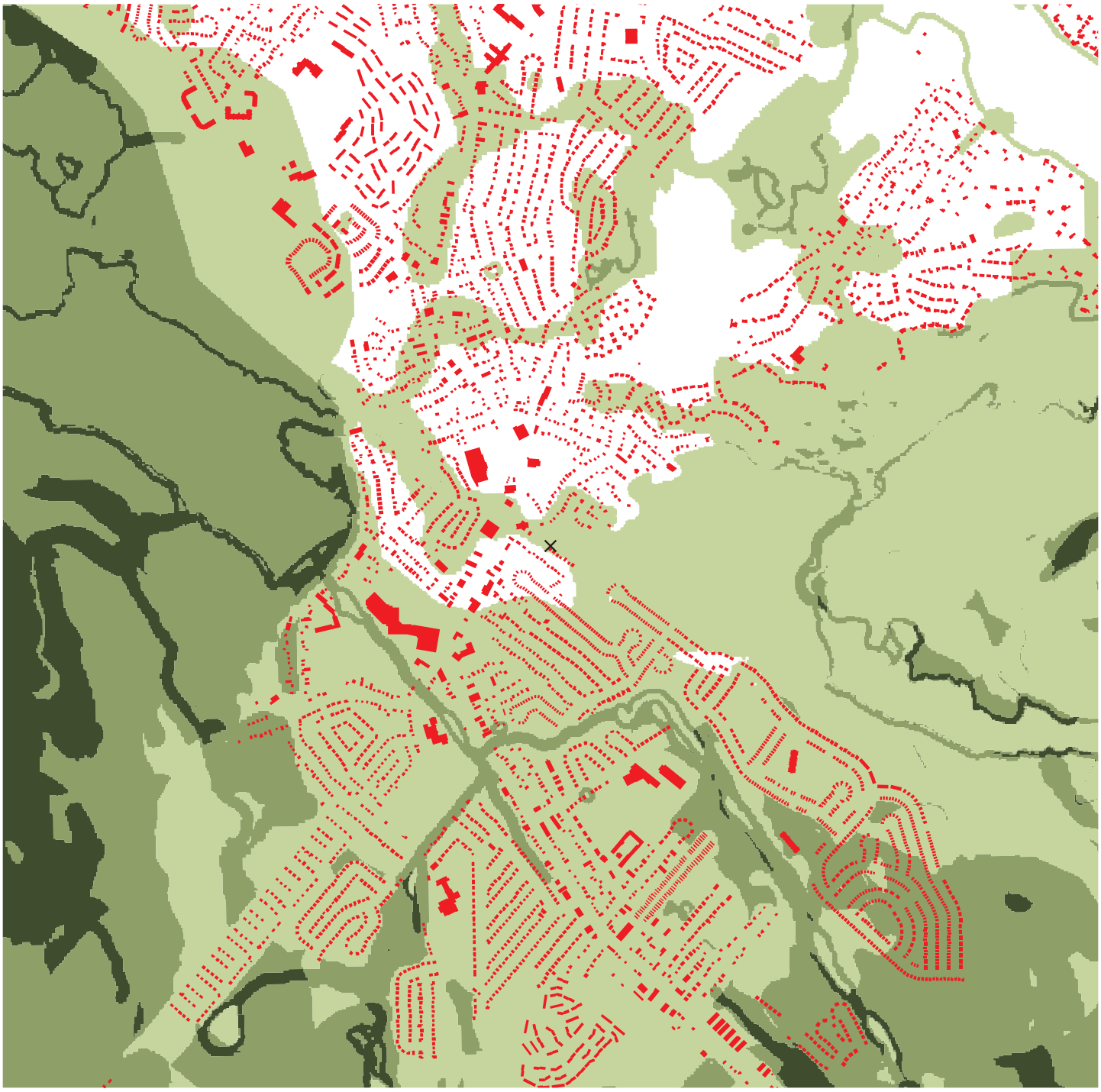
- Unrestricted Area, 66,100 ft² (39%)
- Watercourse
- Wetland



MUNICIPAL PARKING LOT AND RIPARIAN BUFFER

The same wetlands and watercourse affecting the Project extend onto a parcel owned by the HRM. In 2022, the HRM developed the parcel as an asphalt parking lot within 5.3-11.3 m of the wetlands. See HRM, 2022, Tender No. 21-336, Sheet No. C03, Drawing No. 21045503.

- Property Boundary
- Wetland
- Watercourse
- HRM 20 m Buffer
- Vegetation Removal Area
- Bottom of Slope
- Pavement Edge



ECOLOGICAL LANDSCAPE VALUES

The Draft Regional Plan doesn't designate the subject property or surrounding area as or near a protected or high-ecological value area, nor on a wildlife corridor. The Green Network Plan designates it as a minimal-to-low ecological and working landscape value area.

- Minimal
- Low
- Medium
- High

WASTEWATER SERVICE CAPACITY IN CENTRAL SPRYFIELD

Proposal

We propose Halifax Water:

A. Deem the proposed increase (i.e., 0.33%) negligible and approve an allowable density of forty-eight (48) Residential Rental Units (RRU) or less on the subject property.[1]

   This is our preferred option because it is expeditious and uncouples the Project's planning approval from broader infrastructure planning processes. Halifax Water can upgrade the system on a separate timeline if necessary.

Rationale

In 2022, Halifax Water upgraded the William's Lake Road Pump Station, knowing it would overload the wastewater system for most of Central Spryfield.[2] As a result, the wastewater system servicing the subject property and surrounding area is currently over-capacity by 248% at the limiting pipe section (i.e., MH11660 to MH7074). The flow from the pump station alone exceeds the downstream system capacity. The limiting pipe section's capacity is 181 L/s, while the upgraded pump station discharges 368 L/s (i.e., 203% of the limiting pipe section's capacity).[3,4] Halifax Water has stated that the wastewater system is not experiencing operational issues.[5]

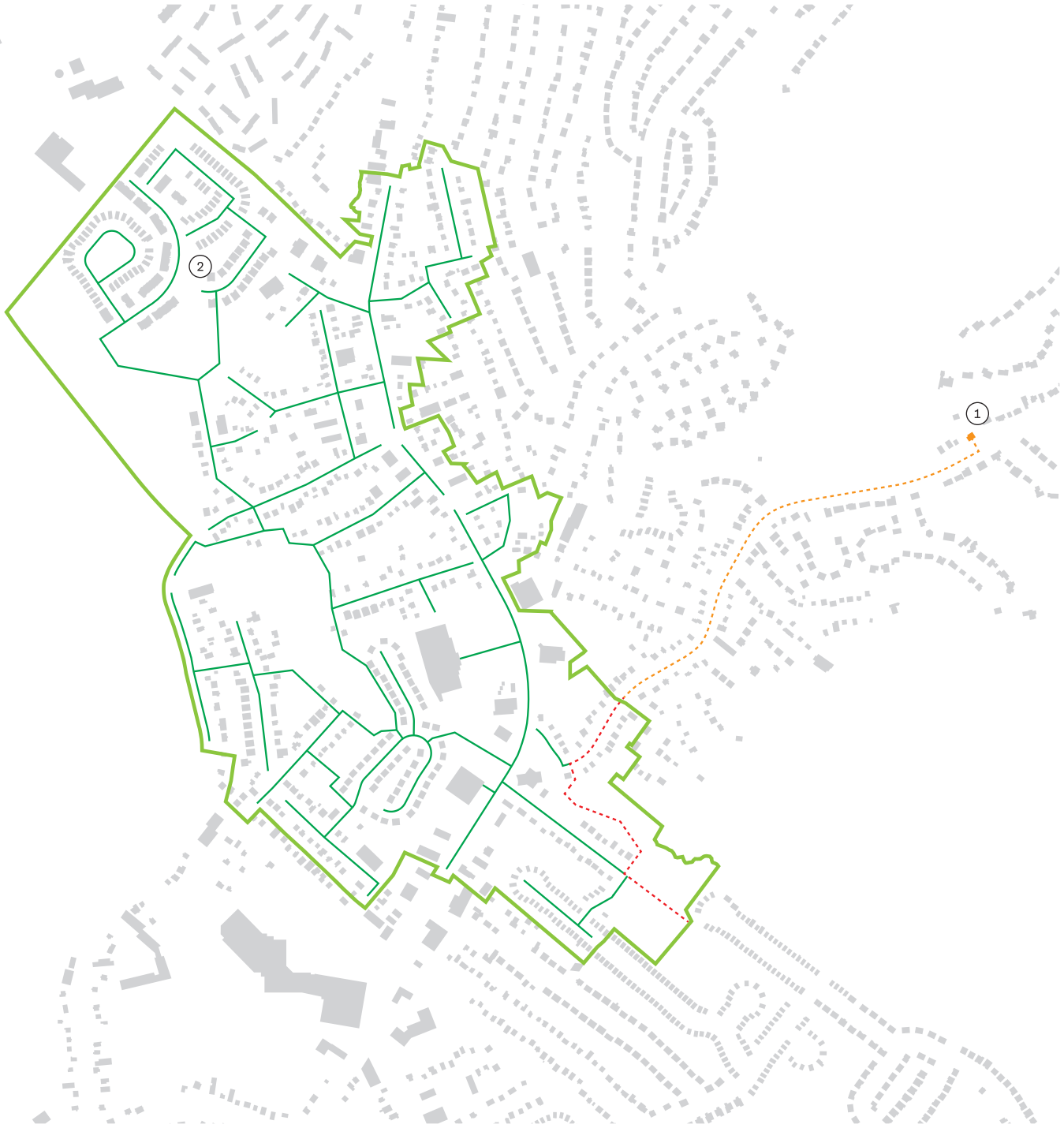
The Housing Component will include forty-eight (48) RRUs or less, increasing peak wet weather flows by no more than 0.33% (i.e., 452.6 L/s to 454.1 L/s).[6] The Design Team performed its due diligence during Pre-Design to minimize risk, including efforts to verify service capacity before design. The Civil Engineer calculated ten (10) wastewater pipe sections as over-capacity under existing flow conditions.[7,8] To substantiate these calculations, the Surveyor measured field elevations at pipe inverts, including at the limiting pipe section.

If Halifax Water upgraded the pipe sections to provide adequate capacity for existing flows, including that discharged by the pump station, multiple pipe sections could serve the Project. We could connect up to 18 RRUs to the pipe section on William's Lake Road with the *residual* capacity (i.e., MH70684 to MH70685). We could connect up to 1,500 RRUs to the pipe section traversing the subject Project with the *residual* capacity (i.e., downstream of MH70686). Lastly, we could connect up to 4,600 RRUs to the pipe sections on St. Michael's Avenue with the *residual* capacity (i.e., MH7659 to MH7703).[9]

This proposal has a relevant and proximate precedent. The HRM and Halifax Water granted planning approval to Long Lake Village, a residential development with more than 200 units currently under construction, even though it drains into the same wastewater system and limiting pipe section.

As Halifax Water has refused to comment on the Housing Component's allowable service capacity before we embark on design or this Letter of Intent, the Design Team has assumed forty-eight (48) RRUs or less is an acceptable density. This is a reasonable and necessary assumption for the Project to proceed. If, at a later date, Halifax Water decides to permit a different allowable density, it may require design changes at great expense and delay to the Housing Component and will lessen its eventual affordability.

1. For municipal policies related to removing barriers to affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.1.2, §5.2.1 H-2, and §5.3.1 H-15.
2. In 2020, CBCL reported to Halifax Water that the proposed pump station upgrade would overload the wastewater system downstream. Despite this, Halifax Water proceeded with the upgrade. CBCL, "William's Lake Pump Station Upgrade - Preliminary Design Report," 2020, p. 13.
3. DesignPoint, "Spryfield Community Development - Civil Servicing Review," 2023-08-17, p. 6.
4. CBCL, "William's Lake Pump Station Upgrade - Preliminary Design Report," 2020, p. 14.
5. James Chisholm, correspondence, 2023-07-06.
6. DesignPoint, "Spryfield Community Development - Civil Servicing Review," 2023-08-17, p. 6.
7. These include two (2) pipe sections on William's Lake Road and a neighbouring property (i.e., MH70684 to MH70686), five (5) on the subject property (i.e., MH70686 to MH70691), and four (4) on Lois Lane and Hartlen Park (i.e., MH70691 to MH7074). DesignPoint, SA-03, "Spryfield Community Development - Civil Servicing Review," 2023-08-17.
8. The limiting section is at Hartlen Park, downstream of the subject property. Therefore, the system is over-capacity regardless of where the proposed development connects.
9. DesignPoint, "Spryfield Community Development - Civil Servicing Review," 2023-08-17, p. 8.



WASTEWATER SERVICE CAPACITY IN CENTRAL SPRYFIELD

- Wastewater Catchment Boundary
- Wastewater Lines Upstream from Limiting Pipe Section
- Force Main from William's Lake Road Pump Station
- Limiting Pipe Section

1 William's Lake Road Pump Station
2 Long Lake Village

SUBURBAN PLAN REVIEW PROCESS AND CHANGE MANAGEMENT

Proposal

We propose the HRM:

1. Include the Project in Package A of the Suburban Plan or a similar priority process.
2. Provide timely feedback on the policy proposals identified in this letter.[1]

Rationale

Since July 2023, the HRM has required all proponents seeking special planning approval in the Suburban Area, as is the case, to participate in the Suburban Plan Review process despite the uncertain outcomes. To address the housing shortage, the Project must begin design before the HRM completes the Suburban Plan Review process. HRM-driven change requests related to the Suburban Plan Review constitute the most significant Project risk.

We recognize that the Suburban Plan Review process will take time and consider the process necessary to improve development conditions in the HRM. However, the housing shortage demands that this Project move quickly. Our priority is to mitigate uncertainty brought by the Suburban Plan Review as early as possible. The Design Team will evaluate reasonable, early-stage change requests, but the scope for change will narrow as the Project progresses.

The Archdiocese, Parish, and Design Team have invested significant time and effort in establishing the Project's feasibility and design requirements. They established Project objectives by engaging stakeholders and researching the project area and proposed use. They coordinated the objectives with regulatory analysis and property assessment to establish the Project's design requirements (e.g., floor areas and unit counts). The Design Team also completed several studies and investigations, including construction cost estimates and a financial proforma for the Housing Component. As we advance, the design requirements serve as the basis of design and decision-making.

In January 2024, the Design Team will embark on Schematic Design based on the design requirements described in this letter and the Project's Pre-Design Report. The proposed design requirements are reasonable and aligned with the Statement of Provincial Interest Regarding Housing, Draft Regional Plan, Suburban Plan Objectives, Integrated Mobility Strategies, and other plans and strategies. The Design Team endeavoured to resolve as many unknowns as possible before embarking on design and submitting this letter to the HRM. As the design develops, changes will become increasingly challenging and expensive.[2]

The Project's readiness depends on external partners, such as the HRM and Halifax Water. Uniquely, this Project has committed to providing high-quality, long-lasting, inclusive, affordable housing to serve needs unmet by market-rate housing. This commitment requires enormous risk by the Archdiocese, Parish, and Design Team. We respectfully request that the HRM join us in good faith to facilitate the success of this Project in every way possible.[3] We also request that the HRM carefully consider the financial implications of change requests and evaluate if those requests are worth jeopardizing the Project or the depth of its affordability.

1. For municipal policies related to removing barriers to housing and streamlining land use policies and processes to support affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.2.1 H-2 and §5.3.1 H-15.
2. For municipal policies related to financially supporting affordable housing, see HRM, 2023, Draft Regional Plan (DRP), §5.3.1 H-14.
3. For municipal policies related to collaborating with non-profit partners to address the housing crisis, see HRM, DRP, §5.1.1 and §5.3.4 H-28

C728(1)

October 21, 2023

Comments on Regional Plan Review – Céo Gaudet

To Whom It May Concern:

My name is Céo Gaudet. I am an environmental economist and policy analyst with 32 years experience in policy analysis, development and communication. For five of those years I represented Canada at the semi-annual meetings of the Organization for Economic Cooperation and Development (OECD) Working Party on Biodiversity, Water and Ecosystems (the Working Party). This involved working closely with scientists from ECCC and other government departments (Fisheries and Oceans, Agriculture Canada) to closely examine OECD draft policy papers on biodiversity, water and ecosystems, and drafting an item-by-item Government of Canada response which, after approval by Global Affairs Canada, was presented by me at the meetings of the Working Party.

Key preoccupations of the Working Party during my tenure included the role of water in the transmission of damages due to climate change (mainly flood damage), biodiversity policy (focus on biodiversity offsets) and nutrient pollution in lakes, rivers and estuaries (nitrogen and phosphorus). I also represented Canada at occasional meetings of the European Environment Agency on nutrient pollution and participated in a Canada-US research group on nutrient pollution from Washington State University.

I am currently a member of the Regional Watersheds Advisory Board (RWAB). I am writing as a private citizen.

Please find my comments on the Regional Plan Review below, in order of priority.

Priority 1: Blue Green Algae Action Plan

Section 6.4 of the Review document is titled **Protecting Our Water.** A new subsection **(6.4.6.3)** should be added which could read: The municipality **shall consider** implementing a **Blue Green Algae Action Plan**.

Rationale: Current municipal policy regarding the recent, serious and increasingly frequent blue green algae outbreaks is focused on treating it as a **public health issue**. Accordingly, resources are devoted to testing, closing beaches when necessary, educating citizens on how to identify and report blue green algae outbreaks, and warning the public to avoid recreational activities in affected lakes. This is primarily an **adaptation strategy** which **assumes that blue green algae outbreaks will continue to occur, and will get worse over time,** due to **natural processes outside of human control.**

By contrast, an **Action Plan for Blue Green Algae** would address blue green algae as an **environmental issue** with **known and controllable human causes** and **known prevention**

strategies. It would acknowledge the role of development **beyond** the disturbances caused by the development process, acknowledging that **the bulk of impacts on the watershed, including the prime causes of blue green algae, occur after the development has been completed**. It would include a **public education component,** including descriptions of the source of the problem, the role of human activities, and **measures that homeowners can take to help prevent it.** An Action Plan of this nature would put HRM's approach more in line with prevention strategies in other provinces, notably Ontario and Quebec, which have well-developed prevention plans backed by strong regulations and public outreach initiatives.

In case this suggestion might seem out of scope for this Review, I note that **recommendation I-8** of the Review reads: "Since the adoption of this Plan in 2014, Regional Council has approved several priority plans, including the Integrated Mobility Plan, the Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy." **Recommendation I-8** proposes that: "in considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use bylaws, in addition to the policies of this Plan, **the municipality shall consider the objectives, policies and actions of the priorities plans approved by municipal council**".

A Blue Green Algae Action Plan would fit well within this structure.

Priority 2: Community-Based Watershed Management Frameworks

Recommendation **EC-18** reads: The municipality **shall consider developing** community-based Watershed Management Frameworks to provide recommendations for amendments to this plan… using watersheds as a defined unit of measurement. This should be changed to read: the municipality **shall develop** community-based Watershed Management Frameworks.

Rationale: Nature does not respect political boundaries. The watershed is an integrated whole that needs to be managed as such. Frameworks are important for situating and providing direction to policies and the programs that derive from them.

Promoting this item to the status of **shall develop** would support the recommendation of the **Ecology Action Centre (EAC),** which has also commented on **EC-18**, as follows: "Developing a Watershed Management Framework is excellent, and the twelve considerations outlined are important. HRM must ensure that these considerations are actionized… As development progresses and the framework is actionized, HRM should seek advice and input from the Regional Watersheds Advisory Board (RWAB)." **Implicit in the recommendation of the EAC is that the municipality should develop, and not merely "consider developing" such a framework.**

Priority 3: Protection of Drinking Water

Recommendation **I-53** refers to a minimum 100 meter "riparian" buffer for lakes that are **drinking water reservoirs** but then says it "may be relaxed for privately owned properties adjacent to these lakes through the land use bylaw".

It goes without saying that drinking water reservoirs should receive the highest protection, and that exceptions should not be made on an ad-hoc basis. **No rationale is offered to explain the exception.**

The provision for one-off bylaws is unacceptable and should be removed.

Other Observations:

1. Throughout the Report, and in connection with buffer zones, the word "riparian" seems to be used to refer to both riverbanks and lake shores. However, according to most dictionary sources, "riparian" only refers to rivers. The wording could be clarified to ensure that lake shores will also be subject to the proposed rules on buffer zones.

2. **I-50** and **I-51**, dealing with a situation where municipal water might be provided to homes with septic systems, express a concern about the overloading of septic systems due to unlimited water supplies. Consideration could be given to a system of inspection of septic system capacities and providing access to municipal water only if the septic system has the capacity to handle it, combined with annual inspection and fines and/or orders to upgrade the system for systems that fail. This system is widely used in rural Quebec.

3. I-59 states that "when undertaking reviews of this Plan, secondary municipal planning strategies or other HRM programs or investments, the municipality shall seek the views of residents, institutions, businesses, and community organizations in evaluating the effectiveness of existing policies, programs and investments. HRM maintains several Advisory Boards comprised of volunteer subject-matter experts that can provide valuable insights into the policy development process. Those Advisory Boards (including the Regional Watersheds Advisory Board, of which I have am a member) have been barred from participating in the present round of consultations on this review. It would be helpful to include explicit reference to HRM's Advisory Boards as consultees in future processes.

I appreciate the opportunity to comment on these important issues.

Sincerely,

Céo Gaudet
[redacted]
[redacted]

C731

CARP Nova Scotia Chapter

5545 Stanley Place
Halifax, NS B3K2E8

October 24, 2023

Regional Planning Team
Halifax Regional Municipality
regionalplan@halifax.ca

Re: Regional Plan Review: Phase 4 Draft Plan

As Chair of the Nova Scotia Chapter of the Canadian Association of Retired Persons (CARP NS), I am pleased that our organization has been afforded the opportunity to participate in the public engagement related to the draft Regional Plan.

CARP is a national, non-partisan, non-profit organization committed to a new vision of aging for Canada by promoting social change that will bring financial security, equitable access to health care, and freedom from discrimination. The Nova Scotia chapter, through its Environment Advocacy Committee (incidentally the first among some 27 provincial and local chapters across the country), recognizes that social and economic well-being are dependent upon the quality and integrity of the natural environment as our ultimate foundational and sustaining asset.

There are many aspects of this wide-ranging document of relevance to our organization. That notwithstanding, in light of the urgent and existential nature of the twin crises of climate change and biodiversity loss, we have focused our commentary on the Plan's potential to respond in proactive ways to current and future environmental challenges. As older adults, we have been fortunate to live and work in communities with relatively abundant natural assets, including land, water, and air, and are committed to doing our part to sustain this irreplaceable and life-supporting natural environment both for ourselves and future generations. We recognize that government commitment to this goal is critically important.

Overview

Members of CARP NS are cognizant of the complexities of planning within a context in which rapid population growth creates pressures on housing and community infrastructure. We are aware that response to these pressures has become a high priority, not only for HRM, but also for both provincial and federal levels of government, further complicating municipal planning processes. Of necessity, the Plan gives primary emphasis to the development of flexible policies that position HRM to address

growth in a coherent manner, while at the same time meeting the goals of sustaining "healthy, connected, inclusive, and affordable communities" (p.1). It is noteworthy and promising that the Plan acknowledges the potential of poorly planned or unplanned growth to create negative impacts on our already fragile environment and gives policy direction toward the creation of a more environmentally sustainable future through initiatives such as the Halifax Green Network Plan and HalifACT.

As stated in the Preface, the Plan asks: *What does Halifax look like as a region of 1 million people?* There are, of course, economic, social, and cultural benefits from the infusion of a diverse range of families and young adults into a community with an aging demographic. Nevertheless, even with well-considered planning and unlimited financial resources to "strategically direct housing, jobs and community infrastructure" (p.1), there are limitations to the number of people our natural environment can accommodate sustainably and still maintain human health and well-being, economic prosperity, and liveable surroundings. In our view, the Plan should acknowledge that reality and establish processes for determining to what extent HRM's population can and should grow within the bounds of limitations imposed by the environment.

Negotiating the exigencies of current and future population growth, for example, the necessity to expand housing and infrastructure rapidly, while also protecting the environment, is a complex balancing act. The deleterious effects of climate change and biodiversity loss are abundantly evident, however, in the form of rising temperatures; more frequent and increasingly damaging storms, wildfires, and floods; and the degradation of forests and other green spaces. Therefore, it is incumbent upon decision-makers at all governmental levels, staff responsible for policy implementation, and informed citizens to achieve the right balance. Policy documents, such as the draft Regional Plan, not only provide direction for the future, but also send clear messages about values and priorities. While the draft Plan gives attention to the climate crisis and environmental sustainability, including an entire chapter devoted to protecting the environment and acting on climate, the Plan can and should be further strengthened. CARP NS proffers the recommendations outlined below as means toward that end.

Recommendations

1. **Add a statement about the environment to the Preface**

   To establish the overarching commitment to environment sustainability within the Plan, make a clear statement to that effect on page 2 following the statement on Land Acknowledgement. Suggested wording:

   THE ENVIRONMENTAL IMPERATIVE

   Consistent with and complementary to Etuaptmumk - Two-Eyed Seeing, the Regional Plan recognizes that the social, cultural, and economic health and well-being of the Municipality and its residents are dependent upon the careful stewardship of the environment to ensure its quality and integrity as our ultimate foundational and sustaining natural asset.

2. Elevate Chapter 6

Consider reordering the chapters so that Chapter 6 appears earlier in the document, as Chapter 3 or 4. That change would elevate environmental sustainability to its rightful prominent position in the Plan. The placement also would make it possible to refer back in subsequent chapters to the objectives and policy directives related to the environment set out in the current Chapter 6, thus facilitating the integration discussed in Recommendation 3.

3. Integrate environmental sustainability more explicitly throughout the Plan.

Statements of vision and principles create a framework for all that follows. As the Vision and Principles (p.12) in the draft Plan now read, the commitment to a sustainable environment included in the vision statement is not carried through to the principles. The Guiding Principle, which makes reference to inclusivity and diversity, should be revised to include environmental sustainability. The Principles, which give more specific policy direction, should be strengthened with the addition of a statement such as "Reflects HRM's commitment to environmental sustainability in municipal planning policies and programs." Further, the wording of other Principles should be given more force by situating each one within an awareness of the environment. For example, "guides investments in physical and social infrastructure" could become "guides investment in environmentally sustainable physical and social structure." Such revisions would make clear the over-arching importance of environmental stewardship in planning for growth.

With that guiding assumption established from the outset, chapters should continue to give emphasis to environmental sustainability in all aspects of planning. Some of the existing chapters are stronger in that regard than others. Chapters 3 and 4, for example, articulate the need to prioritize the creation and preservation of open spaces, such as parks and other green spaces, both in community planning and in the enhancement of community infrastructure to respond to growth. Further, there is recognition of the imperative to implement climate mitigation measures as an integral part of development. Chapter 7 grounds future transportation initiatives in the concept of "environmentally responsible mobility" and goes on to discuss ways to accomplish that. Finally, Chapter 6 focuses entirely on the need to "protect the environment and act on climate change" and supports a number of sound objectives with specific actions.

The current urgency related to the expansion of a diverse range of housing options to accommodate present and future growth, described in Chapter 5, has the potential to increase the risks to our natural environment. In the Introduction to this chapter there should be acknowledgement of these risks and a reiteration of the Plan's commitment to environmental sustainability, including air, land, water, and groundwater resources, as detailed in Chapter 6, as well as sustainable building practices. Additions to two of the Chapter 5 objectives, shown in bold below, would support this commitment, as follows:

- Objective 2 – Remove barriers to increasing housing supply **without compromising environmental sustainability**
- Objective 3 **–** Expand opportunities to support developing **environmentally sustainable**, affordable housing

Chapter 9, which gives direction to the enhancement of economic prosperity, does not adequately address the relationship between environmental sustainability and a thriving economy. The discussion of the green economy, including the positive economic potential of HalifACT, in section 8.9 seems almost like an afterthought. The Introduction and Objectives in this chapter should highlight environmental sustainability as an important current and future driver of economic well-being.

4. **Strengthen language**

Imbue policy directives related to environmental sustainability with the force required to address our existential climate crisis by strengthening their language, specifically through revising "shall be considered" or "may be considered" to "shall." The following list of examples from Chapter 6 is not exhaustive, but would represent a significant augmentation. EC-1, p 86; EC-8, p.90; EC-18, p. 91; EC- 21, p. 94; EC-36, p.97 (To further the goals of HalifACT, the Municipality **shall** adopt or amend by-laws); EC-42, p. 99; EC 43, 44, 45, p. 100; EC-60, p. 103; EC-66.

In regard to policy directives using "shall consider," staff reports to Council should be required to indicate that such consideration has been given and to provide the rationale for whatever decision or action is recommended, or not recommended, as an outcome.

Thank you again for the opportunity to share our perspective on this ambitious plan for the future. We look forward to continuing our participation in public engagement as the Plan evolves.

Yours truly,

[redacted]

Ron Swan
Chair, CARP Nova Scotia Chapter

Copy: James Boyer, Chair of Environment Committee, CARP NS

C732

23 October 2023

Mr. Dave Patterson,
Regional Planning Team
Planning and Development HRM
Halifax

Via email: regionalplan@halifax.ca

Dear Mr. Patterson,

Re: Regional Plan/Subdivision Regulations and Parkland/Wetland/Wildfire/Flood

The Shubenacadie Watershed Environmental Protection Society(SWEPS) is a not-for-profit community-based organization created in 1994. With increasing urbanization within our watershed, SWEPS is primarily focused on protecting water quality and maintaining existing stormwater flow regimes for ecological habitat, drinking water, recreational, and quality-of-life purposes.
The draft of the Regional Plan which was filed in June'23 includes Sec. 6.3.3 commences as follows:
"6.3.3 NATURALIZATION AND MUNICIPAL NATURAL ASSETS MANAGEMENT
Natural assets such as wetlands, forests, waterways, and parks can mitigate coastal damage, reduce the heat island effect, provide shade and areas for reprieve, manage stormwater, clean the air and water, provide buffers and protection to inland properties, sequester carbon, and offer aesthetic and recreational opportunities and mental and physical health benefits. "
The events through the spring and summer of 2023 have revealed some of the potential destruction that the historic development in the rural and suburban areas of HRM may expect in the future. Remediation efforts for existing subdivisions will be both time consuming and expensive and, in many instances, not possible.
In order to help improve the past development practices Sec. 82 of the HRM Subdivision bylaw should be revisited. This section currently reads:

"82 (1) Before receiving approval of a final plan of subdivision and, if applicable, prior to the Municipality accepting a public street or highway (RC-Jan 13/15;E-Mar 14/15), the subdivider shall provide a park dedication to the Municipality which:
(a) if in the form of land, shall not be less than 10% of the total area of all newly created lots, including any proposed parkland, but excluding proposed public streets or highways, private roads, walkways and the Remainder of land owned by the subdivider; and (RC-Jun 21/16;E-Jul 30/16)"
The definition of park dedication is:
(u) "Park dedication" means a useable parcel of land for public recreation purposes, or equivalent value.
As outlined in Table A of section 83, all parkland shall be classified as one of the following classes: neighbourhood park, community park, district park, or regional park.

The dedicated land should be expanded to include wetlands, whether natural or engineered. If the use was expanded to include engineered wetlands the resulting ponds could be outfitted as a source of water for volunteer fire dept's. As it now stands small wetlands aren't suitable for parks and therefore are filled in and built on. Engineered wetlands involve the construction of berms around them. The berms form a perfect base for walking paths. If we get a cold winter they also provide for outdoor skating.

In the Upper Tantallon subdivision which experienced wildfire last May there was a developer fined for filling in a wetland sometime in the last 3yrs. The NSE&CC inspector ordered a stop work order and had the developer charged. This comes from news media reports at the time and the ultimate results of the charges aren't known. Regardless this is an example of how an engineered wetland may of helped save homes in the area if it had been equipped as a fire pond.
In addition wetlands slow down stormwater runoff. By filling in small wetlands for development stormwater runoff is forced to flow downhill till it can form a pool or find a stream. This led to several instances of flooding in late July in the Lockview Rd. area of Fall River.
By expanding the allowable dedicated land to include wetland HRM will be taking a positive step in regards to the Regional Plan and will be proactive in the adaptation to climate change related impacts.



Tom Mills, Chair, SWEPS

Cc:

Cathy Deagle-Gammon cathy.deaglegammon@halifax.ca

Emma Wattie, Manager Environment, HRM wattiee@halifax.ca

C733

RESPONSE to

REGIONAL MUNICIPAL PLANING STRATEGY

JUNE 2023

DRAFT

I wish to thank you for the invitation to comment on the Draft HRM Regional Plan, 2023.

I write with the intention of improving our Environment, our Community, our Sackville Rivers and their watersheds.

We trust that you will find my comments helpful and constructive.

Thank You
Walter N Regan
18 Oct 2023

Chapter 1: Introduction

1.2 Regional Vision and Principles

1.2.3 Principals

Add a bullet

- Shall, as a critical component of environmental management, restore degraded aquatic and terrestrial habitats

Chapter 2: Planning for Our Region

2.3 Regional Planning

RP-1 add after “protect” “, restore”

2.4 Community Planning

RP-10 add “while respecting environmental issues and concerns”

2.5.2 Growth Targets

RP-13 I agree with the intent of this sub-section.

2.5.3 Service Areas

RP-14 I agrees with sub-section

2.6.1 Growth Monitoring Program

RP-18 add “environmental conditions” “after population”

2.6.2 Long Term Growth and Infrastructure Planning

I support this section.

2.7.1 Open Space and Natural resource Designation

I support this section.

2.7.4 Rural Commuter Designation

I support this section.

RP-28 a) add “such as wildlife corridors, wetlands, watercourses and buffers” after “natural features”..

2.7. 5 Rural Resource Designation

I support this section.

Chapter 3: Building Healthy and Complete Communities

3.4.5 Future Serviced Communities

Remove “Sandy Lake” from Table 3.3

HC-7 add ix) “Wildlife Corridors”

HC-7 ii) add “entire sub-watersheds” after “watersheds”

HC-7 iii) add (i.e. Lucasville Road, Lucasville Greenway and Sackville River Conservation Corridors)

HC-8 d) add “including aquatic habitat restoration and daylighting”.

m) add “wildlife corridors”

3.5.1 Vision for Rural Community Planning

HC-9 add" j) Watershed Mapping, floodplain mapping, zoning and stream gauging".

Add "k) Wildlife corridors, wetland mapping,"

3.5.2 Rural Services and Mobility

I support this section.

Parks: 4.2

Section CI-1 and CI-2 Sub-sections a-h

I support the development of a Regional Parks Priority Plan.

Nature Parks: 4.2.1

I support the addition of 1,800 acres to the existing Sandy lake Regional Park.

I support Sections CI-3 to CI-4.

I do not understand the position of Section CI-5. How will the Municipality ensure that land use is of a suitable use and scale to support the creation and ongoing use of the nature park? Is the wording "to support the creation" relevant here if the park is already in existence?

Level of Service Standards

Section CI-9

Where a proposed development is considered by development agreement, the Municipality shall consider the acquisition of riparian buffers, wetlands and islands as public open space to protect public interest, facilitate public access, create wildlife corridors and preserve water quality.

Community Facilities: 4.3

Im in favor of Section CI-10, in particular Sub-section (a) and Section CI-11: in particular Sub-section (c).

Food Security: 4.7

I support Food Security initiatives, particularly the provision of space for community gardens, and the encouragement of construction utilizing green roofs.

Urban Agriculture: 4.7.2

Im in favor of this section although any shipping containers for the uses specified in this by-law must be well maintained.

Green Roofs: 4.7.3

I support this section. Green roofs would also help sustain insect pollinators. HRM should consider funding opportunities to encourage Green Roof construction under this strategy.

Solid Waste Management: 4.8

I, over the past 35 years has retrieved hundreds of shopping carts from the Sackville Rivers during clean-ups. With respect to the existing shopping cart by-law, there is a definite lack of enforcement. HRM Staff is reluctant to enter watercourses to remove abandoned shopping carts that have been reported.

I'm in favour of the establishment of local transfer stations and the waiving of dumping charges for residents, to discourage illegal dumping.

4.9 Regional Energy and Telecommunications Infrastructure:

HRM should encourage NSPI to use manual techniques to remove vegetation where necessary and to leave largely intact buffers with respect to watercourses under high voltage transmission lines.

HRM should encourage NSPI to use bridges or bottomless culverts for watercourse crossings where necessary.

I support Section CI-38.

I support Section CI-40 to allow more opportunities for tree growth (i.e. Urban Forest).

5.0 Fostering Diverse and Affordable Housing:

I support any initiative under this Plan to discourage urban sprawl and encourage ground water recharge and minimize hard surfaces.

I encourage the establishment of retention ponds and naturalized areas including day-lighting and rewilding within any high density developments.

On infilling of sites/ areas, green space should not be destroyed or developed.

On redevelopment of sites, (especially urban sites), shall create green space and parks and include adjoining sites if possible. This should also apply to Provincial sites (e.g. schools, community centers and housing developments).

Adaptive Reuse: 5.2.3

Section H-10: a) iv, to include green areas, parks and other amenities for public use and enjoyment.

v, sites are not to be 100% developed.

10-b) iv, v to include green areas, parks and other amenities for public use and enjoyment. Sites are not to be 100% developed.

Section H-11

I suggest the addition of a sub-section,

f) sufficient green space and/or naturalized areas and to include green areas, parks and other amenities for play areas and enjoyment.

g) sites are not to be 100% developed.

5.3.2: Incentive or Bonus Density:

Section H-18

I like the use of Density Bonusing but caution that it must include storm water retention, tree planting, green space and money in-lieu must not be used as away to allow more density and site use while not allowing/ building/ funding of green spaces and parks.

The Incentive or Bonus Density concept should be utilized in particular where there is little or no green space and parkland.

Chapter 6: Protecting the Environment and Acting on Climate:

Objectives 6.1

I support statements 1 to 7, especially 6.1 5

I would suggest the addition of additional objectives.

.8 Mitigation efforts to fund, support and encourage stream, lake and watercourse fish habitat restoration.

.9 Promote **daylighting** of buried watercourses.

.10 Promote the creation of Master Storm Water Plans on a natural watersheds.

.11 Undertake flood plain mapping, zoning and stream gauging for all watersheds within the Municipality.

.12 Undertake water quality testing for all watercourses within the Municipality, (lakes and rivers).

.13 All watercourses within the Municipality shall have individual Watershed Management Plans. HRM shall take the lead on creating and managing the watershed plans.

.14 HRM shall take the lead on liming of acid stressed rivers in the Municipality.

Section 6.2 Protecting and Connecting our Green Spaces

I fully support EC-1 and encourages the **Updating** of the very important Halifax Green Network Plan.

I support Section EC-2, EC-3, EC-6

I strongly support Section EC-5, which "establishes Protected Area Zones".

I fully support Section EC-7, especially for the acceptance of wetlands, riparian buffers, tree stands, floodplains, vernal pools, drumlins and forested areas.

Section 6.3.1.2 Preserving Natural Corridors

I support the intent of this Section; however we suggest the following revisions and additions:

Section EC-8 ... the Municipality shall consider refining add < without reducing or removing > the boundaries of the Essential Corridors.

Add definitions of Essential and Important Corridors

Section EC-10 the Municipality shall also identify Important Corridors on Map 6

Section EC-11 –add c) the acquisition of land in public ownership for Essential and Important Corridors where necessary.

Section EC-12 I do not agree with this by- law. It removes the true purpose of an Essential Corridor.

Section EC-12 also conflicts with the intent of EC-11- i)

Section EC-13 a) add, and shall also identify Important Corridors.

Section EC-13 c) I fully agrees with this provision (see EC-11 c above)

add d) consider opportunities for wildlife crossings **<over and and under>** transportation infrastructure or other major barriers.

add e) the Municipality shall identify Essential and Important Corridors especially in rural areas prior to loss and development pressures.

add f) both Essential and Important Corridor widths should be as stated in the Halifax Green Network Plan as a minimum.

add g) both Essential and Important Corridors should be as stated in the Halifax Green Network Plan, and should be extended beyond the floodplain buffer as a minimum and be beyond the watercourse setback.

add h) both Essential and Important Corridors that follow watercourses shall a minimum width of 100 metres.

6.3.3 Naturalization and Municipal Natural Assets Management

I strongly in favour of this section.

Section EC-15 Add a) Naturalization to cover restoration of degraded watercourses, fish habitat improvement and daylighting of buried watercourses including buried streams and brooks and feeder streams damaged by storm surge.

add b) Floodplain Mapping, Zoning and Stream Gauging to be part of the naturalization and asset management within this section.

add c) Protection of large undeveloped blocks of land (i.e. Sandy Lake Lands and Feely Lake).

6.3.4 Urban Forests

I recommend that several positions be created in the Planning Department of HRM to develop and manage the Urban Forests Plan.

That a new Master Urban Forest Plan be undertaken.

Section-EC-17, I'm strongly in favour of this section.

Section EC-17 Add a) a by-law to be created to insure protection and replacement of trees on private property.

6.4 Protecting Our Water

I'm strongly in favour of this section.

Section 6.4.1 The Umbrella-Watershed Planning

I'm strongly in favour of this section.

Section 6.4.2 Watershed Management

Although I agree with the intent of this section, in many areas there are no community –level groups to assumes a Stewardship role. In these cases HRM must create and manage Watershed Management Plans.

Many watersheds cross Municipal boundaries, HRM Staff should take the lead and be involved in inter-municipal watershed planning. It is extremely difficult for community –level groups to deal with the different levels of government with respect to environmental issues. HRM shall provide leadership, liaison and staff to facilitate coordination of inter-governmental cooperation.

Using the Watershed as a basis and defined unit of measurement for Watershed Planning is an excellent one which we fully support.

Section EC-18

HRM Staff shall develop Watershed Management Plans for all Watersheds (approx. 100) within the Municipality.

The Watershed Management Plans shall consider:

EC-18 a I support this sub-section

b) Determining and mitigating the impact of water pollution through storm water treatment, water quality testing of lakes, rivers and streams as well as floodplain mapping, zoning and stream gauging. Reduction of hard surface. No direct discharge of storm water into watercourses. The development of a policy to reduce the effects of acid precipitation including liming of water courses. Installation of oil/grit separators, daylighting of buried and lost streams.

add c) Acquisition of large natural assets and conservation areas i.e. Sandy Lake lands and Feely Lake. Engineered wetlands for storm water retention and detention.

d) The impacts of climate change and measures to reduce those impacts such as acquisition of large natural areas and daylighting of buried streams. The acquisition of minimum 30 metre wide riparian buffers in public ownership. Installation of oil/grit separators, floodplain mapping, zoning and stream gauging. New Red Book /White Book regulations on culvert installation and upgrades to fish friendly types allowing for proper fish, amphibian and animal passage - (bottomless culverts, bridges, and road over and under passes).

e) I strongly support this sub-section; add <storm water treatment, no direct discharge of storm water into watercourses and the development of a policy to reduce the effects of acid precipitation including liming of water courses. Floodplain mapping, zoning and stream gauging>.

f) I fully support this sub-section. Add floodplain mapping, zoning and stream gauging and watercourse water quality testing.

g) Supporting, enhancing and/ or restoring habitat connectivity in riparian and aquatic zones, upstream and downstream fish passage, as well as daylighting buried streams and brooks. New Red Book /White Book regulations on culvert installation and upgrades to fish friendly types allowing for proper fish, amphibian an animal passage (bottomless culverts, bridges, and road over and under passes). Provision of grants to community groups to aid in habitat connectivity restoration.

add h), to include Master Storm Water Watershed Management Plans – of entire natural watersheds. Reduction of hard surfaces, no direct discharge of storm water into watercourses, stream gauging and ground water recharge. Highly improved by-law enforcement of riparian buffer integrity.

i) I support this sub-section. All riparian buffers must be in public ownership. Riparian Buffers kept in a natural state will protect water quality for adjoining wetlands and forests, riparian buffers should be established for daylighted streams and brooks . (i.e.1,800 acres at Sandy Lake, Feely Lake). This Policy increases in importance where wildlife corridors adjoin Riparian Buffers.

j) I support this sub-section and emphasizes the importance of water quality testing of all water courses in HRM to form a database of water quality. “add HRM should map and register all wetlands, rivers, brooks, lakes and streams in HRM in one central database for protection and to help save these from destruction and aid in planning”.

k) I support this sub-section, (including developing a Grant program), however where community stakeholders and municipal programs are not available, HRM shall take a leadership role in Watershed Management.

l) I support this sub-section, however HRM shall take a leadership role in the implementation of management plans for all watersheds.

6.4.3 Watershed Studies

Under current engineering practices, feeder brooks suffer from the negative effects of storm surge causing stream bank erosion and heavy sediment loading.

EC-19 Add, The provisions of this section shall also include subdivisions, proposed and existing, both serviced and unserviced.

a) establish a reliable and accurate baseline of existing water quality for all watercourses in HRM. Use biological indicators as a guide to water quality, (i.e. Speckled Brook Trout and/ or Atlantic Salmon).
b) remove the word “key” and add “all”.
c) evaluate the capacity of any existing water control structures in the watershed while also specifically determing their efficiency for upstream and downstream fish

passage. Control structures to include all dams and culverts on natural watercourse. The negative effects of buried streams and brooks to be considered.

d) model potential impacts to water quality and quantity as a result of development and determine the amount of development, maximum inputs and rate of discharge that receiving watercourses can assimilate without adversely affecting water quality and quantity.

e) Add, "and quantity "after water quality.

f) Add, HRM shall take remedial measures to include restoration of impacted fish habitat.

g) Identify and implement remedial measures to improve water quality and quantity, include liming of watercourses, oil/grit separators, engineered wetlands, hard surface reduction.

h) Add, "loss of groundwater recharge after "environment". Areas to be identified by Floodplain Mapping, Stream Gauging followed by Floodplain Zoning. (e.g. Union Street, Bedford and Sackville and Little Sackville Rivers). All 30 Metre buffers or larger to be in Public ownership. add i) HRM shall undertake Floodplain Mapping, Stream Gauging followed by Floodplain Zoning (e.g. Sandy Lake, Tree planting, buffer ownership, tree retention by-law).

j) Recommend strategies to achieve water quality objectives set out under the watershed study to include habit improvement to return lake water quality to pre-development levels and groundwater recharge. Consider installation of aqua lung systems for lakes.

k) Add "all HRM Watersheds" after "within". Watercourse buffers and wetlands to be in public ownership,

l) Identify appropriate riparian buffer widths for wetlands and watercourses. Minimum widths to be 30 meters up to a maximum of 100 meters for major rivers, important lakes and wetlands. These buffers to start outside of floodplains.

m) I support this sub-section. HRM Staff to manage and operate the watershed groups with funding from the HRM budget. HRM should consider Conservation Authorities similar to those in Ontario.

n) HRM shall develop watershed monitoring programs for all watersheds in the Municipality.

o) aground water in all areas of HRM shall be protected for quality and quantity with respect to groundwater recharge. HRM shall conduct groundwater mapping for all of HRM. (Remember Walkerton. Ontario). add

6.4.4 Rural Community Watershed Management

EC-20 Revise –The Municipality shall revise all Secondary municipal planning strategies in rural areas to consider the following:

a) I support this sub-section.
b) I support this sub-section.
c) I support this sub-section.
d) I support this sub-section.
   In addition for existing developed areas where the threshold has been exceeded, HRM shall undertake legislative and mitigative initiatives to reduce the effects of impermeable surfaces and restore levels of water quality and quantity, (i.e. The Fraser River Valley Basin recommends maximum 10% hard surface).
e) remove "Where applicable" add "and acquiring land for" after "protecting"

6.4.5 Lake Monitoring --add "and Rivers" - to Title

I strongly support lake and river water quality monitoring.

EC-21 add- HRM shall provide a leadership and management role to monitor water quality in all lakes and rivers in the municipality.

EC-22 remove "to provide guidance" and add "and restorative or mitigative efforts such as sediment removal from watercourses and liming.

I strongly support that mitigate measures must be done to return watercourses back to a natural state. Testing shall lead to restorative actions.

EC-23 remove "may" and replace with "shall".

6.4.6 Riparian Areas and Wetlands

6.4.6.1 Riparian Areas

EC-24 the 30 meter wide buffer shall be acquired in public ownership. Large rivers and important wetlands shall have a minimum buffer of 100 meters. Remove "as well as" and replace with "and". Remove "contiguous with watercourses".

HRM should acquire existing riparian buffers along watercourses.

EC-25 I support this section. Wherever possible these features (especially storm water infrastructure) shall be constructed to maintain the integrity of the riparian buffer.

EC-26 I support this section with the provision that it apply to as-of-right development throughout the municipality.

EC-27 Change “shall” to “may”.

Vegetation within the area of the reduced riparian buffer shall be re-constituted to a natural state where possible by landscaping and plantings.

Given the ever increasing awareness and concern with regard to water quality, HRM shall develop an outreach or education plan to educate the public on the vital importance for protection of wetlands and riparian buffers.

I feel very strongly that under the Regional Plan very little attention is given to indentifying and policing existing riparian buffers and setbacks with respect to tree and vegetation removal. By-law enforcement must not only be complaint driven. During the construction process it must be the responsibly of the Building Inspector or Development Engineer to monitor the site for proper sediment control and the protection of trees and other vegetation within the riparian buffer.

Post development, trees and other vegetation are often removed from the riparian buffer. Every 3 to 5 years (or on sale of property), all riparian buffers should be inspected for integrity. Where vegetation has been removed in contravention of the by-law, it should be reconstituted at the land owner’s expense. Where structures are found that are not permitted under the provisions of the by-law, these structures are to be removed or relocated at owner expense.

EC-28 Change “shall” to “may”.

EC-29 Change “shall” to “may”.

EC-30 the SRA fully supports this section. Add HRM shall have a Tree Retention By-law for the entire municipality, to include riparian buffers.

EC-31 I fully support this section. Change “may” to “shall”.

6.4.6.2 Wetlands

EC-32 I support this section. Only as a last resort should the Municipality allow for existing or install new public infrastructure. This by-law will apply regardless of a wetland with or without a watercourse through it.

EC-33 I support this section. Change “may” to “shall”.

EC-34 I support this section. The 30 metres setback (100 meter for larger rivers and wetlands) should be turned over to the Municipality as a public owned buffer.

EC-35 add (c), all wetlands and vernal pools shall be indentified and protected with a minimum 30 meter buffer.

6.5.3 Stormwater and Flooding

HRM currently requires Sedimentation Control Plans for developments. These plans require approval before project commencement. However, the failure being total lack of inspection to insure compliance with the plan, both during installation and continued maintenance after installation particularly after large rain events. HRM must take responsibility to insure that the sedimentation control procedures and structures are implemented correctly and maintained through the period of development. Post-development these structures (i.e. silt fences and curtains) shall be removed.

Stormwater quality and quantity control measures shall apply wherever possible to privately operated facilities.

Downstream and upstream flooding may be reduced due to increased flow through a bridge or bottomless culvert

Wherever possible culverts are to be installed or replaced. Reference shall be made to EC-45 (b).

Maintenance will be reduced with removal of the culvert and replaced with a bridge or bottomless culvert

May increase tourism as happened in Dartmouth with Day lighting of Sawmill River.

Any water used for water main or water line flushing must be directed to a sanitary sewer for disposal (not allowed to enter a storm sewer or natural watercourse).

EC-39 I support this section.

EC-40 I support this section. HRM should also involve local Stakeholders Groups and the public and set up a working group to discuss on going stormwater issues.

a) Add adopting a site service charge to fund on going water quality, and in stream restoration an remedial work

EC-41 I support this section, with emphasis on the naturalized approach to storm water management and storm water treatment.

Naturalized approaches increase groundwater recharge. Include green roof construction, water gardens, oil grit separators, engineered wetlands, in stream habitat improvements, hard surface reduction, daylighting, stream gauging and floodplain zoning (especially during redevelopment or reconstruction) .

EC-42 remove “consider”, change “adopting” to “adopt”. After “matters may” change may “to “shall”.

a) Remove ”the cost and effectiveness of”
b) I support this sub- section
c) I support this sub- section add “and redevelopment”
d) I support this sub- section, add “storm water treatment”.
e) I support this sub- section

Add f) sub-sections – a to d shall apply to existing developments and re-developments with emphasis on:

- no direct discharge into watercourse
- no permanent disturbance of naturalized buffers
- increase use of permeable surfaces to reduce storm water run-off and increase groundwater recharge
- the object should be not to exceed maximum inputs and rate of discharge that receiving watercourses can assimilate without adversely effecting water quality and quantity and to avoid stream bank erosion and damage to wetlands

EC-43 change “may” to “shall”, add “by end of pipe treatments” after “facilities and watercourses”.

a) I believe that Education Programs to educate residents on the issues and effects of storm water on receiving waters is an important item and HRM should conduct these programs on an ongoing basis.
b) HRM should consider stream gauging of all rivers in the municipality as monitoring river flows would help with water quality testing, water quantity measurements and indication of changes in increased flows due hard surfaces.

EC-44 Change “may” to “shall”

a) All bridges and open bottom culverts shall be designed for the anticipated 100 year storm
b) Fish habitat improvement and protection shall be considered.
c) Daylighting will also help mitigate the effect of climate change.

EC-45 change “may” to “shall’

a) I support this sub-section
b) I fully support this sub-section
    i) All bridges and open bottom culverts shall be designed for the anticipated 100 year storm
    ii) Fish habitat improvement and protection shall be considered

c) I support this sub-section
d) I support this sub-section

EC-46 I support this sub-section.

EC-47 I support this sub-section.

6.5.4 Floodplains

HRM must start Floodplain Mapping, Floodplain Zoning and Stream Gauging for all watercourses in the municipality.

HRM should create a policy for acquisition of all flood prone properties. Any lands that were infilled should be restored to pre- existing floodplain grades.

HRM should create a policy of working with adjacent Municipalities on Floodplain mapping and zoning on rivers that cross municipal boundaries.

Replacement of bridges and culverts should be designed to manage at least the 1/200 year or the worst 1/100 year anticipated flood to allow for increased flood flows due to the effects of climate change.

Restore and re-constitute wetlands where possible for flooding mitigation and ground water recharge.

Why does the HRM policy only apply to mitigate the consequences of flooding along major rivers only? Regulations should apply to all rivers.

Please note the 2017 CBCL Limited Sackville Rivers Floodplain Study-Phase 2, (pg 76), states " Recommendations have been generally towards more sustainable, low maintenance , more nature oriented approaches, which provide not only solutions in flooding risks, but also additional advantages in terms of erosion protection, water quality improvements, overall aesthetics and protection/ restoration of natural character of the rivers. This is consistent with the Sackville Greenway Plan, The Halifax Regional Plan and the Halifax Green Network Plan (Greenbelting and Open Space plan)"

"(Pg 77), Recommendations for flood mitigation, beyond adopting flood lines in the report into planning regulations are the following:

1) . Stormwater Infiltration-Best Management Practices (BMP) and Low Impact development (LID).

2) . Increasing channel capacity through river restoration: Other recommendations approaches include conducing river restoration to increase capacity and storage in river sections that have been channelized. Significant ecosystem benefits are also achieved.
3) . Purchasing properties at risk: The impacted individuals are now permanently safe, properties at risk can be restored to the natural floodplain, upstream flooding risks can be reduced, there is no further maintenance cost or residual risk, and the riverfront area can now be enhanced for public enjoyment. The challenges are its cost and resistance from property owners. Where not yet developed; purchasing floodplain lands can ensure their protection in the future.
4) . Flood Protection Infrastructure: Options such as upgrading bridge structures, building berms, or rising the level of the land or homes, should only be used after the above options have been exhausted. They will be expansive, require maintenance, will move the problem downstream and will place public safety at increased risk for events greater than the design event."

EC-48 Fails to identify the designated watercourses. This should apply to all watercourses.

Where flood plain extents have not been defined, HRM shall require any building construction to be at pre-determined horizontal setbacks and/ or elevations to minimize potential property damage due to flooding.

No building to be allowed in the1/20 year floodplain.

EC-49, EC-50, EC-51, no comment.

EC-52 change "may" to 'shall"

6.5.5 Coastal Protection

I support this section.

EC-61, change "may" to "shall"

EC-62, add a) The Municipality shall limit development on freshwater islands through land use by-laws.

6.5.6 Protecting Infrastructure

After "food systems" insert "such as culverts, bridges, under ground services and roads"

EC-63, add

a) restrict development in flood plains
b) encourage the use of bottomless culverts or bridges (fish passage)

c) encourage the use of naturalized detention and retention ponds for groundwater recharge and storm water control
d) daylight of buried brooks and streams
e) encourage the use of engineered wetlands

f) develop a policy of Master Stormwater Planning by HRM.

EC-65, a) add “such as green roofs”

Add

f) develop a policy and support for liming infrastructure and initiatives

EC-66, Add e) daylighting, in stream restoration and relocation of facilities from floodplains

Add d) retrofitting of car parking lots for large Bus Terminals with permeable surfaces, green roofs, oil grit separators, tree planting, storm water retention, pavement reduction

6.5.8 Wind Energy

EC-75 I support this sub-section

EC-76 add

a) there shall be a policy to mitigate habitat loss during road construction and installation of transmission lines
b) riparian buffers and wetlands shall be respected

7.1 Objectives

I support this section.

7.4 Regional and Community Mobility

M-4 Add Extend the Community Mobility Network as shown on The Regional and Community Links (Map 7) to include Lucasville Road.

M-5 Add

q) construct the Lucasville Greenway
r) create a standing committee for recreation and AT Trails for construction and maintenance (HRTA)

M-7 a) add <such as extending the Community Mobility Network as shown on The Regional and Community Links (Map 7) to include Lucasville Road>.

7.4.2 Transportation Reserves

M-10 add

a) and acquire ownership or a limited interest in lands where a trail/ greenway may be in the public interest, (Lucasville, Hantsport Railway, Sackville River Conversation Corridor).

7.5 Complete Communities and Streets

7.5.1 Complete Streets

I support this section.

7.7 Active Transportation

Add to 7.7 after first paragraph:

I believe that AT should be fully funded on an on-going basis. HRM should adopt "Third Mode Funding Concept "as used in New York.

M-25

Add a) combine the management of recreation trails (Parks and Recreation) with the AT Network.

b) Create an advisory group for trails (similar to Halifax Regional Trail Association- with Staff, members from the various trail groups and Councillors).
c) Funding for Recreation Trails and AT Trails be significantly increased and with a large increase in HRM Trails Staff.

M-26 add f) Recreation Trails

M-27 I fully supports this sub-section

M-28 I fully supports this sub-section

a) All new developments shall contribute to the Capital Cost Contribution to help fund and build AT trails, (similar to M-30)

7.7.1 Walking and Rolling

I fully support this sub-section.

7.7.2 Cycling

I fully support this sub-section.

I do not support the use of motorized vehicles for regular use on multi-use trails. Use of ORV's however, is supported for service and maintenance of said trails.

7.8 Public Transit

M-34 The Urban Transit Service boundary shall be revised on Map 7 to include Lucasville.

M-35 The SRA fully supports this sub-section.

a) Long term plans shall be developed for future Transit plans encompassing the entire Municipality. This Plan shall consider100 year time frames.

M-36 I fully support this sub-section.

M-37 I fully support this sub-section.

M-38 I fully support this sub-section.

M-39 I fully support this sub-section.

7.8.3 Rural Public Mobility

I fully support this Section

7.9 Curbside Management

I support the detailed planning presented in this section for solutions to the growing demand for the parking of motor vehicles. However, the environmental impact of parking lots should be given due consideration. Sub-surface storm water collection that allows ground water recharge - filtration and drainage to naturalized detention/ retention ponds should be used, including oil grit separators. As well, tree plantings for water uptake and cooling effect are very important. Rain water gardens could be considered.

7.11 Looking Beyond: The future of Transportation Planning

M-47 I fully support this section particularly eco-system restoration to include (aquatic habitat) river restoration.

M-48 k) the purchase of the Hantsport Railway for an AT trail from Windsor Junction to Mount Uniacke.

By having this line in HRM ownership, it preserves the Right-of-Way for an Active Transportation Trail and perhaps one day in the future as a Railway

8.2 Economic Strategy

EP-1 remove “support “from “support environmental sustainably” and replace with “emphasize”

8.4 Industrial Employment Lands

EP-11 revise “map 6”to include the Sackville River –Sandy Lake Corridor

f) HRM shall consider a by-law limiting square footage of business and buildings in any industrial lands to 50% of square footage in downtowns so as to over come the hollowing out of our downtowns and keeping business in our downtowns viable.

8.4.6 Page No 136, (THIS SECTION MIS-NUMBERED- SHOULD BE 8.4.4) Industrial Land Protection, NO SECTION 8.6,

Ep-17 add i) protecting wetlands, wildlife corridors, old growth/ mature tree stands, floodplains, watercourse and unique eco-systems

8.4.5 Halifax Harbour

Add Lawlors Isalnd, Georges Island, Devils Island, McNabs Island, Admirals Cove, Wrights Cove, Bedford Basin islands (and other lands around the harbour existing in an undisturbed state since 1749) should be protected to recognize their natural and historical significance. Efforts should be made to preserve and protect the natural inter-tidal zone whenever and wherever possible.

8.4.5.2 Water Lots

EP-22 I agree with this sub-section.

Add a) water lots should be acquired whenever possible in public ownership.

EP-23 I agree with this section.

8.5 Rural Employment Lands

I support this section (GNP Working landscape Open Space Plan Values Map)

8.7 Tourism

With in-stream conservation and habitat restoration annually amounting to about 10 million a year and Recreational Fishing worth appromixlty $70 million annually in NS and about $21.5 million a year in HRM (with about $1.5 million a year from tourism). Recreational Fishing is very important to HRM and should be recognized and supported.

EP-28 add e) by considering nature parks, Conversation Areas, park expansion (e.g. Sandy Lake Park, Blue Mountain- Birch Cove), birding, canoe and kayak and other nature based activities.

Add f) Hunting and fishing opportunities (including deep sea fishing and sight seeing)

Add g) work with other levels of government to develop a HRM wide Park Tourism Plan similar to what is being done for new roads.

8.7.1 Rural Tourism

Clean air and clean water resources are key to attracting tourists to HRM. Recreational fishing has been a strong tourism draw in the past. HRM should work with the Province to increase fishing related tourism.

A liming program could be developed for low ph impacted watercourses. Increase the number of Conservation parks (e.g. Sandy Lake, Freely Lakes, Anderson Lake and Beaver Bank Lake).

Develop trails with natural and historical significance. HRM should acquire lands of a natural and historical significance as parkland.

Reduce the use of fossil fuels for building facilities and municipal vehicles.

8.8.1 Historical African Nova Scotia Community Action Plan

EP-37 after "themselves" add "e.g. Lucasville Greenway and the extension of public transit to serve Lucasville"

8.9 Green Economy

EP-43 add

a) institute a liming program for low ph impacted watercourses
b) maintain and increase the Urban Forestry Program thoughtout the Municipality
c) encourage eco-tourism

Chapter 9 Celebrating Culture, Arts and Heritage

CH-20

a) Build and support a Cultural Center in Middle Sackville (700 hundred seats)
b) Support local Heritage Society (e.g Fort Sackville, Fultz House, Sackville Community Radio, Seaside Radio)
c) Support and fund Beaver Bank Society and Sackville Business Association as supporters of Canada Day, Natal Day and Winter Carnivals.

Chapter 10: Implementation

10.3 Planning Tools

10.3.1 Secondary Municipal Planning Strategies

I-4 I agree with this sub –section
I-7 a) I agree with sub-section

b) Add (e.g. Sandy Lake, Blue Mountain Birch Cove, and Feely Lake)

c) I agree with this sub-section
d) Add (e.g. Lucasville)
e) After "site level green infrastructure" add "such as green roofs, bioswales, rain gardens, artificial wetlands, and naturalized detention and retention ponds for stormwater management.

10.3.2 Priority Plans

I support this section.

10.3.3 Discretionary Applications

1-9 a) ii add "and groundwater resources and parks systems"

b) After "wetlands "add "floodplains" after "susceptibility to flooding "add groundwater resources".

I-10 I support this sub-section

Add in b) after "prone to flooding" add "by floodplain mapping)"

Add in c) before "essential" add "important'

Add in d) "Important" and before "Essential"

Add e) including stands of mature growth trees

I-11 I strongly support this sub-section.

Add "aquatic and terrestrial" after "degraded",

after "identified" add "as well as adjoining properties".

I-12 The term "limited in scale" is not defined and must be to strengthen this sub-section. "not to exceed "should be added".

Add "d) all environmental protections are considered and natural areas and watercourses are protected in the proposed development.

I-17 a) I agree with this sub-section

c) I agree with this sub-section

I-18 b and c) I agree with this sub-section

10.3.4, Page No 168, THIS SECTION MIS-NUMERED- SHOULD BE CHECKED AS IT THROWS THE NUMBERING SYSTEM AND PAGES OUT. Page No 163, 10.3.4.

10.3.4 Special Planning Areas (page 168)

I do not support this section. The intention removes public input and circumvents the HRM planning process. Sandy Lake and Drain Lake have been designated as Special Planning Areas. Environmental protection of the Sackville River and tributaries is of paramount importance to our Association.

I'm strongly in favor of 1-20 a), b) and c). In our experience, the problem has been that these plans, in most cases are not implemented in their entirety throughout the course of the project and are not inspected to ensure functionality.

In the rush to expedite development the shortcuts such as early tree removal, blasting, earth works and other activities that HRM normally follows as part of an orderly development process will lead to sedimentation and water quality issues in the receiving watercourses.

Special Planning Areas should not be excluded from the normal HRM Planning Development process.

10.3.5.1 Suburban Area Sites

I-21 f and m) I support this Section

I-22 the text of sub-section I-21 f) should be added to this section.

10.4 The Regional Subdivision By –law

I support this section.

10.4.4 Parkland Dedication

I support this section in general

However we suggest adding:

I-43 a) where it is necessary to protect environmental features that exceed 10% park dedication the Municipality may establish a larger percentage for park dedication. (Conversation zoning will be in additional and not to be included in the 10%)

I-44 add c) where 5% park dedication does not include significant ecological or environmental features the percentage for park dedication will be increased.

I-45 add g) importance as conservation areas, environmental areas, Special and Important Wildlife Corridors and natural features.

Add h) the lack of green space in our downtown (s) areas HRM shall work to increase the number and areas of Green space in those areas.

10.5 Water and Wastewater Services

10.5.2 Water Service Areas

I-52 a) (iii) change “plan” to “system” and” “considered” to “constructed” and a Waste Water Management Zone is also considered.

10.5.3 Source Water Protection

I agree with this section, with the prevision that Tomahawk Lake, designated as a Future Water Supply Area shall be provided with fish passage facilities (both up and down stream) should any dam or water control structures be necessary. We are not in favor of any diversion of water from Tomahawk Lake to another watershed.

Any water removals from this lake shall only be permitted after an Environmental Impact Study is carried out and water quantity to Tomahawk Brook and the Sackville River is not negatively affected.

10.5.4 Ground Water Supplies

I agree with this section.

HRM should carry out municipal wide ground waters studies, (not restricted to water drinking supplies).

10.5.5 Private On-site Sewage Systems and Wastewater Facilities

I agree with this section.

Replace The Municipality “may” with shall’

I-57 the provisions of this sub-section should apply to on-site sewage disposable systems municipality wide not just as shown on Map 4.

Add to b) be maintained “to include pumping out of septic tanks on a 3 to 5 year basis”.

c) HRM shall provide financial assistance for maintenance if required (pump out of septic tanks and field replacement).

Comment:
I feel that the Regional Plan should address the concept of By-right Development in all districts. Should it be allowed today?

Given that very large sub-divisions are now being constructed and developed, (e.g. Bedford West- 1,200 acres and Indigo Shores - 1,800 acres), some are given extensive Public Consultations, others, not so much.

C737

Friends of
BLUE MOUNTAIN -
BIRCH COVE LAKES

October 24, 2023

David Paterson
Regional Planning Team, Planning and Development
Halifax Regional Municipality

Delivered via email

Dear Mr. Paterson,

Re: Submission to Regional Plan Review Process (Phase 4) Friends of Blue Mountain-Birch Cove Lakes Society

The following comments are provided in reference to the Phase 4 regional plan review document on behalf of the Friends of Blue Mountain-Birch Cove Lakes (BMBCL) Society.

The Phase 4 document contents are wide-ranging with many aspects of interest and relevance to our organization; however, consistent with our primary mandate of advocating for successful park establishment, comments that follow focus specifically on issues relating to the need for both an appropriate park plan (including proposed boundary and/or aspirational boundary options) and complementary land use planning (including supportive zoning and development controls) for adjoining currently undeveloped lands.

With the BMBCL area gaining status and standing as a candidate national urban park, the ongoing regional plan review process should and must recognize this park initiative as a first-order city-building opportunity that demands priority attention in HRM's regional plan.

The BMBCL area was first recognized formally as a regional park proposal (i.e. 'conceptual park area') in HRM's 2006 regional plan, and reaffirmed in the 2014 plan update and again by unanimous decision of the current council in December 2021. The July 2021 collaboration agreement between HRM and Parks Canada elevated the BMBCL area's status to that of a proposed national urban park candidate, with its formal candidacy being confirmed by a public announcement on May 23rd of this year.

Unfortunately, neither of the park planning or regional planning initiatives now in progress are giving the BMBCL candidate national urban park the focus and attention it deserves, and in fact is required to achieve the successful establishment of a viable park management unit. The importance and urgency of this need is underlined by the overriding priority that has been placed on residential development in response to Halifax's housing crisis, and the consequent progressive infringement of development on the park area's margins and corresponding limitation of potential park establishment opportunities and options.

[redacted]

Friends of
BLUE MOUNTAIN -
BIRCH COVE LAKES

The recently initiated park planning process is being limited to apply solely to lands owned by the members of the national urban park partner group while steadfastly ignoring abutting and surrounding lands. Currently, the partner group members (HRM, DECC, NSNT, Parks Canada and Mi'kmaq representatives) collectively own 5500 acres dedicated for park or conservation use within an undeveloped area of approximately 12,000 acres. Limiting park planning to an area defined by arbitrary property lines ignores the character and quality of the underlying land and water base, cross-boundary ecological relationships, adjoining areas of recreational potential and desirable park access opportunities – all of which should be considered as a rationale for recommended land acquisition to consolidate a coherent park management unit.

The Phase 4 regional planning document similarly focuses narrowly on lands owned by the partners and, reiterating the approach being taken regarding park planning, unfortunately, ignores and abandons the more reasonable approach (as taken in the 2006 regional plan and 2014 plan update and the 2021 direction of Council), to highlight and plan toward a 'conceptual park area', essentially as an aspirational vision or goal. Phase 4 does refer to the possibility of additional lands being acquired "for the purpose of connection or park integration" (whatever that may be intended to mean?), but, with the park planning process (as set out explicitly in the corresponding RFP) limiting the planning effort to existing partner-owned lands, there is no process in place to propose additional lands for acquisition – unless through advocacy by stakeholders or random offer of sale (or donation) by an individual landowner.

Regarding lands outside the partner-owned park or conservation lands in the BMBCL area, Phase 4 includes the following vague statement – "As development proceeds in close proximity to park areas (i.e. referring to 'nature parks', including BMBCL), attention should be placed on ensuring land use is of suitable use and scale." Also, although policies CI-3 and CI-5 indicate that park planning "shall consider" adjacent lands and 'acquisition models' and that land use planning for areas in close proximity to parks "shall" be studied to "ensure land use is of suitable use and scale", there are no mechanisms identified through which suggested outcomes would be achieved. In fact, as noted, the park planning approach underway is expressly limited to partner-owned lands.

The RFP for the ongoing Highway 102 West Corridor pre-development study describes the study area as being "located east of BMBCL Regional Park" and, although there are references to considering relationships and impacts with respect to the park, the implication is that the park and pre-development study areas are separate and apart. This is concerning because the 'conceptual park area', now omitted from the Phase 4 document, clearly overlaps directly and substantially with the 102 West Corridor lands and, as noted above, because Council gave clear direction (on December 7, 2021) that park planning for BMBCL be "based on consideration of" the conceptual park boundary (or conceptual park area) "as represented on Map 11 of the Regional Municipal Planning Strategy".

In light of the preceding considerations, Friends of BMBCL will be soon advancing a map showing boundary options for the future BMBCL National Urban Park, will continue to engage as effectively as possible with the ongoing partner-led park planning process and will seek to

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BIRCH COVE LAKES

engage further with the regional plan review team to explore land use planning and development control options for lands surrounding the park. Although the park at large is of overall interest, particular areas of concern in reference to imminent decisions relating to development encroachment are the Highway 102 West Corridor area and lands surrounding Maple and Upper Sheldrake lakes (including nearby undeveloped lands in the vicinity of Haliburton Hills and Highland Park subdivisions).

The Friends of BMBCL look forward to further progress toward the successful establishment of BMBCL National Urban Park through the inclusion of supporting policies in HRM's Regional Plan (Phase 5).

Regards,

[redacted]

Mary Ann McGrath
Chairperson
Friends of Blue Mountain-Birch Cove Lakes

[redacted]

C740

October 25, 2023

Dave Paterson
Halifax Regional Municipality
Regional Planning Team
Planning & Development

Dear Mr. Paterson;

Re: Public Comments on the Draft Regional Municipal Planning Strategy and Green Network Report

I am a member of the Regional Watershed Advisory Board. I have about 40 years of experience as an aquatic ecologist with expertise in marine and freshwater ecosystems, as well I am an offshore petroleum environmental engineer and an accredited auditor in management systems. I prepared several storm watershed management plans in HRM on behalf of developers and a report for HRM. I have also prepared many erosion and sediment control plans, and have conducted many years of water quality monitoring in many locations.

I took several levels of reviews of the Draft Regional Municipal Planning Strategy (RMPS), although I had a limited timeframe. I reviewed the document with a focused lens to the ecology sections and a second higher level review with a lens to technical writing. I found the document to be confusing to read, it is repetitive in many sections making this document verbose, and thus difficult to keep my attention focused on what was to be achieved. Overall, this document requires support and guidance from a technical writer and subject matter experts.

I also reviewed the State of the Landscape Report and the Green Network Plan to understand the root of this document. It is disappointing to read that many of the recommendations in the State of the Landscape Report were not adopted in the Draft RMPS nor any explanation as to why there were not included. I am also submitting comments on the Green Network Report because they go hand-in-hand. Technically, the Green Network Plan should come after the strategy report because strategies drive planning.

I recognise the immense effort in developing these documents by the planning staff. By allowing the public to comment demonstrates the willingness to receive constructive feedback to make sure these are the best documents that HRM can produce.

Kind regards,

Sue Belford, *B.Sc. M.Sc, TIOSH*
[redacted]
[redacted]

Review of the draft Regional Municipal Planning Strategy (2023)

Preface pg 1 *The Halifax Regional Municipal Planning Strategy (The Regional Plan or this Plan)* and throughout the document.

Section 1.4 Relationship to Other Plans pg 13. *The Regional Plan is the overarching planning document guiding growth and development of the entire Municipality including direction for community plans and the creation of Priority Plans. It provides an overall vision for land use and general strategies.*

Many of the HRM's 22 Secondary Municipal Planning Strategies were developed… The plans are in a variety of formats and use different community plans…

Section 1.4 pg 14 *A major role of the Regional Plan is to direct the Municipality to undertake more detailed work.*

Comment: Development of a strategy comes first before establishing a plan around the strategy. Strategy drives the plan toward the goal. The title of this document is Regional Municipal Planning Strategy; therefore, the purpose of the document is confusing based on the preface and Chapter 1 If this document is a plan, where is the strategic document? Fundamental components of a strategy and a plan are missing.

I suggest a technical writer review this document to ensure it makes sense and all the components of a strategy and a plan – whichever this document is – are complete.

Preface: …*This rapid growth is placing significant pressure on the Municipality's services and infrastructure, including parks, facilities, emergency services…the Municipality is on track to double its population to around 1 million people in the next 25-30 years.*

Comment: Its important to correlate the rapid growth to causes. Refugees fleeing from wars and conflicts has resulted in an uptick in growth. The uncontrolled allowance of illegal immigrants has permitted to occur. The federal government amended the immigration plan in 2016 to significantly increase Canada's population for three reasons. The federal immigration department is ill prepared to possess legal applications. The COVID flood of Canadian nationals into an affordable east coast housing market and resultant greed has destroyed that. Unfortunately, Nova Scotia continues to suffer a skills shortage despite the growth and a key reason for the federal change in immigration limits. As the Municipality clearly recognises (as does other provinces) that the assimilative capacity of the province and the city is exceeded with no solutions in sight. Does it make sense to continue on that track without catching up first? If so, one could logically expect immigrants to stop coming and residents to leave Nova Scotia and the crystal ball population curve looks very different.

Chapter 8: Driving Economic Prosperity

While the Municipality has limited jurisdiction over provincial and federal institutions, coordination of planning efforts can support mutually beneficial goals and a high level of service…EP-2 The Municipality may consider partnerships with major institutions, hospitals, health care facilities and the Department of Defence….

Comment: This entire chapter reads like a hope and a prayer. Explain how the Municipality will support a high level of service. What does this mean and how is it achieved? There is no plan in this chapter. The Municipality has no jurisdiction over the employment of provincial or federal

governments. The key employers listed are government which takes taxpayers to fund. More government jobs means more taxes. No government generates new money. The Department of Defence recruitment efforts are not successful to date. There is a strategy to provide land on municipal lands. That is all this chapter offers. There is no mention of any tangible job creation from the private sector.

Section 1.5 Provincial Role in Planning pgs 15 and 16. Six statements.
Comment: Environmental protection is not considered an interest by the province as the environment is not mentioned other than a statement on protecting Nova Scotia's water resources. It is obvious that water resources are narrowly defined as drinking water.

Comment: Recently the Province decided to take responsibility for development in HRM, and decided to dismiss the role of the RWAB for three years. The six Provincial statements listed omit any reference to protection of the ecosystem in land use decisions that support the principles of sustainable development. This omission misaligns with Section104 (d) of the *Environment Act* "promote the health and integrity of aquatic ecosystems, to protect habitats for animals and plants and to provide for continued recreational benefits";

Chapter 2 Planning For our Region. Pg 19-21
Comment: Several subsections are repetitive to Chapter 1, which makes this document longer than necessary and verbose.

RP-1 pg 21. *The Municipality shall protect and conserve ecosystem health..by using the green network..*

Comment: Based in the findings of the State of the Landscape Report (2015), the Municipality has not been able to meet this responsibility to date. There is no admission to this fact, no explanation as to why it has failed in order to understand how to make corrective actions and lessons learned, and what actions will be different to ensure this responsibility is fulfilled.

If this document is a strategy, then all plans need to be modified. Plan are dictated by the strategy, not the other way around.

Section 2.3, page 21 RP-1 *The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located.*

Comment: Some lakes and ponds are currently under stress from not providing protection and conserving ecosystem health. Why is protection of these waterbodies not considered.

Chapter 6 Protecting The Environment and Acting On Climate pg 83
Comment: The terms ecological services and ecosystem services are used frequently in this chapter and interchangeable, yet without understanding of those terms nor how these services will be maintained.

Comment: The description of a watershed in the 2nd paragraph is confusing and awkwardly written. Many uses of the word "system" in the same sentence. Watersheds forming an umbrella for watershed management is an awkward description. The audience is to include the public and should be written in that manner. A technical writer and subject matter experts (e.g. RWAB) should review this document.

Comment: There are statements made in this chapter that require correct referencing to the original authors.

Section 6, parag 1, pg 84. *" residents are highly aware of the potential impacts of climate change and advocate for the protection of the natural environment which are key priorities for preserving quality of life, climate resilience, community identify and opportunities for outdoor recreation*."

Overall, this paragraph is too wordy, vague and disjointed. This is not a proper introduction.
The term natural environment needs to be defined. Does the definition include pristine or impacted environs.

This sentence implies that only climate change affects the natural environment. There is no mention of public awareness of impacts from unmitigated development. Climate change and advocate for the protection of the natural environment are not key priorities. There is a lack of understanding what a priority is, key or otherwise.

The many ecological and economic benefits must be listed in order to be addressed and protected. Otherwise, this is another motherhood statement that occurs throughout the document.

Section 6, parag 2, pg 84. *Watersheds are areas of land that drain or shed precipitation into rivers* ***systems*** *and contain all interconnected sources of water. Understanding the interactions between watershed components and how this is impacted by land uses within that* ***system*** *as an ecological unit is important to begin maintaining and improving the health of the entire* ***system****. Individual disruptions of hydraulic and hydrologic* ***systems*** *have cumulative impacts on how the* ***system*** *functions.*
Comment: Too many systems in this paragraph, confusing and not the same meaning. "This is" should be "these are". Plural versus singular.
This entire paragraph is not an introduction, but it is confusing by being disjointed and incorrect stitching of phrases. There is a lack of understanding of a watercourse. A watershed management plan is not nested in a watershed. That is a meaningless concept. More than lakes can be monitored. The land encompasses more importantly the undisturbed spaces, not only open park green spaces.

Section 6.1, pg 85 *7 listed objectives.*
Comment: These objectives, as written, are more appropriate as goals. Objectives are specific, measurable action and have time bound targets in order to meet the goals. It is important to decide if this document is a strategy or a plan.

Section 6.2 pg 85 *Halifax Regional Municipality has a full spectrum of open spaces, consisting of natural resources, agriculture, environmentally sensitive areas, hazard prone lands, cultural landscapes, natural corridors, trails, parks, wilderness areas and preservation areas for potable water and waste/resource management.*
Comment: Define open space. The list includes lands that are heavily disturbed, contaminated and those that are not. Define a hazard prone land. Define natural resources as this can refer to mining, forestry, oil and gas, hunting, etc.

Section 6.3.1.1. Page 86 *EC-2 The Municipality shall use the Green Network Plan to identify areas that are important to maintaining biodiversity and climate change mitigation and shall change land use and subdivision regulations to manage human activity in these areas to protect the benefits of natural ecosystems.*

Comment: This policy (?) is vague and is misaligned with policy RP-1.

Section 6.4, parag 2, pg 90 *The municipality is home to 1,000 lakes, more than 20 rives, innumerable streams and 23 major shorelines.*

Comment: The reference to 23 major shorelines is undefined. Each of the 1000 lakes has a shoreline. The Atlantic Ocean boundary of HRM is a continuous shoreline. What is this metric and its value? The assistance of subject matter experts is necessary during the development of this document.

Section 6.4.1 Parag 2, pg 90 *Watershed planning in a developed urban setting where watersheds may be degraded and require restoration require different approaches…*

Comment: Map 6 of the Green Network (pg 38) identifies most of HRM as having "minimal value to the Regional Green Network". This labeling contradicts the statement above. Based on the large scale there are about 40 lakes in that area.

Note the maps in this document are at such a large scale as to be almost illegible on an 11x8 piece of paper and of little value.

Section 6.4.3 pg 92 *Watershed management plans will seek to achieve public health standards for body contact recreation, identify and maintain, enhance or restore ecosystem services provided by riparian and aquatic ecosystems, and to maintain the natural trophic status of our lakes and waterways*.

EC-19 When considering requests to develop future serviced communities…the Municipality shall require watershed and sub-watershed studies concerning natural watercourses where new or additional development could adversely affect watercourse within the watershed.

Comment: The commitment to enhance or restore ecosystem services by aquatic ecosystems makes no sense. Ecosystem services has not been defined in this document and has likely been used inappropriately, as in this case. If ecosystems services are not understood then success will not result.

This policy only addresses watershed studies in areas of future development. There are no listed policies to address the commitment to enhance or restore ecosystem services or to maintain the natural trophic status of our lakes. The presence of blue-green algae and impacts (toxic events) are indicators that policies, and concrete management plans for the care for the aquatic ecosystem are absent or grossly ineffective.

Section 6.4.3 pg 92 *19 b Recommend water quality objectives for key receiving watercourse in the study area.*

Comment: HRM has an environmental department group that must be competent to set water quality targets - not objectives. These targets must also include waterbodies and not just watercourses. Water quality objectives to protect the aquatic environment have been set long ago. What is a key watercourse? This statement indicates a lack of understanding of watersheds, flowing water and transport of pollutants.

Section 6.4.3 pg 92 and 93 *EC-19 a-o*

Comment: These policy targets need to be established by HRM in an inclusive Watershed Protection Plan. It appears HRM is leaving this responsibility to a third party and certainly not consulting with its Regional Watershed Advisory Board (RWAB) to contribute to strategies, methods and approaches. The HRM should be responsible for regulatory controls, not a third-party contractor.

The purpose of this document is the strategy, therefore item J) is confusing. This document is to identify those strategies.

Section 6.4.4, pg 93 *EC-20 Rural Community Watershed Management*

Comments: This policy also applies to 6.4.3 in order to meet the commitment to "enhance or restore ecosystem services or to maintain the natural trophic status of our lakes."

Section 6.4.5 Lake Monitoring Pg 94 *The Municipality has a critical role to play in water quality.*

Comment: Agreed. However; Policy E-19 puts the decision making in the hands of a third party contractor, the HRM apparently does not fully understand the water quality reports it receives, and it has largely ignored the RWAB – a significant resource of volunteering scientists who can provide support through providing the expertise lacking in the Municipality.

Section 6.4.5 Lake Monitoring Pg 94 EC-21 *The Municipality may consider preparing a water quality monitoring protocol.*

Comment: Re page 17, "may" consider is an option for any action. This policy statement is counter to the statement above that the Municipality has critical role to play in water quality.

Section 6.4.6.1 Riparian Areas paragraph 1 pg 95. *A general riparian buffer of 30 metres will be applied for protection for the whole of the Municipality until buffers that meet the specific needs of each watershed can be determined through watershed studies…*

Comment: There is no rationale of the 30 metre buffer. An appropriate buffer width is dictated by soil and slope adjacent to the specific watercourse (moving water), wetland and waterbody (lake/pond). Buffer zones are not determined at the watershed level. It is determined at each water feature. Wetlands are areas of either recharge or discharge, so setting an arbitrary buffer may not be sufficient. It is clear that the authors of this document do not understand this entire topic.

The width of the buffer zone is not based on the recommendation of the Halifax Green Network Plan. Therefore, that document must be obsolete as it predates this strategy document. This needs to be clearly noted.

Section 6.4.6.1 Riparian Areas EC-24 *The Municipality shall…require the retention of a minimum 30 metre wide riparian buffer along all watercourses as well as wetlands contiguous with watercourses throughout the Municipality to protect the chemical, physical and biological functions of* ***marine*** *and freshwater resources.* ***No*** *alteration of land levels or* ***removal of vegetation*** *in relation to development will be permitted within the buffer.*

Comments:
This is the first-time protection of the marine environment is mentioned, but details or any targets are absent on how that will be achieved.

Lakes are excluded from riparian protection without explanation. Watercourses are not lakes. The authors need to understand lentic and lotic aquatic systems. Subject matters experts should have been involved in the review of this document before it went for public comment.

Section 6.4.6.1 Riparian Areas EC-25 …*provisions may be made to permit certain features within the buffer…*

Comment: This policy is in direct contravention to EC-24

Section 6.4.6.1 Riparian Areas EC-26 ..*allow limited recreational uses and commercial uses within a riparian buffer…adjacent to non-coastal watercourses where the riparian buffer has been infilled or altered prior to…2006*

Comment:
This policy is in direct contravention to EC-24. It also conflicts with … *Section 6.4.3 pg 92 Watershed management plans will seek to achieve public health standards for body contact recreation, identify and maintain, **enhance or restore ecosystem services provided by riparian and aquatic ecosystems**, and to maintain the natural trophic status of our lakes and waterways*.

Define "non-coastal watercourse" in order for this policy to make sense. Nova Scotia is surrounded by the ocean, geographically being an isthmus. All watercourses and lakes drain to the coast, so how can a watercourse (moving water) be non-coastal. Virtually all waterbodies and watercourses in Nova Scotia support migratory (diadromous) fish species.

Section 6.4.6.1 Riparian Areas EC-27 ..*relax the riparian buffer requirement for lots in existence on August 26, 2006…* **Section 6.4.6.1 Riparian Areas EC-28..** *relax the riparian buffer requirement…* **Section 6.4.6.1 Riparian Areas EC-29…***relax the riparian buffer requirement…*

Comments: These policies conflict with *Section 6.4.3 pg 92 Watershed management plans will seek to achieve public health standards for body contact recreation, identify and maintain, **enhance or restore ecosystem services provided by riparian and aquatic ecosystems**, and to maintain the natural trophic status of our lakes and waterways.*

Section 6.4.6.1 Riparian Areas EC-30 *The Municipality shall consider a by-law to protect existing trees and to manage the retention of existing trees with riparian buffer zones.*

Comment: "Shall consider" is very weak non-committal language. There will likely be no evidence of this consideration given and it is in direct conflict with the understanding and purpose of a riparian buffer zone.

Section 6.4.6.1 Riparian Areas EC-31 The *Municipality may…consider measures to regulate development of water lots..*

Comment
Protection of the aquatic ecosystem and "ecosystem services (which are not explained)" cannot be achieved with the many exclusions and weak, non-obligating verbiage.

Section 6.4.6.2 Wetlands *The applicable land use by-law shall prohibit development within any wetland except as required to allow for existing public infrastructure.*

Comment: Nova Scotia adopted the all encompassing wetland protection measures from parts of the USA and Canada that have very few wetlands. There is no consideration for the geology of Nova Scotia wherein, due to glacial movement of topsoil into the ocean a shallow water table exists and any depression in the surface provides wetland habitat. To take the stance that all wetlands will be protected would result in zero development. There is no mention of this knowledge in this document. Due to mass terraforming for subdivisions that results in the removal of most of the wetlands, there is no discussion, provision nor policy to ensure the integrity of wetlands. You cannot have it both ways. Wetlands can be used to control flooding, as is one of their natural functions.

Chapter 10 Implementation:

Comment: This document has many names, objectives and scopes and it is confusing. In Section 10.1 the setting of targets and milestones to meet the objectives of a"plan" are not noted. Key performance indicators are not included in this draft report for review. That omission is a significant gap.

Review of the Halifax Green Network Plan (2018)

Section 1.2 pg 4 Specifically, the Regional Plan defines open space as: " … publicly or privately owned, **undeveloped land or water**, intended to be preserved for agricultural, forest, community form, ecological, historical, public safety, or recreational purposes. It consists of lands for **natural resources**, **agriculture**, recreation, environmentally sensitive areas, hazard prone lands, cultural landscapes, natural corridors and trails and preservation areas for potable water and **waste / resource management**."

Comment:
Undeveloped land should not include lands for natural resources (forestry and mining), agriculture and waste management are activities that result in disturbed lands. Therefore, there is a fundamental problem of understanding what is being accomplished.

Concept 3: Ecological Landscape Patterns Pg 9 *Core Areas Vegetated areas that are separate from human settlement. They support habitat and species diversity as well as natural processes such as water movement and nutrient-cycling. These areas also provide environmental protection and allow wildlife to move around urban areas. Corridors Areas that connect large patches and other landscape patterns in the form of wide corridors. They support natural processes and wildlife movement and often include important environmental areas and waterways. Riparian/Coastal Areas Vegetated corridors that also function as buffers along major streams, rivers and coastal environments. They support species movement, erosion control, water quality, habitat and natural processes. Stepping Stones Small natural vegetation patches distributed through altered landscapes. They support habitat, animal movement and natural processes.*

Comment: The report oversimplifies ecological processes, likely because the complexities are not understood and overwhelming. There are 10 ecological processes that effectively capture ecosystem functioning and should be evaluated for adverse effects:

1. Habitats Critical to Ecological Processes
2. Pattern and Connectivity of Habitat Patches
3. Natural Disturbance Regime
4. Structural Complexity
5. Hydrologic / Oceanographic Patterns
6. Nutrient Cycling
7. Purification Services
8. Biotic Interactions
9. Population Dynamics
10. Genetic Diversity

The proximate cause of ecosystem or habitat loss is land conversion or other activities that degrade natural habitats to the point that they become different environments. Ecosystems are also degraded when habitats remain, but their composition, structure, or function is substantially altered. The ultimate cause of habitat loss and degradation is the expanding human population and the need to secure land and water for human uses.

The authors had omitted waterbodies in this document. This demonstrates a lack of understanding of riparian habitat. The Draft RMPS mentions protecting the marine environment yet it appears to be excluded in this document.

Concept 4: Interconnected and Multifunctional Spaces pg 10 .. *For example, a single open space area can provide wildlife habitat and landscape connectivity*, help shape communities, provide recreational opportunities and protect important water resources..

Comment: A single open space cannot provide wildlife connectivity because it is isolated. Such statements in this document are misleading and appear to justify habitat fragmentation as a positive result.

Landscape connectivity involves the linkages of habitats, species, communities, and ecological processes at multiple spatial and temporal scales. In a natural landscape, connectivity among like habitats is usually high. Topography and microclimate difference may create barriers to species dispersal, especially between waterbodies. In isolated habitats, populations are more susceptible to environmental catastrophes and invasion by exotic species.

The fragmentation processes in land development include and have not been considered in the Halifax Green Network Plan:

- **dissection** of a natural landscape begins with the building of a road or other linear feature;
- **perforation** of the landscape occurs when some of the natural habitats are converted into agricultural or other modified land uses;
- **fragmentation** occurs when more and more of the landscape is converted so that the modified lands coalesce and the natural habitat patches are isolated from one another; and
- **attrition** occurs when more of the natural patches are converted, becoming smaller and farther apart.

The degree of isolation depends on the species, its dispersal abilities, and its ability to survive in the modified environment.

Another important consequence of fragmentation is the increase in perimeter area or "edge" habitat.
Simple geometry dictates that small fragments have more edge in relation to their area than large fragments and that the less like a circle the fragment is the greater is its perimeter.

The consequences of increased edge include: (1) the change in physical conditions (organisms near the edge are subjected to more wind, less moisture, and greater temperature extremes); and (2) invasion by species from the surrounding disturbed habitat (e.g., competitors such as weeds and predators such as rats, cats, and people).

The fragmentation of habitat not only changes the biotic interactions that structure ecosystems, but can also adversely affect nutrient cycling.

In terrestrial ecosystems, the most vulnerable abiotic factor is soil fertility, a condition that can be degraded by leaching of nutrients when vegetation-free patches are created

The loss of soil fertility can affect plant competition and influence the forage quality of plant parts.

The leaching of nutrients also creates a burden for aquatic systems in the form of undesirable nutrient enrichment.

2.3 Public & Stakeholder Engagement pg 16. *Ecology Participants emphasized that diverse and healthy ecosystems provide a series of important services and benefits, such as provision (water, food, fiber, etc.), regulation (climate, water, etc.) and support for natural and built environments (habitats, water quality, etc.).*

Comment: This statement is confusing on what an ecosystem consists of. Explain how a diverse and healthy ecosystem provides support for natural and built environments. Define a built environment then explain how it is supported by a healthy ecosystem. This short list is too vague.

4.1.3.1. Maintain wildlife habitats, biodiversity and landscape connectivity. Pg 38 *Action 1: Refine and incorporate the Green Network Ecology Map (Map 5 on page 35) into the Regional Plan and use it to guide regional planning decisions related to the location and shape of:* *Urban service boundaries* *Rural centres* *Nature parks* *Conservation design developments*

Comment: The scale of the map is too large to be useful in decision making. The criteria for the map categories / parameters were not described.

5.2 MONITORING: PARTNERSHIP OPPORTUNITIES pg 68. *While the State of the Landscape Report compiled a wide variety of information, the Municipality does not currently have the capacity or expertise to identify key indicators or collect and interpret the information on a regular basis. Thankfully, the Region contains several universities and non-profit organizations that specialize in wildlife and ecosystem science. Nova Scotia Environment and the Department of Natural Resources also monitor information on the health of the environment and support the protection and sustainable use of Crown lands. Consequently, rather than building in-house expertise or duplicating provincial efforts, the Municipality is well positioned to form partnerships that complement the Municipality's focus on land use planning and park network management.*

Comment: The RWAB is not mentioned nor being used in this capacity. The Regional Municipality Planning Strategic does not include any mention of subject matter expert involvement in environmental/watershed management planning or studies.

5.5.2 Water Quality and Quantity pg 68. Healthy ecosystems and good water quality are inherently linked. While the Municipality has conducted several watershed studies, regularly monitors beach water quality (for swimming) and previously managed a lake monitoring program on selected lakes (2006-2011), it does not use the information to understand the overall health and sustainability of the Region's natural environment. However, since water quality and quantity are linked to healthy ecosystems, regular monitoring of water quality in our lakes, rivers and coasts could provide a key indicator of the Region's environmental sustainability.

Comment There are no actions that address protecting water quality from pollutant sources.

Comment: Only monitoring at a lake is too late and end of pipe monitoring. There is no recourse if monitoring results demonstrate degradation of the aquatic environments. The number of beach closures is an indicator of failure to protect the resource. It is critical to monitor on site pre-construction, during and post-construction, during heavy storm events throughout the subwatersheds, impose routine monitoring septic tank and septic field integrity, respond to seepage of contaminates, and monitor for illegal sewage hook-ups. Mandatory restoration of appropriate set backs of property adjacent to watercourse and waterbodies to no mow and no tree / shrub removal is necessary. Education of the public and Municipal staff needs to be accurate, obvious and frequent.

6.0 Implementation 6.1 LAND USE PLANNING pg 72-73.
Comment There are no implementation actions that addresses protecting water quality from pollutant sources.

C751

COBEQUID CULTURAL SOCIETY

October 25, 2023

TO: Regional Plan Review

e. www.shapeyourcity.ca
e. pam.lovelace@halifax.ca

The Cobequid Cultural Society is interested in building a performing arts centre on a two-acre parcel off Margeson Drive, Middle Sackville, **PID 41287137**.

In July 2019, Regional council declared the site surplus to municipal needs and categorized it as Community Interest given the society's interest in the property. The other portion of this land has previously been proposed as a Halifax Transit Park and Ride terminal. This is listed in the Middle Sackville Master Planning Process, Phase 2, Parcel 5.
For our volunteer organization to move forward, we require appropriate zoning and a purchase and sales agreement from HRM. Without these we are unable to move forward with our next steps; volunteer and member recruitment, fundraising, and detailed design and planning.

Yours Truly,

D. Rae Smith
President
[redacted]

Patricia MacIsaac, P.Eng. PMP
Vice President
[redacted]

The Performing Arts Centre

The Centre will be:

- a creative learning, presentation and performance centre serving the Cobequid region and beyond through strong community partnerships.
- a focal point of the Cobequid region where people gather and where knowledge, creativity, innovation, and arts and culture in all its diversity are interconnected.
- a multipurpose place for conferences, local and national festivals, speakers, and performances that showcase a variety of amateur and professional talent and learning.

The New Facility:

700-seat purpose-built performance space:

- Acoustically tunable as a concert hall
- Classic black-box theatre seating
- Intermission bar

Dinner Theatre:

- Multipurpose space with seating for 232
- Adjacent to main auditorium
- Commercial quality kitchen facility

Main Lobby:

- Three-storey Atrium
- men's and women's washrooms and box office
- Premier reception space

Gallery:

- Art gallery space
- Additional reception space for event rentals

Dance Studio:

- Dance studio to be available for lease

Rentable Space:

- Commitment in hand from CIOE Radio Station to lease on lower level
- Rentable office spaces
- Additional space available for rent as rehearsal studio
- 500 car parking lot planned to be managed with Halifax Transit



The Cobequid Cultural Society

Background

The Cobequid Cultural Society (CCS, originally and legally known as the Cobequid Cultural Centre of the Arts Society) was incorporated March 2nd, 2005.
The Society is a community-based, non-profit, registered charitable organization that brings the people of the northwest area of Halifax Regional Municipality and surrounding communities together in support of the arts.
With our strong base of member organizations and volunteers, CCS has introduced hundreds of community members and visitors to the work of local and visiting artists, including visual artists, actors, writers, dancers and musicians.

Our Mission

Our ongoing mission is to increase awareness, appreciation, and participation in arts and culture in the Cobequid region and beyond by:

- Staging events and programs;
- Supporting local artists;
- Partnering with other artists and performing arts groups from both in and out of the Cobequid region;
- Bringing youth and the arts together;
- Promoting the importance of arts and culture in healthy, viable communities.

Our long term goal remains the creation of a Cultural Centre that will greatly enhance our ability to fulfill this mission.

Our Values

CCS believes that the arts are a foundation of our communities.
We value the abundance of local and visiting artists, and we believe that by sharing their work with our communities in an open, inclusive, and accessible way, that we encourage appreciation for all cultures and enrich our quality of life.
We are committed to conducting our affairs with a high degree of professionalism, accountability, and fiscal and environmental responsibility, while encouraging creativity, innovation and fun.

C753

October 26, 2023

Ms. Kate Greene, MCIP, LPP
Regional Policy Program Manager
Planning and Development Department
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Dear Ms. Greene,

Official Plan Review
StoneRidge Fellowship Church
City Site C539
88 Temple Terrace
Lower Sackville Community

Further to the attached letter from Fathom Studio dated July 27, 2022, we are sending this letter to provide some additional information. Since the release of the Planning Staff Report on June 16, 2023, entitled Regional Plan Review: Phase 4 Draft Plan Release, the Leadership at StoneRidge Church has actively participated in the public process by reviewing the draft Official Plan and attending the Open House held on October 18, 2023, at Bedford Legion.

It is our understanding that Phase 5 of the OP Review to commence in early 2024 will include assessing future growth areas, including Urban Reserve areas and other proposed developments, and working with service providers to develop a plan for services and infrastructure to support your growing population.

You will see from the attached aerial photo and draft Master Plan that our vacant parcel of approximately 17 ha (42 acres) not only abuts an existing residential neighbourhood but can be easily integrated with it as the parcel has legal frontage along Cobequid Road. It is worth noting that the dwellings situated on Judy Anne Court and Ryan's Ridge Court are already connected to urban services.

It is important to note that the church building is situated within the existing Lower Sackville urban boundary while our vacant parcel borders it. Our parcel is also adjacent to Exit 4C of 102 Bi-Hi and is, therefore, easily accessible.

In addition to the strategic location of our parcel, the Region of Halifax has defined Smart Growth as part of the Official Plan review process to include the following key components, which are very relevant and applicable to the development of our vacant parcel:

- Mix land uses and take advantage of compact design.
- Strengthen and direct development towards existing communities.
- Create a range of housing choices.
- Create walkable and connected neighbourhoods.

You will see from the attached draft Master Plan (which has been prepared for illustrative purposes only) that it clearly contemplates a wide variety of dwelling types, including detached dwellings, townhouses, and apartments, to meet the ongoing growing housing crisis of the Region. The specific housing mix would be determined in conjunction with discussions with planning staff.

StoneRidge Church has been serving the Lower Sackville community since 1976 and moved into its current building in 2009. Being connected to one another and the community is an important ministry goal. In this regard, the approval of a new residential neighbourhood consisting of possibly 800+ homes would be a tremendous privilege as we seek to be part of the solution to the housing crisis in our region.

We look forward to actively participating in Phase 5 of the Official Plan Review and would be pleased to meet with planning staff to discuss this letter further.

Sincerely,

[redacted]

Andrew Rae
Board Chair
Church Office (902)-865-3814

cc. Councillor Paul Russell - Lower Sackville / District 15
Dave Adams - Senior Pastor

C757

Jennifer Escott

[redacted]

October 24, 2023

Attn: HRM Planners and Council
RE: Draft Regional Plan, Public Comment

I moved to the Purcells Cove area of Halifax [redacted] - historically among the least forested areas in Canada. The main reason I chose to move to this area was because Halifax offers rural and wilderness areas relatively close to the urban peninsula - providing the best of both worlds. Would I have chosen Halifax as my home if I had to drive for 45 minutes to find a wilderness area? No.

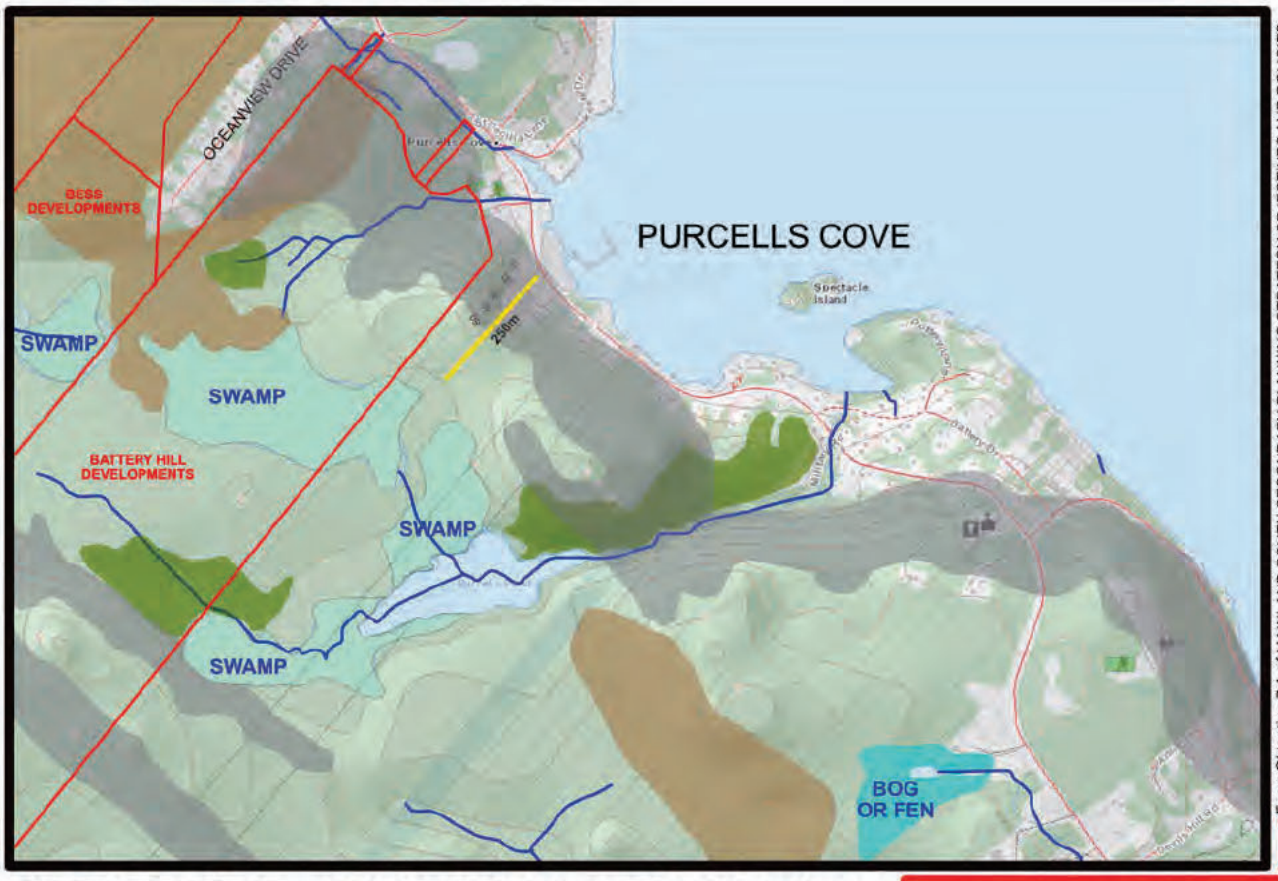
Most of my comments refer specifically to the area commonly referred to as 'The Backlands' (bounded by Purcells Cove Road, Williams Lake Road, Herring Cove Road and Hebridean Drive) as that is the area I am most familiar with - although they can generally be applied to any non-urban area.

I have reviewed the Draft Plan and I fully support the direction it seems to be moving - to formally protect our existing wilderness areas and limit most development to more urban areas. Below are my specific comments.

Re-designating privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcell's Cove Road

The Draft Regional Plan suggests "re-designating privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcell's Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties." While the intention of this setback may be to create an area of privately owned undeveloped Open Space land adjacent to the Backlands, the distance of 250m from Purcell's Cove Road would allow development further into the vulnerable and fire prone areas of the Backlands.

The map below illustrates the numerous environmental sensitivities that should preclude further development within a 250 metre setback. These sensitivities include slopes greater than 20%, exposed bedrock, existing large wetlands, wetland flow, and forest cover. This close-up map view was chosen as it is the area most likely to be targeted for development. A **100m setback** may be more reasonable to provide real protection to the backlands and still allow private lands to be contributing to the integrity of this and other wilderness areas.



From Objective 7.1 of MAINLAND SOUTH SECONDARY PLANNING STRATEGY OBJECTIVES AND POLICIES

A CLOSER LOOK - ENVIRONMENTAL SENSITIVITY

SLOPES GREATER THAN 20%
EXPOSED BEDROCK
PREDICTED WETLANDS FLOW
FORESTED AREA
LATE MATRUE FOREST (80-120 YRS)
WETLANDS

Mapping and data obtained from NS Provincial Landscape Viewer, Viewpoint.ca map and Mainland South Area Plan

"Environmental sensitivity shall be considered as of the degree of susceptibility of natural areas to deleterious effects of urban development. The following features are used to identify such areas:"

(a) tree cover - 40 percent and greater in density;
(b) exposed bedrock;
(c) wetlands and streams;
(d) slopes - 16 percent and greater.

Environment sensitivity throughout the Backlands. The map above demonstrates the environmental sensitivity in a small section of the Backlands. These sensitive natural features are found throughout the Backlands, making the whole area susceptible to the deleterious effects of urban development. The attached map titled **Land Cover** shows that the Backlands is almost entirely covered by wetlands, forest and exposed bedrock (barrens). Also attached is a view of the Backlands **Forest Development** that shows large areas of mature forest (41 to 120 years old) across the Backlands. Not shown on these 2 maps are the many areas with steep slopes that also preclude new development. I have attached a separate map showing **5m contours** of the Backlands. All of these maps are developed with data from the NS Landscape viewer.

Improved wetland mapping and protection. There is a need for more accurate environmental mapping that includes both large and small wetland areas and to understand how they work together. The maps being used currently are incomplete and outdated. Although micro hydrology is generally not recognized or protected by Provincial or Municipal policy, it plays a critical role in providing habitat, cleaning the water and supporting larger systems of streams of lakes and wetlands in the landscape.

Even the most up-to-date NS Landscape viewer data only identifies very large wetlands and misses the many smaller but equally vital intermittent in streams, vernal pools, bogs, and swamps. I have attached 2 maps (**Wetlands** and **Wet Areas Mapping Predicted Flow**) showing the NS Landscape Viewer of the Backlands area.
Thousands of people living along Purcells Cove road rely on wells for their water needs. Increased urban development could upset, damage or poison the delicate water tables that now provide clean, healthy water to existing residents.

I support the Plan's proposals to direct housing and employment growth to the Urban Areas and not in wilderness areas. These urban areas are already serviced with municipal water, wastewater and stormwater services and conventional transit services. Halifax features rural and wilderness areas close to the urban core, which are critical green infrastructure that support our quality of life and provide nature-based solutions to climate change. As such, I am strongly in favour of formally protecting these areas and limiting most development to the urban area.

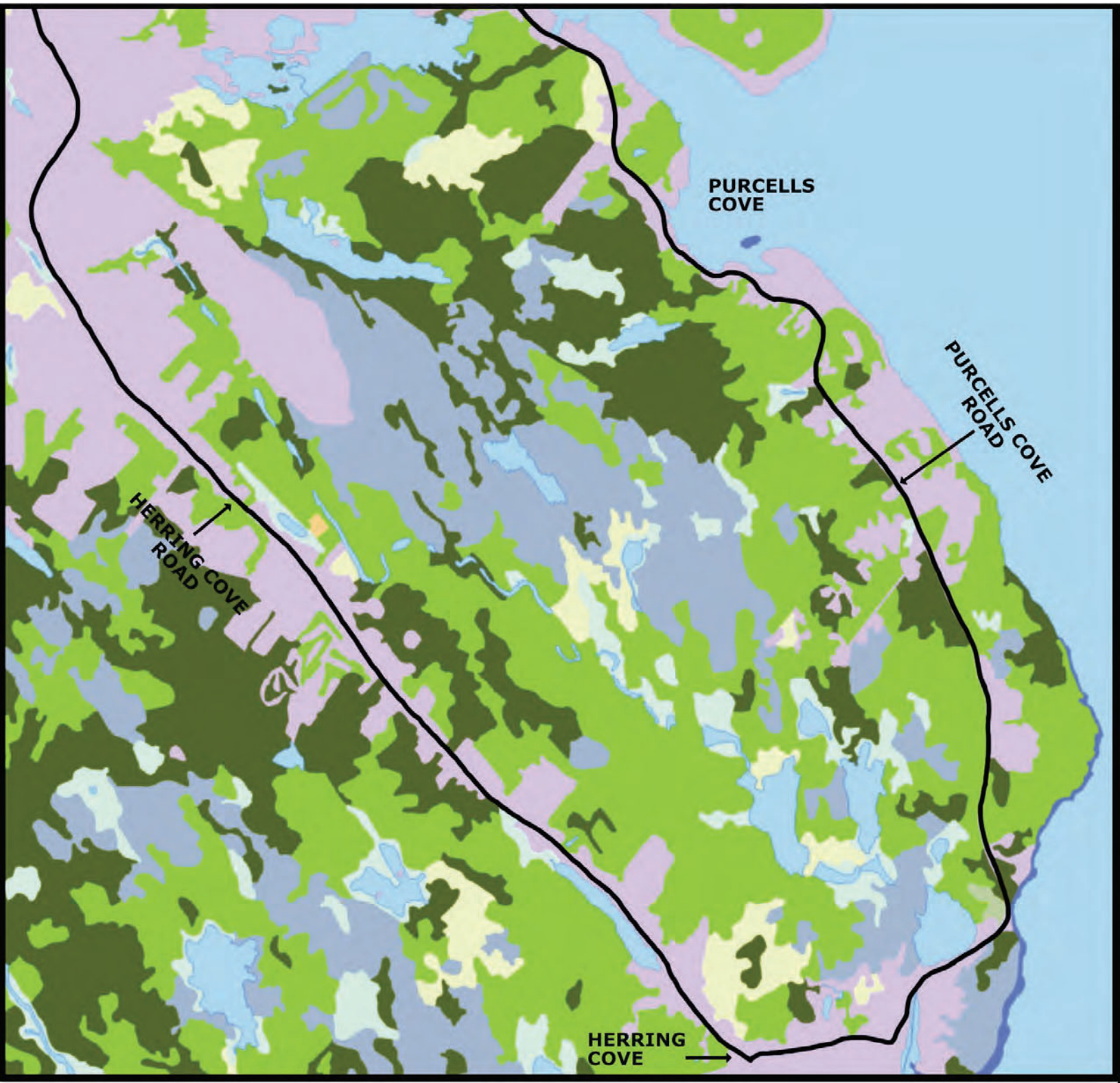
Open Space and Natural Resource Designation for natural areas. I support designating areas like the Backlands to preserve urban access to the remaining wilderness areas and wildlife corridors close to the downtown area and accessible via public transit to everyone. Much of this land is currently zones as Urban Reserve, yet it is wholly unsuitable for urban development and and needs to be designated Open Space and Natural Resource.

Developing community-based Watershed Management Frameworks. I am pleased to see the move toward recognizing the way watersheds may connect across regional districts and boundaries. The Williams Lake and McIntosh Run watershed both experience accelerated pressure from urban development that does not recognize the connectivity in these watersheds. For example McIntosh Run Watershed extends well beyond Herring Cove Road, an area that is currently considered for urban development. I think it is important to review these plans such that they may not interfere with the health of this watershed, which is otherwise in a near-natural state.

The housing crisis. HRM is experiencing an affordable housing and homelessness crisis. I support the development of affordable housing across the housing continuum to ensure everyone has safe and supportive housing. However, without municipal services and taking environmental sensitivities into account, any development in the Backlands could not provide the density and affordability to make even a small dent in the need for housing.

Thank you for your consideration,

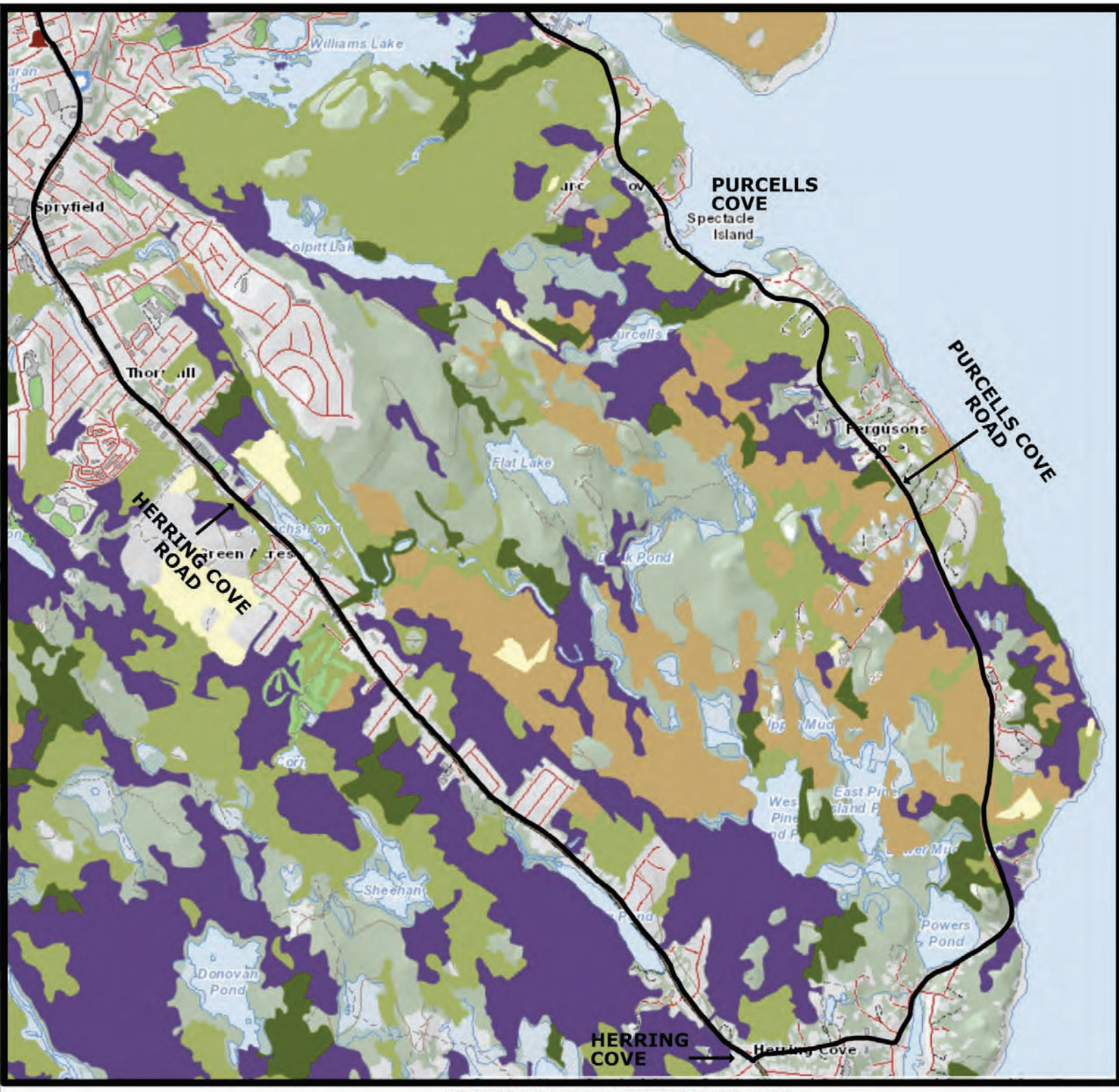
[redacted]



LAND COVER

- Hardwood
- Mixedwood
- Softwood
- Bogs or Wetlands
- Barrens
- Urban, Quarry, Landfill or Transport corridor
- Water

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023



FOREST DEVELOPMENT CLASS

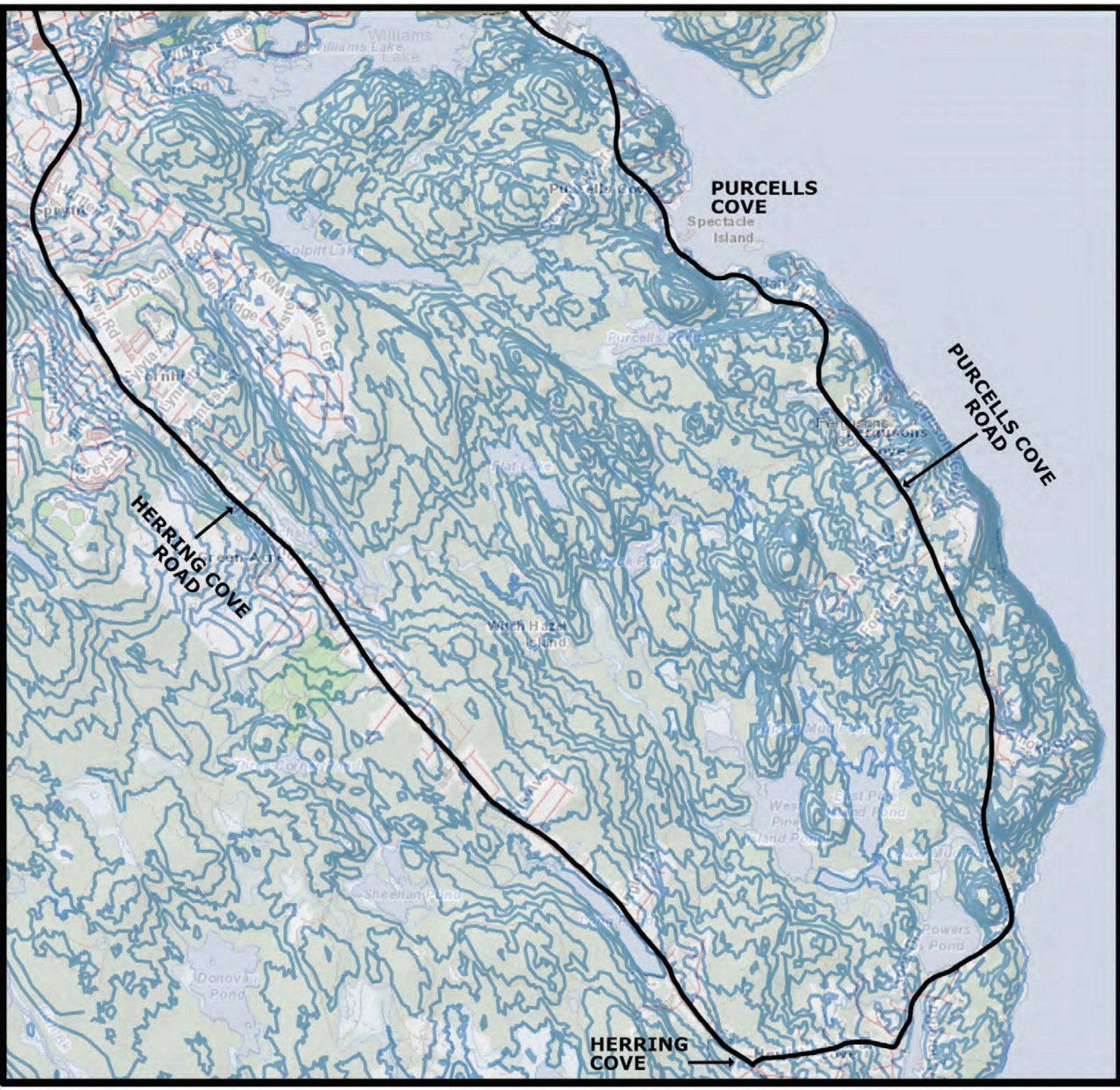
Forest establishment development class (0–25 yrs) is the establishment of new growth following a stand-initiating disturbance. It consists of high diversity of mostly short-lived shade intolerant "pioneer" species.

Young forest development class (26–40 yrs) consists of developing tree canopies characterized by vigorous self-thinning, crown differentiation and no understory development.

Early / Late **Mature forest** development class (41–120 yrs) consists of stands dominated by upper canopy with full differentiation into dominance classes. Individual tree mortality creates canopy gaps that are soon closed by neighbouring tree growth and increased light initiates regeneration and early understory development. Mature forests are broken up into two developmental age classes: early and late. Early mature are forests between the ages of 41 and 80 years old. Late mature are between the ages of 81 and 120 years old.

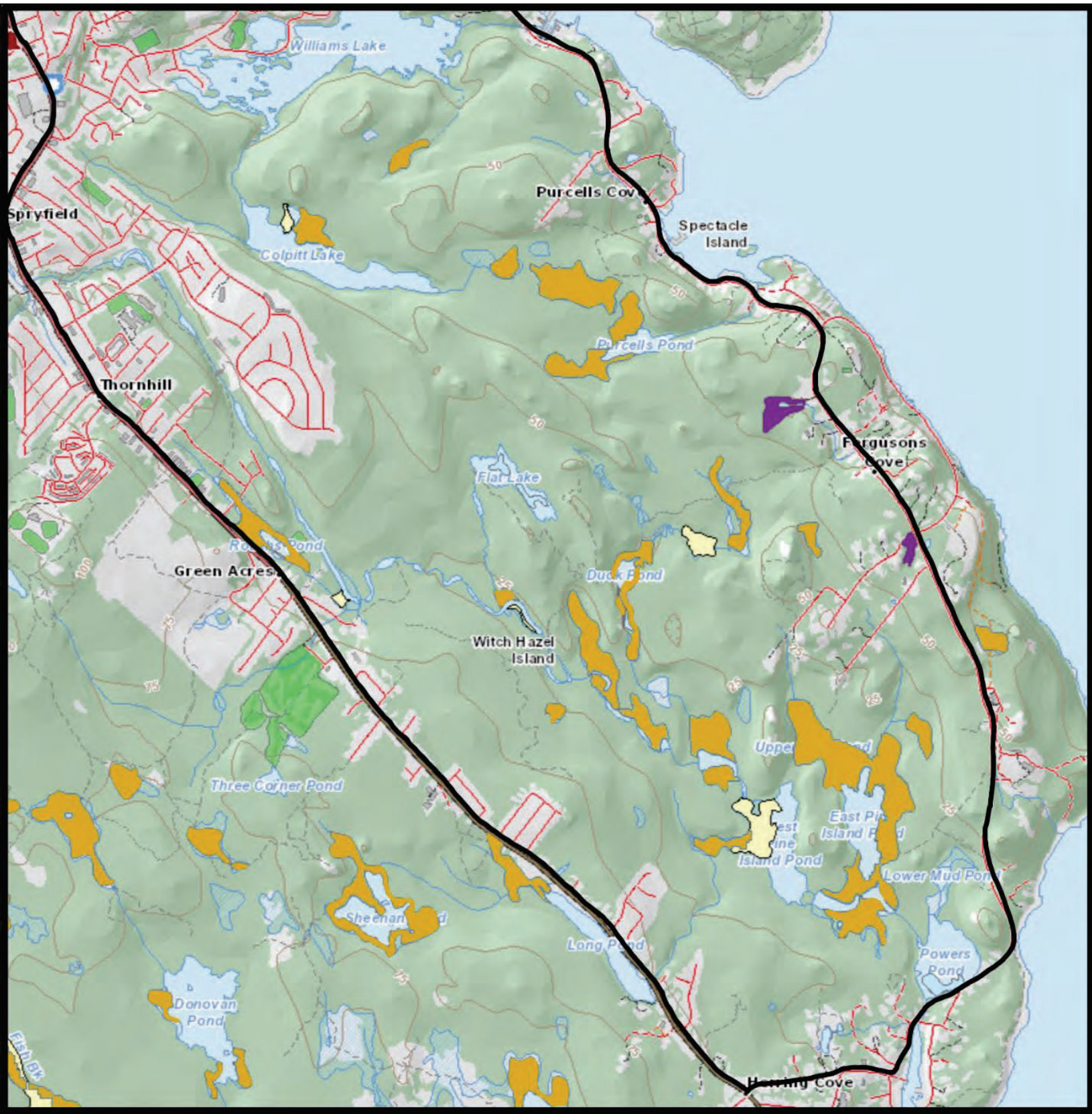
Multi-aged development class (> 3 height layers = multi-aged, classified as > 120 years old) is dominated by an overstory exhibiting a variety of crown sizes and canopy densities. It contains canopy gaps that promote development of multi-layered understory and recruitment to the overstory and are typically old forests.

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023



5M CONTOURS

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023

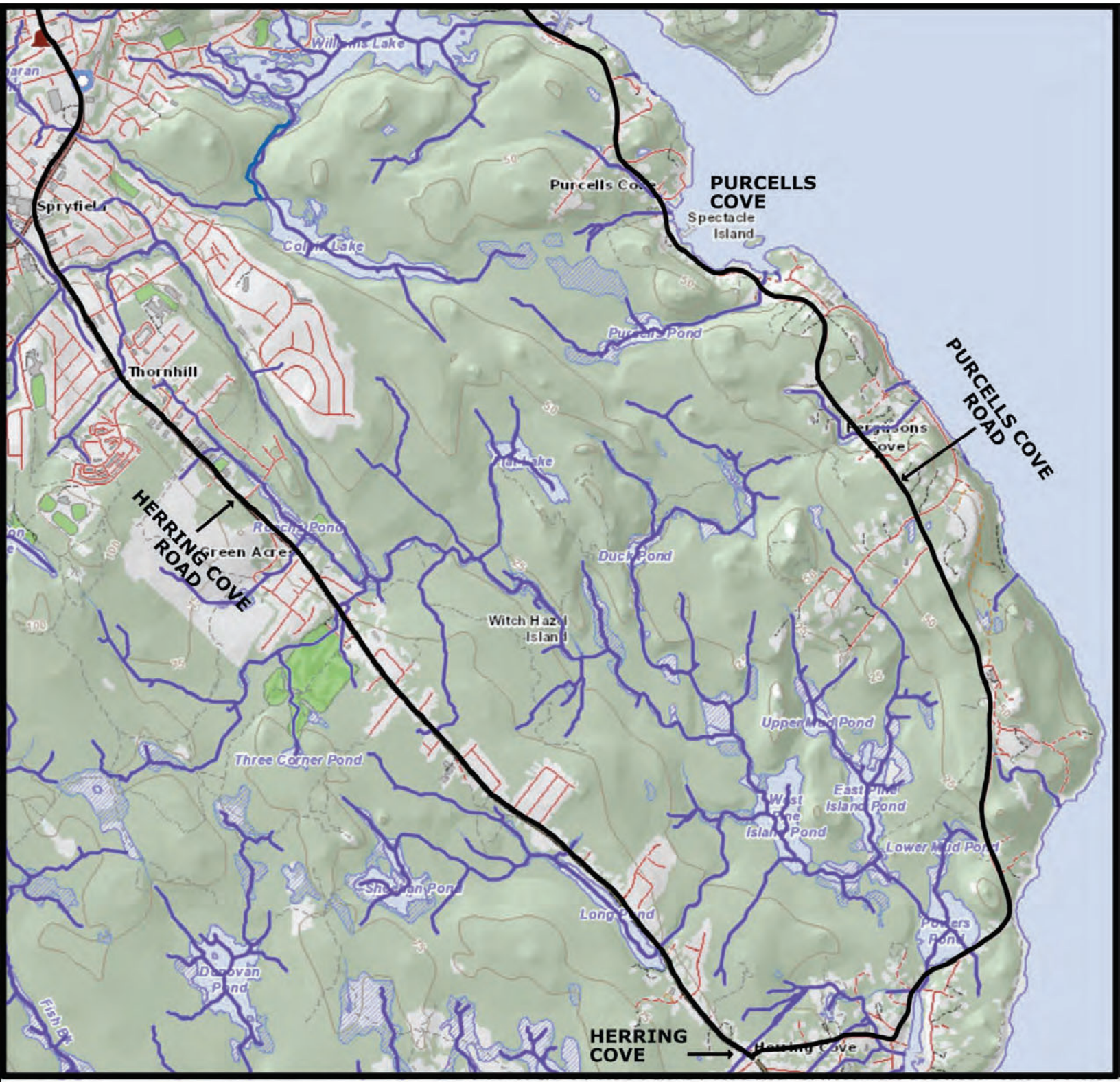


WETLANDS

Bog or Fen **Marsh** **Swamp** **Water**

Note that all wetlands in the Backlands are NOT shown here. Hundreds of small wetlands, vernal pools, intermittent streams and other lesser wetlands are not mapped. Micro-hydrology is generally not recognized or protected by Provincial or Municipal policy for the role it plays in providing habitat and in supporting the larger systems of streams, lakes and wetlands in the landscape.

Mapping and data obtained from NS Provincial Landscape Viewer



WET AREAS MAPPING (WAM) PREDICTED FLOW

This map shows the predicted/unmapped/ephemeral streams (surface and subsurface drainage) in Nova Scotia, as created through the flow accumulation sub-process of the Wet Areas Mapping (WAM) project. The predicted polyline features mimic mapped stream paths, and extend beyond the mapped endpoints to include unmapped channels. A minimum threshold drainage area of four (4) hectares was used. The project was completed under contract by the Nexfor/Bowater Forest Watershed Research Centre at the University of New Brunswick.

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023

C758

September 10, 2021

Kate Greene, MCIP LPP
Regional Policy Program Manager
Planning and Development
HALIFAX

Dear Ms. Greene,

Re: Amendment to the Service Boundary - Fraser Lake Lands, - Regional Plan Amendment

Clayton Developments Limited is pleased to submit a submission for the municipality to consider an extension of the serviceable boundary to include lands located at 2832 Saint Margret's Bay Road, Timberlea, specifically the following parcels (see figures 1-5 below):

- PID 40054306, PID 40054363, PID 40261729, PID 40689358, PID 40319550

The land assembly includes approximately 115 acres (46.5ha), generally illustrated in Figure 1. The lands have existing road frontage on Saint Margret's Bay Road and abuts the current service and transit boundaries (Figure 2).

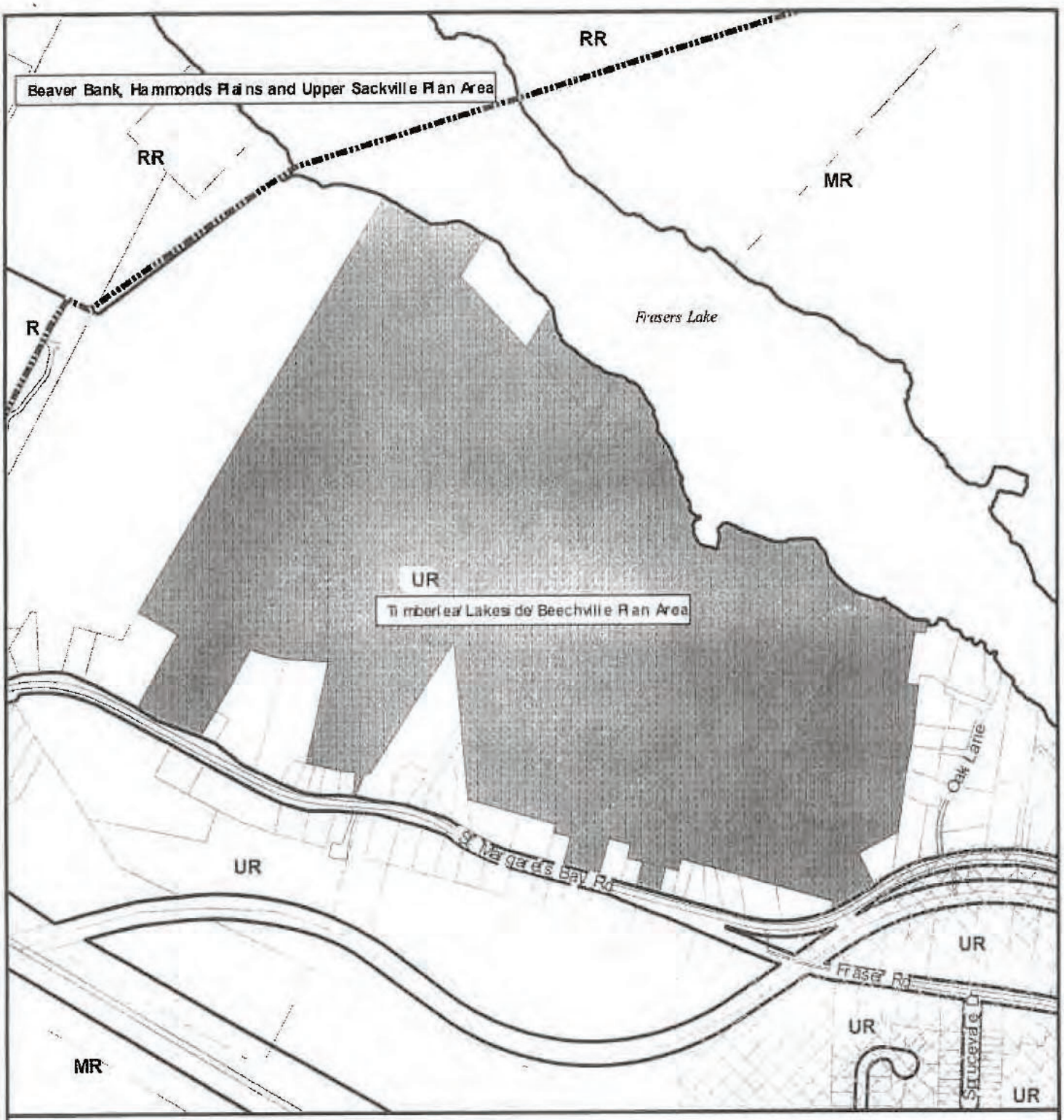
We believe the lands are a suitable extension for serviced growth based on the following rationale:

- Abuts existing serviceable boundary;
- Proximate to existing transit boundary and partially included within the local transit area rate
- Located entirely within the urban residential designation under the local secondary plan
- Urban residential designation identifies this area as a priority residential growth area
- Logical and contiguous extension of serviced existing development
- Last undeveloped land assembly on Saint Margret's Bay Road corridor. Lands are bounded by existing communities of Glengarry Estates, Greenwood Heights and Brunello Estates to the southeast, and unserviced development (Eider Dr and Goldeneye Drive) to the northwest.
- The development is situated between to functional Highway 103 interchanges (Exit's 3 and 4). We anticipate no additional transportation improvements will be required as a result of this project.
- Based on topography and existing community form, we are proposing a primarily ground-based product, at a modest density of six units per acre (690 units).
- Our objective is to create attainable housing at moderate pricing.

Please consider this request under the current Regional Plan review process. We look forward to working with you on this file.

Your truly,
Original Signed

Kevin Neatt
Vice President, Planning and Development
Clayton Developments Limited



C337 - Fraser Lake, St. Margaret's Bay Rd

HALIFAX

0 40 80 120 160 200 m

Generalized Future Land Use

- Subject Area
- Plan Area
- Designation
- Urban Service Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

24 February 2022 T:\work\planning\SER_Group\SER_Projects\SER20065\Site_specific_amendments_requests\RP_SiteSpecific_MapSeries\ (EP)



Figure 1 - Fraser Lake Lands -Location Plan

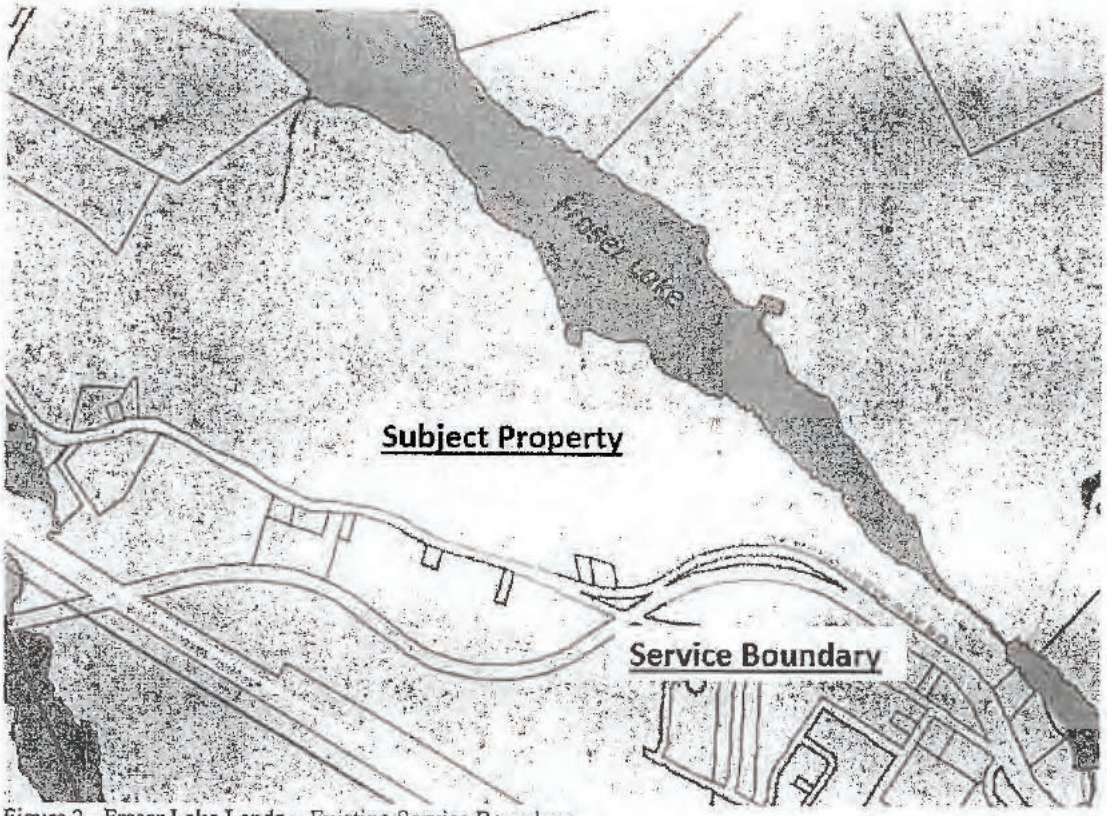


Figure 2 - Fraser Lake Lands – Existing Service Boundary

Subject: Regional Plan - New Requests - Case C337

Hello,

I've just read through the request from Clayton Developments Limited to extend the serviceable boundary to enable the development of 690 units in Timberlea, and I have some serious concerns regarding this proposal.

An immediate concern is environmental. Firstly, this proposed development directly fronts on to Frasers lake, and a significant portion of this proposed development contains a watercourse / wetland area. Based on the attached satellite map, (Figure 1 attached), approximately 15 acres of the proposed development is watercourse / wetland which would not be suitable for housing or sewer. This is contained within PID 40319550, and contains beavers and their dams, ducks, and various other wildlife. It is my understanding that, per 2.3.2 of the HRM Regional Municipal Planning Strategy, it is HRM's intent to prohibit the development of wetlands and this falls under the jurisdiction of the Nova Scotia Provincial Government, and requires an Environmental Impact Assessment to be completed and reviewed. Has this been completed? I've attached a few photographs taken within PID 40319550 (Fig 2, 3, 4) showing the area in question.

Second, the topography of all of these lots is such that it slopes down towards Frasers lake. With the amount of clear cutting required to achieve the suggested development density of 6 units per acre, this would significantly and negatively impact groundwater runoff in the area in the direction of the lake. As it is currently, the lake routinely floods causing issues for residents including property damage and water entering their homes, predominantly at the eastern end of the lake. Additional groundwater runoff could severely impact the integrity of those homes and properties.

Third is the negative impact the clear cutting of lake frontage land will cause to the lake itself. This will significantly and irreversibly negatively impact the flow of water systems into the lake and ecoculture surrounding the lake, causing disturbances to the food supply and killing off the rare supply of fish and other amphibious animals that live in and around the lake.

Fourth, Frasers Lake is included in the Blue Mountain - Birch Cove Lakes Wilderness Area. A development of this proposed density and the associated negative environmental impact is not inline with the purpose of the wilderness area. The lake is a noted traditional water route per Map 3 of the Regional Plan and would be negatively impacted by the proposed development as per the previous points.

While Clayton's proposal speaks to the lands being a suitable extension for serviced growth, it does not include any discussion regarding methods to mitigate these environmental concerns. These environmental concerns are specifically mentioned relating to Fraser Lake in the Timberlea/Lakeside/Beechville Municipal Planning Strategy ("Secondary Plan") on page 14 as follows, "the area's slope, soil and drainage constraints and the potential development impacts on waterbodies adjacent to the

communities, minimum lot sizes in excess of provincial standards for septic tank installation will be required."

An additional concern I have with the proposal is that it speaks to the area being designated as Urban residential. This is not consistent with the HRM Regional Plan's Map 2, which designates the area as Rural Commuter. A development of this nature would not be in line with the spirit of the rural commuter designation as it is not low density development and would not preserve the natural features that foster the traditional community character.

Additionally, this proposed development would not be consistent with the other recent developments located on Fraser's Lake, which is the unserviced development of Eider Dr and Goldeneye Drive. This development, which was completed in approximately the last 10 years, comprised 64 units over 210 acres, an average of 3 acres per unit, which is drastically different than the proposed 0.16 acres per unit per Clayton.

Finally, the schools in the area are already overrun, with additional modular schools already being required to be used in addition to the main schools. Given the rapid increase in population in other areas within the schooling zone including the Brunello Estates development, this would put additional pressure on an already overtaxed schooling zone.

Please feel free to call should you have any comment on the above concerns. Please confirm receipt of this email.

Thank you
XXXXXXXXXX
A concerned resident of Timberlea
902-XXX-XXXX

INFORMATION FOR YOU TO CONSIDER

Do we know if there has been an environmental impact study/report done? Especially with the lake and wetlands, etc.

I can't see that there has been, but that is a key question I'm asking too in my email. Here's what HRM's regional plan has to say about wetlands / watercourses. That swamp is larger than 2 hectares.

2.3.2 Wetlands Protection

Wetlands and other watercourses are vital components of the hydrological cycle and affect the quality and quantity of groundwater. They are natural filters for removing sediment, contaminants and excessive nutrients which are drawn up by the vegetation and settle out naturally before entering groundwater. They absorb peak stormwater flows, reducing the risk of flooding downstream while offsetting groundwater extraction to reduce the risk of wells running dry. Wetlands also provide habitat for fish and wildlife and provide opportunities for education and research. Moreover, while enhancing the overall aesthetics of a community, wetlands are unsuitable for development as they pose a hazard for the stability of structures. It is essential that wetlands are protected.

The alteration of wetlands falls under provincial jurisdiction. Wetlands less than 2 hectares in area are assessed under the *Nova Scotia Wetland Conservation Policy* and those more than 2 hectares in area require an environmental impact assessment reviewed under the *Environmental Assessment Act*. Through this Plan, it is HRM's intent to prohibit the development of wetlands until such time as they are made suitable for development in accordance with provincial requirements.

E-15 HRM shall, through the applicable land use by-law, establish a Wetlands Schedule to be used as a reference in determining the presence of wetlands 2000 m² or greater in area. On all applications for development approval, the by-law shall require the proponent to verify the existence and extent of any wetland shown on the schedule. The by-law shall prohibit development within any such wetland except as required to allow for public infrastructure. HRM may consider amending the restrictions made under the land use by-laws from time to time to conform to any guidelines or Statement of Provincial Interest adopted by the Province.

Subject: Case C3337

To Whom it May Concern,

I am writing to you to address my concern over the proposed Fraser lake, St Margaret's Bay Rd, Timberlea development by Clayton Developments (case reference C337).

The Developer has sited many rationales why this area is ideal for development but has been very vague on the realities of the location. The land is heavily dense forest land with several rivers that feed in to Fraser Lake. Some of these rivers flow directly from Glengarry Estates Subdivision. What will the impact be on this part of the community if these water ways are filled in to develop land? The complete destruction of this land (690 houses, 6/acre), will desecrate the wildlife, flora and water sources. This land is home to many species of wildlife that nest and migrate to the same location year after year. Removing all of the forestry will kill and displace the many species with in the proposed boundaries of the development.

The developer has claimed that the land "abuts existing serviceable boundary". The serviceable boundary that they are referring to, crosses the St. Margaret's Bay Rd and the Trans Canada Trail. There are not any serviceable areas on the part of the St. Margaret's Bay Rd where the proposed development will be. The residents that are adjacent to the proposed development are not serviced areas, and have never been. These changes will not only cause an enormous disruption to the current residents, but here is a high risk for a significant financial impact. It is not reasonable that residents that have been in the community, some for 50+ years, will have to face consequences forced on them by developers.

The developer has sited "no additional transportation improvements will be required as a result of this project." The area is a 70km/hr roadway in both directions. There are no other roadways or sidewalks in this area. The increased residential and through traffic will significantly increase the hazards for driving and walking on the side of the road. There are many children in the area that must walk on the road side to wait for their bus. If there are 690 homes, each with 1.5 vehicles, that is a potential for **1035** more vehicles travelling on St. Margaret's Bay Road.

There is no mention of the impact that this development will have on the already strained school system in the area. The classes are currently at max capacity and are running out of space. Who will resolve this? Has there been any plans by the developer on how this will impact the community and tax payers?

I would sincerely hope that there will be the appropriate consideration and action taken to ensure that any developed land is done with conversation as a priority.

Thank you for your time,

Concerned Resident of Timberlea,
xxxxxxxxxxxxxxxxxxxx
902-xxx-xxxx

Subject: Regional Plan – New Request – Case C337

April 13, 2022

To Whom It May Concern:

I would like to respond to each point in The Shaw Group September 10, 2021 letter to Kate Greene where they seek an **Amendment to the service Boundary – Fraser Lake Lands, - Regional Plan Amendment.**

They made the statement that - We believe the lands are a suitable extension for serviced growth based on the following rational: I wish to respond to each of their points as they are presented in their document -

First – Abuts exiting serviceable boundary It depends on what they classify as abuts. For me it does not abut. To get to this area they must cross the Beechville Lakeside Timbelea Trail. Do they not need permission to cross this trail. Next the Fraser Road area is in an urban area and the part of the St Margaret's Bay Road they want to reach is designated as suburban for property tax rates. This would mean the residents from 2569 St Margaret's Bay Road up to where they want to extend the water and sewer in an island of its own as a suburban section for taxation of property tax rate. Installing water and sewer along the Saint Margaret's Bay Road in this area was studied many years ago and determined that it would be too costly and unrealistic since all houses are downhill from the road and each one would have to have a pumping station. Plus the homes are on such large lots it could drive people out of their homes due to the cost to install it. There was the added danger with so much bedrock the blasting would destroy resident's basements. The idea to run the water and sewer down the lake in a submerged pipe down the lake was considered but dropped because of the high environmental risk.

Second – Proximate to existing transit boundary and partially included within the local transit area rate. They miss lead you with this statement. The bus stop is more than 1 KM from 2832 Saint Margaret's Bay Road when you measure along the Saint Margaret's Bay Road in a car. The same route you would walk to catch the transit bus. I would approximate that at least 90 percent of any new units built in the proposed development will be more than 1 KM and even up to 5 KM away and would not be included within the local transit area rate. Their statement is a very grey area meant to deceive you.

Third– Located entirely within the urban residential designation under the local secondary plan. I do not know what plan they are looking at but all homes in this area are designated as suburban and not urban. Please check my 2021 property tax bill for 51 Oak Lane and you will see I have a suburban tax rate.

Fourth - Urban residential designation identifies this area as a priority residential growth area. Again I would like to point out that is a suburban area.

Five – Logical and contiguous extension of serviced existing development. The distance the extension had to be made is not just an add on for there are no more houses at the end of Fraser's Road where they say the extension should be made. It is quite a distance to go to get to where they want to start the development. They also have to cross over the Beechville, Lakeside Timberlea Trail. Do they not have to seek approval from the BLT Trails to cross over their land. Also I was informed that the sewer system put in for the houses at the end of Fraser's Road was built for the use of twelve houses. And now they want to put 690 homes on this section of the sewer system. Who is going to pay for the needed upgrades to the sewer system? HRM residents? I think that there should be an independent study as to how the present sewer system is handling the current waste from the entire Beechville, Lakekside and Timberlea area since there are already many housing projects on the go to be added to the system in developing properties in the Timberlea area behind the Guardian. These will add more strain to the sewer system when they come on line. Rumour has it that truck loads of waste is being trucked away daily from the Beechville area due to the fact that capacity has been reached. I feel that the study should be performed by an independent organization other than the waste management area so no conflict of interest can be brought into the report. It should hold no outside pressures.

Six – Last undeveloped land assembly on Saint Margret's Bay Road corridor (they can not even spell the road name correctly. It is Margaret's) Lands are bounded by existing communities of Glengarry Estates, Greenwood H eights and Brunello Estates to the southeast, and unserviced development (Eider DR and Goldeneye Drive) to the northwest. This statement is accurate.

Seven – The development is situated between to (should be the word the) functional Highway 103 interchanges (Exit's 3 and 4). We anticipate no additional transportation improvements will be required as a result of this project. This statement is only true at this point in time because it was just repaved last year but in future years it could need to be repaired sooner due to more usage by increased traffic from the proposed development. The other factor of concern is that down where the St Margaret's Bay Road meets up with the Timberlea Village Road (exit 3 joiner road) the traffic jam will only get worse for as it is now there are bad congestions of cars during rush hours. In the other direction going up to exit 4 there will be greater risks for children walking to and from the school bus stops. Even people walking for exercise along the road edge will be in greater danger for the speed limit in this area is 70 KM. The higher traffic volume multiplies the danger. Also there are no sidewalks in this area above or below where the developer is planning to build 690 homes. This development of 690 homes will only be possible if you approve the Amendment to the Service Boundary – Fraser Lake Lands, - Regional Plan. The development of 690 units will have great environmental effects to these lands and the lake. Please refer to the document submitted by a Shawn Comeau discussing the impacts of concern for the environment.

Please note that if this Amendment does not get approved then the developer will have to reduce the number of homes built on the land. It could still be developed but it would have to have a similar structure that is currently in the subdivision at Eider and Goldeneye Drives which is built at the upper end of Fraser's Lake where the homes are built on unserviced lots which are more environmentally friendly to Fraser Lake and the lands around it.

Eight – Based on topography and existing community form, we are proposing a primarily ground-based product, at a modest density of six units per acre (690 units). This is not good for the area and does not reflect the surrounding land development on Fraser Lake property. Home structures above and below this area being spoken about in their request have homes on the eastern end of the lake on mostly 1 acre lots and at the western end of the lake the homes are on an average of 3 acres per unit. To me there request for 6 units per acre does not reflect the existing community form. It is not designed to protect the integrity of the environmental structure of the land nor the lake. The increase to the water level during rain storms will cause additional flooding for the land will no longer hold back the water. The large development will cause higher flood levels which will result in several homes at the eastern end of the lake to be damaged on a more regular bases. It does not seem fair that these homes should live in constant fear when they have been on this lake for over 60 years. **Some people could be driven out of their homes through no fault of their own except for the fact that a developer wants to put 690 units in an area that really is not suited for such a dense development.**

Nine – Our objective is to create attainable housing at moderate pricing. This is a standard buss line that they know you want to hear so you will give them what they want. I do not see them stating the price range these houses might be at because I feel they do not want you to know the truth. Affordable housing would have to be between $250,000.00 to $300,000.00 or lower per unit but my crystal ball says this will not be the case.

Please do not allow this developer to ruin the community that exists along the Fraser Lake shoreline.

Development is fine but it must be approached with respect to conserving the environment around our lakes.

Please do not let big business endanger this habitat.

Thank you for your time,

Diane Webster

[redacted]

April 14, 2022

To whom it may concern at the Regional Plan Office:

Re: Amendment to the Service Boundary – Fraser Lake Lands, - Regional Plan Amendment

Here are some thoughts that I have started so far -

- Death of Frasers Lake would occur. Water quality prior to 1985 was so good and crystal clear. You go many feet down into the depths of the shoreline edge to see eels, schools of fish, mud suckers and other animal species living in the lake. But with the added run off from developments that have occurred above Fraser's Lake all the way up to Stillwater Lake over the years. The waste from this area has drained into the streams that feed into Fraser's Lake. The clear water has now gone a dark brown. The eels are gone; as are the schools of fish etc. 690 units would cause more damage after the clear cutting is done.
- The high water level from flooding has risen about 10 to 12 feet since the 1990's due to development above Fraser's Lake. If we add water from the proposed bill C337 the water flood level will go even higher property damage will occur. Are the developers going to cover the cost of people losing their homes or repairing expensive damage that will occur year after year at the eastern end of Fraser's Lake?
- Current sewer system servicing the Beechville, Lakeside and Timberlea area is already at a breaking point. With the addition of the current new development of homes being built in the Beechville development the sewer system is probably close to overload. If the proposed development of 47 detached homes and 20 townhouses between Elen Grove Avenue and Myra Road is approved this will put added strain on an already dangerous situation. Then a developer is proposing adding an additional 690 units that should break the system and cause possible environmental damage. Who is going to be on the hook to cover the cost for the needed upgrades that will be needed to correct this issue? The HRM residents of course in their future property tax bills. Why should HRM residents have to pay to fix a sewer system that has been strained because of a developer's plan? Developers are more concerned with their bottom profit line and do not have any concern for the damage they cause in a newly developed area.
- Does Rails to Trails have any say about digging a trench across that section above Fraser's Road to put sewer and water lines in? Who owns that land?
- Bringing the water and sewer up the St Margaret's Rd instead of using the end of Fraser's Rd brings up many other issues. Many years past it was decided that to bring the system along the St Margaret's Bay Rd would cost too much for the many challenges it would have to overcome – all homes are downhill from the road and many pumping stations would have to be built, blasting the granite rock could result in damage to homes and wells, and the thought of using a pipe line in the lake was overturned for environmental issues it would cause
- School system is already overcrowded and with the new Beechville development under construction being built now the ship has sunk and now you want to devastate it even more. Who is going to pay for the needed schools to be built?
- Portable classrooms already in use at BLT elementary and at Ridgecliff Middle school the cafeteria this year is a classroom. Who pays for new schools to be built? Tax payers as the developers laugh their way to the bank.

- People will have to start paying ditch tax on their property bills.
- The transit system does not go past the entrance to Glengarry Subdivision and any one in the new development area proposed on Fraser's Lake would have many kilometers to walk to catch it. My home at [redacted] the 690 units of development proposed is about [redacted] around the corner from my road. I do not call that very accessible.
- Fraser's Road is classified as Urban on tax bills and homes on the St Margaret's Bay Road past Frasers Road are classified as Suburban.
- The new Community Center that is being built could already be too small to accommodate the influx of so many more people.
- How do you control the increased traffic on the St Margaret's Bay Rd. Do you install lights down where the St Margaret's Bay Road meets up with the Timberlea Village Road (exit 3 joiner road). The traffic jam will only get worse for as it is now there are bad congestions of cars during rush hours. In the other direction going up to exit 4 there will be greater risks for children walking to and from the school bus stops. Even people walking for exercise along the road edge will be in greater danger for the speed limit in this area is 70 KM. The higher traffic volume multiplies the danger. Also there are no sidewalks in this area above or below where the developer is planning to build 690 homes.

Please note that if this Amendment does not get approved then the developer will have to reduce the number of homes built on the land. It could still be developed but it would have to have a similar structure that is currently in the subdivision at Eider and Goldeneye Drives which is built at the upper end of Fraser's Lake where the homes are built on unserviced lots which are more environmentally friendly to Fraser Lake and the lands around it.

Please do not approve this amendment by Clayton Developments of September 10, 2021. The environment will thank you.

Yours truly

Diane Webster
[redacted]

April 17, 2022

To Whom It May Concern:

Please advise that you have rceived this note.

New Proposal C337 with the Regional Planning and Development Office for how the land PID 40054306, PID 40054363, PID 40261729, PID 40689358, PID 40319550 is used.

Just a dream but what if the HRM or the province of Nova Scotia purchased some of or all of the property mentioned above that is in the Clayton Development letter of September 10, 2021 Re: Amendment to the Service Boundary-Fraser Lake Lands,-Regional Amendment

Rethink a different assuage for this land that is environmentally friendly and added extension to the already tourist attraction The Bluff Wilderness Hiking Trail, Beechville Lakeside Timberlea Rails to Trails (BLT Trail) and Blue Mountain Birch Cove Lakes Park Area (City of Halifax). This could be a different destiny for this property above if you deny the amendment for the water and sewer to be extended to the above properties..

These properties are on the shoreline of Fraser's Lake with The Blue Mountain Birch Cove Lakes Park Area (City of Halifax), on the other shoreline on the opposite side of the lake. It can also give access to travel to the Blue Mountain Wilderness Connector (NS Nature Trust) and purchases for Regional Park (City of Halifax). Please see attached picture.

There does not seem to be much accessibility to use The Blue Mountain Birch Cove Lakes Park Area but if the city of Halifax or the province of Nova Scotia purchased some or all of the land PID 40054306,40054363, 40261729,40689358 and 40319550 you could create a parking area for people to access the shoreline

on this property for swimming, provide a place for people e to launch canoes and Kayas so they can cross over the lake to The Blue Mountain Birch Cove Lakes Park Area (City of Halifax) . The park currently does not seem to have a great deal of access points for the public to access this region.

Maybe even a few camp sites could be created for camping on the PID 40054306, 40054363, 40261729, 40689358 and 40319550. People could drive there or adventures who do not mind a possible 2 to 4 KM walk from the closed transit stop could also get there to enjoy nature.. What a relational vision for the HRM residents this could be for the Halifax area.

Another advantage to getting PID 40054306, 40054363, 40261729, 40689358 and 40319550 would be to provide parking access to Beechville Lakeside Timberlea Rails to Trails (BLT Trail) and The Bluff Wilderness Hiking Trail advertised by Tourism Nova Scotia

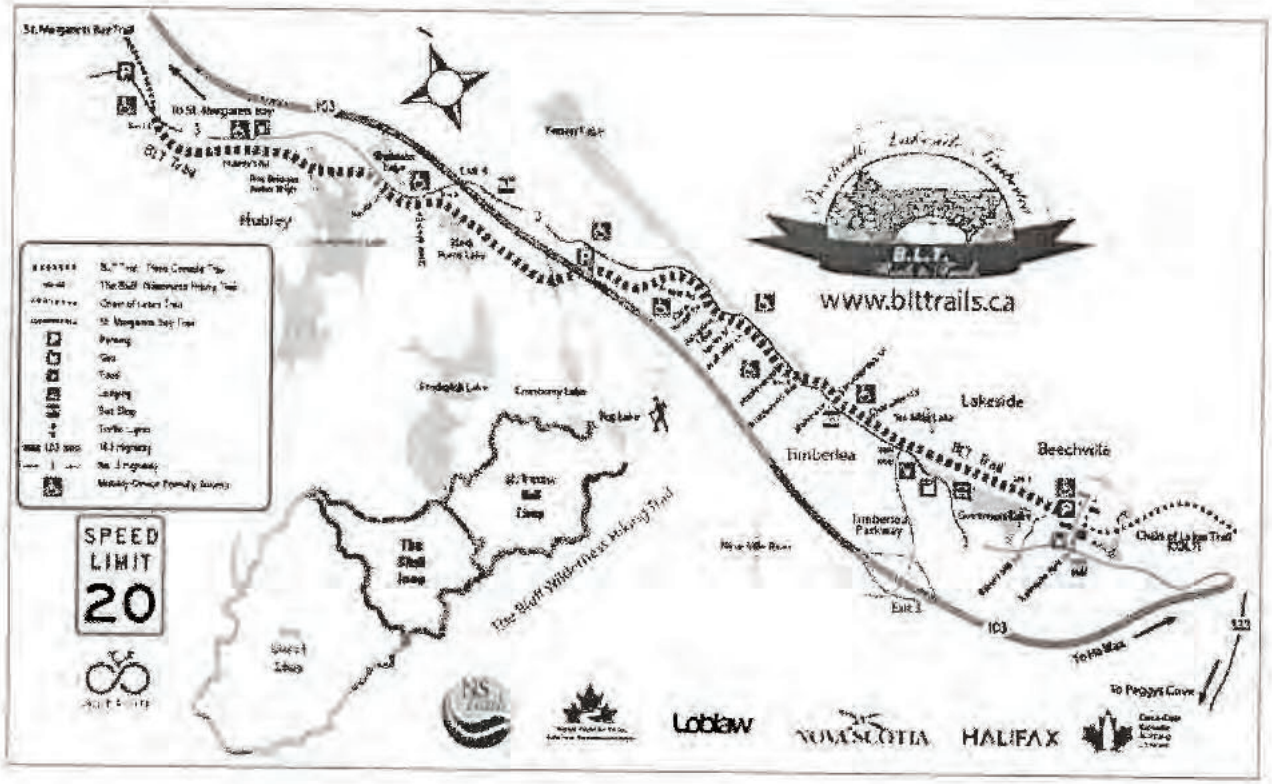
The Bluff Wilderness Hiking Trail (parking lot), 2890 St Margaret's Bay Rd, Timberlea, NS B3T 1H4 is very small and cannot handle the demand for parking of tourists and local residents who want to access the BLT trail or The Bluff Wilderness Hiking Trail. They often end up parking illegally along the shoulder of the St Margaret's Bay Road causing a danger to cars and cyclists travelling on the road and for pedestrians walking along the road edge.

The Bluff Wilderness Hiking Trail is a rugged, challenging 4-loop wilderness trail over 30 kms, for experienced hikers only. Each loop will take approximately 3 to 4 hours to complete. The trail passes through several landscape types, including patches of hardwood and evergreen forests, fens and open granite barrens. The barrens feature glacial outcropping and granite deposits, as well as extensive populations of broom crowberry, a coastal plain species threatened elsewhere and the rare mountain sandwort. Over 100 species of lichens have been documented on the trail.

The trail generally moves along high ground, affording frequent stunningly beautiful vistas of the surrounding wilderness and lakes. At one point, it runs through a stand of large old growth red spruce between Pot and Cranberry Lakes. The third loop takes hikers over the Bluff plateau, which is one of the highest points near Halifax. There are also canoe and portage routes, which allow paddlers to access the wilderness lakes.

A map of the trail and directions can be found on our website. There are also map panels on the trail where the loops intersect. As this is wilderness trail, hikers are advised to bring adequate water and food supply, as well as a map and compass (additional required safety items are listed on our web site). No facilities are available on the trail and hikers are expected to pack out what they carry in and practice leave-no-trace techniques. Dogs are permitted on leash.

Trailhead Access
Parking lot for the trail is located at 2890 St. Margaret's Bay Road, Timberlea. The trailhead is located on the Beechville-Lakeside-Timberlea (BLT) trail.



The added parking area on the PID 40054306,40054363, 40261729, 40689358 and 40319550 lands would allow access to the BLT trail so more people could access the BLT Trails system for bird watching, hiking, biking, ATV'S, snowmobiles, snowshoeing and cross country skiing.

I suspect that the PID lots also have several landscape types, - including patches of hardwood and evergreen forests, glacial outcropping and granite deposits, and over

100 species of lichens that have been documented on the trail on the opposite side of several wetland areas.

Thanks for taking the time to consider this different view for the land use of PID 40054306, 40054363, 40261729, 40689358 and 40319550

Please deny the C337 amendment for the water and sewer to be extended to the above properties. Make better use of this precious piece of land.

If there is no water and sewer access to this land then the developer would have to build more environmental friendly houses that are currently at the west end of Fraser's Lake or consideration could be given for the suggestions I have made in the above letter.

A concerned Timberlea resident v[redacted]

Yours truly,

Linda Diane Webster

[redacted]

May 4, 2022

Halifax Regional Council

Re: Proposed Fraser Lake Amendment to Service Boundary (HRM Regional Plan New Request Case C337)

Dear Councillors,

While we appreciate that there is currently a housing crisis in both Halifax Regional Municipality and Nova Scotia, we have grave concerns that certain proposed developments will receive "fast-tracked" approvals which otherwise would not be approved with a more fulsome approval process.

Our principal concern is with the request from Clayton Developments (HRM Regional Plan New Request Case C337 – Appendix C) to extend the serviceable boundary to enable the development of 690 units on Fraser Lake in Timberlea. We have some serious concerns regarding this proposal as detailed below.

As a result of these concerns, and given the current housing crisis resulting in fast-tracking of proposed developments which by-pass certain planning processes, **we the undersigned are calling upon Council to move for a moratorium on this proposed development until such time as the appropriate assessments are done regarding environmental and infrastructure impact.**

Following are our principal concerns.

An immediate concern is environmental. Firstly, this proposed development directly fronts on to Frasers Lake, and a significant portion of this proposed development contains a watercourse / wetland area. Based on the attached satellite map, (Appendix A attached), approximately 15 acres of the proposed development is watercourse / wetland which would not be suitable for housing or sewer. This is contained within PID 40319550, and contains beavers and their dams, ducks, and various other wildlife. It is our understanding that, per 2.3.2 of the HRM Regional Municipal Planning Strategy, it is HRM's intent to prohibit the development of wetlands and this falls under the jurisdiction of the Nova Scotia Provincial Government, and requires an Environmental Impact Assessment to be completed and reviewed. Has this been completed? We've attached a few photographs taken within PID 40319550 (Appendix B) showing the area in question.

Second, the topography of all of these lots is such that it slopes down towards Frasers Lake. With the amount of clear cutting required to achieve the suggested development density of 6 units per acre, this would significantly and negatively impact groundwater runoff in the area in the direction of the lake. As it is currently, the lake routinely floods causing issues for residents including property damage and water

entering their homes, predominantly at the eastern end of the lake. Additional groundwater runoff could severely impact the integrity of those homes and properties.

Third is the negative impact the clear cutting of lake frontage land will cause to the lake itself. This will significantly and irreversibly negatively impact the flow of water systems into the lake and ecoculture surrounding the lake, causing disturbances to the food supply and killing off the rare supply of fish and other amphibious animals that live in and around the lake.

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While Clayton's proposal speaks to the lands being a suitable extension for serviced growth, it does not include any discussion regarding methods to mitigate these environmental concerns. These environmental concerns are specifically mentioned relating to Fraser Lake in the Timberlea/Lakeside/Beechville Municipal Planning Strategy ("Secondary Plan") on page 14 as follows, "the area's slope, soil and drainage constraints and the potential development impacts on waterbodies adjacent to the communities, minimum lot sizes in excess of provincial standards for septic tank installation will be required."

An additional concern we have with the proposal is that it speaks to the area being designated as Urban residential. This is not consistent with the HRM Regional Plan's Map 2, which designates the area as Rural Commuter. A development of this nature would not be in line with the spirit of the rural commuter designation as it is not low density development and would not preserve the natural features that foster the traditional community character.

Additionally, this proposed development would not be consistent with the other recent developments located on Frasers Lake, which is the unserviced development of Eider Dr and Goldeneye Drive. This development, which was completed in approximately the last 10 years, comprised 64 units over 210 acres, an average of 3 acres per unit, which is drastically different than the proposed 0.16 acres per unit per Clayton.

Also, the development proposal claims that the land "abuts existing serviceable boundary." The serviceable boundary that they are referring to crosses highway 3 (St. Margaret's Bay Road) and the Trans Canada Trail. There are not any serviceable areas on the part of St. Margaret's Bay Road where the proposed development will be. The residents that are adjacent to the proposed development are not serviced areas and have never been. These changes will not only cause an enormous disruption to the current residents, but there is a high risk for a significant financial impact. It is not reasonable that residents that have been in the community, some for 50+ years, and will have to face consequences forced on them by developers.

Finally, the schools in the area are already overrun, with additional modular schools already being required to be used in addition to the main schools. Given the rapid increase in population in other areas within the schooling zone including the Brunello Estates development, this would put additional pressure on an already overtaxed schooling zone.

Please feel free to call should you have any comment on the above concerns.

Thank you,

[redacted]

Shawn Comeau

[redacted]

[redacted]

Jane Delorey Mills

[redacted]

[redacted]

Linda Diane Webster

[redacted]

[redacted]

Sandra Fraser

[redacted]

[redacted]

Sheri Jones

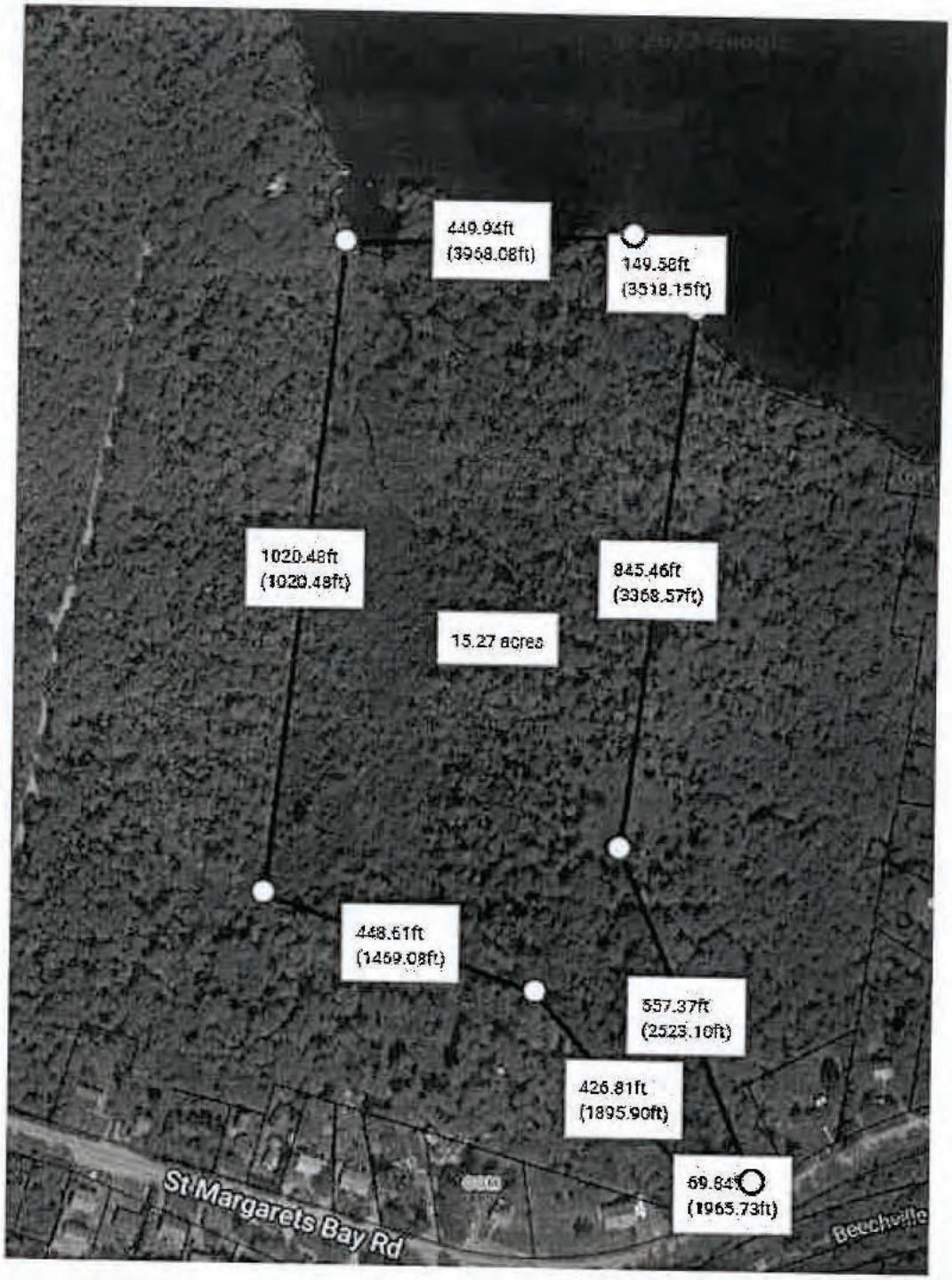
[redacted]

[redacted]

Cathy Pelrine

[redacted]

Appendix A – PID 40319550 Wetlands



Appendix B – PID 40319550 Images





Appendix B – PID 40319550 Images



Subject: Case C3337

To Whom it May Concern,

I am writing to you to address my concern over the proposed Fraser lake, St Margaret's Bay Rd, Timberlea development by Clayton Developments (case reference C337).

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The developer has claimed that the land "abuts existing serviceable boundary". The serviceable boundary that they are referring to, crosses the St. Margaret's Bay Rd and the Trans Canada Trail. There are not any serviceable areas on the part of the St. Margaret's Bay Rd where the proposed development will be. The residents that are adjacent to the proposed development are not serviced areas, and have never been. These changes will not only cause an enormous disruption to the current residents, but here is a high risk for a significant financial impact. It is not reasonable that residents that have been in the community, some for 50+ years, will have to face consequences forced on them by developers.

The developer has sited "no additional transportation improvements will be required as a result of this project." The area is a 70km/hr roadway in both directions. There are no other roadways or sidewalks in this area. The increased residential and through traffic will significantly increase the hazards for driving and walking on the side of the road. There are many children in the area that must walk on the road side to wait for their bus. If there are 690 homes, each with 1.5 vehicles, that is a potential for **1035** more vehicles travelling on St. Margaret's Bay Road.

There is no mention of the impact that this development will have on the already strained school system in the area. The classes are currently at max capacity and are running out of space. Who will resolve this? Has there been any plans by the developer on how this will impact the community and tax payers?

I would sincerely hope that there will be the appropriate consideration and action taken to ensure that any developed land is done with conversation as a priority.

Thank you for your time,

Concerned Resident of Timberlea,
xxxxxxxxxxxxxxxxxxxx
902-xxx-xxxx

YOU'RE QUALITY OF LIFE IN DANGER

DO YOU KNOW WHAT IS GOING TO HAPPEN TO YOUR BACKYARD? PLEASE READ ATTACHED INFORMATION

Did everyone see this?
It's a development on the St Margs Bay rd side of Fraser Lake - 115 acres of land. Clayton Developments is looking to have the water and sewer extended so that they can put 690 units (6 per acre). That means clear cutting that land.

You have until April 18th to submit feedback.

Residents are invited to participate in a review of Phase 3 of the Regional Plan that's open for one month until Monday, April 18, 2022.
The Regional Plan sets out a common vision, as well as principles and long-range, region-wide planning policies outlining where, when, and how future growth and development should take place between now and 2031.
There are several development requests being considered for Phase 3 of the Regional Plan. If you have comments or questions about then, let HRM know!
To learn more about where development requests are being considered for Phase 3, please visit:
✔Regional Plan Review's Shape Your City web page:
https://www.shapeyourcityhalifax.ca/regional-plan
✔Requests for Site Specific Amendments to the Regional Plan map: https://bit.ly/36u94cd
✔Phase 3 Site Specific Requests table: https://bit.ly/3ieAl5k
Please submit and feedback or questions by email (regionalplan@halifax.ca) or phone (902.233.2501). For site-specific applications, please reference the case number.

EMAIL REGIONALPLAN@HALIFAX.CA OR PHONE 902-233-2501 PLUS CC IONA STODDARD AT **iona.stoddard@halifax.ca or phone 902-240-7926 and cc Ian Rankin at info@iainrankin.ca or phone 902-404-7036**

WE NEED A PUBLIC MEETING FOR THIS ISSUE

REMEMBER HAVE YOUR VOICE HEARD BY APRIL 18, 2022

Thanks Diane Webster [redacted]
or Jane Delorey [redacted] for questions or follow ups

September 10, 2021

Kate Greene, MCIP LPP
Regional Policy Program Manager
Planning and Development
HALIFAX

Dear Ms. Greene,

Re: Amendment to the Service Boundary - Fraser Lake Lands, - Regional Plan Amendment

Clayton Developments Limited is pleased to submit a submission for the municipality to consider an extension of the serviceable boundary to include lands located at 2832 Saint Margret's Bay Road, Timberlea, specifically the following parcels (see figures 1-5 below):

- PID 40054306, PID 40054363, PID 40261729, PID 40689358, PID 40319550

The land assembly includes approximately 115 acres (46.5ha), generally illustrated in Figure 1. The lands have existing road frontage on Saint Margret's Bay Road and abuts the current service and transit boundaries (Figure 2).

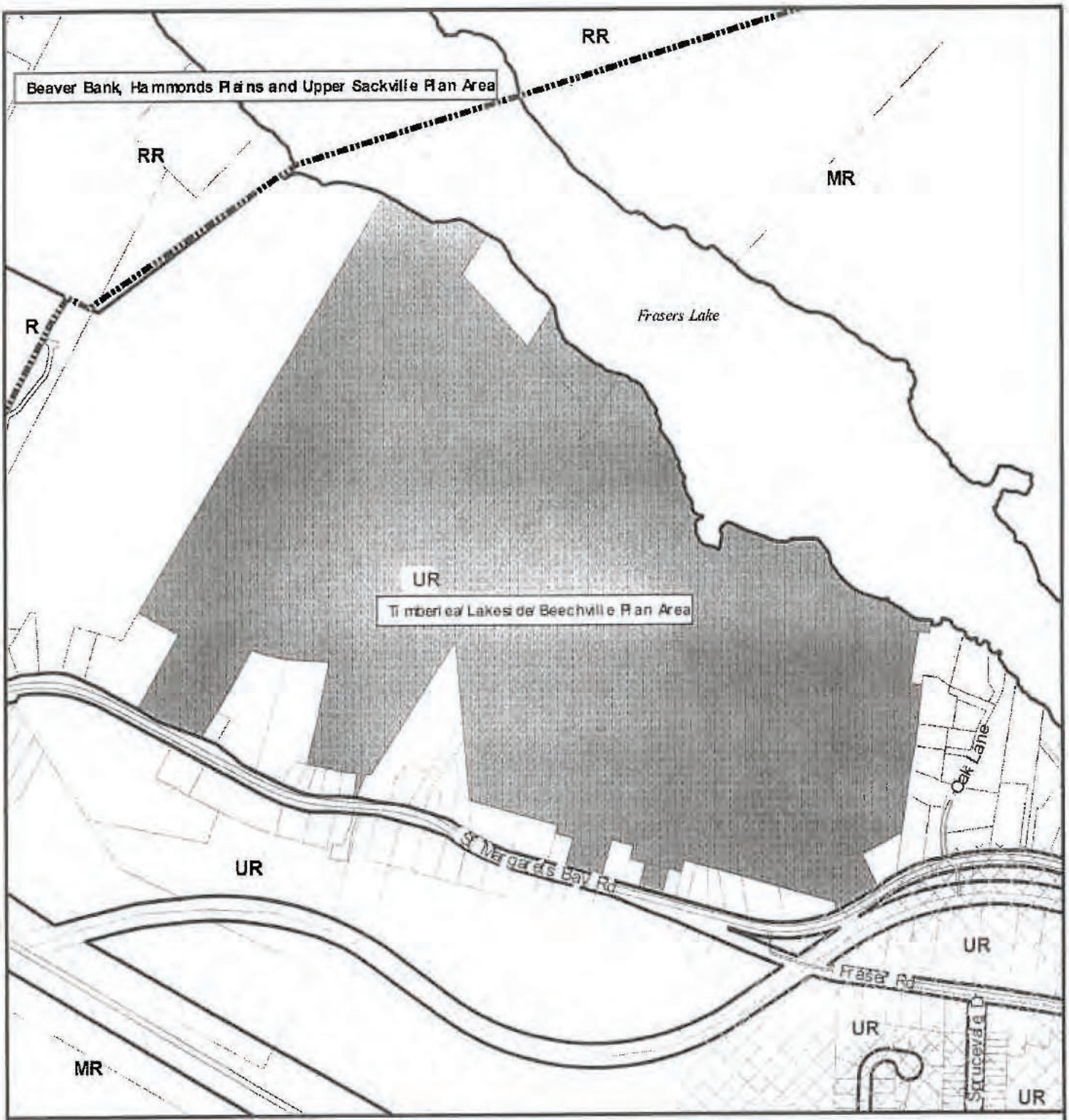
We believe the lands are a suitable extension for serviced growth based on the following rationale:

- Abuts existing serviceable boundary;
- Proximate to existing transit boundary and partially included within the local transit area rate
- Located entirely within the urban residential designation under the local secondary plan
- Urban residential designation identifies this area as a priority residential growth area
- Logical and contiguous extension of serviced existing development
- Last undeveloped land assembly on Saint Margret's Bay Road corridor. Lands are bounded by existing communities of Glengarry Estates, Greenwood Heights and Brunello Estates to the southeast, and unserviced development (Eider Dr and Goldeneye Drive) to the northwest.
- The development is situated between to functional Highway 103 interchanges (Exit's 3 and 4). We anticipate no additional transportation improvements will be required as a result of this project.
- Based on topography and existing community form, we are proposing a primarily ground-based product, at a modest density of six units per acre (690 units).
- Our objective is to create attainable housing at moderate pricing.

Please consider this request under the current Regional Plan review process. We look forward to working with you on this file.

Your truly,
Original Signed

Kevin Neatt
Vice President, Planning and Development
Clayton Developments Limited



C337 - Fraser Lake, St. Margaret's Bay Rd

HALIFAX

0 40 80 120 160 200 m

Generalized Future Land Use

- Subject Area
- Plan Area
- Designation
- Urban Service Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.



Figure 1 - Fraser Lake Lands -Location Plan

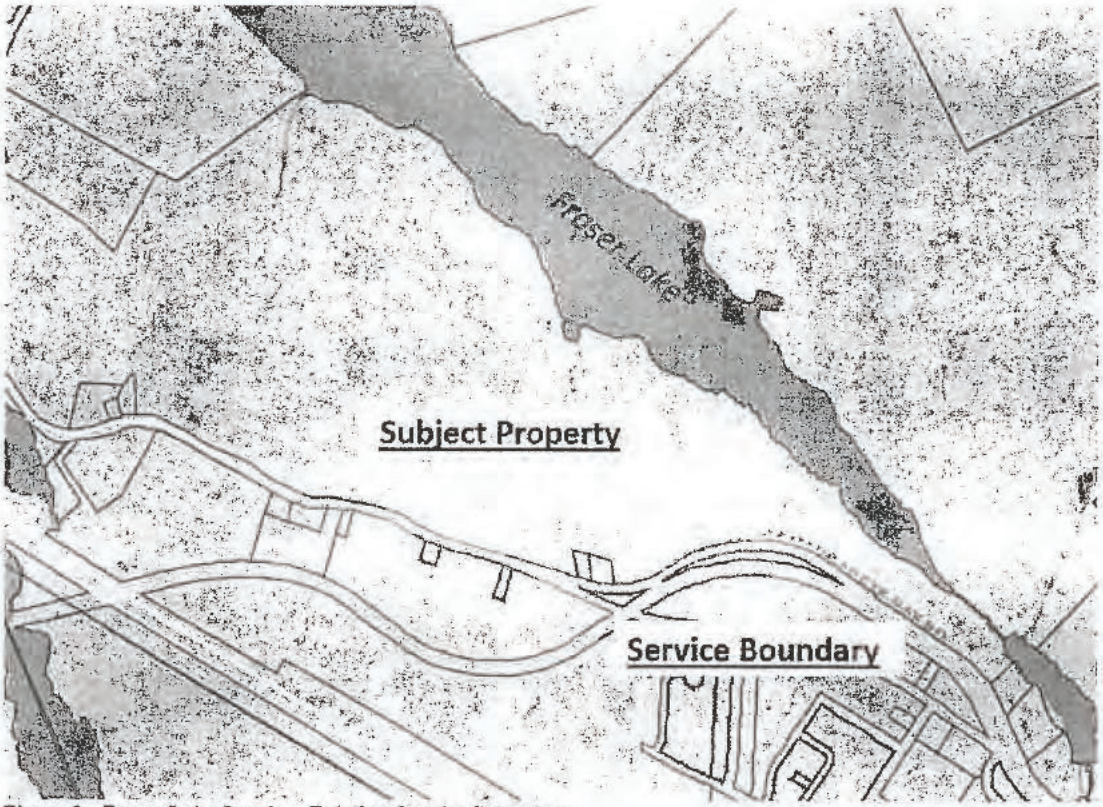


Figure 2 - Fraser Lake Lands – Existing Service Boundary

Subject: Regional Plan - New Requests - Case C337

Hello,

I've just read through the request from Clayton Developments Limited to extend the serviceable boundary to enable the development of 690 units in Timberlea, and I have some serious concerns regarding this proposal.

An immediate concern is environmental. Firstly, this proposed development directly fronts on to Frasers lake, and a significant portion of this proposed development contains a watercourse / wetland area. Based on the attached satellite map, (Figure 1 attached), approximately 15 acres of the proposed development is watercourse / wetland which would not be suitable for housing or sewer. This is contained within PID 40319550, and contains beavers and their dams, ducks, and various other wildlife. It is my understanding that, per 2.3.2 of the HRM Regional Municipal Planning Strategy, it is HRM's intent to prohibit the development of wetlands and this falls under the jurisdiction of the Nova Scotia Provincial Government, and requires an Environmental Impact Assessment to be completed and reviewed. Has this been completed? I've attached a few photographs taken within PID 40319550 (Fig 2, 3, 4) showing the area in question.

Second, the topography of all of these lots is such that it slopes down towards Frasers lake. With the amount of clear cutting required to achieve the suggested development density of 6 units per acre, this would significantly and negatively impact groundwater runoff in the area in the direction of the lake. As it is currently, the lake routinely floods causing issues for residents including property damage and water entering their homes, predominantly at the eastern end of the lake. Additional groundwater runoff could severely impact the integrity of those homes and properties.

Third is the negative impact the clear cutting of lake frontage land will cause to the lake itself. This will significantly and irreversibly negatively impact the flow of water systems into the lake and ecoculture surrounding the lake, causing disturbances to the food supply and killing off the rare supply of fish and other amphibious animals that live in and around the lake.

Fourth, Frasers Lake is included in the Blue Mountain - Birch Cove Lakes Wilderness Area. A development of this proposed density and the associated negative environmental impact is not inline with the purpose of the wilderness area. The lake is a noted traditional water route per Map 3 of the Regional Plan and would be negatively impacted by the proposed development as per the previous points.

While Clayton's proposal speaks to the lands being a suitable extension for serviced growth, it does not include any discussion regarding methods to mitigate these environmental concerns. These environmental concerns are specifically mentioned relating to Fraser Lake in the Timberlea/Lakeside/Beechville Municipal Planning Strategy ("Secondary Plan") on page 14 as follows, "the area's slope, soil and drainage constraints and the potential development impacts on waterbodies adjacent to the

communities, minimum lot sizes in excess of provincial standards for septic tank installation will be required."

An additional concern I have with the proposal is that it speaks to the area being designated as Urban residential. This is not consistent with the HRM Regional Plan's Map 2, which designates the area as Rural Commuter. A development of this nature would not be in line with the spirit of the rural commuter designation as it is not low density development and would not preserve the natural features that foster the traditional community character.

Additionally, this proposed development would not be consistent with the other recent developments located on Fraser's Lake, which is the unserviced development of Eider Dr and Goldeneye Drive. This development, which was completed in approximately the last 10 years, comprised 64 units over 210 acres, an average of 3 acres per unit, which is drastically different than the proposed 0.16 acres per unit per Clayton.

Finally, the schools in the area are already overrun, with additional modular schools already being required to be used in addition to the main schools. Given the rapid increase in population in other areas within the schooling zone including the Brunello Estates development, this would put additional pressure on an already overtaxed schooling zone.

Please feel free to call should you have any comment on the above concerns. Please confirm receipt of this email.

Thank you
XXXXXXXXXX
A concerned resident of Timberlea
902-XXX-XXXX

INFORMATION FOR YOU TO CONSIDER

Do we know if there has been an environmental impact study/report done? Especially with the lake and wetlands, etc.

I can't see that there has been, but that is a key question I'm asking too in my email. Here's what HRM's regional plan has to say about wetlands / watercourses. That swamp is larger than 2 hectares.

2.3.2 Wetlands Protection

Wetlands and other watercourses are vital components of the hydrological cycle and affect the quality and quantity of groundwater. They are natural filters for removing sediment, contaminants and excessive nutrients which are drawn up by the vegetation and settle out naturally before entering groundwater. They absorb peak stormwater flows, reducing the risk of flooding downstream while offsetting groundwater extraction to reduce the risk of wells running dry. Wetlands also provide habitat for fish and wildlife and provide opportunities for education and research. Moreover, while enhancing the overall aesthetics of a community, wetlands are unsuitable for development as they pose a hazard for the stability of structures. It is essential that wetlands are protected.

The alteration of wetlands falls under provincial jurisdiction. Wetlands less than 2 hectares in area are assessed under the *Nova Scotia Wetland Conservation Policy* and those more than 2 hectares in area require an environmental impact assessment reviewed under the *Environmental Assessment Act*. Through this Plan, it is HRM's intent to prohibit the development of wetlands until such time as they are made suitable for development in accordance with provincial requirements.

E-15 HRM shall, through the applicable land use by-law, establish a Wetlands Schedule to be used as a reference in determining the presence of wetlands 2000 m^2 or greater in area. On all applications for development approval, the by-law shall require the proponent to verify the existence and extent of any wetland shown on the schedule. The by-law shall prohibit development within any such wetland except as required to allow for public infrastructure. HRM may consider amending the restrictions made under the land use by-laws from time to time to conform to any guidelines or Statement of Provincial Interest adopted by the Province.

Subject: Case C3337

To Whom it May Concern,

I am writing to you to address my concern over the proposed Fraser lake, St Margaret's Bay Rd, Timberlea development by Clayton Developments (case reference C337).

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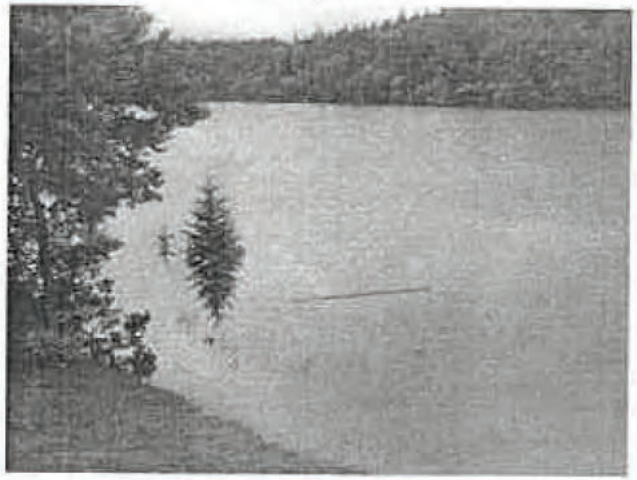
Concerned Resident of Timberlea,
xxxxxxxxxxxxxxxxxxxx
902-xxx-xxxx

FLOODING

June 24



July 22



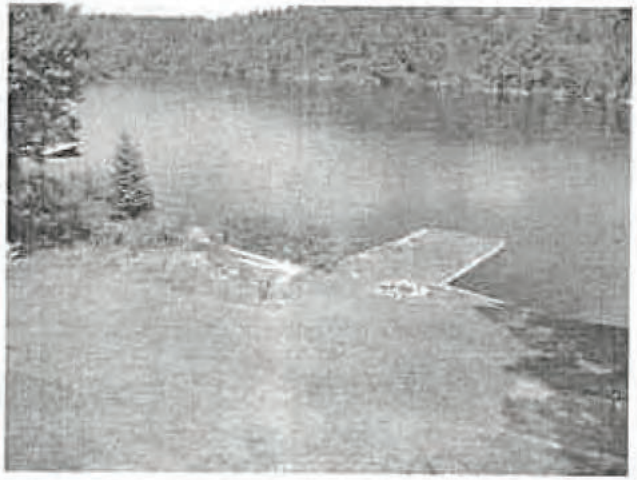
July 24



July 29



July 31



August 4



[redacted]

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July 22



July 24



July 26



July 29



July 31



August 4



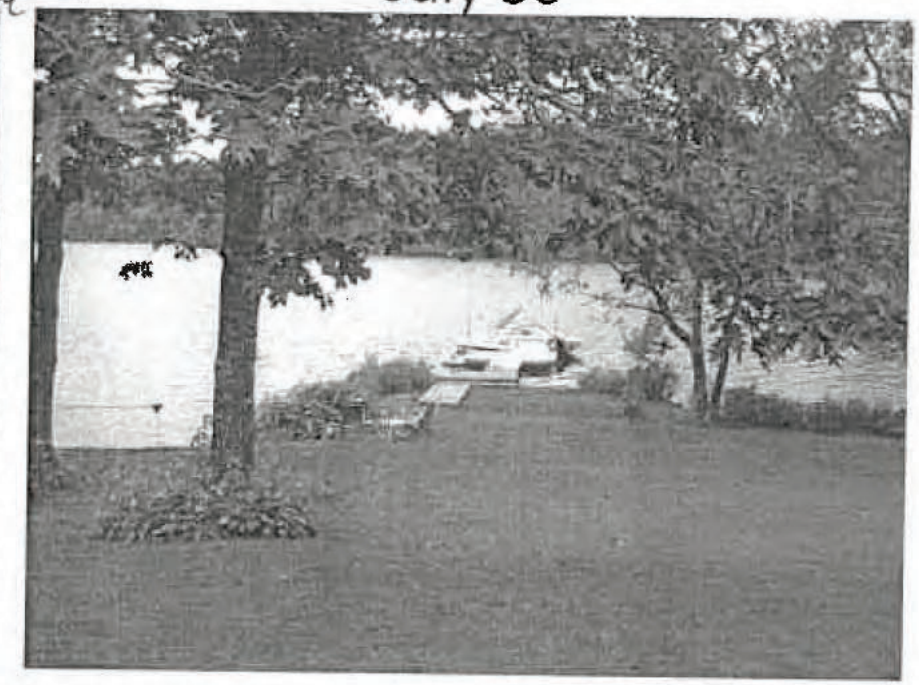
[redacted]

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July 22 [redacted]



July 30







[redacted]

C759

[redacted]

From: [redacted]
[redacted]
Friday, October 27, 2023 9:02 PM
To: Regional, Plan; McIntosh Association
Subject: [External Email] Draft Plan Comments, McIntosh Run Watershed Association

Follow Up Flag: Follow up
Flag Status: Completed

[This email has been received from an external person or system]

I am submitting these comments for the McIntosh Run Watershed Association (MRWA) (mcintoshrun.ca).

A web-formatted version with more maps is also available here:
https://mcintoshrun.ca/2023/hrm-draft-regional-plan-response-and-long-term-conservation-and-trail-concepts/

MRWA has been in existence since 1996, and has two main goals.

- a well-managed watershed that, in 50 and more years, still has a healthy river, streams, lakes and wild lands;
- public access to the river and valuable wildlands through low-impact, human-powered (and fun!) trails, that grow stewardship for the wild areas of the Watershed.

MRWA's activities include a water quality measurement campaign in the river, hikes and bike rides on the trails we build and manage, invasive species management and other activitiies focussed on both terrestrial and aquatic ecological integrity.
Over the past 8 years, MRWA has built and managed the McIntosh Run Singletrack Trails, a nonmotorized recreational trail system under license agreements with HRM and NS-DNR for Crown Land portions.
https://mcintoshrun.ca/singletrack-trail/
The trails serve roughly equal numbers of hikers and mountain bikers, and is the most heavily used mountain bike trail system east of Quebec.

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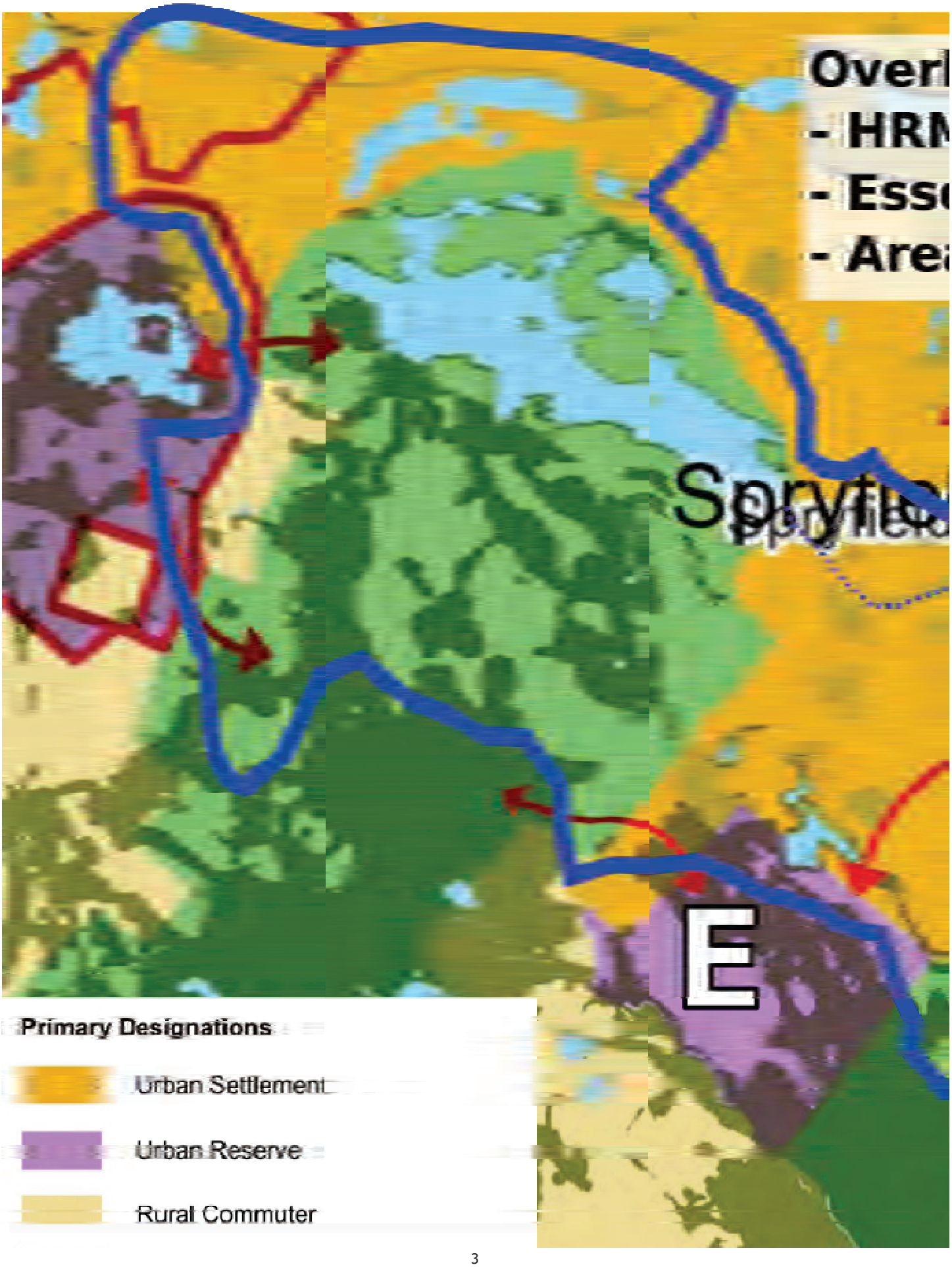
MRWA encourages HRM to use a watershed-based planning approach, elsewhere and for the McIntosh Run watershed area.

MRWA is not anti-growth or against change in neighbourhoods in the watershed, and we encourage HRM to make planning decisions that prioritize the least fortunate Haligonians, and the wildlands and river, over the demands of the most fortunate neighbourhoods. Urban planning in a near-urban watershed requires considering the needs of the natural environment and all Haligonians, including future Haligonians, who all need fair access to housing, jobs and services. This means change and growth in communities in the watershed area.

MRWA views the Watershed as three separate natural greenspace areas: the *Central Watershed*, the *Southern Watershed*, and *Long Lake Provincial Park*. The ecological integrity of wetlands, streams, lakes and other areas of high ecological value should be maintained in the three areas, and the areas should be linked with wildlife corridors. LLPP is a provincial park, but new development is occurring and more is planned around the Central and Southern Watershed areas which are a mix of (mostly) Crown and private lands. This growth needs to be done carefully.

MRWA's current singletrack trails are in the Central Watershed Area. Our long term vision is that the Southern Watershed area (between HCR and Harrietsfileld) should also be managed as wildland greenspace and for trails that provide fun human-powered recreation from our backdoors, as well as an economic driver through trail tourism.

LOCATION SPECIFIC COMMENTS (OVERLAY MAP)


Overl
- HRM
- Esso
- Area
Spryfield
E
Primary Designations
Urban Settlement
Urban Reserve
Rural Commuter

We superimposed HRM's Map 2 and 6 (above).

LOCATION A.

MRWA supports HRM's plan to conserve a large part of the granite barrens in the Central Watershed area ('Backlands') as greenspace, and allowing new development along PCR. This is an improvement from earlier rezoning proposals to allow sprawl deep toward Flat Lake.

LOCATION B.

Settlement from HCR to the river's edge would be permitted at Site B in the draft plan. A wide buffer to the river is needed to protect the river and ecological, cultural and recreational resources.

HRM's proposed Urban Settlement here extends 1km from HCR to the river's edge, crosses ecologically valuable areas, and covers the historic Old Military Road route which once connected Spryfield to York Redoubt.

Instead, MRWA requests a ~250m buffer from the river, that respects importance of conservation of both ecologically signficant and culturally significant areas. This would also provide public access to river's edge for fishing and relaxation, and could also contain low-impact trails that connect to the existing McIntosh Run system using the same river crossing as the Old Military Road bridge abutments.

LOCATION C.

Urban Settlement on extensive ecologically valuable lands in Sheehan Pond area, upstream of an already at-risk swimming lake, and on the major southern tributary to the McIntosh Run River.

The proposed Urban Settlement here extends far from HCR, reaching areas of high ecological value around Sheehan Pond, Three Corner Pond, and the connecting area to Long Pond.

MRWA requests that new the Urban Setttlement zone should be pulled back, and not extend to the ecologically significant areas around and between Three-Corner Pond, Sheehan Pond, and Long Pond. Not only are these areas important in their own right, but streams here feed Porcupine Creek which is the largest tributary on the south side of the McIntosh Run watershed, so impacts can extend downstream into the Central Watershed and the river itself. Long Pond, a swimming lake in this area, is already identified as at risk.

LOCATION D.

Narrow area(s) are needed in the Settlement corridor along HCR, in order for wildlife connectivity to be effective.

The draft plan would allow a wide zone of Urban Settlement that is continuous along HCR in the area of B-C to D, an area which contains important corridors between the large intact wildland area in the southern watershed and the central watershed ('backlands'). Although new Settlement can and should occur along HCR, there should be one or more areas in which the Settlement corridor is narrow enough to serve as a corridor. The area of Long Pond to Norawarren (particularly the Crown Lands area where MRWA trails are located) is one such area.

LOCATION E

Urban Reserve area SE of Kidston Lake.

This is a large block that is designated Urban Reserve near Old Sambro Road and not far from Spryfield. It has potentially good transit and bike and walking connectivity and is near existing employment and service centres in Ragged Lake and Spryfield. However, it also contains a broad swath of land with high ecological value (Map 6) and is a green-space connection between Long Lake Provincial Park and the Crown land open space around Donovan Pond and Sheehan Pond, areas which also have high ecological value.

Instead of Urban Reserve, MRWA suggests that some but not all of this area be removed from future development pressure with an alternate designation that respects it's ecological importance. The remaining lands in the block might be considered for Settlement designation and higher density zoning sooner.

GENERAL COMMENTS TO HRM ON DRAFT REGIONAL PLAN

1. MRWA supports HRM's broad intention for 'complete communities' and better transit in the Watershed. These are conservation and river health issues. We support adding housing by adding density; shopping and services that are close to home; and investments in transit, walking and cycling so private cars can be used but are optional for a practical high-quality life. Low-density car-focussed urban sprawl consumes natural landscapes and impacts waterways, especially in the McIntosh watershed where most new development require bedrock blasting. HRM's proposal for rapid transit in the HCR corridor through Spryfield can't come soon enough (shown on HRM's Map 3). HCR and linked arterials need better, connected and continuous sidewalks and bikeways.

2. HRM has a critical need for fair access to housing. Adding people to the Watershed should be achieved through redevelopment and selectively adding density and moderate density new developments near existing transit-serviced arterial roads, not sprawl. We recognize that existing neighbourhoods will change as a consequence; fair planning means considering the needs of the natural environment and all Haligonians, including future Haligonians.

3. As more areas are urbanized, **the Watershed has three wildland areas which should be maintained, treated as a linked ecological unit, connected with wildlife corridors, and have public access**. These areas are Long Lake Provincial Park (LLPP), the Southern Watershed headwaters area, and the Central Watershed (AKA 'Backlands') (Figure 1).

4. Development plans for new neighbourhoods around the Central and Southern Watershed areas should:

- provide for public access to these areas (future trailheads).
- use HRM Park or other zoning designations to contribute to the conservation of the Central Watershed and Southern Watershed areas.
- ensure that wildlife corridors between the three areas are functional.
- avoid zones of high ecological value.
- have increased buffer distances to lakes and streams from HRM's current 20m minimum, which is an outdated, insufficient distance, especially here where bedrock is shallow and blasting is used.
- consider and avoid the many small wetlands in the Watershed, which are often not mapped in the Province's wetlands maps (Jahncke et al, 2018).

C760

The Our HRM Alliance Seven Solutions and the Regional Plan

Friday October 27th, 2023

RE: Our HRM Alliance comments on the draft Halifax Regional Municipal Planning Strategy

Dear Regional Planning Team,

On behalf of the **Our HRM Alliance coalition**, please accept our below comments on the draft Regional Plan (aka the *Halifax Regional Municipal Planning Strategy*). The Our HRM Alliance is a coalition of over 60 organizations representing environment, community, business, and health sectors who believe in a sustainable future for Halifax Regional Municipality (HRM). The Our HRM Alliance: **Seven Solutions** were first released in October 2011, led at the time by Our HRM Alliance Coordinator, Jen Powley. The seven recommendations were developed to address HRM's needs at the time of the 5-year review of the Regional Plan. Many of the initial solutions were adopted during past Regional Plan reviews, while many continue to need firm action to be realized.

The coalition was heavily involved in advocating for the creation of the **Halifax Green Network Plan** (2018) **and HalifACT: Acting on Climate Together Plan** (2020), and continues to work hard in support of the implementation of these Priority Plans. We are pleased to see language in the draft Regional Plan which reinforces the Priority Plans and helps to improve overall alignment with the Centre Plan and future Secondary Municipal Planning Strategies (I.e., Suburban Plan and Rural Plan).

We are pleased to see policy **RP-1** through **RP-5** set a strong foundation for the draft Regional Plan. We support this clear vision for using the green network to shape where new development is located and for focusing growth in already serviced areas to build healthy, connected, complete communities. We are pleased to see acknowledgement of ancestral lands of the Mi'kmaw and Black Nova Scotians, and commitment to reconciliation and partnership going forward. Working with members of these communities to explore how to implement *Etuaptmumk* in planning, will be essential to move beyond acknowledgement into action. We support policy **RP-12** to plan for a future population of 1 million people and **RP-13** to focus that growth into the “urban area”, avoiding urban sprawl. Should HRM wish to establish population targets, they should be based on careful analysis of environmental, social, and economic factors relative to the Municipality’s needs and aspirations.

Solution 1. Protect the green network: to preserve natural areas and ecosystem services that are part of a livable city

HRM has a rich network of green and blue areas located in such proximity to the urban centre. These areas make up the Halifax green network, our version of a *greenbelt*, and must be protected. Currently, the environment and the benefits of natural ecosystems are not prioritized when making planning and development decisions. Wilderness, natural habitat, wildlife corridors, wetlands, and waterbodies must frame and guide urban growth and development.

- We endorse policy **RP-1** to *protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located.* The HGNP needs to lead our development and growth decisions rather than simply be "considered".
- We support policy **RP-21 The Open Space and Natural Resource Designation** as a means to identify the green network and its relationship to both public and private land. Consider adding policy to state the HGNP shall be used as an overlay zone to guide development decisions.
- We are pleased to see recognition of Nature Parks in **Table CI-1**, in support of Sandy Lake, Blue Mountain-Birch Cove Lakes, and the Purcells Cove Backlands.
- We endorse policy **CI-2** and the creation of a **Regional Parks Priority Plan.**
- We support policy **CI-5** to *study lands in close proximity to nature park areas and ensure land use is of a suitable use and scale to support the creation and ongoing use of the nature park*. This policy should also include direction to study these lands for park expansion and management, as HRM is in need of a clear park acquisition strategy to support continued conservation and connection of large natural areas and the corridors that connect them.
- We support policy **EC-1** that *actions of the Halifax Green Network Plan shall be considered in the business planning, programming and regulatory activities of the Municipality;* but would like to see "shall demonstrate consideration of". We would like to see staff reports clearly articulate how they considered the HGNP and why or why not recommendations were advanced.
- We endorse policy **EC-18** to create **Watershed Management Frameworks** and recommend a stronger commitment to watershed planning and using watersheds to guide development decisions. Consider engaging the Regional Watersheds Advisory Board with this action and creating publicly available watershed maps.
- We support policy **EC-24** to *require the retention of a minimum 30-metre-wide riparian buffer along all watercourses,* however, wish to see all wetlands included (not just wetlands contiguous with a watercourse) and for buffers to be publicly owned.
- We wish to see protection for <u>all wetlands</u> and acknowledge that we need accurate wetland mapping to understand how small and large wetland systems work together.
- We endorse policy **EC-35.** Working with the Province on wetland protection and restoration is crucial. It's great to see the desire of HRM to work together with different levels of government on important environmental issues such as wetlands.
- We support policy **EC-41** to implement nature-based solutions that will help prevent flooding, but recommend the explicit addition of trees/tree cover, promotion of plants native to Nova Scotia, and protection/restoration of wetlands included.

Solution 2. Refine and invest in growth centres: to put growth where it makes the most sense

HRM is growing at an exponential rate, and now more than ever we need to have clearly defined and justified growth centres. We are pleased to see that the vision for the future of Halifax is to direct new housing and employment growth into the "urban area". Identifying areas for thoughtful redevelopment and intensification in the regional centre and suburbs is the best way to grow sustainably.

- We look forward to seeing a **Strategic Growth and Infrastructure Priority Plan** as described in policy **RP-19** and **RP-20** and strongly recommend that all existing Priority Plans, especially the Integrated Mobility Plan and Halifax Green Network Plan, guide this decision making.
- We do not support Sandy Lake and Blue Mountain-Birch Cove Lakes (Highway 102 West Corridor) as **Future Serviced Communities**. We understand these areas are undergoing extensive pre-development and land suitability studies. However, we feel that these areas are more valuable to HRM as parkland. We feel that developing these areas will result in net loss of community and environmental benefits.

Solution 3. Invest in housing, transit, and access to nature: to build complete communities downtown and in growth centres

We are pleased to see the guiding principles for the Centre Plan echoed in the draft Regional Plan and upcoming Suburban Plan, and that they are centered around complete communities, transit supportive growth, and pedestrian first and human based design.

- We endorse policy **CI-2** and the creation of a **Regional Parks Priority Plan.** It is excellent to see that a level of service standard for parks will be established and will use an equity lens. HRM should recognize that recreational amenities and park access are not all provided by HRM, but some are provided on lands managed by other levels of government, and other institutions.
- We endorse policy **H-3** to *support the construction of diverse and affordable housing options*. More housing across the entire housing spectrum is needed. We would also support accelerating work on enabling policies for the construction of affordable housing, cohousing, and land sharing initiatives; Our collaborators in the non-profit housing space feel cohousing and land trusts are underexplored solutions to delivering on non-market housing alternatives.
- We strongly agree with the **Chapter 7 opening statement** that "*Transportation and land use planning are inseparable, and the decision-making process for both must be integrated*".
- For policy **H-12**, we would support removing minimum parking requirements for new residential development altogether. Parking should not be a prerequisite to residential development.
- There is very little support for trails in the draft Regional Plan; we recommend combining the management of recreation trails with the AT network.
- We endorse policy **M-13** to use a Complete Streets approach to prioritize the movement of people using sustainable modes of transportation over vehicles.
- Investing in safe pedestrian and cycling infrastructure, exploring micromobility, and expanding our public transit system is crucial to building healthier, more climate resilient, complete communities and improving quality of life in HRM.

Solution 4. Adhere to Regional growth targets: to balance rural, suburban and urban settlement growth

We are pleased to see that the draft Regional Plan has adopted similar growth targets suggested by the *Integrated Mobility Plan* (40% regional centre, 50% suburban, and 10% rural). In order to meet our increased demand for more housing, it is essential to prioritize intensifying in already urban areas, building missing middle housing, allowing more diverse housing types, and reducing barriers for redevelopment and adaptive reuse projects.

- We support policy **RP-13** to *direct approximately 90% of new housing units to the Urban Area* and policy **RP-14** to *direct housing and employment growth to the Urban Area, which is serviced with municipal water, wastewater and stormwater services and conventional transit services.*
- There needs to be some clarity on what/where is considered the suburbs.
- Policy **RP-14** defines "Urban Area" as that which "is serviced with municipal water, wastewater and stormwater services and conventional transit services". However, according to Map 3, there are areas included which are not yet serviced (I.e., Sandy Lake). Either the policy or the map needs to be revised.
- It is essential that we make progress on the Suburban Plan as soon as possible, and ensure it is in line with the policies of the draft Regional Plan and our Priority Plans.
- We support policy **HC-9** to implement a **Rural Community Planning program**.

Solution 5. Growth funds itself: evaluate development charges to ensure the Municipality is not burdened by growth

We feel strongly that growth should pay for growth and that costs that should be the responsibility of developers, should not be downloaded onto the taxpayer. HRM has significantly low development and construction fees compared to other cities across Canada.

- We recommend strengthening policy **RP-15** to read "establish" rather than "*consider establishing" by-laws to allow for the recovery of growth-related costs.*
- We support policy **RP-16** to *allow for the imposition of infrastructure charges to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality.*
- We are not supportive of **Section 10.3.4** regarding the **Special Planning Areas.** It is likely that the HRM Regional Plan will outlive the Provincial Special Planning Areas and that processes imposed upon HRM should not be acknowledged with special significance in the Regional Plan.
- We recommend that policy **EP-41** be expanded. Considering the minimum 10% parkland dedication is administered through the *Regional Subdivision By-law* and is contingent upon land being subdivided, there is no parkland requirement for redevelopment projects which increase density. With increased density, increased access to green space is needed. Parkland dedication should not be made available to sell to other interests, but retained within the existing neighbourhood to meet the needs of current and future residential growth.

Solution 6. Act on climate

HRM has made considerable progress on resourcing and implementing HalifACT in recent years, particularly with respect to mitigation actions. Mitigation is important, but it isn't everything. HRM needs to focus its efforts as much on adaptation - including support for floodplain mapping, coastal management, and the Municipal Natural Assets Initiative (MNAI).

- The Municipality cannot work alone in preparing its residents for climate change. We support policy **EC-38** to *co-operate with external stakeholders and various levels of government.* However, this policy should be expanded on not only to develop policies and programs to reduce greenhouse gas emissions, but to adapt to climate change as well.
- We support policy **EC-41** to utilize green infrastructure and nature-based solutions to climate change to manage stormwater and improve climate adaptation. This work should be expedited.
- We endorse policy **EC-56** to *foster sustainable coastal management along its coasts considering long term climate impacts, ecosystem health, public risk and vulnerability assessments, adaptation strategies and cost-benefit analysis of adaptation approaches*.

Solution 7. Provide actionable engagement and measure success

Considering this plan isn't time bound, like past iterations of the Regional Plan, it is essential that specific, measurable, achievable, relevant, and time-bound (SMART) indicators are included and used by HRM to evaluate the effectiveness of policies and by-laws.

- We support policy **RP-17** and look forward to seeing updated population scenarios, growth scenarios, and ongoing monitoring.
- We endorse policy **I-59** for continued opportunities for public engagement in plan creation and review, for future iterations of the Regional Plan, secondary municipal planning strategies, or other HRM plans, policies, and by-laws. We are, however, concerned with by-law language and recommend that that subsequent by-laws are written in such a way as to ensure that this plan can and will be implemented fully.

We are passionate and optimistic about the future of HRM and believe that, with strong and clear policy and by-laws, our natural assets can be protected and the goal of creating truly healthy, connected, complete communities can be achieved – to ensure community and environmental well-being. We thank you for the continued opportunities to provide feedback into the Regional Plan review process.

Sincerely,

Kortney Dunsby, on behalf of Our HRM Alliance
Our HRM Alliance Coordinator
[redacted]

Our HRM Alliance Groups

Trail Groups
Cole Harbour Parks and Trails Association
Halifax North West Trails Association
Hike Nova Scotia
Preston and Area Trails Association
Penhorn Lake Area Trails Association

Wilderness Groups
Canoe Kayak Nova Scotia
Eastern Shore Forest Watch Association
Five Bridges Wilderness Heritage Trust
Sackville Rivers Association
Sackville Lakes Park and Trails Association
Save Bedford's Waterfront Society
Sandy Lake Conservation Association
Friends of Blue Mountain Birch Cove Lakes
Sandy Lake-Sackville River Regional Parks Coalition

Environmental Groups
Citizens' Climate Lobby – Halifax
Backlands Coalition
Canada Green Building Council – Atlantic Chapter
Dalhousie Office of Sustainability
Ferguson's Cove Neighbourhood Association
Friends of McNabs Island Society
Ecology Action Centre
Halifax Field Naturalists
Halifax Urban Greenway Association
Lake Echo Watershed Association
McIntosh Run Watershed Association
Purcell's Cove Area Residents Action Committee
Sandy Lake Conservation Association
Shore Active Transportation Association
Shubenacadie Watershed Environmental Protection Society
St. Margaret's Bay Stewardship Association
Williams Lake Conservation Company
Woodens River Watershed Environmental Organization

Community Groups
CARP Nova Scotia
Cole Harbour Rural Heritage Society
Dalhousie School for Resource and Environmental Studies
FUSION Halifax
Genuine Progress Index (GPI) Atlantic
Halifax Cycling Coalition
Heart and Stroke Foundation of Nova Scotia
It's More Than Buses
Lucasville Community Association
Musquodoboit Harbour and Area Community Association
North End Community Health Centre
Purcell's Cove Neighbourhood Committee
PROBE
Rural Coastal Communities Network
Walk n' Roll Halifax
Wyse Society for Sensible Urban Development, The
YWCA Halifax
Trips By Transit
Akoma Holdings Inc.

Business Improvement Districts
Downtown Dartmouth Business Commission
Downtown Halifax Business Commission
The Village on Main (Main Street Dartmouth Business Improvement District)
North End Business Association
Quinpool Road Mainstreet District Association
Sackville Business Association
Spring Garden Area Business Association
St. Margaret's Bay Chamber of Commerce

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Regional Plan Review

October 27, 2023

Walk ‘n Roll Halifax is pleased to have the opportunity to contribute the following comments and observations to the Regional Planning Review process. Please reach out to us if you have any questions. We would appreciate responses, written or oral, to the questions we ask below.

The comments are provided according to the subject matter of each of the Regional Plan Review Open House ‘Boards’ (linked below). Text in *italics* is copied directly from the Boards or the Draft Regional Plan.

Regional Plan Review

The following are highlighted as the ‘Main Points’:

» DIRECT new development in areas with existing utilities and transportation services, reducing costs for taxpayers
» ENSURE every community has different types of housing, including affordable options
» DIRECT development away from important natural areas and habitats
» SUPPORT buildings with energy efficiency in mind to reduce carbon emissions
» HONOUR our commitment to reconciliation with the Mi'kmaq and community action planning with African Nova Scotian communities
» MAKING SURE newcomers feel included in our public spaces
» PROTECT important cultural and historical buildings and landscapes

Why is ‘walkability’ and ‘pedestrian first’ not included explicitly in any of the ‘Main Points’? In addition, the maps used at the Open House we attended did not show Active Transportation (AT) or Recreation Trails so public comments were missed on this infrastructure, existing and planned. Future plans that ignore AT and opportunities for outdoor recreation including access to nature will not provide a complete community where one can live, work, play and learn. This is also important to encourage transit ridership if AT or other routes are safe and well designed. Wayfinding and signage, currently lacking in the suburban neighbourhoods, is urgently needed as a part of complete community planning.

These subjects should receive significant attention in both the Regional and Suburban Plan discussions, as they did in the Regional Centre process. Please explain their absence.

Suburban Plan

We recommend that the Regional Plan, in particular the Suburban Plan, use a Public Health framework to guide the planning process. We fully support the January 31, 2023 submission to your Themes and Directions document from P. Kuhn et al of NS Health (attached). We believe that a Suburban Plan process guided by the evidence based British Columbia Healthy Built Environment Toolkit will contribute to population level outcomes to which the Regional Plan process aspires. The Suburban Plan process gives you the opportunity to disrupt traditional land use planning tools and methods and to use a fresh approach more suited to the challenges and opportunities of current times. This should also include reference to the corresponding UN Sustainable Development Goals. Please apply a public health lens to your work; it is the appropriate approach in these times.

Part of the Project Timeline (Summer 2023 to Spring 2024) includes:
Completing public engagement and background studies to confirm the vision, objectives, boundary and potential areas for growth for the Suburban Plan.
Have these started?

You ask "*How can communities be designed to support people and transit?"* Our response would be to reiterate the pedestrian priority of the Regional and Centre Plans, plan for Complete Communities and adhere to the IMP Pillars, principles all supported by HalifACT.

The Suburban Plan is a major undertaking for many reasons. We feel that a part of the planning process must include the use of Women's Safety Assessments, as practiced by your Public Safety Office following the intent of the UN Women Safe Cities and Safe Public Places program (as a member since 2019). If people are to feel safe and comfortable moving around their suburban communities so they can conduct out-of-home activities, these Assessments will identify, during the planning process, urban design features to promote, barriers to be removed and infrastructure to be repaired, replaced or newly installed among other things.

We support the phasing approach to the Suburban Plans, similar to that used for the Regional Centre Plan.

During the Regional Centre Plan process, we worked with the planning team to conduct 'Community Walks' where we connected with local residents, Councillors and staff to discuss the possibilities and potential impacts of the proposed plans during walks *en plein air*. We'd welcome the opportunity to work with your Suburban Plan team in a similar way.

Suburban Plan Map

How were the 'Walksheds' calculated? A simple buffer of the Rapid Transit Stations and stops or did it include topography and available walking / rolling routes?

Healthy and Complete Communities

Is it fair to say that the provision of *active transportation, trails and* roads as stated in the Complete Communities section of the Board is intended to be done via reference to the Guiding Principles of Pedestrians First and Human Based Design from the Guiding Principles?

Housing

In the Housing Choice portion of the Board, you state:

> *Allow three or more units per lot in low-density residential zones, with built form regulations to ensure that building scale respects that of the surrounding neighbourhood*

What elements of 'scale' will you be measuring / consulting to respect the surrounding neighbourhood?

We take exception to the frequent use of 'ensure' in the draft Plan. Planning is far from an exact science and the ability to *ensure* anything through planning is aspirational at best and realistically unachievable. Please choose alternate words to 'ensure' throughout the document.

Will the Housing Choice section be edited to 'four' units or more with the recently negotiated Federal Accelerator funding?

In 'New Municipal Tools' you mention Inclusionary Zoning. What is your definition of 'Affordable Housing'?

Also in 'New Municipal Tools' you state:

> *"No Net Loss/Rental Replacement" requires redevelopment to incorporate the displaced residential units in the new development.*

Do you have a model to follow from other jurisdictions to do this?

Community Infrastructure

In the Nature Parks section, you mention:

> *» Support protection, acquisition, and management of nature parks (Policy CI-3)*
> *» Coordinate with other levels of government on a nature park network*

For a walkable, near-urban park like Long Lake Provincial Park, how do you see using this policy framework to enhance its access to and use by HRM residents?

Policy CI-4 states:

> *CI-4 The Municipality shall coordinate with Provincial and Federal governments and conservation groups to help establish a nature park network and use this network to pursue partnerships or changes to legislation or regulation that would help support these important projects.*

Does this mean HRM will take on a coordinating role across the 3 levels of government and the multiple groups which are managing park resources to provide access to natural environments and activities to HRM residents? Does this coordinating role, if that is the case, extend beyond

Blue Mountain Birch Cove Lakes, Sandy Lake and Shaw Wilderness and McIntosh Run? If not, why not?

Currently, there is often a siloed approach to planning and subsequent actions by HRM with respect to Active Transportation (AT) trails vs Parks & Recreation trails in parks or neighbourhoods. The process or the organizational structure does not encourage cross pollination by current Departments, in particular, in marketing and promotion. Currently, most trails from both areas are developed by volunteer community groups but the challenges are many. All plans that are approved going forward should include a well built trail, by developers, with wayfinding & signage as promoted by the Halifax Green Network Plan to encourage connectivity between AT and recreation. Generally, the public do not know whether they are enjoying an AT or a Recreation Trail and use of a recreation trail may eventually lead to daily use of AT supporting the principles of the Plan.

Environment and Climate

In the 'Act on Climate' topic, is there a direct reference to transportation action here? If not, there should be. As we understand it, HalifACT relies on the pillars, principles and actions of the IMP to guide its climate change policy and actions on the transportation front. Is this assumed within Policy EC-36 or should it be made explicit? Does the Draft Regional Plan align with HalifACT's approach?

In the 'Protect Water' section, it states:

> *» Increase required buffer distances around watercourses and wetlands contiguous with a watercourse (Policy EC- 24)*

What criteria will this be based on?

What is the reasoning for Policy EC-39 re Cow Bay Lake?

Mobility

Is the intent of the Mobility policies to provide an overall melding of transportation and land use matters using the public health lens?

In the 'Integrate Development' section, can the 'balance' term be removed and replaced with an intent to **emphasize** secure bike parking and car-sharing and access through parking lots **OVER** motor vehicle storage.

Am I correct to read that the pedestrian priority emphasis from the current Regional Plan and the IMP is contained in Policies M-13 and M-29? Anywhere else?

The 7.8 Public Transit section almost reads as if Transit is outside the direct control of HRM. This is not the case, correct?

Policy M-27(b) states:

> *M-27 b) requiring planned AT routes to be built by developers to the Municipality's standards*
> *when the land abutting them is developed; and*

Can this be edited to say to the minimum, to permit Developers to go beyond the HRM standards?

In the Connect People section, it states:

> *Require developers to maintain safe and convenient sidewalk connections alongside construction sites (Policy M-31)*

Does this indicate that the current Construction Management Administrative Order is to be reviewed and enhanced, perhaps with additional enforcement, or is this simply acknowledging the current Admin Order? If the latter, is the policy required?

Thanks for this reminder in Section 7.11 Looking Beyond: The Future of Transportation Planning:

> *EVs will alleviate some of the impacts of automobile dependency, but they are not a panacea. Investing in sustainable modes and Complete Communities must play a significant role in tackling transportation emissions, safety risk, household costs and land consumption.*

Where is the related policy guidance to carry this out?

Any thoughts to upgrading existing HRM facilities to current standards using Policy M-32(d)?

> *d) End-of-trip bicycle facilities at public destinations, including secure bike parking, change rooms and showers*

Policy M-33 refers to Micromobility:

> *M-33 The Municipality shall work with the Province, and may consider adopting a by-law, to manage the use of micromobility devices including, but not limited to, motor-assisted bikes and scooters, and off-road vehicles.*

Is this the current status or have we advanced beyond this?

In Policy M-2(c) you use the term 'consider' per *Consider the development of rural walking and cycling routes (Policy M-32c)*
Would you 'consider' changing 'consider' to a more impactful verb to give more strength to the policy?

In the 'Manage Congestion' section, will reducing VKT enter your lexicon?

In Section 7.10, should the Windsor Street Exchange initiative be called out specifically because of its port transport orientation (in part)?

In Policy M-16, is there a need to include active transportation explicitly?

The Municipality shall consider establishing new public street connections to support the strategic growth objectives of this Plan, address gaps in the street grid, facilitate efficient transit service, improve pedestrian access to transit facilities and other key destinations, and facilitate emergency access.

And, can M-16 go on to propose retrofits for the needs of blind and partially sighted, persons in wheelchairs, and other disabilities as per the IMP?

'Next Steps' are to Implement the Rapid Transit Strategy routes and Complete Streets initiatives. Is there a timeline for this work?

Economic Prosperity

In the 'Commercial Options' section, you refer to Policy EP-6 to:

'Consider additional small scale commercial and home-based businesses options in residential areas'.

Is it currently intended to implement this via Development Agreement similar to the Regional Centre or is a simpler approach available (hope…) for these very important 'Third Places'?

Culture, Arts and Heritage

Thanks for the initiative to:

Update heritage evaluation criteria to represent more diverse communities, cultures and time periods (Policy CH-17)

This is overdue and very welcome.

In 'New Heritage Tools' section, would this include amendments to the local Building Code?

Evaluation

We believe that the Plan should incorporate a well-designed process to evaluate the effectiveness of its policies and regulations. One area of particular interest to us is the affect of wind levels on pedestrian comfort at street level. To our knowledge (please confirm), the current, or previously amended wind impact assessment process has not undergone evaluation. We would like to see evaluation done for this regulation, and comparable others, to determine if what was intended by the policy or regulation has been achieved and if adjustments are necessary.

As a contributing member of Our HRM Alliance, we support its submission, The Our HRM Alliance Seven Solutions and the Regional Plan.

Bill Campbell, Director
[redacted]

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Ecology Action Centre

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October, 2023

RE: EAC comments on the draft Halifax Regional Municipal Planning Strategy

Dear Regional Planning Team,

The Ecology Action Centre has analyzed the draft Halifax Regional Municipal Planning Strategy (the Regional Plan), published in June of this year. Below we offer a summary of our comments related to major themes in the Plan and detailed comments by chapter.

Overview

- → Generally, we were impressed that the Regional Plan introduces concepts and policy language to **further implement HRM's priority plans**, mainly the Halifax Green Network Plan, Integrated Mobility Plan, and HalifACT. We are hugely supportive of these plans and want to ensure they are used to guide new growth and development in the region.
- → The Regional Plan is successful at **acknowledging HRM as a part of Mi'kma'ki**, an essential step for beginning to acknowledge Treaty and inherent rights and advancing reconciliation. We recommend working with local Mi'kmaq First Nations to further the conversation about how to use a two-eyed seeing approach in land-use planning.
- → We are pleased to see that this Plan takes a different approach (i.e. not a time-bound approach), to **plan for a future population of 1 million people**. It is no surprise that HRM is growing and experiencing unprecedented housing need and stress on our municipal services. It is imperative that we take swift action to address current needs, while also planning for this projected growth.
- → We support a target of **90% of new growth into urban and suburban areas**. Using this new growth to improve our existing infrastructure and services will help to reduce our GHG emissions and promote more walkable, sustainable, complete communities.
- → The Regional Plan is also successful at **introducing planning concepts like 'missing middle housing'** to help promote building more dense communities. We envision communities with diverse housing options, active and public transit, essential services, and access to nature. Firm standards for complete communities need to be developed and growth and development decisions should be made accordingly.
- → There is stronger acknowledgement of the benefits of natural ecosystems and natural assets like **wetlands, watercourses, parks, and wilderness corridors** in this plan. However, questions remain about how these natural assets will be prioritized when reviewing development decisions, and conflicts between plan priorities and development rights will be resolved.
- → Our main concern is with **implementation tools**, and the ability of staff and Council to move from plan to action. We want to ensure this Regional Plan provides firm guidance and actionable implementation to **discourage growth where it will cause harm, protect valuable greenspace, and promote more sustainable development** that will help us achieve a more affordable, healthier, and sustainable future.

EAC comments on the draft Halifax Regional Municipal Planning Strategy

Detailed comments by Chapter

Chapter and Sections	General Comments	Specific Recommendations
Chapter 1: Introduction 1.1 Regional Context 1.2 Regional Vision and Principles 1.3 Plan Organization 1.4 Relationship to Other Plans 1.5 Provincial Role in Planning 1.6 Interpretation	• Good that there is now an acknowledgement of ancestral lands of the Mi'kmaw and Black Nova Scotians, and commitment to reconciliation. However, mentioning *Etuaptmumk* (Two-Eyed Seeing) could be viewed as tokenism unless it is truly pursued and implemented. • Although the "Regional Context" section does provide many contexts through which to view the past of HRM, it doesn't include anything about the natural history context of HRM. • EAC supports accelerating the Community Plan & By-law Simplification Program; it is essential to modernize planning policy with good science and implement HRM's priority plans. • **Vision**: "The Municipality's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment." This is a good vision that centers quality of life, and how HRM can impact it, however, the rest of the document doesn't link to quality of life well. • Definitions of "may," "shall," and "shall consider" are now included in the Regional Plan. This is helpful and will provide clarity for all.	• Work with HRM staff and representatives from Mi'kmaw communities to further the conversation about how to use a two-eyed seeing approach in HRM planning and property management. • Consider using "ancestral and unceded" lands. • Include a section on the natural history of HRM. • Recommendation to expand on quality of life/well-being as justification for building healthy, well serviced, and connected communities. • Determine indicators of quality of life in HRM, and commit to measuring and reporting on those. These should be aspects of quality of life that are impacted by elements within the control of HRM. HRM should go beyond how quality of life is described in the Economic Strategy. • EAC recommends adopting "shall demonstrate consideration of" so that the public can better understand how and why decisions are made, especially around conflicting land uses. • Table 2: Draft Regional Plan Summary: "Increasing required buffer distances around watercourses and wetlands" should be changed to "watercourses and *some* wetlands." The proposal suggests buffers for only certain wetlands, so the phrase used in the introduction table feels misleading.

Chapter 2: Planning For Our Region 2.0 About HRM 2.1 Acknowledgment 2.2 About This Plan 2.3 Regional Planning 2.4 Community Planning 2.5 Strategic Growth Planning 2.6 Long Term Growth 2.7 Regional Land Use Structure	• **Regional Planning**: Excellent that the text here recognizes that planning for communities' access to nature needs to be considered. Also, great that one of the four areas of critical regional-scale services that need to be analyzed when planning for growth includes natural services. • **Policies RP-1 to RP-5** are strong start to the plan - Using the green network to shape where new development is located, direct housing and employment growth into already serviced areas, alignment of density with transit. • **RP 10**: What is meant by underutilized? We must be careful these are not "undeveloped" wild lands that are already busy providing important ecosystems services. • **2.5.3 SERVICE AREAS (RP-14):** Defines "Urban Area" as that which "is serviced with municipal water, wastewater and stormwater services and conventional transit services". However, according to Map 3, there are areas which are not yet serviced included (I.e., Sandy Lake). Either the policy or the map needs to be revised. Other descriptions of Map 3 "several areas are shown on Map 3 as Future Serviced Communities, where new residential, commercial or industrial development **is expected to be serviced** with municipal water, wastewater and conventional transit services". • Future growth nodes should have a rationale, and this rationale should be documented by HRM. For future growth nodes to be strategic, some existing ones may need to be removed. • **RP-12:** Support for planning for 1 million people and in perpetuity (not a fixed timeline). • **RP-19 and RP-20**: Looking forward to seeing a *Strategic Growth and Infrastructure Priority Plan*. • **RP-21:** Support an *Open Space and Natural Resource Designation* to identify both public and private lands crucial to the green network.	• Consider an acknowledgment that living things other than humans reside in HRM, and this is valuable to biodiversity. • In talking about natural services, we recommend using the phrase natural assets to align with HRM existing/on-going work (e.g. MNAI). • **RP-1**: perhaps define which aspects of ecosystem health HRM is willing to protect and conserve, or use the term natural assets. Also, should RP-1 perhaps state that the green network will be used to help shape where development will NOT be advanced? • **RP-9** (The Municipality shall encourage most new housing and employment to locate in the Urban Area of the municipality) AND **RP-13** (It is the intent of this Plan to direct approximately 90% of new housing units to the Urban Area) are repetitive - **RP-13** is a stronger and clearer target. • **RP-10**: define underutilized land and clarify that it does not mean undeveloped. Also reduce the number of future growth nodes and provide rationale for the current and future growth nodes. • Also, **RP-10 and RP-13** will require education/engagement to bring current residents along (anticipating a lot of discomfort with this change), this work is not reflected in the Regional Plan. • **2.5.3 SERVICE AREAS (RP-14)**: It is the intent of this Plan to direct housing and employment growth to the Urban Area, which is serviced **or expected to be serviced** with municipal water, wastewater, and stormwater services and conventional transit services. • **2.6 LONG TERM GROWTH:** This section could be strengthened by acknowledging that there are limits to what the lands, waters, and ecosystems of HRM can support regarding human population growth. A blind lack of recognition of the

	• Open Space and Natural Resource Designation – It is good that the draft RP recognizes in this section that we now know more about the benefits of leaving nature intact. But this section needs to make a stronger link about what to do with this knowledge. • **2.7.1 OPEN SPACE AND NATURAL RESOURCE DESIGNATION**: Wonderful that this section recognizes trail systems as key parts of the open space network, and NGOs as key partners in those. This section also does an excellent job of describing the open space network as partly for recreation but also helpful in providing ecosystem services.	natural limits to exponential growth is part of what has led to the climate change and biodiversity crises. • **2.7.1 OPEN SPACE AND NATURAL RESOURCE DESIGNATION**: The designation could make more explicit that because of our newer understanding of the value of leaving ecosystems intact, this means we need to use HGNP to inform where development should not go. • Suggested wording changes for **RP-21**: Wilderness Areas and Nature Reserves are usually capitalized, "including private conservation lands" should instead be its own phrase (not linked to WA and NR) and should be "land trust conservation land." "Areas of protected habitat" is not specific in Nova Scotia – this could be changed to "critical habitat and core habitat for species at risk" but **this has legal implications for HRM.** Also, this section doesn't specifically mention wetlands, but could (it does list salt marshes, which are a type of wetland). • **Rural Resource Designation** – Define what is meant by "protect the natural resource base". • **Agricultural Designation** – Clarify why renewable energy is classified under this designation and grouped with natural resource-based activities (farming, forestry, mining). This is not how renewable energy projects are classified at the provincial level.

Chapter 3: Building Healthy and Complete Communities 3.0 Introduction 3.1 Objectives 3.2 Community Planning Framework 3.3 Regional Centre Plan 3.4 Suburban Community Planning 3.5 Rural Community Planning	• **Objectives**: Excellent to have complete communities as #1 Objective, but this language could be strengthened. Objective #2 could be followed through on by linking changes in design guidelines, and conditions in development agreements, to climate change mitigation and adaptation. • **Community Planning Framework**: Urban Area Land Use. The section on Open Space rightly lists several of the benefits of open space in the Urban Area, but should also highlight the ecosystem benefits of some of our open space. • **Centre Plan**: Does not state access to nature as one of the four Core Concepts, but it is in the Core Concepts diagram (note the trees), and in the Guiding Principles (number V, as access to parks). The aspects of the Centre Plan quoted here don't emphasize enough access to *nature* (not just parks), and the value of having intact ecosystems to provide ecosystem services in the Urban Area. • Excellent that when Open Space is being planned for in suburban planning processes, "preserving, rehabilitating and restoring natural system functions" will be a planning principle. • **HC-3**: Any changes to the designation of land in these plans should consider more than just housing and population projects when being changed -- including transit, traffic, open space and park, natural assets, and wildlife corridors. • **HC-4**: EAC supports accelerating the development of a *Suburban Secondary Municipal Planning Strategy and Land Use By-Law;* a streamlined plan for HRM's suburbs will be essential to avoiding urban sprawl and intensifying already serviced communities. • Many of the regional ecosystem services are found in the suburban area. They need to be kept relatively intact for the good of the whole region. This is also an area where the traditional form of communities has had an exceptional large negative impact on ecosystem services and features, such as	• **Objective: #1**: Strengthen this by replacing "lens" with "principles." • **Objective #2**: Following through on this in design guidelines, development agreements, and "Red Book". • **Urban Area Land Use** – add to explanation of the Open Space designation that "protected and sensitive open space lands… contribute to sustaining vital ecosystem services." • **Centre Plan updates** – As the Centre Plan is referred to and updated (HC-1 and HC-2) emphasize the value of access to nature, and intact ecosystems, in the Regional Centre. • Would like to see more explanation of the impact of existing growth on ecosystems in the suburbs, and the need to conserve and restore what's left. • HGNP should be named specifically in the Suburban Growth Areas section, as it is in the Rural Community Planning section. It will need to be considered when selecting or changing Suburban Plan Growth Areas. • Would like to see justification for chosen Growth Areas/Centres, including both the rationale that was used to select them in the past, and how they measure up to the current RP's objectives around where to place housing development and why. • Would like to see justification for bringing forward the Future Serviced Communities. • **HC-8 f)** May need to change wording to Protected Areas (there are no federal wilderness areas, for example). • **HC-8 h)** "the adequacy of public parks, open spaces… " could be strengthened and made more versatile by adding Protected Areas. • **Rural Community Planning** – Should not use the term "wilderness areas" here as that has a specific meaning.

	large, sprawling developments that destroyed wildlife habitat and caused habitat fragmentation. There may also be impact on water supply due to wide-spread forest clearing and impacts on waterbodies and wetlands. • Potentially concerned with how "Future Serviced Communities" are described (pg. 43) "some of these areas have also been identified as provincial Special Planning Areas under the 2021 Housing in the Halifax Regional Municipality Act" indicates they were forced to list them, without providing solid justification for why they were chosen/listed. The language around Future Serviced Communities makes it seem like they are foregone conclusions for development. Other language by HRM staff and Council has been these areas will be considered for development, including after considering growth targets. • **HC-8 e)** It is a step in the right direction to consider "measures to reduce the risk and impact of wildfire through site and building design and infrastructure". • **HC-8** Also good: "the integrity of regional parks or federal and provincial wilderness areas adjacent to the lands are maintained and buffered, including the functioning of shared environmental, recreational or cultural features;" but may need to change wording *(See specific recommendations)*. • Development Outside of Rural Centres: Another downside of ribbon development is that it causes future wildlife habitat fragmentation.	

Chapter 4: Strengthening Community Infrastructure 4.0 Introduction 4.1 Objectives 4.2 Parks 4.3 Community Facilities 4.4 Libraries 4.5 Schools 4.6 Public Safety and Emergency Services 4.7 Food Security 4.8 Solid Waste Management 4.9 Regional Energy and Telecommunications Infrastructure	• **Objectives**: We support the objective of "Support the protection, acquisition, and management of the significant natural or cultural resources in regional parks," but this doesn't have to all be done through Regional Parks. Suggest broadening the wording. • We are really happy to see the more explicit than ever recognition that the park system contributes to ecological connectivity and climate resilience. What is missing here is discussion of how the park system helps with biodiversity conservation and restoration too. • Fantastic to see the commitment to a park system strategy/plan! This section could say more about how the plan for parks will integrate planning to support ecosystem services (e.g., MNAI work). • Excellent to see that a level of service standard for parks will be established and will use an equity lens. HRM should recognize that recreational and access to nature amenities are not all provided by HRM – some are provided on lands managed by other levels of governments, and other institutions. These assets should be factored into park system planning. • It is good that this section refers to the park spectrum, but it would be better to commit to trying to provide all residents with access to parks along the full spectrum, and the parks spectrum needs to be further defined. • Parks and Open Space, Map 13 from Themes and Directions – Will this map be brought forward? Of note, it has errors in it. • Assuming Nature Parks are what were called Wilderness Parks in Themes and Directions – What happened to the discussion of the Western Common Wilderness Common as a Wilderness Park (it is not listed as a Nature Park but the others are)? • Good to see **CI-6** regarding the unique fire-prone ecology of the Backlands and limiting development there. This will also	• **Objective 3**: Includes as an Objective: "Support the protection, acquisition, and management of the significant natural or cultural resources in regional parks." Suggest wording change to "… resources in regional parks and other conservation areas" or "… in regional parks and beyond." • **4.7 PARKS**: "Parks are an important component of the Green Network." Not everyone knows what this is, and is not something official. Suggest: "Parks are an important component of the Halifax Green Network Plan." This should be changed in subsequent paragraphs too. • **CI-2 b)** "Coordinating and managing a program to research and identify potential public open space parks and corridors for the provision of quality open space for recreational and social development, restoration of natural corridor and urban ecosystem function, greenway networks to connect communities and provide mobility options and significant natural habitats to guide considerations of future development;" This could be clarified/strengthened by: ○ "restoration of natural corridor**s**…" ○ "significant natural habitats, wildlife corridors,…" • **4.7 FOOD SECURITY**: Paragraph one should note income as the key determinant of food security. • **4.7 FOOD SECURITY**: Paragraph 2 statistics can be updated. The most recent food insecurity data for the Halifax region, released in 2019, showed the prevalence of household food insecurity within HRM was 18.6%. At that point in time, the average rate of household food insecurity was 16.4% across Canada's 10 provinces and 21.3% across Nova Scotia, showing individuals residing in Nova Scotia had some of the highest food insecurity rates in the country. More recent statistics show that, as of 2022, the average rate of household food insecurity across Canada's 10 provinces was 18.5% and within Nova Scotia was 22%. With rates of household food

	reduce the risk of future fires impacting housing and infrastructure. • **CI-8** A "parkland and outdoor asset needs assessment" could inform divestment, in which case it should provide rationale for any park divestments that are proposed. • **CI-9** Not all parkland should come with the expectation that public access will be facilitated. HRM needs to acquire land, as parkland and other land management types, where public access should not be facilitated because the natural assets at the site are best maintained through not facilitating access. For example, some riparian buffers, or sections of them, should not have trail or other infrastructure development to keep them completely intact and performing their ecosystem services such as reducing flooding, absorbing excess nutrients, and providing wildlife habitat connectivity. • **4.3 COMMUNITY FACILITIES** – This section should also speak to the need to consider climate change and biodiversity when planning for and maintaining HRM facilities. There is the opportunity here to commit to examining how new and existing facilities could reduce their impacts on climate change and biodiversity. • **4.7 FOOD SECURITY**: We appreciate the Municipality's focus on improving food insecurity, as we require significant coordinated action in this area. However, we must also focus on strengthening our food system, using a more holistic and transformative lens. The language used in this section should reflect the importance of building a strong regional food system. We suggest content that speaks to the following (as noted in the JustFOOD Action Plan): "A strong regional food system can reduce food insecurity and inequities, support the livelihoods of producers and food workers, support inclusive economic growth, enhance our ability to mitigate and adapt to climate change, and promote the health and well-being of all residents."	insecurity increasing nationally and provincially, it can be assumed food insecurity has worsened within HRM as well. o https://proof.utoronto.ca/2023/new-data-on-household-food-insecurity-in-2022/ • **4.7 FOOD SECURITY: (CI-22)** "may be" should be replaced with "shall be". • **4.7.2 URBAN AGRICULTURE:** "The secondary processing and distribution of food in the form of preserved and pickled food products" should be revised to "The secondary processing and distribution of food" to preclude unnecessarily strict limitations on the forms of processed foods that may be permitted (including foods processed through milling, baking, refining, etc.). • **4.7.4 INDOOR FARMING (CI-30)**: "development agreement" should be replaced with "site plan approval" to reduce barriers to indoor agricultural food production. • **4.9 REGIONAL ENERGY AND TELECOMMUNICATIONS INFRASTRUCTURE (CI-38):** "... in their efforts to conserve energy, anticipate and provide for future electricity needs, increase reliability..." recommend this be expanded to include "... in their efforts to conserve energy, incorporate more renewables and storage on the electricity grid, anticipate and provide for future electricity needs, increase reliability..." • **4.9 REGIONAL ENERGY AND TELECOMMUNICATIONS INFRASTRUCTURE (CI-39):** Would encourage that this is expanded to include residential areas in addition to commercial areas and heritage districts. In recent extreme weather events downed lines and fires at key connection points on electricity poles have caused significant delays in the ability to restore power for residents, which result in significant personal costs to residents.

	• **4.7 FOOD SECURITY (CI-22):** It is promising to see new secondary municipal planning strategies "may" consider means of furthering food security. However, a stronger commitment should be made here *(See specific recommendations)*. • **4.7.1 RURAL AGRICULTURE**: We support the preservation and expansion of rural agricultural land, recognizing that supporting local food production is critical to strengthening our regional food system and improving food security. When expanding agricultural land, the Municipality should ensure that environmentally sensitive or important areas are protected from potentially harmful agricultural use. • **4.7.2. URBAN AGRICULTURE**: We are happy to see HRM acknowledge that it has a responsibility to enable more residents to produce and sell their own food in their communities. • **4.7.3 GREEN ROOFS**: We are happy to see that HRM will allow green roofs to protrude above the maximum permitted height for main buildings. HRM should develop further mechanisms to incentivize developers to include green roofs and other food production spaces and amenities to promote more complete communities. • **4.7.4 INDOOR FARMING**: We are happy to see that the indoor farming of plants and insects will be permitted as an appropriate use in industrial zones, and we are happy to see that the use of shipping containers will be permitted in both industrial and agricultural zones. Although we are excited to see that shipping containers may be considered in commercial and mixed-use zones, we believe a development agreement is an unnecessary barrier here. A site approval plan would suffice *(See specific recommendations)*. • Seafood is an important component of our food system, and we hope to see the Municipality permit on-land closed-containment fish farms, where appropriate, as a sustainable alternative to open net-pen fish farming.	

Chapter 5: Fostering Diverse and Affordable Housing 5.0 Introduction 5.1 Objectives 5.2 Removing Barriers to Housing 5.3 Increasing Our Housing Supply 5.4 Increasing Housing Affordability	• **Introduction**: Important to have clear definitions of market vs. non- market housing, affordable housing, gentle density, shared housing, and missing middle. • **Objectives**: Great to see more sustainable development patterns being prioritized like transit-oriented, adaptive reuse, less parking, and focusing on missing middle. • **Objective 5**: Great to see support for intensifying areas with access to transit and services in already established communities. • **5.2.1 BUILDING DIVERSE HOUSING TYPES (H-3)**: EAC supports accelerating work on enabling policies for the construction of affordable housing, cohousing, and land sharing initiatives; Our collaborators in the non-profit housing space feel cohousing and land trusts are underexplored solutions to delivering on non-market housing alternatives. • **5.2.1 BUILDING DIVERSE HOUSING TYPES (H-9)**: This is great. Allowing 3+ units in low-density residential zones will improve opportunities for missing middle housing. • **5.2.4 REDUCING MINIMUM PARKING REQUIREMENTS (H-12):** Remove minimum parking requirements altogether – Parking should not be a prerequisite to residential development. • **5.3 INCREASING HOUSING AFFORDABILITY:** We support accelerating work on inclusionary zoning, density bonusing, and no net loss housing policies. • **5.3.2 INCENTIVE OR BONUS ZONING:** There are many examples (e.g., Detroit) where community/public benefits are negotiated with input from the surrounding local community. Consider a provision for public engagement in this process for projects valued over a specific amount, to ensure public benefits meet local needs.	• **5.2.1 BUILDING DIVERSE HOUSING TYPES**: Speaks to housing need for multi- generational families, seniors looking to age in place, students, and young people – Some supportive data on what types of housing HRM is most in need of, might be helpful here. • **5.2.4 REDUCING MINIMUM PARKING REQUIREMENTS (H-12):** the Municipality shall ~~consider reducing or~~ remove parking minimums for residential developments, especially where transit exists or is planned. • **H-18**: Council shall require incentive or bonus zoning public benefits for new multi/mixed-use development – Define what types of public benefits.

Chapter 6: Protecting the Environment and Acting On Climate 6.0 Introduction 6.1 Objectives 6.2 Protecting And Connecting Our Green Spaces 6.4 Protecting Our Water 6.5 Acting On Climate Change	• **Introduction**: The concept of *Netukulimk* is invoked here but is tokenism if there at not proposed pathways to actually work incorporating Netukulimk as a guiding value into both gathering of knowledge, and decision-making. For example, cooperation with the Mi'kmaw could be an Objective in section 6.1. • The Introduction speaks to the value of watersheds as a planning framework, but... Watersheds as planning units are not discussed in the Objectives section. Why not? There is other, vaguer wording in this section about "foster a land management approach…" and "adopt development practices that sustain and nourish air, land, water…" Watershed-level planning and management provides a concrete way to achieve these objectives. • A Regional Green Network – This section does a good job of explaining the multiple values of a greenbelt. Policies EC-2 to EC-7 are good in principle, but need some refining (*see Specific Recommendations*, but also talk with NSECC Protected Areas Branch, NCC, and NSNT). • **Map 6**: How were High Ecological Value Areas defined? Why are large sections of Wilderness Areas not considered High Ecological Value? Why do some of the corridors follow different routes than both the HGNP and the wildlife corridor charrette? The corridors drawn in Map 6 miss some actual corridors that need protection. • New Corridor naming (Essential Corridors) is confusing because the HGNP used the same name to identify different corridors. Also, why was this new corridor exercise needed? • Naturalization and MNAI – We are so pleased to see the naturalization work, and the MNAI work, being continued after their first few years. EC-15 would be strengthened by calling for a naturalization strategy. This could link the mentions of naturalization in the HGNP and HalifACT to how	• Section 6.2 and 6.3 – There is a numbering problem in this section (no section 6.3) • **EC-1** "… shall be considered…" is not strong enough wording to implement the HGNP. There are examples already of this wording not resulting in actual use of the HGNP in decision-making. • A Regional Green Network – Remove the word "inaccessible;" it doesn't make sense here. • **EC-2** HRM should use other sources as well to identify areas important for biodiversity and climate change mitigation other than the HGNP. • **EC-3** Prohibits residential development on new roads within the Open Space designation. Could this policy and bylaw also restrict new road construction, and/or, could other forms of development (industrial) be restricted? • **EC-5** Protected Area Zone should perhaps be called Conservation Area Zone instead, since Protected Area has a specific, legal meaning in Nova Scotia. In this policy we suggest removing "private conservation organizations." All non-governmental conservation organizations could be covered under "non-profit conservation organizations" (better labeled "not-for-profits conservation organizations). • **EC-6** should allow landowners to donate *or sell* a portion of their property for conservation purposes. Clause a) should say "shall be legally protected for conservation purposes only." This is important. • **EC-7** This policy could clarify that lands acquired for conservation purposes could be acquired and managed separately than land acquired as part of the parkland dedication. It may need to be clarified if HRM has the power under the Halifax Charter to do this. • **EC-8** Refinement of the HGNP corridors – does this matter if new corridors (which implementation direction) have been

	they can actually be supported on the ground, AND work in insights from the MNAI work. • **6.3.3 NATURALIZATION AND MUNICIPAL NATURAL ASSETS MANAGEMENT (EC-16):** Is too vague and needs to be elaborated upon. • **6.3.4 URBAN FORESTS (EC-17)**: Has "shall consider" been working out well for the urban forest? If not, use stronger wording. • **6.4.2 WATERSHED MANAGEMENT (EC-18)**: Developing a Watershed Management Framework is excellent, and the twelve considerations outlined are important. HRM must ensure that these considerations are actionized. EAC looks forward to collaborating with HRM on the framework's development. As development progresses and the framework is actionized, HRM should seek advice and input from the Regional Watersheds Advisory Board. • **6.4.6.1 RIPARIAN AREAS (EC-24)**: This is a great initiative, and is an improvement from the HGNP recommendation of only increasing the buffer for watercourses wider than 50cm. Now all watercourses will have a 30m buffer. • **6.4.6.2 WETLANDS (EC-33)**: This is great. The municipality can play a key part in ensuring certain wetlands are never altered by helping the Province to identify local WSSs. • **6.4.6.2 WETLANDS (EC-35)**: Working with the Province on wetland protection and restoration is key. It's great to see the desire of government to work together with different levels of government on important environmental issues such as wetlands. • **6.5.3 STORMWATER & FLOODING (EC-41)**: This is a great initiative. Included in the nature-based solutions that will help prevent flooding should be trees/tree cover, promotion of plants native to Nova Scotia, and protection/restoration of wetlands.	defined? Change "shall consider" to "demonstrate consideration of." • **EC-9** This will only work if other agencies have a map layer of the areas HRM would like to keep intact for wildlife habitat connectivity. • **EC-11** could be improved by adding to clause iv) "…landscaping requirements that promote a high percentage of open space and permeable surfaces that are supportive of wildlife habitat." • EC-13 could be improved by: c) "consider opportunities to dedicate or acquire parkland *or conservation land*…" d) "consider opportunities for wildlife crossings over, *under, or along* transportation infrastructure…" • **EC-14**: Why is this very specific policy here? • **6.4.6.1 RIPARIAN AREAS**: The plan should define buffer vs. setback. Multiple definitions exist for these two terms. HRM should clarify what is meant by buffer and what is meant by setback. If they are being used interchangeably, this should be communicated. This observation is regarding not just this specific section of the report, but the entirety of the Regional Plan. • **6.4.6.1 RIPARIAN AREAS (EC-24)**: It is not acceptable that only some wetlands will have a 30m buffer. This 30m buffer should be applied to all wetlands, not just wetlands that are contiguous with watercourses or identified as a Wetland of Special Significance (WSS) as stated in EC-34. In order to do this, HRM should include wetlands as part of the definition of watercourse. This will not only support the climate change adaptation capabilities of wetlands (e.g., flood mitigation), this will help protect and maintain health wetlands throughout the HRM, and in turn, healthy watersheds, ecosystems, and communities.

	• **6.5.4 FLOODPLAINS (EC-51)**: Far too broad language in "adequately flood proofed". • **6.5.5 COASTAL PROTECTION (EC-56)**: This is an excellent initiative and should be fast-tracked. • **6.5.5 COASTAL PROTECTION (EC-61)**: Excellent intention but needs stronger language than "may encourage". Coastal armour stone and seawalls on their own and without proper design damage surrounding properties by increasing erosion rates, and accelerate the destruction of beaches. • **6.5.8 WIND ENERGY (EC-75)**: Good to have this in place. Industrial-scale projects, like wind farms, are incompatible with what is trying to be achieved through Regional Parks, Conservation Areas, etc.	• **6.4.6.1 RIPARIAN AREAS (EC-25)**: Any of the structures listed in this section should only be developed in an environmentally sensitive manner. • **6.4.6.2 WETLANDS**: HRM should make efforts to collect data on wetlands in the municipality. Specifically, HRM can work with the province to monitor and collect data on wetland mapping and monitor changes overtime. This will help the municipality to better understand how much wetland loss is occurring, and where in the municipality it is occurring at higher rates. This in turn can help guide future changes to how HRM (and the Province) works to better protect wetlands. • **6.5.3 STORMWATER & FLOODING (EC-41)**: The municipality should also support training initiatives so that residents and professionals in the field are knowledgeable and skilled in the maintenance and upkeep of these naturalized features • **6.5.4 FLOODPLAINS (EC-51)**: Define specific criteria for what constitutes "adequately flood proofed", do not leave these criteria open to interpretation. • **6.5.5 COASTAL PROTECTION (EC-61)**: The Municipality *shall* encourage maintaining, protecting and/or restoring natural coastal ecosystems, encouraging use of nature-based and/or hybrid infrastructure on coastlines, and minimizing the use of hard infrastructure on coastlines such as armour stone and seawalls through best management practices, public education, and guidebooks. • **6.5.5 COASTAL PROTECTION**: Add regulations to limit the amount of lineal shoreline that may be covered by seawalls and specify that any hard infrastructure be used in a way that reduces impact on surrounding properties to the highest extent. • **6.5.7 RENEWABLE ENERGY (EC-70)**: Would encourage a change to "To support renewable energy sources and reduces reliance on fossil fuels in the development of different sites, the Municipality "shall" as opposed to may.

		○ In provision b, suggest replacing 'encourage new developments' with 'require new developments' ○ In provision c, suggest extending this to state "identify opportunities to capture and redistribute waste energy, and encourage combined heat and power systems which minimize GHG emissions." ○ In provision d, suggest extending this to state "develop, promote, and incentivize net-zero building design practices in line with highest energy performance tiered of the federal National Building Code 2020 • **6.5.7 RENEWABLE ENERGY** – Would also like to see the municipality partnering on direct investment, providing incentives, or exploring other ways to empower other stakeholders to develop renewable and efficiency projects added to this list.

Chapter 7: Transforming How We Move In Our Region 7.0 Introduction 7.1 Objectives 7.2 Integrated Mobility Plan 7.3 Setting Targets and Measuring Progress 7.4 Regional and Community Mobility 7.5 Complete Communities and Streets 7.6 Transportation Demand Management 7.7 Active Transportation 7.8 Public Transit 7.9 Curbside Management 7.10 Goods Movement 7.11 Looking Beyond: The Future Of Transportation Planning	• **Introduction**: "Transportation and land use planning are inseparable, and the decision-making process for both must be integrated." – We strongly support this. • **7.3 SETTING TARGETS AND MEASURING PROGRESS**: Applaud completing the first regular update of the Household Travel Activity Survey; non-commute travel data is difficult to collect but worth the effort to better understand mode-share throughout the day. • **M-5 i)** The Municipal Design Guidelines were just updated in 2021, but iterative updates would help implement accessibility lessons learned sooner. • **M-5 n)** Considering parallel corridors in Complete Streets projects will recognize more impacts and opportunities, which is good. • **M-12** Applaud specific policy direction to consider opportunities for improving regional and inter-regional passenger services of all modes. ○ Transit tickets should be available for sale at the airport; they used to be but are no longer available. ○ Allowing motorcoaches and rural transit in bus lanes is good, HRM's bus lanes should have capacity to spare even with BRT, allowing (inter-)regional transit to use existing transit priority measures. ○ Consideration of future passenger rail when planning next to railways is encouraging. • **M-14** "reviewed from time to time" is vague, but defining a frequency for updating Municipal Design Standards might be too restrictive and delay adding lessons as they're learned. • **M-17** Formal enabling policy for dedicating streets or portions of streets as car free zones is encouraging. • **M-24** Reduced parking requirements where bike parking, car-share, and other TDM measures are provided is encouraging. • **M-27** Protecting existing and planned AT routes, requiring developers to build abutting planned AT routes, and requiring	• Adding Vehicle Kilometers Traveled (VKT) generation limits in Land Use By-Laws would integrate TDM into land use planning. ○ California's SB 743 required VMT reduction tools be integrated in Land Use By-laws by 2020, many tools have been developed, implemented, and refined since 2013. ○ There are websites of case studies from Californian municipalities of all sizes https://www.sb743.org/ • **7.7.3 MICROMOBILITY**: "appropriately managed" micro mobility is vaguely worded, specific tools or examples would be appreciated. Dock-based shared micromobility services and secure parking for scooters and skateboards in addition to bikes will give more people more options for accessing (rapid) transit services/stations. • **M-37** Not subjecting transit facilities to zoning requirements/restrictions will speed up implementation of BRT, but communicating the purpose/impact of this policy direction should be done carefully. I.e., this is not to enable large park and rides lots in residential areas, but rather to allow right-sized BRT stations at all scales. • **7.9.1 PARKING**: A dedicated Rural Mobility Hub program with funding for at least 3 rural mobility hubs with bus shelters and EV chargers, 5 years of evaluation, and the development of a design guideline to capture and share lessons learned would be a reasonable minimum viable commitment to put the concept into action. • **7.10 GOODS MOVEMENT**: The business case for the Highway 107 Extension (Burnside Expressway) is unclear • **M-46 a)** Leveraging available technologies to enable shifting more types of container movement towards rail will hopefully reduce freight traffic and emissions through Downtown. • **M-46 c)** Any intensification of port related activities on underutilized land in Woodside should require a community benefit agreement; this may be a way of funding

	new developments be connected to AT routes; it's good to see these codified. • **M-30** HRM has a backlog of sidewalk projects that public works staff estimate at $400-600 million, requiring developers to construct or cost-share off-site sidewalks for the pedestrian trips they generate will help address this backlog faster. • **M-32** Suburban communities need their own AAA bikeway networks. Connections to the Regional Centre AAA network would be ideal, but may be limited by topography in some contexts; all-season AAA bikeway connections to rapid transit will suffice. • **7.7.3 MICROMOBILITY**: Considering "appropriately managed" micromobility as part of solving the last mile problem is encouraging and will give more people more options for accessing (rapid) transit services/stations. • **M-37** Permitting public transit facilities in all zones will speed up implementation of BRT. • **7.9.1 PARKING**: Rural mobility hubs with park-n-ride/carpool lots, bus shelters, parcel pick-up/drop-off, and EV chargers are a good idea; much discussed within communities, but few examples of implementation locally. • **M-43** Enabling policies in secondary planning strategies for modular housing and pop-up services/events on surface parking lots is encouraging. • **M-44** Prioritizing accessible parking when allocating space for curbside parking is good to codify for equity and inclusion, but consideration of the spatial needs of universally accessible parking spots should be included in the wording. It's good to allocate preferred locations for accessible parking, but if there isn't room for curb cuts or buffers to enable driver-side, passenger-side, and rear-loading access for wheelchair users then the space is not "accessible".	connections between the Regional Centre AAA Bikeway Network, Eastern Passage, and the Shearwater Flyer Trail. • **M-46 e)** Considering the spatial needs of trucks in Complete Street projects on designated truck routes is a good thing to codify.

Chapter 8: Driving Economic Prosperity 8.0 Introduction 8.1 Objectives 8.2 Economic Strategy 8.3 Mixed Use Communities and Mixed Employment Centres 8.4 Industrial Employment Lands 8.5 Rural Employment Lands 8.7 Tourism 8.8 Inclusive Economic Prosperity	• Prioritize well-being over GDP as a measure of economic success -- In a thriving ecosystem, abundance and collective well-being are just as important as productivity. Our own systems should be no different. The current economic system (one that depends on perpetual growth through the exploitation of nature and labor for profit) is more than unsustainable; it is simply not possible on a finite planet. • Using productivity and consumption levels (GDP) as our sole measure of economic success is not enough to meet the needs of all people, and threatens to push us past the planet's ability to sustain us. Building a better normal requires us to redefine economic success, measuring and placing value on collective well-being, health, and sustainability for all people and the ecosystems we depend on. We need an economic system that values what matters most and serves the future we want to create. • **8.4.5.2 WATER LOTS (EP-22)**: Great start in preventing development on waterlots, but waterlot infilling itself must be regulated and restricted to properly prevent infilling activities. There are multiple stages in a waterlot infill and development where enforcement of specific uses is not occurring and not feasible to constantly monitor. • **8.9 GREEN ECONOMY (EP-43):** Consider elevating the "green economy" to a key action to deliver on within the Regional Plan. The transformational change required to address the climate emergency and achieve the goals set out in HalifACT will require the green economy to be a stronger focal of this regional plan review.	• **8.4.5.2 WATER LOTS (EP-22)**: Unequivocally restrict infilling activities within waterlots, and restrict any development on existing infills, except for "the purpose of marine related purposes, such as wharfs or marinas, or to provide public recreational areas or public access to the waterfront".

Chapter 9: Celebrating Culture, Arts And Heritage 9.0 Introduction 9.1 Objectives 9.2 Sharing Our Stories 9.3 Protection of Heritage Resources 9.4 Development Abutting Registered Heritage Properties	• **Introduction**: EAC recognizes that the cultural and political structures and values that arrived with the colonizers are the root cause of the environmental crises we face today. Restoring Indigenous governance is crucial for righting the historical wrongs of land theft and for ensuring the survival and thriving of our human and ecological communities in the future. Returning to the wisdom of Mi'kmaw cultural and political values such as Netukulimk is vital to creating the just, vibrant, inclusive, and ecologically resilient world we dream about. • **Objective 6**: Much of the area around Kjipuktuk is a "landscape of cultural significance" for Mi'kmaq, including the Bedford Barrens, Turtle Grove, the harbour itself, and likely others. HRM should work with Mi'kmaw historians, archeologists, and storytellers to surface and share more of these stories. (*this is partly addressed under* 9.3.6). • Citadel Hill has cultural significance for Mi'kmaw and the African NS community, which should be shared – ANS and Mi'kmaw communities should be given the resources and support to surface and share these stories in their own way, at their own timeline, according to their own culture around storytelling. • **9.2.1 MI'KMAQ AND INDIGENOUS RECONCILIATION (CH-2)**: Will these Friendship Accords flow down to Mi'kmaw rights holders to be able to access lands currently held by HRM for the purposes of gathering food and medicines? • **9.2.1 MI'KMAQ AND INDIGENOUS RECONCILIATION (CH-3)**: Great to see celebration Mi'kmaw names! • **9.3 PROTECTION OF HERITAGE RESOURCES**: We know that preserving older buildings and doing deep energy retrofits is often a better environmental choice than tearing them down. We support the preservation and upgrading of older buildings as a (usually) lower-carbon option. • **9.3.4 HERITAGE AND SUSTAINABLE DEVELOPMENT (CH-24, 25, and 26)**: Great to see recognition of deconstruction and	• **9.2.1 MI'KMAQ AND INDIGENOUS RECONCILIATION (CH-4)**: Great to see HRM has an eye to demonstrable benefits for Mi'kmaw communities, and that Mi'kmaw representatives will be part of the process. However, need more details on *Community Benefit Agreements* to ensure that they are not being used to acquire trade-offs for harmful development/industrial projects. • **9.2.2 AFRICAN NOVA SCOTIAN COMMUNITY PLANNING (CH-7)**: Need more details on what it means to restore historic ANS communities.

	salvage, and energy efficiency retrofits. Much of the waste in the landfills comes from C&D materials. • **9.3.6 ARCHAEOLOGICAL RESOURCES**: As discussed above, there needs to be strong community collaboration regarding who contributes to and has access to archeological knowledge, how it's shared, and used.	

Chapter 10: Implementation 10.0 Introduction 10.1 Objectives 10.2 Community Engagement 10.3 Planning Tools 10.4 The Regional Subdivision By-Law 10.5 Water and Wastewater Services 10.6 Measuring Success, Reviewing Our Plan, and Adapting to Change 10.7 Transition To This Plan	• **I-4** For minimum watercourse setbacks the more stringent shall apply – good! However, HRM still needs to define and use consistently setback or buffer and should have a universal definition (across the MPS, Community Plans, and by-laws), of what is and isn't allowed in a setback/buffer. • **I-9** Discretionary applications should also consider all of the consideration of I-8. Conservation Areas should also be considered in discretionary applications. • **Conservation Design Developments** – Good to have more detail on this. These developments only truly help with wildlife habitat conservation and habitat connectivity if they primarily avoid development at locations identified through data or modeling as important for biodiversity. So policy I-18 is good, but should include more data sources (e.g., High Ecological Value areas from the HGNP) • **I-18** We disagree with the reduction of parkland dedication to minimum 5% for Conservation Design Development. Conservation Design Development doesn't necessarily achieve any of the objects of HRM Parks though the private land that is designated to be left "untouched." • **I-20** We strongly disagree with allowing early tree removal, blasting, and earthworks by development agreement if this means ground clearing before background studies are completed. • **Parkland Dedication** – Yes, maintain a minimum of 10% parkland dedication for new subdivisions, but also figure out how redevelopment/densification subdivisions shall contribute to providing or improving local park access. • **Table 10.2 Park Classification System** – Should Nature Parks also be listed and defined here? • **I-45** should include other considerations for which lands to acquire for parkland dedication. • **I-54:** This is a great initiative, EAC supports the establishment of a Protected Water Supply Zone. • **10.3.4 SPECIAL PLANNING AREAS (I-20):** We <u>do not support</u> early tree removal, blasting, and earthworks under any	• **I-7** Can this policy also include development agreements? As so much major residential development is done through development agreements, these regional objectives must be used to guide development negotiations. • **I-7 b)** Wording needs to change slightly to "the integrity of Regional Parks, National Parks, and provincial Wilderness Areas and Nature Reserves…" • **I-9** should refer to all of the consideration of I-8, plus Conservation Areas. • **I-18** should refer to additional data sources for planning development in CDD, including High Ecological Value areas from the HGNP, the 3 Corridors, National Parks, provincial Wilderness Areas, and Nature Reserves. • **I-44 b) iii)** This clause should be removed if it can be abused (e.g., multiple, 2-lot subdivisions side-by-side). • **I-45** should be expanded to include: ○ g) the Essential Corridors, corridors of the HGNP, and corridors of the Wildlife Corridor Landscape Design Charette; ○ h) High Ecological Value areas of the HGNP; ○ i) federal National Parks, provincial Parks, Wilderness Areas, and Nature Reserves; ○ j) conservation lands owned or managed by conservation organizations. • **10.4.4 PARKLAND DEDICATION (I-44):** We <u>do not support</u> any reduction in parkland dedication. Parkland dedication policy should be expanded to include development/ redevelopment on sites that increase density (not only in the case of subdividing land).

	circumstance prior to all pre-development and land suitability studies being completed, and final approval of development agreements. • **10.3.5.3 SITES SUPPORTING AFFORDABLE HOUSING INITIATIVES:** We do support the leadership and partnership exhibited related to sites for affordable housing initiatives • **10.7 TRANSITION TO THIS PLAN (I-65)**: Business Plans and Budgets should begin to consider direction for future work of this Regional Plan now and in perpetuity.	

C766

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October 27, 2023

Regional Plan Review Team
cc: Leah Perrin
Regional Planning & Development
Halifax Regional Municipality

Re: Public Health Assessment of Draft Regional Plan Review

Dear Regional Plan Review Team,

Public Health Healthy Communities is pleased to share the following assessment of the draft Regional Plan Review for your consideration. This review is framed using the Healthy Built Environment Linkages Toolkit, which categorizes the built environment into 5 pillars or domains[1]:

- Neighbourhood Design,
- Housing,
- Food Systems,
- Natural Environments, and
- Transportation Networks.

The Linkages Toolkit provides peer-reviewed evidence of population health outcomes for given planning principles under each pillar (see Figure 1).[1] We evaluated policy outlined in the Regional Plan with the relevant health outcomes from the Toolkit for each chapter of The Plan. Where needed we have supplemented our review with other resources and best practices.

We are pleased with elements of the Regional Plan outlining a progressive vision for HRM with community health and equity considerations throughout, which is critical for long-term positive outcomes. We have put forward recommendations for tools and processes that will strengthen the implementation and assessment of some policy statements in the Plan. The bulk of our review appears in the 'Public Health Comments' column of the tables for each chapter which are presented together with reference to the most applicable domains of the Toolkit. Our key suggestions for your consideration are also highlighted here:

- Develop a Spatial Equity-based Index to safeguard the most vulnerable and underserved neighbourhoods so that they are prioritized in a systematic and organized way.
- Use equitable development planning tools such as Social Impact Assessments and Health Equity Impact Assessments to ensure positive and negative health equity outcomes are considered (these are mechanisms to help implement HRM's Social Policy AO).
- With community and partner input, develop targets pertaining to the proportion of infill vs. greenfield development.
- Develop set processes (possibly an administrative order) for how Priority Plans are considered in planning and development decisions, so they are utilized in a comprehensive and consistent manner.

- Develop a strategic land acquisition program for parks and protected/sensitive areas to ensure long-term preservation and ecosystem health of the municipality.
- To ensure equitable access to parks and outdoor recreation amenities, within a complete community context, level of service standards, bylaws and policies should be in place prior to or in tandem with making development/growth decisions (Phase 5) and as the bylaw simplification process commences.
- Use a broad definition of a healthy community, stemming from the social determinants of health, to determine monitoring metrics for the Regional Plan.

Public Health recognizes the complex challenges for HRM Planning & Development with rapid population growth and current social conditions. We continue to support HRM's ongoing efforts toward thoughtful, equitable planning and consultation processes towards healthy public policy and strategies that will create healthier communities.

We look forward to on-going collaboration to support the Regional Plan Review and Plan implementation to help create a more equitable, resilient, and healthy HRM. Our team would welcome a meeting to discuss this contribution and how we can best work together going forward.

[redacted]

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Figure 1. Planning principles and expected population health outcomes as outlined in peer-reviewed evidence related to the five pillars of a healthy built environment as framed in BC's CDC Linkages Toolkit (Neighbourhood Design, Housing, Food Systems, Natural Environments and Transportation Networks).[1]



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Food Systems Research Links

Planning Principle	Increase equitable access to and affordability of healthy food options:	Protect agricultural land and increase the capacity of local food systems	Support community-based food programs
Population Health Outcomes	↑ Diet quality ↓ Diet related illness ↑ Food skills ↓ Health care costs ↑ Healthy weights ↑ Social wellbeing ↓ Stress	↓ Diabetes* ↑ Diet quality* ↑ Food self sufficiency* ↑ Food supply* ↑ Healthy weights* ↑ Mental health* ↑ Social well being* ↓ Stress* ↓ Well water quality*	↑ Community empowerment ↑ Coping skills ↑ Diet quality ↑ Enjoyment of food ↑ Food skills ↓ Health care costs ↑ Healthy behaviors ↑ Social well being ↓ Stress



Natural Environment Research Links

Planning Principle	Maximize opportunities for everyone to access natural environments	Reduce urban air pollution by expanding natural elements across the landscape	Mitigate urban heat islands by expanding natural elements across the landscape
Population Health Outcomes	↑ Attention restoration ↓ Chronic disease ↓ Health care costs ↑ Mental Health ↑ Mood/depression regulation ↑ Physical activity ↑ Social well being ↓ Stress	↓ Cardiovascular mortality ↑ Energy savings ↑ General health ↓ Healthcare costs ↓ Pollution removal costs ↑ Recreation/tourism ↑ Respiratory health	↓ Cardiovascular mortality ↑ General health ↓ Health care costs ↓ Heat related mortality and morbidity ↑ Mental health ↑ Outdoor air quality ↑ Physical health ↑ Respiratory health



Transportation Networks Research Links

Planning Principle	Use street designs which prioritize active transportation	Make active transportation networks safe and accessible for all ages and abilities	Design connected active transportation routes which support multiple modalities
Population Health Outcomes	↑ Cycling ↑ Economic co-benefits ↑ General health ↓ Healthcare costs ↑ Mental health ↑ Physical activity ↑ Physical health ↓ Premature mortality ↑ Psychological health ↑ Quality of life ↑ Sense of safety ↑ Social well being ↓ Stress ↓ Unintentional injury ↑ Walking	↓ Cardiovascular mortality ↑ General health ↓ Healthcare costs ↓ Mortality ↑ Psychological health ↑ Quality of life ↑ Respiratory health ↑ Sense of safety ↑ Social well being ↓ Stress ↓ Unintentional injury	↓ Cardiovascular mortality ↑ General health ↓ Healthcare costs ↑ Healthy weights ↑ Mental health ↑ Physical activity ↑ Physical health ↑ Respiratory health ↑ Social well being ↓ Stress ↑ Walking

*considered new research area

Chapter 2 Planning For Our Region

Public Health (PH) applauds the consideration of future population growth and the acknowledgement of the legacies colonialism has shaped. Accounting for future population growth, protecting cultural heritage, and inclusion of equity throughout planning stages are essential for creating complete communities,[2] which in turn lead to numerous positive health outcomes (Figure 1, Chapter 3 below).[1] Outlined in the table below are specific suggestions to strengthen the health equity outcomes of this Plan.


Neighbourhood Design Research Links


Housing Research Links


Natural Environment Research Links


Food Systems Research Links


Transportation Networks Research Links

Refer to Figure 1 for the planning principle and population health links for these relevant domains.

Regional Plan Draft Content/Policy	Public Health Comments
2.3 Regional Planning **RP-1** The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located. **RP-2** The Municipality shall direct housing and employment growth to strategic locations where water and wastewater infrastructure services are already available. **RP-3** The Municipality shall organize infill and land use intensification to improve the movement of people by aligning infill and land use intensification areas with conventional transit services, including high frequency transit service.	PH applauds policy related to conserving ecosystem health (RP-1)) and approach to infilling (RP-2,3). We suggest using a context-sensitive approach to infill which strategically increases the number of residents living and working in complete communities (refer to Appendix A – Land Use & Complete Communities). Please consider developing targets around the proportion of infill vs. greenfield development to monitor the effectiveness of policies RP-1 to RP-3. Targets should be developed transparently with community and partner input.

2.3 Regional Planning Paragraph 3: "Past studies undertaken for the Municipality have found that: Protecting and enhancing existing open spaces and green elements, including trees, forests, waterways, wetlands, and wilderness provides multiple benefits in maintaining air quality, water quality, mitigating flooding and managing carbon emissions."	PH suggested including "health benefits" as another outcome that results from the protection and enhancement of existing open spaces and green elements as outlined in the Halifax Green Network Plan and the Urban Forest Master Plan: "Protecting and enhancing existing open spaces and green elements, including trees, forests, waterways, wetlands, and wilderness provides multiple benefits in maintaining air quality, water quality, mitigating flooding, <u>managing carbon emissions and providing health benefits</u>."
2.3 Regional Planning **RP-5** "The Municipality shall partner with the African Nova Scotian Communities and Mi'kmaq communities to address historic inequities and injustices and the legacy of colonial approaches to settlement."	Consider rewording RP-5 to state "…to address historic and <u>persisting</u> inequities and injustices…". While work has been done to address and reduce inequities among ANS and Mi'kmaq communities, inequities continue to exist today.
2.6.2 Long Term Growth & Infrastructure Planning Paragraph 2: "Growth projections are already shared and used by Halifax Water and Halifax Transit to inform infrastructure and capital planning."	If not already in practice, PH encourages population data to be shared across all business units. For example, in the Parks and Recreation Business Unit this data should be factored into determining future parkland planning and level of service needs to support equitable parkland access.
2.6.2 Long Term Growth & Infrastructure Planning Paragraph 3: "The Municipality must also consider how investments can be made equitably, as some communities that have been historically underrepresented may have experienced less investment over time."	PH applauds the inclusion of this in the Plan. Please consider using a spatial equity index to ensure that this type of objective is met (Please refer to the Recommended Tools for Implementation Section in Chapter 10 for further information on spatial equity indices).
2.7.6 Agricultural Designation **RP-30** "The Agricultural Designation shall be established on the Regional Land Use Structure Map (Map 2) to encompass a significant portion of the Musquodoboit Valley. The intent of this designation is to: a) encourage the use of this area for natural resource-based activities and industries such as farming, forestry, mining and renewable energy, and to protect these uses from the intrusion of incompatible non-resource related uses"	Consider removing activities not related to food production from the Agricultural Designation. The Agricultural Designation should protect what is left of agriculture-appropriate lands in HRM for sustainable agriculture practice and guard against competition with resource extraction.

Chapter 3 Building Healthy and Complete Communities

Public Health (PH) praises the many Regional Plan approaches and policies related to creating mixed-use complete communities as they can generate multiple and wide-ranging positive population health outcomes (Figure 1).[1] Additionally, complete neighbourhoods yield well-designed density which enables the kinds of conditions that make communities more resilient during major disruptors such as climate change events.[3] Outlined in the table below are specific suggestions to strengthen the health equity outcomes of this Plan as they pertain to creating healthy complete communities.


Neighbourhood Design Research Links


Housing Research Links


Natural Environment Research Links


Food Systems Research Links


Transportation Networks Research Links

Refer to Figure 1 for the planning principle and population health links for these relevant domains.

Regional Plan Draft Content/Policy	Public Health Comments
3.3.2 Core Concepts and Guiding Principles... Paragraph 2: "Support people of all ages, abilities and backgrounds to live, work, shop, learn, and play within a short journey."	Please consider adding language related to health benefits and being explicit about what is meant by 'short journey'. We recognize that '15-minute neighbourhood' may no longer be favourable to use, however, having a specific distance would provide a tangible target which would lead to more effective monitoring. The text could be modified as follows: "Support the health and well-being of people of all ages, abilities and backgrounds by creating neighbourhoods where people can live, work, shop, learn, and play within X km by walking, biking, rolling or taking transit."
3.4.2 Suburban Plan Guiding Principles under Pedestrians First and Human Based Design	The pedestrian first and human-based design approach to suburban planning is commendable from a public health perspective. Please consider the following suggestions:

Paragraph 3: Use an equity lens when developing land use policies. Paragraph 5: "Prioritize the needs and comfort of people in all seasons to make walking more convenient and viable, reduce emissions and improve public health."	Paragraph 3: To help realize this goal please consider adding policy direction to research/develop a data-driven spatial equity index. (Refer to the Recommended Tools for Implementation Section in Chapter 10 for further information). Paragraph 5: The pedestrian first and human-based design approach to suburban planning is commendable from a public health perspective. However, please consider changing the wording of the first bullet to the following to make it more relatable/tangible for the average reader: "Prioritize the needs and comfort of people in all seasons to make walking more convenient and viable, reduce emissions and improve health and well-being."
3.4.3 Suburban Growth Areas **HC-5 "**To support mixed-use, transit-oriented development and healthy, complete communities in the Urban Settlement Designation, the Municipality shall establish a suburban structure to direct intensification of land use to future Rapid Transit Corridors shown on Map 3 and in Table 3-2. The areas identified as Proposed Transit Walksheds and Rapid Transit Oriented- Development on Map 3 and in Table 3-2 may be amended in response to future urban design studies and community engagement."	Where the goal is to have complete communities throughout the municipality, PH feels that the list in Table 3-2 and the Proposed Transit Walksheds on Map 3 should be more comprehensive/aspirational and include areas such as Sackville, Bedford, and Eastern Passage. These would not be contiguous with the existing walkshed boundary but rather branches/nodes extending from the polygon depicted on Map 3. Please note that the distance criteria used when determining the walkshed is unclear. This should be made explicit in the Plan.
3.4.5 Future Serviced Communities **HC-7 "**Where requests are received to initiate a planning process for any of the areas identified in Table 3-3 as future serviced communities, consideration shall be given to: iv. Water and Wastewater Services Study – This study shall establish existing water and wastewater infrastructure conditions and develop a macro-level servicing strategy that will establish water, wastewater and stormwater servicing infrastructure requirements for development, including cost estimates and allocation assessment; and c) Any applicable direction contained within this Plan and Council approved Priority Plans."	Given the myriad of co-benefits from natural environments, including nature-based climate solutions[4], please consider the addition of green infrastructure in the Water and Wastewater Services Study. Suggested wording is as follows: "iv. Water and Wastewater Services Study – This study shall establish existing water and wastewater infrastructure conditions and develop a macro-level servicing strategy that will establish water, wastewater and stormwater servicing infrastructure requirements for development, which includes green infrastructure considerations, a cost estimates and allocation assessment; and…" PH applauds the inclusion of policy (HC-7c), which is to consider all approved Priority Plans in the planning of Future Serviced Communities. A set process should be put in place for how the Priority Plans are considered in planning and development decisions so that Plans are utilized in a comprehensive and consistent manner, such as an administrative order.

3.4.5 Future Serviced Communities **HC-8** "Where a planning process for any of the areas identified in Table 3-3 as a Future Serviced Community has been initiated pursuant to HC-7, the Municipality shall adopt site-specific policies in the applicable secondary municipal planning strategy to guide future site design, land use, density and form of development. In developing site-specific policies, Council shall consider the following: l) community-scale or site-level green infrastructure, renewable energy options and other climate mitigation design elements are integrated in development…"	Given the climate crisis is the biggest public health crisis of the century,[5] PH would like to see the language strengthened in this policy to the mandatory language of 'shall commit to' rather than 'shall consider'.

Chapter 4 Strengthening Community Infrastructure

Public Health (PH) applauds the Regional Plan's objectives and policies aimed at creating safe, inclusive, equitable and accessible parks, recreational spaces and programs, and libraries. These shared spaces relate to the natural environment, food systems, neighbourhood design, and social cohesion, all of which can contribute to positive population health outcomes (Figure 1).[1] Outlined in the table below are specific suggestions to strengthen the health equity outcomes of this Plan as they pertain to creating strong complete communities.


Natural Environment Research Links


Food Systems Research Links


Neighbourhood Design Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domains.

Regional Plan Draft Content/Policy	Public Health Comments
4.2 Parks **CI-2** "To ensure that the Municipality's park and open space infrastructure is sufficient to support growing and healthy communities, the Municipality shall develop a Regional Parks Priority Plan that supports the objectives of this Plan and the Halifax Green Network Plan and consider: c) Establishing criteria for classifying and developing HRM parks including designating new park areas, and the upgrades to existing parks required to support existing and future population growth."	Please consider ensuring that the criteria for developing HRM parks level of service standards, bylaws, and policies, be in place prior to, or in tandem with, making development/growth decisions (RP Phase 5). This will ensure equitable access to parks and outdoor recreation amenities, within a complete communities context. A parkland acquisition strategy should also be considered for underserved areas.
4.2.1 Level of Service Standards Paragraph 1: "... Standards can be used to identify the desired maximum distance to outdoor recreational amenities and parkland and the amount of parkland and	Please consider modifying CI-7 h) to explicitly include amount of parkland and number of amenities per capita, as discussed in the 4.2.1 preamble. For example: "h) benchmark and best practices for level of services <u>which incorporate amount of parkland and number of amenities per capita</u>;"

amenities available per number of residents (parkland per capita)." **CI-7** "The Municipality shall seek to provide a balanced distribution and supply of inclusive and accessible high-quality parks and outdoor amenities according to defined level of services. The Municipality shall develop Level of Service Standards for parkland and outdoor assets with consideration given to the following: h) benchmark and best practices for level of services;…"	
4.7 Food Security Introduction paragraph sections 1."Community food security exists when community residents obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self-reliance and social justice" 2." Food insecurity is a complex issue with many economic, social, geographic, and political factors. A 2018 study of Household Food Insecurity in Canada found that Nova Scotia has the highest rate of food insecurity of all ten provinces in Canada, and an estimated 16% of households in the municipality face marginal, moderate, or severe food insecurity." 3."A 2018 study of Household Food Insecurity in Canada found that Nova Scotia has the highest rate of food insecurity of all ten provinces in Canada, and an estimated 16% of households in the municipality face marginal, moderate, or severe food insecurity.[1] The same study finds that at 16.7%, the municipality is more food insecure than the national average (12.7%) and is ranked as the 3rd highest Canadian census metropolitan area for rates of household food insecurity."	PH applauds the inclusion of food security in the Regional Plan Review and the distinction of community food security versus household food insecurity. Please consider aligning the definitions for community food security and household food insecurity with those used in the *JustFOOD Action Plan for the Halifax Region,* and include more recent statistics to provide additional context to the current state of household food insecurity. The suggested text is listed below: 1."Community food security exists when all residents have access to enough good food from a food system that maximizes food sovereignty and justice and can be sustained for generations to come." 2."Household food insecurity is the inadequate or insecure access to food due to financial constraints[6]." 3. In 2022, the percentage of individuals living in food insecure households was highest in Atlantic Canada. In Nova Scotia, the percentage of people living in food insecure households increased from 17.7% in 2021 to 22.0% in 2022.[7] In the Census Metropolitan Area of Halifax in 2022, the percentage of people living in food insecure households was 20.5%.[8] PH further recommends an additional policy to address the relationship between public transit and food access by stating: "Municipality shall consider access and service to important food access destinations during transit service and active transportation planning, as recommended in the *JustFOOD Action Plan for the Halifax Region,* Recommendation 16.c*."*

4.7 Food Security **CI-22** "When preparing new secondary municipal planning strategies or amendments to existing secondary municipal planning strategies, means of furthering food security may be considered including: a) requiring development proposals to address access to food and impacts on local food systems as part of land suitability assessments;…"	PH recommends stronger language in CI-22, for example "…means of furthering food security *shall* be considered including:"
4.7.2 Urban Agriculture **CI-25** "The Municipality shall, through the applicable land use bylaws, permit market gardens to facilitate the production, processing, and distribution of food at a scale appropriate to the surrounding context in all zones, except for zones created with the intent to limit development near environmentally sensitive watercourses, infilled water lots, and coastal shorelines. Permitted uses and structures shall include: a) Private gardens, community gardens, green roofs, and accessory food processing and distribution; b) Accessory keeping of bees and egg-laying chickens; Farmer's markets, except that farmer's market's shall not be permitted in low-density residential zones."	PH recommends the inclusion of greenhouses as a permitted structure under CI-25. Greenhouses are vital to supporting market gardening in our climate and should be enabled without permits, setbacks or coverage requirements: "d) Greenhouses to support market gardening."
4.7.2 Urban Agriculture **CI-26** "Subject to the zone and use requirements of CI-21, the Municipality may permit: a) The use of shipping containers for the growing of plants, vegetables, fruits, and worms; and b) The secondary processing and distribution of food in the form of preserved and pickled food products."	Consider using stronger language by replacing may with shall. Consider removing "in the form of preserved and pickled food products" for clause "b" to support food processing and industry more broadly. Suggested revision: "b) The secondary processing and distribution of food. ~~in the form of preserved and pickled food products."~~
4.7.4 Indoor Farming **CI-28 "**The Municipality shall, through the applicable land use by-laws, allow indoor agricultural food production of plants and insects as a permitted main use within	PH supports this policy enabling indoor agricultural food production but recommends *including closed-container fish farming* within the policy. On-land closed-container fish farms offer an ecologically sustainable way to locally produce healthy seafood protein. Recommendation 42a. of JustFOOD Action Plan:

appropriate industrial zones, provided adequate separation distance to residential and other sensitive uses are established."	"Through municipal planning strategies and land use by-laws, encourage on-land closed-containment fish farms, where appropriate, as a sustainable alternative to open net-pen fish farming." Suggested revision: "The Municipality shall, through the applicable land use by-laws, allow indoor agricultural food production of plants, insects, and fish through closed-container fish farming as a permitted main use…"
4.8 Solid Waste Management **CI-36** "The Municipality shall update the Solid Waste Strategy to align, revise, and adopt policies and regulations consistent with HalifACT, the Environmental Goals and Climate Change Reduction Act, and future Provincial legislation related to Extended Producer Responsibility. The Municipality shall consider amendments to community planning strategies, land use by-laws or any other HRM by-laws to implement any recommendations of a solid waste strategy system review."	PH recommends naming food waste with Solid Waste Management policy as per Recommendation 55a of JustFOOD Action Plan: Suggested revision: "The Municipality shall update the Solid Waste Strategy to align, revise, and adopt policies and regulations consistent with HalifACT, the Environmental Goals and Climate Change Reduction Act, JustFOOD Action Plan, and future Provincial legislation related to Extended Producer Responsibility. The Municipality shall consider amendments to community planning strategies, land use by-laws or any other HRM by-laws to implement any recommendations of a solid waste strategy system review."

Chapter 5 Fostering Diverse and Affordable Housing

Public Health (PH) is encouraged to see the Regional Plan acknowledge structural and racial inequities that are perpetuated through housing and recognize the Municipality's role in supporting diverse housing types. We applaud the commitment to collaborate with partners and community members to remove barriers to creating affordable housing. The design, quality, affordability, and location of housing have a critical influence on population health (Figure 1).[1] As a key social determinant of health, housing is a critical pathway through which health disparities emerge and are sustained over time.[9] Outlined in the table below are specific suggestions to strengthen the health equity outcomes of this chapter.



Housing Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domain.

Regional Plan Draft Content/Policy	Public Health Comments
5.0 Introduction Paragraph 7: "Increasing the affordability and range of housing available across our region is essential to ensuring resilient and socially inclusive communities where everyone can access housing."	PH recommends the Plan recognize and name housing as a social determinant of health in the introduction to Chapter 5. Suggested language: "Housing is one of the best researched and widely recognized social determinants of health and is foundational to physical, mental, and social well-being.[10] "
5.1 Objectives	PH recommends including a 6th housing objective promoting the safe condition of housing through proactive inspections and using the newly established rental registry to uphold Bylaw M200. Poor quality housing is characterized by hazards that increase the risk of unintentional injuries such as burns and physical trauma. Energy inefficient housing in cold climates is also linked to illnesses caused by cold and damp living conditions. Moreover, ensuring that people live in good quality housing will largely benefit people of lower socioeconomic status.[1] Suggested objective addition: "Promote the safe condition of housing through enforcement of Bylaw M200 and the Residential Rental Registry (R-400)."
5.2.1 Building Diverse Housing Types **H-4** "The Municipality shall, through the applicable land use by-laws, permit tiny homes, inclusive of mobile dwellings, as a form of residential use."	PH applauds this policy supporting small homes as an alternative housing form. However, we recommend including language directing land-use bylaws to support the clustered development of more than 4 (per policy H-6-a) tiny homes within a lot. Clustering tiny or small homes opens opportunities for collective ownership as a way of reducing costs and supporting affordable density. On an appropriate site, clustered housing is also a strong

	foundation for community building which brings social and mental health benefits.[11]
5.2.2 Gentle Density and the Missing Middle **H-9** "To provide more housing choice across the municipality, the Municipality shall amend existing low-density residential zones to allow any form of low-density housing to a minimum of three units per lot. Built form regulations within land use by-laws shall ensure that the building scale respects the scale of the surrounding neighbourhood."	PH supports policy expanding the diversity of housing forms throughout the municipality. Greater diversity of housing forms and tenures helps improve affordability and supports people to remain in their community longer. Additionally, these diverse housing forms support social connectedness through intergenerational housing and providing space for larger families, which is of particular benefit to immigrant families.[12]
5.3.1 Municipal Initiatives **H-16** "The Municipality shall explore ways to support the creation and retention of affordable housing through development approvals, which may include inclusionary zoning, density bonusing, and policies requiring no net loss/rental replacement of existing affordable housing."	PH supports policies enabling a diversity of housing types across the Municipality. In particular, mandatory inclusionary zoning and rental replacement policies can promote equitable development by limiting residential displacement caused by gentrification.[13] PH recommends considering an additional measure in preserving rental housing. Right to return policies, such as Mississauga's Rental Housing Protection Bylaw, support inclusive change by providing the opportunity for residents to return to their neighborhood or building after temporary relocation due to redevelopment or renovation.[14] Together inclusionary zoning, rental replacement, and right to return policies are important tools for municipalities to create and maintain affordable rental housing.
5.3.4 Partnerships **H-29** "The Municipality may study and consider the viability of new tools and programs to further leverage surplus or available land to support affordable housing, including supporting the development of community land trusts."	The commitment to partnerships and exploring new ways of leveraging land for affordable housing is promising. Establishing a Community Land Trust can be an effective way to remove land from the speculative real estate market and preserve it for affordable housing.[15] [16] HRM can play an important role in supporting residents to resist gentrification and gain some control over development in their community. PH recommends stronger language indicating a commitment to support Community Land Trusts. For example, "The Municipality shall study and consider..."

Chapter 6 Protecting the Environment and Acting on Climate

Public Health (PH) applauds the extent to which the natural environment and climate change are considered across policies in this chapter, and throughout the other chapters of the Regional Plan. The natural environment is linked to many positive physical, mental and social health outcomes so it is great to see this aspect considered broadly throughout planning and development (Figure 1).[1] There are some actions in this chapter where the language written seems to be hedging or reserved. Given that the climate crisis has been named the biggest public health crisis of the century,[17] and the number of extreme weather events Nova Scotia has experienced in the past year, Public Health believes there is opportunity to strengthen language throughout the draft from "may consider" or "may support" to "will/shall." Specific instances where language could be strengthened are included in the table below. Overall, PH was pleased to see the effort put towards the goals of protecting green space, increasing public access to green and blue space, improving biodiversity, and restricting development within floodplains or critical watersheds.



Natural Environment Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domain.

Regional Plan Draft Content/Policy	Public Health Comments
6.3.1.1 A Regional Green Network **EC-5** "The Municipality shall, through the applicable land use by-law, establish a Protected Area Zone...." **EC-7** "The Municipality may consider accepting or acquiring lands for conservation purposes."	EC-5 – PH is encouraged by the inclusion of a PA zone. PH encourages HRM to open up the policy to consider including lands, or portions of lands, which have been identified as natural corridors (as discussed in Policies EC-8 to 13) and those which are deemed as high value within the Natural Assets Framework (Policy EC-16). While we recognize that many of these lands may currently be privately owned, a strategic land acquisition program could strive toward their long-term preservation and long-term ecosystem health of the municipality. We therefore suggest that EC-7 be modified as follows: "Through a strategic land acquisition program, the Municipality will identify and acquire lands for conservation purposes."
6.3.3 Naturalization and Municipal Natural Assets Management **EC-16** "The Municipality shall develop a Municipal Natural Assets framework to measure and value natural assets and make decisions on the delivery of services that natural assets provide."	Public Health would encourage health benefits to be considered as part of that valuation (as the case for the natural asset pilot project underway). Health benefits from things such as recreation use, water and pollutant regulation, maintaining biodiversity, and urban heat reduction.[18,19] PH would also encourage equity to be considered in the framework to ensure the assets are spread across HRM and that all communities have the opportunity to access green and blue space.
6.4.2 Watershed Management **EC-18** "The Municipality shall consider developing community-based Watershed	PH recommends considering stronger language here: "The Municipality shall develop community-based Watershed Management Frameworks..."

Management Frameworks to provide recommendations for amendments to this Plan…"	
6.4.6.1 Riparian Areas **EC-31** "The Municipality may, through secondary municipal planning strategies and land use by- laws, consider measures to regulate development of water lots, including limiting development and establishing setbacks of buildings and structures from the water."	Fluvial flooding is expected to be one of the biggest future risks to the Halifax census division due to climate change,[20] so PH would advise strengthening the language here to: "The Municipality shall, through secondary municipal planning strategies and land use by- laws, regulate development of water lots, including limiting development and establishing setbacks of buildings and structures from the water."
6.5.3 Stormwater and Flooding **EC-41** "Where development is considered by development agreement or through an amendment to a secondary municipal planning strategy, the Municipality shall consider the use of naturalization and green infrastructure and promote approaches to manage stormwater on private property for multi- unit residential, commercial and industrial developments." **EC-44** "The Municipality may consider supporting retrofits to existing stormwater facilities where it has been determined that such retrofits could be expected to mitigate flooding or to improve the quality of stormwater entering watercourses, lakes and wetlands."	PH recommends strengthening this section by having these be requirements rather than considerations. Green, or natural stormwater management infrastructure has been shown to create healthier urban environments by improving the quality of stormwater, and increase the longevity of municipal engineered stormwater management systems by reducing the quantity of stormwater eventually going to those systems.[21] PH would encourage language be updated to: "… the Municipality shall require the use of naturalization and green infrastructure and promote approaches to manage stormwater on private property for multi- unit residential, commercial and industrial developments." Given the negative health impacts that may result from contaminated stormwater such as E. coli and other bacterial infections,[22] and also due to the fact that Halifax is projected to experience increased intense rainstorms as a result of climate change,[20] PH recommends the language be updated to: "The Municipality will support retrofits to existing stormwater facilities …"
6.5.5 Coastal Protection **EC-58** "The Municipality shall endeavor to define coastal setbacks for development that consider coastal erosion, sea level rise, and wave runup, and may develop by-laws or policies to further inform secondary municipal planning strategies and land-use by-laws."	Given current projections for sea-level rise in Nova Scotia, Public Health recommends strengthening the language of this action item to: "The Municipality shall define coastal setbacks for development that consider coastal erosion, sea level rise, and wave runup, and will develop by-laws or policies to further inform secondary municipal planning strategies and land-use by-laws."
6.5.7 Renewable Energy **EC-74** "For all other non-residential uses, 20% of the required vehicle parking stalls shall be "EV Ready."	PH recommends that this requirement go even further to specify Level 2 or 3 chargers within the 20% parking stalls in alignment with Government of Canada recommendations for charging at businesses and public spaces.[23]

Chapter 7 Transforming How We Move in Our Region

Active transportation and transit produce a wide range of health benefits (Figure 1)[1], especially when combined with low-emission transit. For example, health impact assessments which modelled compact cities with good access to low-emission public transportation and provision of safe active transportation infrastructure can yield health gains of 420-826 life-years per 100,000.[24] Public Health (PH) therefore fully supports the Plan's preferred approach to transportation:

"The emphasis shifts from moving vehicles to moving people and goods, by investing in facilities and encouraging building forms that support walking, rolling, cycling, and public transit, while recognizing that some new road connections may have strategic value.".

Specific suggestions to strengthen this chapter are listed in the table below.



Transportation Networks Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domain.

Regional Plan Draft Content/Policy	Public Health Comments
7.0 Introduction Paragraph 6: "Electric buses and cars can clear the air for residents, pedestrians and cyclists."	EV's don't actively clear (or clean) the air. Please consider changing the wording to something such as: "Electric buses and cars do not produce emissions on the road, resulting in cleaner air for pedestrians, cyclists and residents."
7.4 Regional and Community Mobility **M-4** The Regional and Community Links Map (Map 7) shall identify Strategic Corridors and Potential Future Connections to provide guidance for planning the regional and community mobility network **M-5 T**he Municipality shall apply a holistic lens to evaluating, planning and designing mobility network expansions, and in doing so, shall consider: a) assessing needs for and impacts of network expansion at a multimodal network level;... f) the ability to address growth or changes in travel demand primarily through sustainable modes of travel;... k) impacts on, and the needs of	PH applauds the comprehensive policies (M-4, M-5) in Section 7.4 which address multiple key environmental and health concerns such as, sustainability, accessibility and equity. The policies also factor in the need to accommodate population growth which will be key for equity as much of the population will be newcomers.

underrepresented communities, including Mi'kmaq, urban indigenous and African Nova Scotian communities;…	
7.4.1 IMP Evaluation Scorecard Paragraph 3: "Whenever new transportation routes are planned, the Municipality should consider the social ramifications and plan with a diversity and inclusion lens."	To assist with realization of this vision, please refer to the Recommended Tools for Implementation in Chapter 10.
7.5.2 Community Safety **M-20** "The Municipality shall, through applicable land use by-laws, require minimum setbacks from a freeway or railway track other than a siding, light rail or spur line, for new residential buildings, excluding indoor parking, pedways, loading/boarding areas, and non-hazardous goods storage areas, to reduce health and safety risks. Where the required setback distance cannot be provided, the applicable land use by-law shall require the submission of a report by a qualified Professional Engineer identifying the measures necessary to mitigate nuisance and safety risks."	PH has reviewed literature[25,26] and best practices (Ottawa in particular) regarding minimum setbacks from roadways and would like to propose the following policy additions: a) To mitigate health risks associated with air pollution caused by traffic to children (who are the most vulnerable), outdoor play areas associated with a childcare facility, school or park should avoid locations adjacent to arterial roads, highways and other high-volume roadways*. Where no alternatives exist, an opaque screen or a landscape buffer that consists of a contiguous row of shrubs and trees, or a hedge will be required between the play area and the roadway (see b) below). Vegetation buffers should be placed as close to roadways as possible. b) Consider creating fresh air intake guidelines for all site plan applications to minimize air pollution exposure from traffic of particular volumes, idling vehicles and loading areas. For example, the City of Ottawa has created a set of such guidelines through their new High Performance Development Standards (Site Plan Metrics Tier 1: Fresh Air Intake).[27] *Note that there is no universal definition of what constitutes a "major" road, with literature using thresholds of anywhere from 15,000-50,000 vehicles/day. Further, there are varying opinions on the appropriate distance of separation from major roads, with literature values ranging from 100-500 m.[28]
7.7 Active Transportation **M-26** "When considering proposed AT projects or updating the Active Transportation Priorities Plan and Integrated Mobility Plan, the Municipality shall consider the following criteria: c) equitable access for traditionally underserved communities;…"	Please consider broadening this to include the following: "Equitable access for <u>all underserved communities'</u>." Please also consider using a tool such as the spatially-based equity-index (see Recommended Tools for Implementation in Chapter 10) to guide the decision-making process and rationale for prioritization.
7.7 Active Transportation, and **7.8 Public Transit**	PH recommends that there should be greater focus on making the more sustainable modes of transportation the easiest choice for all ages and abilities. For example, establish policy to have more seamless integration between AT modes and transit, provide more

	bus shelters and make them more aesthetically pleasing (possibly through artwork), and improve nighttime AT safety through better lighting.
7.9.1 Parking Paragraph 3: "In the case of on-street parking, it must be optimized to serve nearby shops and services, and to balance other priorities such as transit or bike lanes and loading areas."	Given the range and number of health benefits from urban forests and other green infrastructure[29], such as cognition and attention restoration to healthier weights, please consider adding 'street trees': "In the case of on-street parking, it must be optimized to serve nearby shops and services, and to balance other priorities such as transit or bike lanes, green infrastructure (e.g. street trees) and loading areas."
7.11 Looking Beyond: The Future of Transportation Planning **M-48**: "In considering amendments to this Plan, the Municipality shall research long-term factors in relation to land use and transportation, such as: i) Health impacts of roadway, tire and brake particulates; and"	PH applauds the inclusion of this emerging air quality concern. Here is a brief update on the current state of research and recommendation. Nonexhaust particle emissions arising from wear of brakes, tires, and the road surface, and the resuspension of road dust, are unregulated and exceed exhaust emissions in many jurisdictions. While toxicology and epidemiology have yet to give a clear picture of the health risk they pose, potential mitigation strategies are being pursued. With the exception of lowering speeds, most are technical solutions, such as: • development of brake materials with reduced wear properties; • identifying alternative materials to rubber for tires; • on-vehicle brake/tire wear capture; • the use of dust bindings/high vacuum sweepers combined with high-pressure washing to reduce resuspension; • and reducing vehicle mass.[30] PH encourages HRM to include the policy suggestions listed above in Section 7.5.2 and continue to lower speed limits throughout the municipality. In addition to decreasing the volume of non-exhaust particle emissions which may have negative health impacts, lower speeds reduce the chance of severe injury upon impact.

Chapter 8 Driving Economic Prosperity

Public Health (PH) is encouraged to see language of equity woven into the economic development chapter. Halifax is experiencing transformative growth and these conditions present a unique opportunity to reverse historic trends of disinvestment in certain communities, to develop equitably and with marginalized populations in mind. Efforts toward neighbourhood renewal may result in unintended health inequities if the local context and needs of vulnerable populations are not considered in planning processes.[31] Halifax's strong real estate development market empowers the Municipality and residents to ask more of developers. For example, community benefit agreements can offer residents a tool to resist gentrification and secure elements of a healthy equitable community as part of development - things like affordable housing, jobs, green space, and other amenities.[32]

Healthy neighbourhood design is facilitated by land use decisions which prioritize complete, socially just communities. The economic co-benefits of mixed land use and complete communities are strongly supported by research (Figure 1).[1] Outlined in the table below are specific suggestions to strengthen the health equity outcomes of this chapter.


Neighbourhood Design Research Links


Housing Research Links


Natural Environment Research Links


Food Systems Research Links


Transportation Networks Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domains.

Regional Plan Draft Content/Policy	Public Health Comments
8.3 Mixed Use Communities **EP-6** "As part of the Suburban and Rural Community Planning program, the Municipality shall consider amendments to secondary municipal planning strategies and land use by-laws to allow for increased small-scale commercial opportunities and home-based businesses in residential and mixed use zones."	PH applauds this policy to encourage small-scale commercial in residential and mixed-use zone. Enabling commercial activities that support people's daily needs within walking distance promotes a healthier, more active lifestyle. Moreover, walkable land-use patterns are associated with economic productivity.[33]

8.7 Tourism **EP-29** "The Municipality shall explore development and property transfer opportunities for historically underrepresented communities to develop cultural and creative businesses on that land."	PH is pleased to see support for underrepresented communities to join in the economic benefit of HRM's growing tourism industry. Property transfers, in particular, would offer underrepresented communities the self-determination that, in some cases, they have historically been denied.
8.8 Inclusive Economic Prosperity **EP-34** "The Municipality shall study and where required, seek legislative authority, for tools that could maximize economic and social benefits of major projects within communities, such as community benefit agreements…"	PH is encouraged to see a commitment to enabling and supporting community benefit agreements (CBA). Beyond studying and seeking legislative authority, Public Health would like to see CBA negotiations codified by municipal legislation, as has been successfully done in Detroit, for example.[34]
8.8 Inclusive Economic Prosperity **EP-35 "**When plans, policies and by-laws are reviewed, the Municipality shall ensure alignment with the 94 Calls to Action, the recommendations from the Task Force on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History, and the African Nova Scotian Road to Economic Prosperity."	PH is very supportive of this policy which has the potential to provide 'teeth' for advancing racial equity and justice by ensuring the guiding documents named in EP-35 are applied to new plans, policies, and by-laws.
8.8.1 Historical African Nova Scotian Community Action Planning EP-36 – EP-41	PH is excited to see the ANS Community Action Plans initiated and supported in the Regional Plan. This is an important step to redress historic harms done to the ANS community.

Chapter 9 Celebrating Culture, Arts and Heritage

Public Health (PH) applauds HRM's goal of increasing the representation and celebration of other cultures and groups, their histories, and the infrastructure or landscapes that are important to them. Having a sense of inclusion and belonging in the community is important for overall health and wellbeing[35,36] so making these changes will support positive physical and mental health for all residents of HRM. Additionally, PH applauds the actions around maintenance and upgrades for Heritage Properties as they are in direct alignment with the goals of Chapter 6 and the municipality's ambitious climate targets.[37] Upgrades and changes to all forms of infrastructure will be needed to address the climate crisis, so it is great to see the continuity of this focus across the chapters. PH has very minimal feedback on this chapter.

Regional Plan Draft Content/Policy	Public Health Comments
9.2.1 Indigenous and Mi'kmaq Reconciliation **CH-4** "The Municipality shall request enabling amendments to the Halifax Regional Municipality Charter to permit the creation of community benefit agreements that will demonstrably bring benefits to Mi'kmaq communities. Mi'kmaq representatives shall participate in the assessment of development proposals that apply for any such incentive."	In alignment with the Calls to Action from the Truth and Reconciliation Report, specifically action 92i:[38] "Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects," it is recommended that Mi'kmaq representatives or communities have final say over the development proposals and not simply get to participate in their assessment.[4]

Chapter 10 Implementation

The Municipality has laid-out a progressive vision for HRM with community health and equity considerations throughout. In some cases, however, policy statements lack tools or processes to ensure their implementation or assessment.

A critical step in promoting equity in HRM is collecting data on neighbourhood demographics, economies, employment, education, housing, and transportation, with an eye to the disparities between different population groups.[39] Assembling and mapping indicator data through a spatial equity index is essential to measuring the well-being of our community and determining whether policies are having an impact.

Public Health recommends integrating health and equity considerations into existing planning processes. Potential tools for incorporating equity in decision-making are included in the table below. The application of social or health impact assessments could help illuminate power imbalances and negative impacts on healthy equity, which can be either reinforced or alleviated through planning decisions.[40]


Neighbourhood Design Research Links


Housing Research Links


Natural Environment Research Links


Food Systems Research Links


Transportation Networks Research Links

Refer to Figure 1 for the planning principle and population health links for the relevant domains.

Regional Plan Draft Content/Policy	Public Health Comments
10.3.1 Secondary Municipal Planning Strategies I-7 "Given the strategic importance of regional objectives in mitigating climate change and protecting the future health of the municipality, new secondary planning strategies or amendments to existing secondary planning strategies,	Public Health (PH) commends policy I-7c given the myriad of health and environmental benefits which come from active transportation and transit.[1,24] Please however consider changing 'pedestrians' to '...those engaging in active transportation...', in order to broaden the scope of the policy. Public Health is encouraged by the language of community health and equity throughout the Regional Plan but would like to see those priorities directed towards Secondary Planning Strategies.

shall organize land use or management of land in a manner, including the scale, location, density and form of development, so that: c) the movements of pedestrians and transit service are prioritized over car-oriented design, including the connections to surrounding community;…"	*Recommended addition:* "I-7f Use HRM's fine-grained spatially-based Hazard, Risk and Vulnerability Assessment (under development) to ensure health equity and the unique needs of vulnerable populations (e.g. low socioeconomic status, elderly, persons with chronic health conditions and disabilities) are considered in land use planning decisions and management."
10.3.3 Discretionary Applications **I-9** "In considering a secondary municipal planning strategy amendment or development agreement applications pursuant to the provisions of this Plan or any Secondary Municipal Planning Strategy, in addition to all other criteria as set out in various policies of this Plan, Council shall consider that: a) the proposal is appropriate and not premature by reason of: iii. the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands; c) that development regulations in the proposed development agreement will adequately mitigate potential conflict between the proposed development and nearby land uses, by reason of: i. types of use(s) ii. impacts on adjacent uses, including compatibility with adjacent residential neighbourhoods, parks, community facilities, and railway operations;…"	Regarding Policy I-9 a) iii), it is great to see this included, but how will 'capacity to absorb' be determined for parks and community facilities? This policy should explicitly refer to utilizing the level of service standard policy outlined in CI-7. For instance: "iii. the proximity of the proposed development to schools, parks, and community facilities, and the capability of these services to absorb any additional demands <u>(use the level of service standards outlined in CI-7 to assess additional demands);</u> Suggested Additions to I-9: "d) the proximity to food retail outlets (i.e., grocery stores, farmers markets, convenience stores). e)The social impacts of the proposed amendment or development agreement on the existing community including equity factors such as physical displacement caused by loss of affordable housing." (See SIA and HEIA implementation tools below)
10.4.4 Parkland Dedication Introduction "Given the pressures of population growth and the need for park infrastructure to support the growing needs of the region,	As the plan is currently drafted, there is a disconnect with the discourse in Section 10.4.4, Policy I-43 and I-45, which refers to the updated approach of using LOS (Level of Service) standards that factor in density (as discussed in Section 4.2.1). PH suggest that

parkland dedication of 10% will be expected, with limited application of a reduction to 5%." "I-43 Subject to Policy EP-41, the Municipality shall, through the Regional Subdivision By-law, establish a requirement for a minimum of 10% park dedication for new subdivisions." "I-45 When the Municipality is acquiring land through parkland dedication through the subdivision process, the following shall be considered: a) the park classification system in Table 10.2; b) level of service standards for parkland and outdoor amenities;…"	Section 10.4.4 and Policy I-43 be updated/synchronized with I-45 and CI-7.
10.5.3 Source Water Protection I-53 "The Municipality shall, through the applicable land use by-law, establish a Protected Water Supply Zone which: d) shall establish a minimum 100 metre riparian buffer around primary water supply sources, including Bennery Lake, Pockwock Lake, and Lake Major, which may be relaxed for privately owned properties adjacent to these lakes through the land use bylaw."	PH applauds the minimum 100 metre buffer given the importance of clean drinking water to health and growing pressures on water quality from climate change.[41] Policy 1-53 d) could be strengthened by expanding the set back requirements to include future private property development. Such as: "d) shall establish a minimum 100 meter riparian buffer around primary water supply sources, including Bennery Lake, Pockwock Lake, and Lake Major, which may be relaxed for existing privately owned properties adjacent to these lakes through the land use bylaw."
10.6 Measuring Success, Reviewing Our Plan, and Adapting to Change **I-58** Key Performance Indicators	See **Appendix A** for recommended indicators for measuring healthy communities.

Recommended Tools for Implementation

The following tools are mechanisms which support HRM's Social Policy Administrative Order 2020-002-GOV and embed equity in the planning process.

Spatial Equity Index (SEI)

Data-driven spatial equity indices (such as Ottawa's Neighbourhood Equity Index[42], which is based on WHO's Health Equity Assessment and Response Tool) are tangible tools which can be used to guide decision-making within Secondary Municipal Planning Strategies, Priority Plans and other planning documents.

This spatial approach, which layers in data related to the physical environment (which you have already completed as part of your complete community mapping for this Plan), socio-economics,

health, and community and belonging, can be used to ensure that the most vulnerable and underserved neighbourhoods are prioritized in a systematic and organized way and aren't subject to increasing inequities. For example, complete community features such as access to public transportation, active transportation, and green space provide the greatest health benefits to lower socio-economic status individuals and groups.[43,44]

Social Impact Assessment (SIA)

Social Impact Assessments (SIAs) are a tool to ensure that positive and negative social impacts of developments are considered as part of the planning process. Identifying, monitoring, and managing these impacts supports more equitable development and helps address spatial inequality by ensuring new investments benefit current residents.[45]

To support equitable development, HRM could require applicants to submit a third-party SIA for large development proposals likely to generate significant social impacts, such as the Future Growth Nodes. Some cities set a threshold for which proposals require SIAs. For example, in some communities, SIAs are required for multi-unit residential development of 200 or more dwellings[46]. SIAs might also be required in culturally significant communities, or in neighborhoods where residents have been identified as vulnerable to displacement from new development.

Health Equity Impact Assessment (HEIA)

Health Equity Impact Assessment (HEIA) is a decision support tool which guides users through the steps of identifying how a policy or project will impact population groups in different ways.[47] HEIA has been identified as a promising means of embedding health equity concerns into planning processes by helping planners consider the ways that development can reinforce or alleviate inequity.[40] HEIA supports an intersectional approach by helping to identify the multiple overlapping factors that can produce health disparities. Experience in Quebec City shows that Health Impact Assessments are a useful tool to support healthy communities and incorporate public health into the planning process.[48]

Appendix A – Metric Recommendations – Measuring a Healthy Community

The metrics suggested below were pulled together after reviewing best practices for measuring the health of municipalities in other jurisdictions[49],[50],[51] and grouped based on data believed to already be collected/reported by the municipality or other sources that Public Health can support the reporting process for. Any of the HRM metrics listed can be restructured to better reflect existing data and indicators for the municipality. All metrics should include a comparison to previous data or against a standard/target when being reported, and the overall frequency of reporting on these metrics will need to reflect the frequency that the data sources are updated.

Category	HRM Metrics	Public Health Metrics
Health Outcomes		• Mortality Rate *(Stats Canada)* and Life Expectancy *(Stats Canada)* • Rates of Health Conditions: ○ Asthma *(Stats Canada)* ○ Diabetes *(Stats Canada)* ○ Overweight or Obese Adults *(Stats Canada)* ○ Cancer *(Stats Canada)* ○ Mood Disorders *(Stats Canada)*
Health Determinants	• % of persons with household food insecurity (JustFOOD) • Crime rates (HRP) ○ Rate of violent crimes per 100,000 population ○ Rate of non-violent crimes per 100,000 population	• Unemployment rate *(Province of NS)* • Education levels *(Stats Canada-Census)* • % people living below poverty line based on MBM *(Stats Canada-Census)* • Core Housing Need (% people spending more than 30% of Income on Housing) *(Stats Canada-Census)* • # of people experiencing homelessness *(By Name List)*
Physical Activity & Access to Nature	• % population within 800m to park entrance or multi-use trail. • # hectares of parkland per 1,000 population within a suitable distance (ex. 800m) • % sites (schools, faith-based orgs, local government facilities) with shared use agreements for recreation use	
Transportation	Transportation-related metrics are well covered by the IMP KPI's, however, some of the KPI's are lacking data. Particularly those related to active transportation. PH's recommendation would be to increase the data collection efforts around those KPI's.	
Land Use & Complete Communities	• % population living within a complete community (using the mapping already completed as part of this Plan as a basis)	

	• Track % of new growth in the urban areas (as per 90% target set in RP-13) • Track % of new growth which is infill vs. greenfield development (refer to Chapter 2 RP-3)	
Environmental Impacts/ Exposures	• # acres of brownfields that are not remediated • Waste disposal rate per capita • # of recreational beaches/water sites that had to close at least once that year • % tree canopy coverage • Number of dwellings that are within 100 m of a high traffic roadway (see related discussion above in Chapter 7 M-20)	• Annual average µg/m^3 of PM2.5 *(Canadian standard threshold is 8.8*[52]*)* *(NS Open Data)* • Annual average ppb of Ground Level Ozone (Canadian standard threshold is 60ppb/8 hours[52]) *(NS Open Data)*
Emergency Preparedness	• Staff to population ratios of: police; fire; paramedics • Avg response time for: police; fire; paramedics • % population living within risk areas as determined by HRM's HRVA	• Existence of an emergency food supply and resilience management plan for the Municipality based on community vulnerability assessments
Healthy Food System	• % population that are not within 1km of a full-service grocery store • # of hectares of urban area that are currently in use for community gardens or urban agriculture	• Number of fresh fruit and vegetable outlets (markets and shops) per 1000 inhabitants

[1] BC Provincial Health Services Authority. 2018. BC Centre for Disease Control. Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Vancouver, BC

[2] ChangeLab Solutions. 2020. The Planner's Playbook A Community-Centred Approach to Improving Health & Equity.

[3] City of Ottawa. 2022. Defining the City Together – The New Official Plan.

[4] Twigg, M. 2021. The Nature of Health – Integrating health considerations in urban nature-based solutions. Smart Prosperity Institute.

[5] Atwoli L, Baqui AH, Benfield T, *et al.* 2021. Call for Emergency Action to Limit Global Temperature Increases, Restore Biodiversity, and Protect Health. *N Engl J Med.* 385: 1134-1137

[6] PROOF Food Insecurity Policy Research. "Identifying Policy Options to Reduce Household Food Insecurity in Canada," 2020. https://proof.utoronto.ca/.

[7] Canadian Income Survey (CIS) 2020 - 2021.

[8] Statistics Canada. 2023. Special tabulation, based on 2021 Canadian Income Survey.

[9] Swope, C.B, Hernández, D. 2019. Housing as a determinant of health equity: A conceptual model. *Social Science & Medicine.* 243. doi: 10.1016/j.socscimed.2019.112571

[10] Rolfe, S., Garnham, L., Godwin, J. *et al.* 2020. Housing as a social determinant of health and wellbeing: developing an empirically-informed realist theoretical framework. *BMC Public Health.* 20, 1138 https://doi.org/10.1186/s12889-020-09224-0
[11] Housing Solutions Network. (2020). Tiny Home Community Policy Paper. Available from https://cityofpt.granicus.com/MetaViewer.php?view_id=4&clip_id=2044&meta_id=176648.
[12] Canada Mortgage and Housing Corporation. (2015). Literature Review and Case Studies of Local Jurisdictions that Permit Secondary Suites. Ottawa, ON.
[13] Centers for Disease Control. *Health Effects of Gentrification.* Available from https://www.cdc.gov/healthyplaces/healthtopics/gentrification.htm.
[14] United Way Greater Toronto/BGM Strategy Group. (2023). *Building Inclusive Communities: Learning from Policies and Programs that Work*.
[15] Institute on Municipal Finance and Governance, Munk School of Global Affairs and Public Policy. (2022). "The Municipal Role in Housing". p.6.
[16] Kern, Leslie. (2022). *Gentrification is inevitable and other lies*. Toronto: Between the lines. p.157.
[17] Atwoli L, Baqui AH, Benfield T, *et al.* 2021. Call for Emergency Action to Limit Global Temperature Increases, Restore Biodiversity, and Protect Health. *N Engl J Med.* 385: 1134-1137.
[18] City of Calgary. 2021. Valuation of Natural Assets: Analysis Summary. Calgary, AB.
[19] Chartered Professional Accountants of Canada. 2023. Valuing natural capital – Is it on your radar? Toronto, ON.
[20] Eyzaguirre J, Boyd R, Morton C, Semmens C, Ramen S, *et al.* 2022. Understanding Climate Change Impacts in Relation to Wellbeing for Nova Scotia – Appendices to Synthesis Report. Vancouver, BC.
[21] Xu C, Tang T, Jia H, Xu M, Xu T, *et al.* 2019. Benefits of coupled green and grey infrastructure systems: Evidence based on analytic hierarchy process and life cycle costing. *Resources, Conservation and Recycling.* 151, ISSN 0921-3449. https://doi.org/10.1016/j.resconrec.2019.104478.
[22] Ahmed W, Hamilton K, Toze S, Cook S & Page D. 2019. A review on microbial contaminants in stormwater runoff and outfalls: Potential health risks and mitigation strategies. *Science of The Total Environment,* 692 1304-1321. https://doi.org/10.1016/j.scitotenv.2019.07.055.
[23] Natural Resources Canada 2023. *Electric Vehicle Charging.* Ottawa, ON.
[24] Stevenson, M., Thompson, J., Hérick de Sá, T., Ewing, R., Mohan, D., McClure, R., Roberts, I., Tiwari, G., Giles-Corti, B., Sun, X., *et al.* 2016. Land use, transport, and population health: Estimating the health benefits of compact cities. *Lancet*, *388*, 2925–2935
[25] Houston, D., Ong, P., Wu, J., and A. Winer. 2006. Proximity of licensed child care facilities to near-roadway vehicle pollution. *American Journal of Public Health.* 96(9): 1611-1617.
[26] Ontario Agency for Health Protection and Promotion. Traffic Related Air Pollution: Avoiding the Trap Zone. Public Health Ontario
[27] City of Ottawa. 2023. High Performance Development Standards – Site Plan Metrics Tier 1: Fresh Air Intake. High Performance Development Standards (HPDS) | City of Ottawa
[28] Ries, F.J., Hystad, P., and B. Gouge. 2010. Minimizing children's non-residential exposure to traffic-related pollution. National Collaborating Centre for Environmental Health.
[29] Wolf, K.L., Lam, S.T., McKeen, J.K., Richardson, G.R.A., *et al*. 2020. Urban Trees and Human Health: A Scoping Review. *International Journal of Environmental Research and Public Health*, 17: 4371; doi.org/10.3390/ijerph17124371
[30] Fussell, J.C., Franklin, M., Green, D.C., Gustafsson, M., *et al.* 2022. A review of road traffic-derived non-exhaust particles: Emissions, physiochemical characteristics, health risks, and mitigation measures. *Environment Science and Technology*. 56(11): 6813-6835. doi: 10.1021/acs.est.2c01072
[31] BC Centre for Disease Control. 2017. Fact sheet: Supporting equity through the built environment. Vancouver, BC: BC Centre for Disease Control.
[32] Kern, L., 2022. Gentrification is inevitable and other lies. Toronto: Between the Lines. p.161.
[33] *Ibid.*
[34] Berglund, L., and S. Butler. 2021. Detroit's community benefits ordinance: setbacks and opportunities to giving residents a voice in development, *Journal of Community Practice*, 29:1, 23 45, DOI: 10.1080/10705422.2021.1881857

[35] Michalski, C., Diemert, L., Helliwell, J., Goel, V., and Rosella, L. 2020. Relationship between sense of community belonging and self-rated health across life stages. *SSM - Population Health.* Https://doi.org/10.1016/j.ssmph.2020.100676

[36] Gehl Institute. 2018. Inclusive Healthy Places: A Guide to Inclusion & Health in Public Space: Learning Globally to Transform Locally. New York City, NY.

[37] Halifax Regional Municipality. 2020. *HalifACT: Acting on Climate Together.* Halifax, NS.

[38] Truth and Reconciliation Commission of Canada. 2012. Truth and Reconciliation Commission of Canada: Calls to Action. Winnipeg, MB.

[39] Von Hoffman, A. (2019). The Ingredients of Equitable Development Planning. Joint Center for Housing Studies of Harvard University.

[40] Williams, P.C., Binet, A., Alhasan, D.M, Riley, N.M., and C. L. Jackson. 2023. Urban Planning for Health Equity Must Employ an Intersectionality Framework. *Journal of the American Planning Association*, 89:2. 167-174, DOI: 10.1080/01944363.2022.2079550

[41] Berry, P., and Schnitter, R. (Eds.). 2022. Health of Canadians in a Changing Climate: Advancing our Knowledge for Action. Government of Canada. https://changingclimate.ca/health-in-a-changing-climate/

[42] City of Ottawa. 2019. Ottawa Neighbourhood Equity Index

[43] BC Centre for Disease Control. 2017. Fact sheet: Supporting equity through the built environment. Vancouver, BC.

[44] James, P, Banay, RF, Hart, JE, Laden F. 2015. A review of the health benefits of greenness. *Current Epidemiology Reports.* 2(2):131-42

[45] Esteves A.M., Franks D., and F. Vanclay. 2012. Social impact assessment: the state of the art, *Impact Assessment and Project Appraisal*, 30:1, 34-42, DOI: 10.1080/14615517.2012.660356

[46] Social Impact Assessment Guidelines. Hobsons Bay City Council.

[47] Province of Ontario. 2023. The Ontario Health Equity Impact Assessment.

[48] Gamache, S., Diallo, T.A., Shankardass, K., and A. Lebel. 2020. The Elaboration of an Intersectoral Partnership to Perform Health Impact Assessment in Urban Planning: The Experience of Quebec City (Canada). *International Journal of Environmental Research and Public Health* 17, no. 20: 7556. https://doi.org/10.3390/ijerph17207556

[49] Urban Systems. 2021. Planning and Community Health: A Practitioner's Handbook. Winnipeg, MB.

[50] American Planning Association. 2017. *Metrics for Planning Healthy Communities.* Chigaco, IL. Retrieved from: Metrics for Planning Healthy Communities.

[51] Tamarack Institute. 2010. Approaches to Measuring more Vibrant Communities. Waterloo, ON.

[52] Canadian Council of Ministers of the Environment. 2023. Canada's Air.

C768

From: Dr. Martin Willison, [redacted]
To: HRM Regional Plan team
Date: 27th October 2023

Dear Regional Planners

I am writing regarding the regional plan and specifically with regard to the need for accurate watershed delineation. In Chapter 6 the draft plan refers to watersheds and their importance for planning. I agree completely that watersheds are very important in planning, but wish to note that no accurate maps exist of HRM's watersheds in the "Suburban Area" that surrounds the "Regional Centre" (Map 1 in the plan). Provincial watershed mapping was done over 40 years ago and is very inaccurate. Modern methods make it possible to create much more reliable watershed maps using remote sensing and HRM has all the data and technology required for accurate watershed mapping.

Mapping watersheds accurately is a big job and falls within the responsibility of the Province, but the Province has not done it. The regional plan identifies a core area for urban and suburban development and this is the area where accurate watershed mapping is most necessary for the new Regional Plan to be effective. For that reason I believe it is imperative that HRM make accurate and reliable watershed maps of the core region slated for urban and suburban development. This is particularly true for the five principal watersheds in the 'Mainland South' region. These five watersheds are as follows (also see attached map, Fig. 1, prepared in 1983 by limnologist J.G. Ogden):

- Long Lake and McIntosh Run watershed (comprised of Bayers Lake, Long Lake, Kidston Lake, Flat Lake, Duck Pond, Roach's Pond, Sheehan Pond, Long Pond and the various lakes and stillwaters closely associated with the lower part of the McIntosh Run, as well as all of the lands that drain into this system).
- Chain Lakes and Chocolate Lake watershed (comprised of the Chain Lakes which flow via a stream to Chocolate Lake which outflows via a short stream to the Northwest Arm, as well as all of the lands that drain into this system)
- Punch Bowl, Whimsical Lake and Frog Pond watershed (comprised of these three bodies of water, as well as all of the lands that drain into this system).
- Catamaran Pond, Colpitt Lake and Williams Lake watershed (comprised of these three bodies of water as well as all of the lands that drain into this system).
- Purcells Pond watershed (comprised of Purcells Pond and its outflow stream to Purcells Cove as well as all of the lands that drain into this system).

In addition to the five watersheds identified above there are at least two smaller intermediate coastal watersheds that lack permanent standing water and permanent streams. These intermediate watersheds will be automatically mapped once the 5 watersheds identified above have been accurately mapped.

Currently even some of the most recent watershed maps define Long Lake and the Chain Lakes within a single watershed. This may be due to the presence of artificial infrastructure that was created during the time when these lakes were part of Halifax's water supply system. The water

diversion infrastructure is no longer operable and it is not now possible for water to flow from Long Lake to the Chain Lakes. Watershed mapping should display how water, including groundwater where possible, actually flows. In this regard the boundary between the watersheds of Purcells Pond and Colpitt Lake will include a boundary wetland that is an area of uncertainty, but the remainder of the region should not have any doubtful boundaries and automated analysis of Lidar data will provide a good foundation for the map (albeit still requiring careful oversight for possible errors of fine detail).

I find it not acceptable that the failure to map watersheds be laid at the door of a squabble between HRM and the Province over responsibility for the task. If the words relating to watersheds in Chapter 6 of the new Regional Plan are to be taken seriously, the mapping task needs to be done in all of the "Suburban Area" in the plan (Map 1). Without accurate mapping, references to watersheds are barely credible.

The points above lead me to Kidston Lake as a case study of the need for accurate detailed mapping of watershed boundaries in the Mainland South region of Halifax. Kidston Lake is recognized by many in Halifax as a cultural and environmental gem. It is a headwater lake within the McIntosh Run watershed. It has a very small catchment and no permanent streams flow into it. Such lakes are sometimes defined as "spring fed". Water percolates into the lake mostly through groundwater flow over the underlying granite bedrock. Because there is only a thin layer of organic soil covering the bedrock within the lake's watershed, accurate mapping using Lidar data is relatively simple to do. There's a sharp watershed boundary around the lake. An approximation of the sub-watershed of Kidston Lake is appended as Figure 2.

Lakes with a small watershed (as is the case for Kidston Lake) flush very slowly and tend to accumulate nutrients. Despite this, Kidston Lake is still oligotrophic and suitable for recreation. HRM has a small park at the lake. HRM pays for life-guards in the summer and conducts lake-water-quality monitoring for recreational safety. HRM has formally recognized the nearby Rocking Stone as a cultural and historical feature.

In light of the above, it is clear that accurate watershed mapping will be critically important for planning for the purpose of carrying out the environmental objectives of the regional plan (Chapter 6).

A landowner's plan for development within the watershed of Kidston Lake recently became public. The plan is only conceptual but it includes dense development of housing within the relatively tiny watershed of Kidston Lake. Multi-unit housing lots are proposed lying up to the minimum boundary for setback around waterbodies. This proposal if carried out will guarantee that water quality in Kidston Lake will be compromised to the point that the lake will no longer be usable for swimming. Furthermore, desirable views of the natural surroundings of the lake will be eliminated.

If the watershed of Kidston Lake is properly mapped this inevitable outcome of proposed development can be avoided. The lake's watershed can be fully protected, lake water suitable for recreation can be maintained, and attractive views of the lake can be retained without serious

impacts on the developer's proposal. A major impediment to this desirable planning outcome is the lack of proper watershed mapping.

Sincerely,

Martin Willison,
[redacted], retired professor of Biology and Environmental Studies, Dalhousie University
Member of the HRM Regional Watersheds Advisory Board (2022-2024)

Figure 1, Ogden map of Mainland South watersheds prepared in 1983

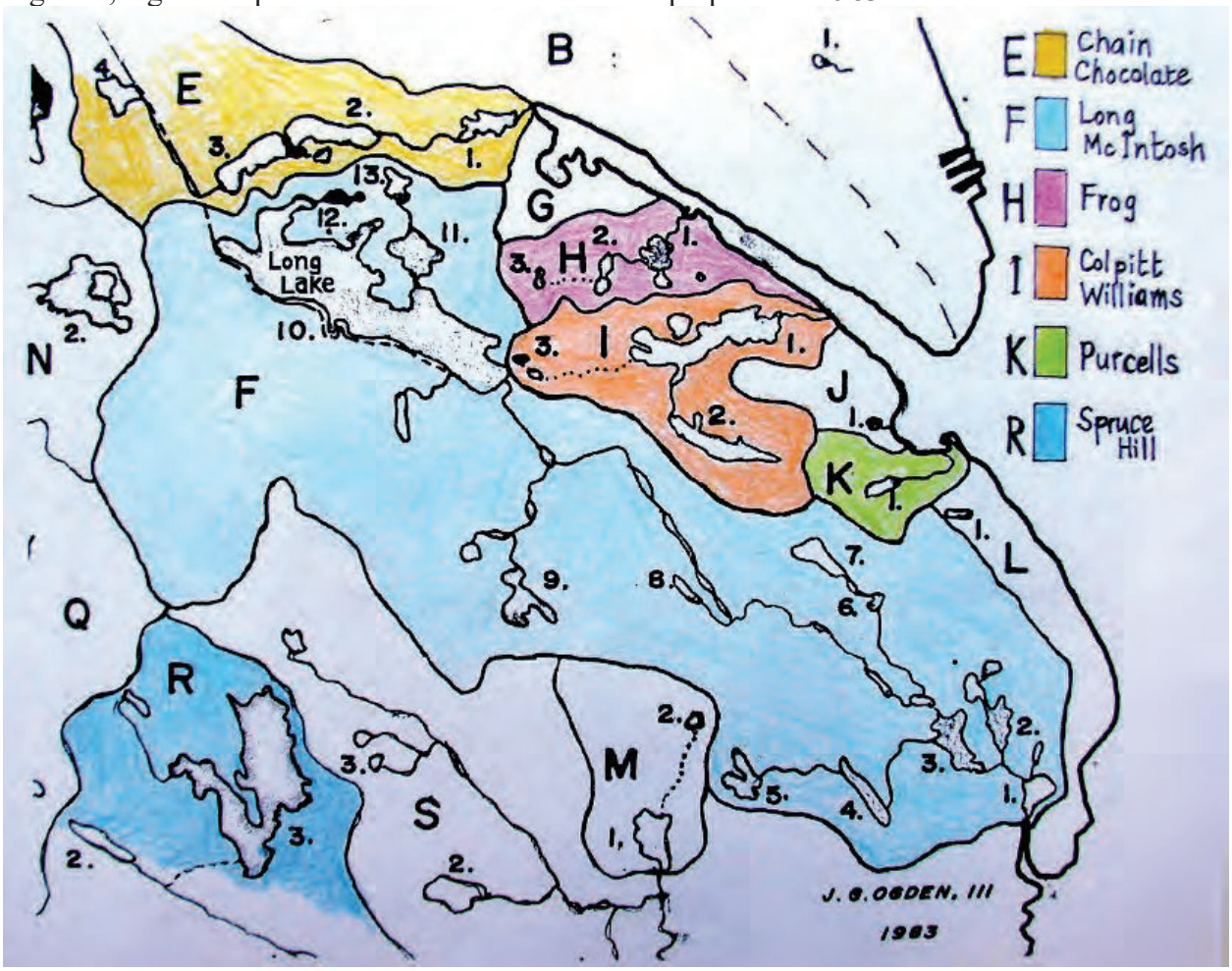


Figure 2, approximate sub-watershed of Kidston Lake



C770

October 27th, 2023

Dave Paterson, MCIP, LPP
Principal Planner, Regional Planning Team
Planning and Development
regionalplan@halifax.ca

RE: Halifax Draft Regional Plan – Review Comments – Clayton Developments

Dear Mr. Paterson & Regional Plan Review Team:

Clayton Developments Limited wishes to thank the Municipality for the chance to provide comment on the draft Regional Plan. The Regional Plan is of significant impact to our core business of creating master planned communities. It is also impactful to our work with Halifax Water and the City to extend servicing in a planned manner to assist in meeting our region's housing needs.

We would like to offer the following suggestions and comments as part of the finalization of the Draft Regional Plan:

1. Additional charges such as density bonusing or inclusionary zoning increase costs for everyone else in the market. Costs are passed on to future landowners or renters and costs in one portion of the market will impact other portions of the market, such as influencing rental costs across the entire rental market. The municipality seems determined to secure whatever funds it can to address the housing crisis, which given our situation, we can certainly empathize with. **Our request is that additional density bonusing costs should be paid just prior to occupancy to reduce the amount of time a developer or builder will need to carry interest rates on the fee**.

2. We commend HRM on renewing placemaking considerations within the suburbs as part of their Suburban Design Guidelines. Unfortunately, **several of the proposed 'hows' to achieve 'successful criterion implementation' of the Suburban Design Guidelines have been turned down previously by various departments within the municipality in Clayton's past experience.** This was often due to inflexibility on grading issues, or concerns about maintenance costs. Our major concerns are that:

    - Asking for things that HRM will not end up accepting due to maintenance concerns causes bureaucratic churn and delays.
    - Many of these criteria are detailed design matters, undertaken after a typical planning process. To show our ability to meet these requirements, we would need to 'front load' detailed design, driving up development and holding. This will ultimately make our own projects slower to approval, and more expensive.

    We would be pleased to work with HRM on appropriate suburban design guidelines that achieve mutually desired outcomes.

3. **Section 5.2 dealing with 'Increasing Our Housing Supply' would benefit from text specifically dealing with finding other methods to enable narrow-lot 16' townhouses on individual lots**, similar to enabling text proposed for tiny homes. This width is necessary to facilitate manufactured townhouse options, and has already been developed, or is under development in Mount Hope, and Bedford West. Permissive regulations for these types of townhouses would enable more rapid infill housing options throughout the municipality.

4. We have two site-specific requests to assist in bringing additional housing to the municipality to assist in addressing the housing crisis:
    - A new request for our **Proposed Aerotech CDD Lands near Exit 5A in Fletchers Lake, that the lands be considered a "Future Serviced Community" Growth Centre**, to enable study required to consider a 7,000 to 8,000 unit master planned community.
    - Our previous submission for our **Fraser Lake lands in Timberlea (Request C337) to extend the Urban Service Area Boundary** to enable residential development with municipal water and wastewater services for a proposed 690 units; and
5. It has been evident to us that if the municipality wishes to take serious action to enable wildlife corridors, there needs to be additional thought related to implementation. It appears that the current opinion is that developers should just carve out land as open space to be dedicated to the municipality as they see fit, with little support from the Halifax Charter on the ability to regulate this. **A 'win-win' approach would be enabling open space lands for wildlife corridor purposes to be given as parkland credit.**
6. Policy EP-4 regarding noise impacts from Shearwater may have impacts on our Morris East Lands. Our understanding is that military airports do not produce noise exposure forecasts like civilian airports do because the required data is classified, thus making accurate noise information unavailable. **Can the Municipality please provide more direction on what "noise mitigation efforts" they desire near Shearwater?**
7. Policy M-42 provides consideration for the municipality to limit parking spaces and the total paved surface of parking lots. **Uniformly limiting parking will have serious negative implications for being able to achieve occupancy in buildings in a cost-effective manner.** Policy M-42 in our opinion, should only be applicable in the Regional Centre Boundary, or where proposed Rapid Transit Oriented Development is indicated on Map 3.
8. Section 3.4.5 'Future Serviced Communities' should provide an indication that Port Wallace has an approved development agreement and construction has begun. By the time this plan is approved, we believe Bedford West Sub Areas 1, 10, and 12 should have a similar status.
9. Section 4.2.1 The description of Sandy Lake Park is broader than it is, it does not include the whole watershed of Sandy Lake. Please verify that your description is accurate.
10. Policy EC-25 provides a list of exclusions where development can take place within riparian buffers. This policy should include exclusions for sanitary utilities.

Thank you for this opportunity to comment and your consideration and attention to these comments. Further, we are available at your convenience to meet and talk about any of the identified matters.

Kind regards,



Jared Dalziel, MCIP, LPP
Senior Planner
Clayton Developments Limited

C776(1)

United Gulf
Developments Limited

Jacob Ritchie MCIP, LPP
President

October 27, 2023

Regional & Community Planning Team
Halifax Regional Municipality

Re: Draft Regional Plan Feedback, Extensions to Service Boundary

To whom it may concern,

It is widely understood that the Regional Municipal Planning Strategy for Halifax Regional Municipality has achieved its intended aims over successive iterations and updates. The Strategy establishes long-range, region-wide planning policies that outline where, when, and how future growth and development should take place. The Municipality deserves credit for this work, it provides predictability, certainty, and foresight into the future as decisions are made with respect to land development.

The plan has been cited in community (and in the *Journal of Rural and Community Development*) as an example of effective balance between development and growth control.

We would like to identify how some changes in the Draft Regional Plan (2023) risk losing this balance during a time when we need to have everyone working together on solutions to the housing crisis.

Policy in the 2014 RMPS

The policy support for the urban service area in the 2014 RMPS is complemented by a technical path for amendment to the boundary that uses data and demonstration from applicants to determine where and when amendments would be beneficial for the municipality.

Specifically, the enabling policy that allows HRM to consider boundaries amendments clearly outlines conditions to be met and the implementation requires study of hard and soft services as well as environmental impacts. The policy is written as;

S-1 The Urban Settlement Designation, shown on the Generalized Future Land Use Map (Map 2), encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of this Plan. Amendments to this Boundary may be considered:

(a) where reviews of regional population and housing forecasts have been undertaken and the proposed amendments may assist in achieving the growth targets established by this Plan; and

(b) the lands are within or adjacent to a growth centre.

Through this policy, amendments to the boundary have been possible in the past to support development in our suburbs where the need for housing has been high. When these changes happen, they are happening as extensions to existing communities where soft and hard services are already available.

The recognition of a requirement to build and extend even as we densify in already built out areas is a common sense approach to long range planning that keeps the Municipality at the forefront of good regional planning in Canada.

Policy in the 2023 Draft RMPS

The Draft RMPS released for review in 2023 maintains a commitment to strong growth management policy, but the ability to amend boundaries is removed through newly proposed policy regarding the future Priorities Plans.

Policy RP-22 of the Draft RMPS establishes the Urban Settlement designation similar to the former policy S-1 (2014 RMPS). However, amending the designation is limited to the description in Policy RP-25.

> RP-25 Amendments to the Regional Land Use Structure Map (Map 2) to change the Urban Reserve designation to Urban Settlement shall only be considered once the Strategic Growth and Infrastructure Priority Plan as identified under RP-19 and RP-20 is completed and shall be guided by long-term scenarios for future growth and the criteria set out by that process.

The change from an amending process supportive of partnership with private landowners who can support study and evidence for the amendments, and a new policy that removes the partnership is a limiting step.

In the Draft RMPS the ability to amend the boundary (even for minor changes) is predicated on the completion of a new Priority Plan that is introduced in this document - but that plan has no scoping within the Municipality, no identifiable operational funding, and no public timeline to completion.

While we always support study and evidence, but we would recommend coming closer to the existing policies in the update to the RMPS. We can work in partnership to find solutions rather than being completely reliant on Municipal efforts and resources.

There is no ability for a landowner to introduce opportunities for extension, and there is no path for enabling development ahead of the uncertain timing of completion of a new Priority Plan. There exists needs in our community today, and further to that the timeline of this plan is such that we can't predict all eventualities and work may be required.

Where possible we should be building flexibility with discretion into our long-term plans & policy, this is smart planning that avoids unnecessary and costly administrative efforts when we need to take action in our community.

Recommendation

We recommend amending policy RP-25 to;

RP-25 Amendments to the Regional Land Use Structure Map (Map 2) to amend the boundary of the Urban Settlement designation shall be considered when either;

(a) the Strategic Growth and Infrastructure Priority Plan as identified under RP-19 and RP-20 is completed and shall be guided by long-term scenarios for future growth and the criteria set out by that process, or

(b) the proposed amendment and extension represent a minor adjustment to service and the proposed amendment provides for efficient street & service connections.

The Priority Plan will be a welcome addition to the knowledge base in our community, but until it is complete we will benefit from other options for action. This amendment gives opportunity to the municipality to work with landowners where it is advantageous to do so.

We appreciate the opportunity to provide this comment and are open to further discussion on this topic.

Regards,



Jacob Ritchie MCIP, LPP

C776(2)

United Gulf
Developments Limited

Jacob Ritchie MCIP, LPP
President

October 27, 2023

Regional & Community Planning Team
Halifax Regional Municipality

Re: Draft Regional Plan Feedback, Birch Cove Growth Centre

To whom it may concern,

The Draft Regional Plan proposes to remove the Urban Local Growth Centre designation from the Birch Cove area. This impacts United Gulf lands on the Bedford Basin, and the Bedford Highway as well as land from the Kearney Lake interchange on Highway 102 through to areas of Clayton Park near Farnham Gate Road.

The intention in the Draft RMPS is for these lands to be considered in the Suburban Plan, with development focused on the future BRT route running along Dunbrack & Kearney Lake Drive.

We want to focus in this comment on the opportunity that our waterfronts continue to provide for creating authentic experiences that help us stand out among the growing mid-sized cities in North America.

Policy in the 2014 RMPS

The 2014 RMPS recognized Birch Cove as an Urban Local Growth Centre, centered on the waterfront lands with a focus on transit, enhancing of natural features, preservation of public views, and a mix of low, medium, and high density mixed use development.

S-9 HRM shall prepare secondary planning strategies for the centres outlined in Tables 3-1 and 3-2 and generally illustrated on Map 1 with consideration given to:

a) the objectives presented in section 3.1 and the general characteristics presented in Tables 3-1 and 3-2;

b) the specific boundaries, population targets and detailed design policies related to the layout of the centres, range of permitted uses and criteria for conversion of uses, allowable development densities and mechanisms for implementation;

c) the recommendations of any plans and studies identified by this Plan that have been accepted or endorsed by Regional Council; and

d) any other relevant objectives and policies of this Plan

Centre Type	Centre Name	Land Uses and Design	Services	Transit, AT and Parking	Culture/Open Space
Urban Local Growth Centre	Herring Cove Lakeside/Beechville Timberlea Village Clayton Park West Birch Cove Kearney Lake Bedford Mill Cove Lower Sackville Main Street Middle Sackville Morris Lake North Westphal Cole Harbour Eastern Passage	• Mix of low, medium and high density residential, small office, small institutional and convenience commercial uses • In established residential neighbourhoods, low to medium density residential uses • Encourage infill or redevelopment of large parking lots into traditional blocks with streetwalls and step-backs • Pedestrian oriented facades	• Transit to connect to other centres and Regional Centre • Pedestrian oriented transit stops • Enhanced pedestrian linkages • Street, or rear yard parking wherever possible • Access to AT routes • Short interconnected blocks for ease of walkability	• Streetscaping featuring landscaped pocket parks and tree-lined streets • Interconnected private and public open space • Improved quality and quantity of parkland • Focus on waterfront parks and trails • Private and public realm urban forest canopy cover to be maintained and improved • Provisions for food security	• Built and natural heritage to be maintained and improved • Heritage features integrated with new development • Public art integrated with new development • Scenic public views preserved • Cultural heritage corridors

Figure 1 - Table 3-1 (excerpt) from 2014 RMPS

The 2014 policy recognized a variety of opportunity sites that would benefit from detailed planning & development and worked to ensure land owners could engage in a framework with Municipal staff that would see development supported in these priority areas.

Policy in the 2023 Draft RMPS

Much of the land in the area will be considered for development in future through the Suburban Plan, aligning with densification linked to the development of a BRT system. The waterfront property and the Bedford Highway has shifted from the centre of this Growth Centre to being an “edge case”. We have been advised that limited mixed-use development may be supported on the Bedford Highway in the suburban plan in this area.

This retreat from waterfront development will miss an opportunity at Birch Cove, for private development and public opportunity for new services. The Birch Cove lands are a mix of infill and coastal lands and already have connections to the Bedford Highway through the rail. The site has a long history of commercial and recreational use which can be enhanced with well done waterfront planning & development.

We believe these spaces do require mixed use development at a high density. Where these opportunities exist on the Bedford Basin we should hold them up as opportunity sites. Enhancing the connection to the water and building waterfronts around our Region will highlight the competitive advantages of Halifax as a place to live, and will highlight the improvements in our quality of life that we experience when we live and play close to the water’s edge.

The ability to design resilient buildings at the edge of the Harbour has been well tested with the success of Downtown Halifax. We continually cite the Halifax Waterfront as one of the best adaptive reuses of land in North America, and it has supported the fastest growing Downtown in Canada.

The waterfront and the harbour continue to be the heart of our municipality and we can repeat this success in other areas given the opportunity.

Recommendation

We recommend adding a policy statement relating to the Halifax Harbour Sub-Designation in CHAPTER 3: BUILDING HEALTHY AND COMPLETE COMMUNITIES.

HC-XX Within the Halifax Harbour Sub-Designation, the Municipality shall establish opportunity sites for mixed use waterfront development where siting intensive harbour-related industrial uses is not possible or advantageous due to Harbour suitability or land suitability.

** Requires identification of opportunity sites on Map 2 – Regional Land Use Structure, or Map 3 – Urban Growth Areas.*

We appreciate the opportunity to provide this comment and are open to further discussion on this topic.

Regards,

[redacted]
Jacob Ritchie MCIP, LPP

C776(3)

United Gulf
Developments Limited

Jacob Ritchie MCIP, LPP
President

October 27, 2023

Regional & Community Planning Team
Halifax Regional Municipality

Re: Draft Regional Plan Feedback, Integrated Planning & Iteration (Map 3)

To whom it may concern,

The Draft Regional Plan introduces further clarity on the Suburban Plan and how we intend to grow by taking advantage of services that exist today, or ones that are most cost effective to develop in the future. This continuation of the strategies of the Centre Plan - to be efficient in our growth - is well understood.

We want to focus in this comment on the linkage to one of the most visible Municipally provided services; Transit. Our Transit system is a necessity for efficient movement of people and inclusive mobility for all citizens of Halifax Regional Municipality. Our tenants and our staff - and the all community members where we build – benefit when transit is frequent, reliable, and comfortable.

Rapid Transit Strategy

The Draft Regional Plan points specifically to one measure the municipality has taken to plan for improving service for transit riders, the Proposed Rapid Transit Corridors. These corridors were identified as part of the Rapid Transit Strategy and define a future Bus Rapid Transit (BRT) system.

The BRT system can be a fast and reliable service operating in a dedicated right of way and can shape land use patterns. In 2020 the BRT system goal was adopted with a timeline suggesting 8 years for implementation of the four BRT lines.

Today we do not have the BRT system service in place, and the timeline to the BRT system is an unknown.

2023 Transit System

What we do have working well in our Municipality today is the corridor routes that were created out of the Moving Forward Together Plan. The purpose of these routes is to “provide consistent, frequent, service on high demand corridors, connecting residential areas or retail districts with regional destinations like shopping, employment, schools, and services.”

These routes have seen a nearly 30% increase in ridership from pre-pandemic levels. They connect some of our most important public and private institutions and are well documented as the most efficient routes run in the Halifax Transit System.

A densification and focus on transit should include these routes and respect the riders who use them today as we build toward a future with the prospective BRT system.

Policy in the 2023 Draft RMPS

The Draft RMPS released for review in 2023 has the following policy detailing the link between the Suburban Plan and the Rapid Transit Strategy (via Map 3).

> HC-5 To support mixed-use, transit-oriented development and healthy, complete communities in the Urban Settlement Designation, the Municipality shall establish a suburban structure to direct intensification of land use to future Rapid Transit Corridors shown on Map 3 and in Table 3-2. The areas identified as Proposed Transit Walksheds and Rapid Transit Oriented Development on Map 3 and in Table 3-2 may be amended in response to future urban design studies and community engagement.

Recommendation

We recommend amending policy HC-5 to;

> HC-5 To support mixed-use, transit-oriented development and healthy, complete communities in the Urban Settlement Designation, the Municipality shall establish a suburban structure to direct intensification **of land use to current high ridership Corridor routes and future BRT system routes shown on Map 3*** and in Table 3-2. The areas identified as Proposed Transit Walksheds and Rapid Transit Oriented Development on Map 3 and in Table 3-2 may be amended in response to future urban design studies and community engagement.
>
> **** Requires update to Map 3, to match today's Corridor Routes and tomorrow's BRT system with appropriate walksheds. The use of these walksheds for the agreements contemplated in policy HC-6 is added advantage for the system.***

Planning for land use around Transit is a good step, and by using today's riders and tomorrow's riders in that plan we will create an approach that allows for potential change in the proposed BRT as that project works through its approval and implementation cycles.

The added density and support for the Municipality's Corridor Routes in the Suburban Plan work will be a welcome opportunity now for many builders who can help continue the progress made to date to improve ridership data.

We appreciate the opportunity to provide this comment and are open to further discussion on this topic.

Regards,

[redacted]

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HERITAGE TRUST OF NOVA SCOTIA
PRESERVING NOVA SCOTIA'S BUILT HERITAGE

The Centre Plan: Unintended Consequences?

We recently learned in allNovaScotia that HRM planning staff is undertaking a review of the Centre Plan. As a committee of the Heritage Trust that is focused on planning issues in HRM, and as residents of HRM, we were very surprised that we had not heard about this review earlier, particularly since the review is supposed to be based on "community feedback.

However, despite the short amount of time remaining, we wish to comment on the "unintended consequences" of the Centre Plan with respect to built heritage in HRM.

1. Demolition of Built Heritage and Heritage Streetscapes

One of the stated urban design goals of the Centre Plan is "***ensuring that built heritage in the Regional Centre continues to be a vital part of existing streetscapes***." In practice, since the Centre Plan was approved, the opposite has occurred. Built heritage and heritage streetscapes have become demolition targets. One needs to look no farther than the wholesale destruction of numerous properties on Robie Street between North Street and Coburg Road. Surely this was not the intent of the authors of the Centre Plan, so we believe that it is very important to put measures in place to stop this wholesale destruction.

In order to better achieve its stated goal with respect to preserving built heritage and existing streetscapes, we recommend that revisions be made to the Centre Plan to strengthen protection of built heritage and heritage streetscapes, and discourage the demolition of built heritage and heritage streetscapes, including:

- **creating a 30-day holding bylaw for potential heritage assets to protect them from demolition while applications for heritage designation are being prepared or considered;**
- **providing preferential property tax rates for heritage buildings;**
- **introducing other financial and regulatory incentives that encourage the restoration and adaptive re-use of heritage properties and streetscapes.**

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2. Loss of Affordable Housing

With respect to affordable housing, the Centre Plan's stated objectives included:

- "***to provide for a diverse range of housing options to meet different lifestyle needs, and encourage affordable housing and housing for vulnerable populations;***"
- and "***to support the maintenance and expansion of affordable non-market housing***."

However, by upzoning historic streetscapes such as Robie Street, the Centre Plan actually incentivized the demolition of dozens of existing affordable rental units, leaving a wasteland of vacant lots.
Therefore, we believe revisions to the Centre Plan are required to discourage the demolition of affordable housing units. Specifically, we recommended the addition of the following provisions:

- **that higher property taxes be levied on empty properties where owners have demolished existing residential units.**
- **that property owners be required have a building permit in place before being issued a permit to demolish existing residential properties**.

3. Lack of Sensitivity to Heritage Buildings

Another of the Centre Plan's stated design goals was "***ensuring that new construction is sensitive to the context set by existing heritage buildings***." On that front, we again believe the Centre Plan has failed in its objective. The use of development agreements for heritage properties has resulted in the approval of projects that in can in no way be considered "sensitive to the context" of the existing heritage buildings involved. On the following pages, we cite several recent examples of approved projects that completely lack sensitivity to the near-by heritage buildings.

Heritage Conservations Standards and Guidelines

We believe that this lack of sensitivity to heritage buildings in part stems from the Centre Plan's use of Heritage Conservation Standards and Guidelines that are both poorly defined and inappropriately applied.

These Standards and Guidelines state that *when creating any new additions to an historic place or any related new construction*, the *new work should be* ***physically and visually compatible with***, ***subordinate to*** and ***distinguishable*** from the historic place. However, as the examples below illustrate, since the Centre Plan was adopted, several massive projects have been approved hat are neither physically or visually compatible with, nor subordinate to, the adjacent heritage building.

Further, in its application, the criterion that new construction be "distinguishable" from this historic place has been given greater weight than the requirement that new construction be "compatible" with the historic place. This has resulted in the approval of new construction that is clearly *distinguishable* from the adjacent heritage buildings, but can in no way be consider *compatible* with the heritage building.



13-storey apartment behind Victoria Hall

- ✕ sensitive to the context set by existing heritage building
- ✕ physically and visually compatible with existing heritage building
- ✕ subordinate to existing heritage building
- ✓ distinguishable from existing heritage building



10-storey addition to the Waverly Inn

- ✗ sensitive to the context set by existing heritage building
- ✗ physically and visually compatible with existing heritage building
- ✗ subordinate to existing heritage building
- ✓ distinguishable from existing heritage building



21-storey apartment adjacent to the Churchfield Barracks (12 Apostles)

- ✗ sensitive to the context set by existing heritage building
- ✗ physically and visually compatible with existing heritage building
- ✗ subordinate to existing heritage building
- ✓ distinguishable from existing heritage building

In order to ensure that the Centre Plan more successfully meets its objective "that new construction is sensitive to the context set by existing heritage buildings," we recommend that:

- **Key elements of the "Heritage Conservation Standards and Guidelines" used in the Centre Plan should be revised. Namely that:**
    - **It should be made clear that *"physical and visual distinguishability"* must be achieved in a way that does not sacrifice *physical and visual compatibility*. In other words, while it should be possible to differentiate new construction from the heritage building, the style of the new construction must nonetheless be *complementary* and *sympathetic* to the existing historical budling and its surroundings.**
    - **The term "*subordinate*" should be more clearly defined as to be understood to mean "physically and visually lesser than."**
- **Conservation Standards and Guidelines should be more rigorously applied by HRM planning staff and councillors when considering applications that impact heritage structures;**
- **Clear justifications should be provided by staff and Council regarding how proposals do or do not meet each of the Conservation Standards.**

4. Environmental Impact of Demolitions

With respect to the environment, the Centre Plan established a goal to "***Reduce the Regional Centre's overall impact on the environment by supporting sustainable building design, district energy, renewable energy sources, composting and recycling***." However, the policies set out in the Centre Plan incentivized the demolition of heritage buildings along corridors such as Robie and surrounding streets, sending thousands of tons of demolition waste into local landfills. Retrofitting historic buildings also produces far lower levels of greenhouse gas emissions compared to new construction.

As such, to better achieve its environmental goals, we recommend that revisions should be made to the Centre Plan to enhance financial and regulatory incentives that more effectively encourage retrofitting heritage buildings, rather than demolition, as is the current practice.

As heritage advocates and members of the public, we raised our concerns about the negative impacts that we believed the Centre Plan was going to have on HRM's built heritage. We would like to believe that the authors of the Centre Plan, and the elected officials who approved it, did not foresee the harmful ways in which the Plan would impact HRM's built heritage.

Now that is abundantly clear to all that the Centre Plan and its provisions have been used as a tool to demolish dozens of irreplaceable historic buildings in HRM, or to approve numerous projects that are completely incompatible with adjacent heritage structures, the real question is, will city planners and elected officials use this review mechanism to rectify the policies that led to these unintended consequences?

HRM Committee
Heritage Trust of Nova Scotia

C781

Halifax Regional Municipal Planning Strategy Review

October 27, 2023

Joint Feedback by:
Mental Health and Addictions Health Promoters, IWK Health & Nova Scotia Health

Attn: regionalplan@halifax.ca

Thank you for the opportunity to provide written feedback and recommendations as Halifax Regional Municipality (HRM) progresses with the Regional Plan Review. Our team from IWK Health and Nova Scotia Health (NSH) are pleased to have been a part of this process over the last number of years. We are happy to continue to offer support to HRM as we share similar goals to protect the health and well-being of our communities and enhance the quality of life for all people. We know that what surrounds us, shapes us and the communities and neighbourhoods that we live, work, and play in will impact our health and well-being.

IWK Health and NSH have similar visions for our organizations' Mental Health and Addictions (MHA) Health Promotion Teams. Like HRM, our vision is to enhance quality of life by creating vibrant, safe, healthy, thriving communities to live, play, learn, and grow in. Health Promoters play key roles in advocating for evidence-based healthy public policies that are protective for the health and wellbeing of children, youth, families, and adults within HRM and Nova Scotia.

The Regional Plan intersects with several areas of our work, specifically understanding and addressing the social determinants of health that are protective factors for mental health of all Haligonians. As we read the various chapters, we acknowledge that every decision made by HRM can have positive impacts on mental health and well-being of our communities. Given this interest, we offer our observations from the Regional Plan draft 2023 for your consideration.

Language Consideration for HRM:

Achieving health equity requires focused and ongoing societal efforts to address historical and contemporary injustices; overcome economic, social, and other obstacles to best health and healthcare; and eliminate preventable health disparities. Inclusive Communication emphasizes the importance of addressing all people inclusively and respectfully[i].

IWK/NSH MHA **highly recommend** review the Regional Plan and removing the word "stakeholder" from all documents and replacing it with terms "community partners" or another term recommended by the Centers for Disease Control and Prevention (CDC) inclusive communication principles found here: Preferred Terms for Select Population Groups & Communities | Gateway to Health Communication | CDC[ii].

The issue with the word “stakeholder” is that in a colonial context, a stakeholder was the person who drove a stake into the land to demarcate the land they were occupying/stealing from Indigenous territories. Continued use of the term can be construed as disrespectful of Indigenous people as well as perpetuating colonization and re-traumatization.[iii]

Preface

Regional Plan Draft Content/Policy	Comments
Land Acknowledgement	IWK/NSH MHA appreciates the acknowledgement of Mi’kmaq ancestral lands. There is an opportunity to clarify and strengthen actions to go further than the land acknowledgement. For example, it would be important to be clear about actions HRM is taking to implement a two-eyed seeing approach and how this will be concretely and consistently applied through this document and subsequent actions. In addition to two-eyed seeing, how does the municipality respect and incorporate OCAP® Principals in data collection involving Indigenous community members? IWK/NSH MHA recommend HRM define the concrete aspects of the TRC recommendations that the municipality is moving to implement and which sections of the Regional Plan those actions will impact.

Chapter 1: Introduction

IWK/NSH MHA health promotion team are encouraged and support the direction HRM is going as it pertains to growth and ensuring broad aspects of planning and community are included. We support the priority plans that help direct the future when it comes to economic growth, transportation, protecting our climate and green space. We appreciate that the scope of the Regional Plan review is immense and complex due to the great amount of intersectionality arising between each of the chapters. The significant overlap amongst the areas covered in this document has our teams wondering how decisions from one area to the next would impact communities' overall health and well-being. Balancing economic growth with health and sustainable environmental goals could be challenging yet is critically important.

IWK/NSH MHA **recommend** acknowledging this intersectionality more in-depth in Chapter 1 of the Regional Plan and outlining that although the topics are broken into distinct chapters, the decisions made in one area can and will directly affect many other areas of the plan, including the overall health and wellbeing of community members. It will be critically important to outline how HRM will mitigate these conflicts and assess the impact those decisions will have on the health of the neighbourhood directly impacted and the broader HRM community.

The vision for the strategy is strong, bold, and immense: "the Municipality's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy and sustainable environment." There are specific priority plans to support economic growth and the environment, not health. To successfully achieve this vision, clear decision-making guidelines and thorough assessment of impact should and must be done on various levels, but with the health of communities at the forefront. A gap that we do see is a lack of priority plan or strategy that supports Healthy and Complete Communities and that ties the chapters together with the overall goal of health.

IWK/NSH MHA **recommend** HRM staff work with Health Promoters within HRM and other professionals dedicated to working on healthy communities to create a priority plan for the health of HRM residents that will specifically highlight the intersections between each chapter and ensure the health of the people in communities is not overlooked.

In April 2020, HRM adopted a Social Policy Administrative Order[iv] with goals to "strengthen community health and wellbeing, enhance equity and inclusion, and build on social assets and community capacity." Social Policy was strongly emphasized and appeared in Theme 5[v] in the previous Themes and Directions consultation by HRM and has seemed to disappear in this current 2023 Regional Plan review.

IWK/NSH MHA **recommend** adding The Social Policy Framework to Chapter 1 as an important guiding framework to achieve the overall goal and vision for HRM.

Regional Plan Draft Content/Policy	Comments
1.1.1 Historical Settlements	IWK/NSH MHA feels that the historical context of the African Nova Scotians is limited. We recommend including more detail to ensure a more robust understanding of the contributions and stories of how African Nova Scotians landed in Nova Scotia is documented. The history of African Nova Scotians as documented within the Restorative Inquiry for the Home for Colored Children[vi] has examples (e.g., different black communities came to Nova Scotia with different conditions, for example the black loyalists, Jamaican Maroons, Black Refugees etc.). has examples (e.g., different black communities came to Nova Scotia with different conditions, for example the black loyalists, Jamaican Maroons, Black Refugees etc.).
1.2.1 Vision **"**The Municipality's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment."	To ensure the Public Safety Strategy is fully embraced throughout the Regional Plan, IWK/NSH MHA **recommend** that the vision statement include the word "safe," i.e., "... by fostering the growth of **safe,** healthy and vibrant communities..."
1.2.3 Principles	The principles outlined are written like specific actions and seem to be heavily focused on housing. This gives

	the impression that when we have housing and employment growth, we will have healthy communities. IWK/NSH MHA **recommends** reviewing the 5 points and re-writing them as overarching principles that support all sectors of HRM.
If the Principles remain the same, our feedback includes: A. Directs housing and employment growth to strategic locations across the region that supports building healthy, connected communities. B. "Encourages community-led initiatives and collaboration on planning, environmental management, and culture and heritage protection"	A. IWK/NSH MHA **recommend** adding "transit" in with "housing and employment growth" and "safe" to "healthy, connected communities." B.IWK/NSH MHA **recommends** stronger language here. Suggested language change: "ensures" rather than "encourages."
1.2.3 Principles "Supports increasing housing supply across the region to meet the needs of residents of all ages, income levels and abilities"	IWK/NSH MHA are interested to understand if an equity lens is included? IWK/NSH MHA **recommends** that increasing housing supply should start with an equity lens focusing first on those most in need. Equality vs equity distinction is needed here. difference. IWK/NSH MHA recommends "Supports increasing housing supply across the region for residents most in need considering ages, gender, income levels, abilities, and family size requirements"
1.3 Plan Organization	IWK/NSH MHA recommend HRM consider adding a section to the Regional Plan focused on a Municipal Children's Charter as proposed in July 2018. The Regional Council had originally deferred this initiative until a Social Policy Framework was established. The Social Policy Framework has been established; however, it is not referenced within this recent Regional Plan draft. • Child Friendly Cities Initiative | Child-Friendly Cities Initiative • Home (leeds.gov.uk) • Municipal Children's Charter - July 17/18 Regional Council | Halifax.ca
1.4 Relationship to Other Plans Table of Plans and Strategies	IWK/NSH MHA is pleased by the inclusion of this outline. We **recommend** including links to the plans, so they are easily accessible as some are difficult to find.

	IWK/NSH MHA **recommend** adding a section at the beginning of each chapter that lists any existing strategies or plans linked to the work of that chapter to better link actions and content. We are curious to know if there has been any consideration towards linking related provincial or community strategies that could help guide the decision making or provide further details and information and better ability to identify gaps The table does not include HRM's Social Policy Framework or have mention of the Women and Gender Equity Strategy (Women and Gender Equity Strategy | Halifax). In the Plans and Strategies Table under "Other Subject Area Plans": The Halifax Housing Partnership's Affordable Housing Strategic Plan is included—is this current? Has the partnership dissolved? Their website does not work.

Chapter 2: Planning for Our Region

Our health is determined by the personal, social, economic, environmental, and cultural contexts of our lives. The quality of our homes, neighbourhoods, schools, places of work, experiences, and the opportunities we have, especially in early childhood, are the most significant determining factors for overall health and well-being. All aspects of the environment have distinct and interrelated influences on child and youth mental health. Children are more vulnerable than adults to exposures in their environment. The developing brain is most sensitive to toxic physical, chemical, and biological exposures, as well as to the effects of social factors and psychological stress, in utero and throughout early childhood. Societal factors, including poverty, education, employment, income, security, social support, and housing are independent structural determinants of mental health that also modify or exaggerate the effects of exposures to physical factors in the environment.[vii] Health Promoters within Mental Health and Addictions are interested in highlighting the connections and intersections between regional planning and design and how this plan can support and improve health outcomes specific to mental health for communities throughout HRM.

Regional Plan Draft Content/Policy	Comments
RP- 17 "The Municipality shall share population scenarios, growth scenarios and ongoing monitoring with other infrastructure and service providers on an annual basis"	Who will they be shared with? Public for review?

Pg. 21 Under Community Services it states: "Historically underserved communities and vulnerable populations will require special focus as part of regional and community planning, so that investments can be directed in an equitable way and support those with the greatest need, as opposed to simply responding to population growth."	This is great—how will this be assessed and measured? How is this assessed and how will investments be allocated based on results? What will change from what is currently happening to fulfill this statement above? Does this include low income and new immigrants? Single parent households? Who are the vulnerable populations?
Pg. 19 In the bottom paragraph: "To achieve our vision for healthy communities, equitable and sustainable growth, **this Plan encourages cooperation amongst** municipal business units, residents, community groups, **stakeholder** groups and all levels of government."	IWK/NSH MHA **recommend** adding "indigenous caretakers" to the list of cooperation partners. IWK/NSH MHA **recommends** removing the term stakeholder as it has colonial context for "staking claim"
2.3 Regional Planning Key Principles	There is an opportunity to add a two-eyed seeing approach to this section.
2.3 Regional Planning **RP-2** "The Municipality shall direct housing and employment growth to strategic locations where water and wastewater infrastructure services are already available."	IWK/NSH MHA **recommend** including "transit" with "water and wastewater infrastructure."
RP-4 "The Municipality shall organize the delivery of community services to support building healthy, well serviced, and connected communities."	IWK/NSH MHA **recommend** adding the word "safe," which will tie in the public safety strategy.
RP-5 "The Municipality shall partner with the African Nova Scotian Communities and Mi'kmaq communities to address historic inequities and injustices and the legacy of colonial approaches to settlement."	There is an opportunity to add a two-eyed seeing approach here.
2.5.4 Infrastructure Changes **RP-15** "The Municipality shall consider establishing by-laws to allow for the recovery of growth-related cost."	How would this cost recovery impact housing affordability and how would those decisions be weighed?
2.6.2 Long Term Growth & Infrastructure Planning **RP-20** "The Strategic Growth and Infrastructure Priority Plan shall give consideration to: b) Assessing each of these different scenarios for growth based on: v. impacts to health, equity, and well-being using evidence-based parameters."	Consideration for using the following impact assessments to support this policy: 1. Health Equity Impact Assessment (HEIA) 2. Spatial Equity Index (SEI) 3. Social Impact Assessment (SIA)

2.6.1 Growth Monitoring Program	IWK/NSH MHA **recommend** adding health and well-being trends to be monitored in addition to demographic trends.

Chapter 3: Building Healthy and Complete Communities

The *Building Healthier and More Complete Communities* Section specifically interests our team as it strongly aligns with the work of Health Promotion. The building blocks for a complete, healthy community speak directly to the Social Determinants of Health[viii] which are factors that either enable or hinder the overall health of communities and the individuals that live there. Addressing the social determinants and working within this section theme, our team is guided by two frameworks:

1. The Healthy Built Environment (HBE) Linkages Toolkit[ix]
2. The Mental Health and Wellbeing: Considerations for the Built Environment[x]

The Mental Health and Wellbeing: Considerations for the Built Environment document outlines five areas of focus (neighbourhood design, transportation systems, natural environments, food, and housing), all of which are relevant and align to the work of the regional plan.

IWK/NSH MHA **recommend** using the Healthy Built Environment Linkages Toolkit above as a guiding framework to create a priority plan for HRM to use to support their goal and objectives of creating healthy communities.

Regional Plan Draft Content/Policy	Comments
Chapter 3: Building Healthy and Complete Communities	The term "Complete Communities" is not well defined in this document. Having a tangible definition with a measurable geographic area allows for the creation, assessment and evaluation of policies that support this chapter. IWK/NSH Health **recommend** using the below definition for complete communities: "Complete communities" is a broad concept and can be defined in several different ways. For the purposes of this Guide, complete communities are communities – or areas within a community – which provide a diversity of housing to meet identified community needs and accommodate people at all stages of life, and provide a wider range of employment opportunities, amenities, and services within a 15–20-minute walk British Columbia Complete Communities Guide (gov.bc.ca)
3.1 Objectives **3**. "Ensure the protection of a generous network of parks, open spaces, cultural and	3. IWK/NSH MHA **recommend** adding "and health and wellbeing" to the list of outcomes.

working landscapes to support ecological, social, and economic community outcomes;" **7.** "Develop clear and easy to understand planning documents that can adapt to changing community needs and conditions."	7. This objective is unclear and potentially dismissive of the complexities within this chapter. IWK/NSH MHA **recommend** HRM staff work with Health Promoters and Public Health within HRM and other professionals dedicated to working on healthy communities to create a priority plan for Building Healthy and Complete Communities that will guide HRM planning documents. IWK/NSH MHA **recommend** adding an eighth bullet to include two-eyed seeing.
3.2 Community Planning Framework Bullet points on page 35: • "Places to live, in a range of housing types for all ages, incomes and abilities, including shared housing options;" • "Places that provide basic services and safety including emergency services, waste collection, water, wastewater, and stormwater infrastructure, as well as healthcare and childcare facilities"	Places to live: add "and family sizes." Basic services: add "internet."
3.3.2 Core Concepts and Guiding Principles for the Regional Centre "Complete Communities • Support people of all ages, abilities, and backgrounds to live, work, shop, learn, and play within a short journey." "Strategic Growth • **Encourage** increased density and a diversity of people and services in the Regional Centre to support socially, economically, and environmentally responsible growth."	Complete Communities: IWK/NSH MHA **recommend** changing "short journey" to a tangible, measurable number of distance or defined by walking in minutes, e.g., British Columbia Complete Community Guide and City of Ottawa: 15 Minute Neighbourhood. Strategic Growth: IWK/NSH MHA **recommend** strengthening language from "encourage" to "ensure." IWK/NSH MHA **recommend adding** child-friendly cities as a core concept in all Regional Plans.
HC-2 "The Municipality shall **periodically review** the Regional Centre Secondary Municipal Planning Strategy and Land Use By-law to support healthy and complete communities and ensure consistency with this Plan, Priority Plans, and any other	IWK/NSH MHA **recommend** that HRM set accountability measures by defining timelines for the periodic review of the Regional Centre Secondary Municipal Planning Strategy and who would undertake and oversee this review.

strategic plan or policy adopted by Regional Council."	
3.4.2 Suburban Plan Guiding Principles "Complete Communities • Promote mixed use neighbourhoods with safe and convenient access to goods and services needed in daily life to create **positive health outcomes**."	Under complete communities we recommend changing "positive health outcomes" to "positive health and wellbeing outcomes."

Chapter 4: Strengthening Community Infrastructure

Whether rural, urban, or suburban, neighbourhoods and communities can be intentionally designed to support good health and help people thrive and be well. Population density and mixed land use can have positive or negative influences on mental health and well-being, depending on how they are achieved. Healthy neighbourhood design enables physical activity, ensures food security, and increases social capital, inclusion, connectedness, and access to various services[xi]. Understanding how decisions regarding any urban, suburban, or rural planning impact the community's health is so important to ensure HRM is successful in reaching its vision. In addition, it is well known that the negative features of the built environment disproportionately impact the health and well-being of people in lower socio-economic situations and racialized people[xii].

As HRM continues to plan and make decisions on neighbourhood design and complete communities, it is critical that a Health Equity Lens and approach is applied to the prioritization of neighbourhoods.

Regional Plan Draft Content/Policy	Comments
	IWK/NSH MHA are curious as to how recommendations throughout this chapter as they pertain to the sections on food security will interact with Nova Scotia Legislature - Bill 59 - Agriculture and Food Security Secretariat Act (nslegislature.ca)[xiii]
4.1 Objectives "**1.** Support community wellness and active living by delivering an inclusive municipal park and community facility network that accommodates the needs of changing demographics and the region's settlement pattern."	This sentence reads as though there will be one inclusive municipal park created. IWK/NSH MHA **recommend** strengthening this objective and being more direct and ensuring that all municipal parks and community facilities are inclusive and built for all ages and abilities. How are community needs assessed from time to time to understand the changing demographics?
4.1 Objectives	IWK/NSH MHA are interested in understanding this process and how it interacts with large corporations and retail outlets. Whose responsibility would it be to

"**5.** Create opportunities for partnerships and multi-use hubs to increase equitable access and efficient service delivery."	assess equity and where services are needed, and then seek and create partnerships? What partnerships is HRM looking for to create? Does this include: Partnerships for internal Municipal Business Units, Retail and/or Non-Profit?
4.2 Parks **CL-1** "The Municipality shall support **community wellness**, active living and the open space network by providing a full spectrum of public parks, as identified in the Green Network Plan, for the purposes of outdoor recreation and environmental protection."	IWK/NSH MHA **recommend** the addition of "health" to "The Municipality shall support community health and wellness..." IWK/NSH MHA teams are curious to know how the Municipality will ensure an equity lens is used in planning. Park spaces are increasingly being utilized by larger newcomer families and places for communities to gather and share a communal meal.
CI-2 "To ensure that the Municipality's park and open space infrastructure is sufficient to support growing and healthy communities, the Municipality shall develop a Regional Parks Priority Plan that supports the objectives of this Plan and the Halifax Green Network Plan and considers:"	IWK/NSH MHA are curious to know how safety comes into play when developing parks. IWK/NSH MHA **recommend** planned intersections between Active Transportation, Public Safety Strategy, Transit, and housing be added to a newly developed Regional Parks Priority Plan. IWK/NSH MHA **recommend** consultation with Health Promoters, Public Health, Communities Culture and Heritage, Sport Nova Scotia, Recreation Nova Scotia and the Alliance for Healthy Eating and Physical Activity for consultation on the Parks Priority Plan. IWK/NSH MHA **recommend** that the municipality identify opportunities for the adoption of two-eyed seeing guidance for park planning. IWK/NSH MHA **recommend** that the *Regional Parks Priority Plan* incorporates the 3-30-300 rule[xiv] to support mental health in community planning.
"**e)** Establishing investment and management guidelines for public open space lands, infrastructure and sustainable natural open spaces management strategies;"	IWK/NSH MHA **recommends** HRM create sponsorship, naming rights and advertising and marketing guidelines that align with supporting healthy communities – particularly as it pertains to limiting marketing to children and youth and normalizing substances (including tobacco, cannabis, and alcohol) and gambling within our communities.
4.3 Community Facilities Community facilities play an essential role in fulfilling the community's social, recreational, cultural, and public safety needs	IWK/NSH MHA recommend adding "health and well-being" to list of needs for document consistency. Community facilities play an essential role in fulfilling the community's social, recreational, **health and wellbeing**, cultural and public safety needs.

	IWK/NSH MHA **recommend** that the Municipality consider community facility affordable and unprogrammed open access times for children, youth, and community members to have community-led drop-in activities that do not require memberships to limited participant space. HRM and private programming access through cost and participant spaces are becoming more competitive and restrictive. HRM needs to enable community members to mobilize themselves and their peers for 'pick up' or drop-in style activities, particularly during winter months when outdoor parks and fields are not amenable. HRM may also consider partnering with urban indigenous youth to identify opportunities to strengthen access to facilities and programs that support teachings and participation within indigenous games, activities, supports and events as well as support indigenous art and features in these spaces.
CI-10 "The municipality shall support the development of healthy and complete communities by: a) maintaining public lands in areas that are identified as growth and intensification; b) identifying gaps in equitable distribution or community facilities and emergency services; c) exploring parentships to co-locate community facilities in mixed-use developments or multi-use facilities; and d) prioritizing location of community facilities in areas accessible by walking or transit."	IWK/NSH MHA are curious to know if this includes retail shops and the private sector and if so, who has decision-making power? What are the ways the Municipality ensures communities are healthy and complete when it comes to the private retail sector and what businesses come into a community? IWK/NSH MHA **recommend** ensuring Public Safety Strategy elements are included within discussions around equitable distribution as well as community co-location opportunities. IWK/NSH MHA **recommend** changing the language in "d)" from "by walking or transit" to "by all modes of active transportation."
Community facilities are defined as community centres, rec centers, arenas, pools, skate parks, playgrounds, sport fields and courts. **It is crucial to also recognize the contribution of community facilities provided by other organizations in supporting the city's needs,** including libraries, schools, childcare services, cultural	IWK/NSH MHA are curious why other services such as health clinics and services, private retail shops, pharmacies, convenience stores etc., have not been acknowledged? IWK/NSH MHA **recommend** adding "etc." to the list.

venues, places of worship, sport clubs and emergency facilities.	
CI-11 "When developing new or amending existing secondary municipal planning strategies, the Municipality shall consider the needs for community services and facilities by: a) **consulting with service providers** about the service needs of current and future residents;"	IWK/NSH MHA **recommend** adding "consulting with service providers, community members and community partners." It is extremely important to understand the perspectives of community members who have not been able to use or access services. IWK/NSH MHA are curious as to how the service needs of current and future residents will be addressed and how equity will be accounted for in these decisions.
4.3.1 Indoor Recreation **CI-12** "The Municipality shall review and consider recreation trends, demographics, equity and community needs as part of planning for complete communities and striving to provide services in an equitable manner, particularly for historically underserved communities."	IWK/NSH MHA are curious how the municipality will understand these aspects and what measures they will use. IWK/NSH MHA teams are also interested in understanding the equity lens and accessibility of recreation services through registration. It has become very competitive to get children into limited programming spaces. Recreation access is not just about physical access to the building, but also programming.
4.3.3	IWK/NSH MHA **recommend** the inclusion of an additional section of the Regional Plan draft which would speak to HRM's plan for ensuring a connected city through public access to free internet inside parks and facilities as the population grows.
4.5 Schools **Page 60:** "Decisions about school locations are not made by HRM but the location of residential development and access using active transportation and transit should be considered when planning for complete communities."	IWK/NSH MHA **recommend** making clearer the important partnerships between HRM, the Provincial Government and RCEs/School Boards (including private) regarding the planning process to ensure the frameworks that HRM Is committing to using will be honored.
4.6 Public Safety and Emergency Services **Page 61:** "Planning and delivery of emergency management is coordinated between governments, public agencies, service providers and community organizations. Emergency services include hospitals, police stations, fire stations and critical infrastructure such as emergency shelters, community medical/wellness sites, comfort centers, community educational spaces and safe community spaces (refuges)."	What process or system is in place for the coordination of inter-department/inter-agency emergency management? Can this process be expanded beyond emergency service management to create broader dialogue around ongoing health and well-being promotion and protection?

CI-19 "The Municipality shall undertake the actions identified in the Public Safety Strategy 2023-2026."	IWK/NSH MHA **recommends** having a sub bullet under **CI-19** which outlines collaboration with various municipal business units, community partners and other engaged groups. Public Safety Strategy intersects with all aspects of this document and that should be highlighted clearly.
4.7 Food Security	IWK/NSH MHA **recommend** clearly differentiating between community food insecurity versus household food insecurity. IWK/NSH MHA **recommend** updating the statistics referenced in this section. It is also important to think about and include how to support food insecure households within the community during weather related emergency planning and response. How does this intersect with the Public Safety Strategy and Emergency Preparedness Plans for the Municipality?
CI-22 "When preparing new secondary municipal planning strategies or amendments to existing secondary municipal planning strategies, means of furthering food security may be considered including: a) requiring development proposals to address access to food and impacts on local food systems as part of land suitability assessments; b) increasing opportunities for food production and food retail; c) exploring measures to preserve existing agricultural land used for food production; d) requiring building design features that promote environmental sustainability and food security, including green roofs and amenity garden space."	IWK/NSH MHA **recommend** working with key community partners to connect newcomers to food production opportunities and agricultural lands. This policy does not seem to address what the municipality can do as far as assessing and ensuring food access and affordability – IWK/NSH MHA **recommend** strengthening this section.
4.7.1 Rural Agriculture **CI-24** "Where Provincial programs are made in support of preserving agricultural land and promoting local agriculture, the Municipality **may consider** means to complement or further such programs through its policies or regulations."	IWK/NSH MHA **recommend** changing "may consider" to "shall".

4.7.2 Urban Agriculture **Page 63** states that the municipality has a responsibility to enable more residents to produce and sell their own food in their communities.	We fully support HRM creating policy that enables more local food production within communities for personal use and resale. IWK/NSH MHA **recommends** HRM include a policy that supports the success of local food production and resale by restricting large food corporations (big box stores or fast-food restaurants, convivence stores) from saturating neighbourhoods that have low access to affordable healthy food options. This approach also supports complete community design. See supporting information at the end of this chapter.
6.7.3 Green Roofs	This is a typo – it should be 4.7.3.
4.7.5 Cannabis-Related Land Uses	IWK/NSH MHA are concerned that cannabis production was placed as a sub-category under food security. IWK/NSH MHA team recognizes the connection to farming and land use, but cannabis is not a solution to food security and therefore does not belong under this overarching theme. IWK/NSH MHA **recommends** that the more appropriate placement of the cannabis section would be under driving economic prosperity, and after light industry.
4.8 Solid Waste Management "An updated Solid Waste Strategy will reflect the goals of HalifACT and the Province of Nova Scotia's 2021 *Environmental Goals and Climate Change Reduction Act* to reduce community emissions, reduce waste generation and waste disposal, and increase waste diversion."	It would be helpful if all sections that have an Act or active strategy could be presented at the beginning of the sections to ground the work and ensure there is connectivity. IWK/NSH MHA team appreciates that this paragraph outlines that the strategy or section will reflect the goals of HalifACT and provincial *Environmental Goals and Climate Change Reduction Act*.

<u>Supporting information for restricting unhealthy food options within communities:</u>

Investments in creating opportunities for affordable healthy food to be accessible and for all communities is extremely important. A piece that is often left out of the food security conversation is fast food density or "food swamps." **There is an opportunity to have more discussion on restricting access to unhealthy food options, especially in lower-income neighbourhoods where fast-food options are deliberately more available.**

Restricting unhealthy options while providing communities with accessible, affordable food will enable families to make healthier decisions more easily. We encourage HRM to review the saturation of unhealthy commodities within communities and restrict additional fast food and unhealthy food options from entering a geographic area that is deemed already densely populated. The National Collaborating

Centre on Environmental Health[xv] recommends restricting unhealthy food outlets such as fast food, convenience stores, and food trucks from places where children and youth access. They also recommend local government officials consider the density and location of less healthy food retail within communities when creating zoning by-laws.[xvi]

Municipalities are starting to implement zoning by-laws[xvii]. The sustainability of healthy, affordable food is also very important to creating healthy communities for years to come. Access to healthy food through programs often depends on annual funding or, are available to communities infrequently (i.e., Mobile food market once per week for an hour). **We recommend that programs usually dependent on annual funding and resources become more permanent and regularly embedded into the community. The most practical way to improve eating habits is to ensure adequate access to healthy, affordable food while reducing exposure to tempting food in our communities.**

Chapter 5 Fostering Diverse and Affordable Housing

Housing is an important social determinant of health. The evidence indicates a direct link between housing and mental health of adults and a critical factor for physical, social, and mental health for children and youth[xviii]. In relation to mental health and wellness, our teams recognize the importance of having housing that is affordable, stable, safe and in good repair. Inadequate housing, be it unaffordable or in need of repair, is a predictor of physical and mental stress across the entire population. Individuals experiencing a housing crisis will also experience high levels of stress, low self-esteem, increased loneliness, and a lower life expectancy than the rest of the population. Children with unstable and unsafe housing are four times more likely to have poor mental health outcomes even in adulthood[xix]. These negative outcomes due to inadequate housing conditions are associated with increased utilization of health care services.

It is key that policy and decision makers understand adequate housing as a protective factor for positive mental health of our population. Housing does more than provide shelter. Housing lays the groundwork for the health and wellness of our communities and the people who live there. Neighbourhood characteristics or our built environment (connectedness, density, safety, and access to nature), as well as a level of autonomy in housing (sense of control over space, painting, pets etc.) can have a meaningful impact on mental health[xx]. Higher levels of autonomy in housing have been linked to lower healthcare costs from reduced service use and decreased mental health symptoms. When people have affordable, safe, and stable housing, their family life stabilizes, health improves, children's school performance gets better, and immigrants are better able to settle into new communities[xxi].

Our team starts with the position that housing is a Human Right. We acknowledge the complex nature of housing across the continuum and that housing affordability also intersects with many other areas such as income, health, poverty, transit, employment and many more. Housing solutions cannot come solely from the municipality. The evidence is clear that when a comprehensive and multisector approach to investing in housing is taken, there is a reduction in healthcare costs. We recommend continuing to build and advocate for upstream policies that address not only housing directly but also addressing the root causes of core housing need and homelessness from a social determinants of health perspective. Housing should not just meet basic needs, but be designed to protect mental and

physical health, enhance safety, and promote social inclusion, as well as include thoughtful design and access to services for the communities and neighbourhoods.

Regional Plan Draft Content/Policy	Comments
5.0 Introduction Page 70, bottom paragraph, states "In 2021, more than 11% of total households in the region were in core housing need,..."	IWK/NSH MHA **recommends** updating this statistic. The link below shows that 26.7% of total households were in core housing need in 2021. Nova Scotia Department of Finance - Statistics
5.1 Objectives "**1.** Collaborate with government, non-profit and private sector partners to end homelessness and housing poverty in HRM."	IWK/NSH MHA **recommend** replacing "to end homelessness and housing poverty in HRM" with "to address the root causes of homelessness and core housing need in HRM." Highlighting the intersections as to why people are homeless and in housing need is important. Using the term "core housing need" is also important as it was already defined in the introduction, and H-13 already outlines housing need assessment and evaluation which connects to this objective.
5.2 Removing Barriers to Housing **H-1** "When preparing new secondary municipal planning strategies or amendments to existing secondary municipal planning strategies to allow new developments, means of furthering housing choice and social inclusion shall be considered including: a) creating opportunities for a mix of housing types that serve all residents based on social, economic, physical, and cultural needs;"	How will the social, economic, physical, and cultural needs of all residents be assessed? This would be a huge undertaking.
5.2.1 Building Diverse Housing Types	This chapter does not specifically reference accessible housing. We recognize that it is not within scope for HRM yet **recommend** that it be acknowledged and supported by HRM. IWK/NSH MHA **recommend** a statement to advocate for universal design principles to improve quality housing options for all. Download the Universal Design Guide | CMHC (cmhc-schl.gc.ca)[xxii]
H-5 "To support the development of inclusive housing that meets the needs of diverse communities, including but not limited to Mi'kmaq, Indigenous, and African	IWK/NHS MHA is interested in understanding more about this policy and its relationship to H-2 which states: The "Municipality shall continue to identify and

Nova Scotian communities, **Council may consider variations to land use by-law-built form and siting requirements through site plan approval**.	remove policy and regulatory barriers to alternative forms of housing." What is the difference between **alternative** forms of housing as written in H-2 and **inclusive** housing for diverse communities that is written in H-5? Would policy H-2 not include inclusive housing for diverse communities and if not, why? Would H5 not be covered by H-5? Seems like this policy is an added step and potential barrier now for the development of inclusive housing for those who need it the most. This doesn't seem to support the objectives outlined on page 71
5.2.3 Adaptive Reuse **H-10** "The Municipality supports the adaptive reuse of existing non-residential buildings for the creation of more housing."	IWK/NSH MHA **recommend** adding a bullet on assessing access to transit and walkability to services and amenities to satisfy the complete community commitment and objective #5.

Chapter 6: Protecting the Environment and Acting on Climate Change

The municipality's Green Network Plan promotes park spaces to improve overall health and well-being as well as creating a sense of community. Natural surroundings and having access to nature has [xxiii]. Having access to green spaces within the city is also important for the population's health, especially for those in lower socio-economic positioning and the elderly and is related to reducing crime and aggression in the city. Equitable access to natural environments for all ages, abilities and backgrounds is very important. Environmental injustice is the disproportionate exposure of marginalized communities to pollution, and its negative effects on health and the environment.[xxiv] **Creating transit systems that can connect people to hiking trails and beaches without relying on personal vehicles is important to reduce pollution and to promote active transportation for the city.**

Mental and physical health in Nova Scotia has shown a decline during the pandemic.[xxv] During the pandemic, when gyms, skating rinks and other indoor fitness facilities were closed or operating at reduced hours, or reduced capacity and/or people did not feel as safe participating in indoor recreational activities, it became **clear how important it is to have opportunities and proper maintenance of trails for outdoor activity.** There is significant evidence showing the link between outdoor activity and higher mental health outcomes. Nova Scotia Health Mental Health and Addictions Central Zone Health Promotion team provided the HRM with a brief about the importance of accessible parks during the winter months for mental wellness. Their health promotion colleagues in Eastern Zone were inspired by this initiative and adopted the work to make their parks paths and trails more accessible during the winter months for mental wellness. This included the purchase of new trail grooming equipment.[xxvi]

Climate change has been identified as the largest health threat[xxvii] facing people in Canada and the world, with the *2023 World Economic Forum Global Risks Report* identifying it as a top global risk for the next decade[xxviii]. The Canadian Municipal Network on Crime Prevention is working to increase the understanding of climate change's impact on safety, crime, and violence in Canadian cities[xxix]. Research on the linkages between climate change and public safety is scarce. However, existing research suggests that long-term stressors and acute hazards exacerbate the effects of climate change on violence and safety, which risks overwhelming policing, social support, and emergency response services. For example, there are documented upticks in gender-based and intimate partner violence following natural disasters, and upticks in violence related to increased irritability, agitation, and substance use following extreme heat conditions[xxx]. As a part of providing an evidence-based response to mitigating climate impacts, HRM will need to work collaboratively across business units and with community partners to track trends as they emerge.

Regional Plan Draft Content/Policy	Comments
Chapter 6: Protecting the Environment and Acting on Climate	This section seems to shift away from using the words "health and wellbeing" to using the words "quality of life." IWK/NSH MHA **recommend** consistency in language across all sections where possible.
6.1 Objectives	IWK/NSH MHA **recommend** adding additional objectives 8, 9, 10 to ensure a holistic approach to protecting the environment and acting on climate: **8.** Add Indigenous partner engagement on environment and land protection; **9.** Address historic issues of environmental racism; and **10.** Support Extreme Weather Emergency Response Infrastructure and Practices (e.g., Warming and Cooling Centers).
6.3.1.1 A Regional Green Network **EC-5 – E-C7** "The Municipality shall, through the applicable land use by-law, establish a Protected Area Zone..."	IWK/NSH MHA is encouraged by the inclusion of Protected Area Zones (PAZ). PAZ are important for the improvement of mental health and its economic costs.[xxxi] IWK/NSH MHA asks for consideration of how acquiring land for conservation will impact and improve mental wellness of our community. IWK/NSH MHA **recommend** for EC-7 to be modified as: "The Municipality will strategically identify and acquire land for conservation purposes."
6.3.1.2 Preserving Natural Corridors **EC-8** "To further the goals of the Halifax Green Network Plan and guide amendments to this Plan, secondary municipal planning	In addition to refining the boundaries of ECs and ICs, IWK/NSH MHA **recommend** broadening the boundaries of ECs and ICs to improve biodiversity and wildlife access. IWK/NSH MHA also **recommend**

strategies and land use by-laws, the Municipality shall consider refining the boundaries of the Essential Corridors and Important Corridors shown on Map 5 of the Halifax Green Network Plan.“	strengthening the language from “shall consider refining” to “will refine.”
6.3.3 Naturalization and Municipal Natural Assets Management	IWK/NSH MHA **recommend** re-wording “Municipal Natural Assets Management” to “Management of Natural Assets within the Municipality” in an effort move away from colonial language which emphasizes ownership of the land.
EC-16 “The Municipality shall develop a Municipal Natural Assets framework to measure and value natural assets and make decisions on the delivery of services that natural assets provide.”	IWK/NSH MHA encourages the mental health benefits to be considered as part of the valuation (as the case for the natural asset pilot project underway), including the mental health benefits relating to recreation use, water, and pollutant regulation, maintaining biodiversity, and urban heat reduction.[xxxii], [xxxiii] IWK/NSH MHA encourages applying an equity-first model to the framework to ensure the assets are spread equitably across HRM, and that all communities have the opportunity to access green and blue space by enhancing active transportation methods in equity-deserving communities.
6.4.2 Watershed Management **EC-18** “The Municipality shall consider developing community-based Watershed Management Frameworks to provide recommendations for amendments to this Plan, and new or amended secondary municipal planning strategies, using watersheds as a defined unit of management. The Watershed Management Frameworks shall consider:”	IWK/NSH MHA **recommends** an additional consideration of: **m)** Indigenous ways of knowing. IWK/NSH MHA **recommends** strengthening the language from “shall consider developing” to “will develop.” We stress the importance of building genuine relationships with community partners and meaningfully engaging them in the development of community-based Watershed Management Frameworks. Additionally, we encourage prioritizing relationship-building with equity-deserving communities first.
6.4.5 Lake Monitoring	IWK/NSH MHA is curious if the Municipality is planning to or will undertake any actions to remedy or restore lake ecosystems that should be mentioned within this plan or if the only actions by the Municipality would be monitoring.
6.4.6.2 Wetlands **EC-35** “The Municipality may cooperate with the Province of Nova Scotia to develop an	IWK/NSH MHA **recommends** changing the bold “may” to “shall” include:

approach to protecting wetland areas. Wetland protection strategies **may include:**"	
6.5.1 HalifACT **EC-36** "HalifACT, approved in 2020 and as updated from time to time, shall provide guidance to the Municipality for actions and programs related to improving energy security and energy conservation; supporting renewable energy sources; reducing energy consumption; **mitigating climate change; and adapting to climate hazards**. To further the goals of HalifACT, the Municipality shall consider adopting or amending by-laws."	IWK/NSH MHA **recommends** action or inclusion across business units to track data on health/mental health and violence data related to climate change events (e.g., periods of extreme heat, natural disaster etc.). This would assist in supporting evidenced informed planning related to mitigating harm.
6.5.4 Floodplains **EC-51** "Within the 1 in 100-year floodplain, the Municipality may, through secondary municipal planning strategies and land use by-laws, permit development which has been **adequately flood-proofed.**"	IWK/NSH MHA is curious to know that if HRM were to grant permission for building within the 1 in 100-year floodplain, would access to comprehensive flood insurance coverage for tenants be a reasonable consideration for the final granting of a housing development permit. Given that building within floodplain areas may be cheaper that has the potential to draw more vulnerable communities – setting the stage for potential vulnerability in the event of a flood.
6.5.5 Coastal Protection **EC-55** "The Municipality **shall develop and/or update policies to limit development in areas determined to be** vulnerable to climate hazards."	IWK/NSH MHA is pleased to see that climate hazards are included. Historically throughout Nova Scotia, environmentally hazardous areas have been the allocated sites for communities experiencing racism, discrimination, and inequities. IWK/NSH MHA **recommends** updating and implementing policies that will restrict development in areas that are environmentally hazardous.

Chapter 7: Transforming How We Move in Our Region

Transportation is a critical social determinant that can have a significant impact on the physical and mental health and overall wellbeing of individuals and communities, and access to essential services such as healthcare, social services, and educational and employment opportunities. We support HRM's commitment to enhancing our Public Transportation and Active Transportation systems. HRM's commitment to creating complete streets enables safe, equitable, convenient, and comfortable travel and access for all ages and abilities requiring less transportation[xxxiv]. From an IWK perspective, transportation, as it relates to how children and youth move throughout their neighbourhoods, is important. One example is regarding school development and design.

Ensuring safe and accessible active transportation options are created for families and youth and are integrated from city streets onto school property for children and youth to use (i.e., Community traffic or drop-off zones) is critical from a health and injury prevention perspective.

Active transportation by children and youth increases their physical activity, which improves physical and mental health, academic performance, motor skill development & physical literacy[xxxv]. Likewise, ensuring a safe, interconnected pedestrian and bike network between Multi-Use Pathways, bikes lanes and sidewalks to the shopping areas and commercial parking lots is recommended. Ensuring safe areas to move fully from municipal property through outdoor commercial spaces and parking lots using various ways of transport, including walking, cycling, or rolling, is important, especially for children, youth, families, and those vulnerable road users. Improved pedestrian safety is an achievable goal. Municipalities can do this with plans, by-laws, and policies that can regulate the design of parking lots and commercial driveways to include pedestrians.[xxxvi]

New or expanded public transportation options can improve health and health equity by reducing traffic crashes and air pollution, increasing physical activity, and improving access to medical care, healthy food, vital services, employment, and social connection.[xxxvii]

Regional Plan Draft Content/Policy	Comments
	IWK/NSH MHA recommend reviewing opportunities to speak to Nova Scotia's Accessibility Act throughout this chapter and how HRM will contribute to this within the Municipality.
7.0 Introduction	IWK/NSH MHA commend the excellent work emphasizing the intersections laid out in the first and second paragraph. IWK/NSH MHA also commend the decision of the Regional Plan to move in the direction of emphasis from moving vehicles to focus on moving people and goods by investing in facilities and encouraging building forms that support walking, rolling, cycling, and public transit while recognizing that some new road connections may have strategic value.
Page 109: "Electric buses and cars **can clean the air** for residents, pedestrians and cyclists"	IWK/NSH MHA **recommend** re-wording this section as electric buses and cars do not have the capacity to "clean" the air; rather, they can reduce emissions of harmful toxins.
7.1 Objectives **1, 2 & 3**	IWK/NSH MHA agree with objectives 1,2 & 3; however, they are somewhat repetitive and unclear. Consider condensing or using the pillars and principles from the IMP as they are clearly outlined, consumable and approved. Under Objective 2: IWK/NSH MHA also **recommend** including gender in the list, i.e.,

	"...for people of all ages, abilities, **genders** and incomes..."
7.2.1 Pillars and Principles "Implementation of the integrated mobility plan is also vital to the success of HalifACT."	IWK/NSH MHA agrees with this statement. IWK/NSH MHA **recommend** also mentioning the intersections between the IMP and other HRM strategies and frameworks. Understanding and cross-referencing these intersections within the Regional Plan will support HRM's oversight and accountability and provide a more wholesome understanding of these issues.
M-1 "The IMP approved in 2017, and as updated from time to time, shall provide guidance to the municipality for actions and programs related to the region's mobility network."	IWK/NSH MHA **recommend** a formal update to this plan given it is quite dated and there have been many changes. IWK/NSH MHA key **recommendations** include: 1. Application of a gender and equity lens, i.e., people who identify as women and transit use. "By not referencing women's travel needs or behaviour within public transit service standards, public transit agencies are limited in their ability to monitor and assess whether their services are meeting the transit needs of women."[xxxviii] 2022_Grisé_Understanding_responding_transit_needs_women.pdf (polymtl.ca) 2. Adding/adapting the CUTA recommendations to inform and address root causes of violence on transit[xxxix] CUTA_Transit_Safety_Recommendations_EN-f2.pdf (cutaactu.ca) 3. Embedding Public Safety Strategy actions as they relate to transit; if not here, then IWK/NSH MHA **recommend** adding them to **M-18.**
7.3 Setting Targets and Measuring Progress **M-2** "The Municipality shall investigate alternative approaches to surveying the public's travel habits and preferences, assessing overall performance of the mobility system, and progress towards a sustainable mobility system."	Given the results in **Table 7.1**, IWK/NSH MHA **recommends** HRM undertake some research and data collection to better understand barriers for commuters for using transit and Active Transportation as the rates of those two areas have declined and auto has increased. We understand collecting data and information from transit riders' direction is a huge barrier for

	HRM. We would also encourage HRM to think beyond their internal business units and consider working with outside groups to move the needle on data collection and research into understanding travel habits, preferences, and broader information to meet objectives.
7.3.1 Mode Share Targets	Mode share targets are commendable and in line with this plan. IWK/NSH MHA is curious if there is an opportunity for extended data capture to better understand demographics & travel time within this metric.
7.4 Regional and Community Mobility **M-5** "The Municipality shall apply a holistic lens to evaluating, planning, and designing mobility network expansions, and in doing so, shall consider: k) impacts on, and the needs of **underrepresented communities including Mi'kmaq, urban indigenous and ANS communitie**s;"	IWK/NSH MHA is curious about what is meant by a "holistic lens." Under this policy, there is a list of 16 sub-bullets for consideration when evaluating, planning, and designing mobility expansions – IWK/NSH MHA acknowledges that this is a lot to consider. IWK/NSH MHA is curious how HRM will achieve this while also considering any conflicts among the 16 areas which outline various evaluation tools and strategies. IWK/NSH MHA **recommends** changing "including" to "including but not limited to," as well as specifically mentioning the newcomer population.
7.5.1 Complete Streets **M-13** "...generally consistent with the Integrated Mobility Plan, Urban Forestry Management Plan, Halifax Green Network Plan, Active Transportation Functional Plan, Rural Active Transportation Strategy, Rapid Transit Strategy and Moving Forward Together Plan, as may be amended or updated by Regional Council from time to time."	IWK/NSH MHA **recommends** adding the Public Safety Strategy as it relates to safe communities and needs to be better linked to transit.
M-14 "The Municipal service design standards for streets shall be reviewed from time to time to ensure that streets are designed for all ages, abilities and modes of travel and reflect the intended character of the community in which the streets are located."	IWK/NSH MHA **recommend** updating the Municipal Service Design Standards supporting documents to reflect any new and current strategies and ensuring a gender and equity lens is present. Part A - Municipal Design Guidelines 2021.pdf (halifax.ca) complete-streets-checklist-2021-fillable.pdf (halifax.ca)

M-15 "The Municipality shall consider improvements to existing streets and pathways that support the safety and convenience of pedestrians through ongoing reviews of street design standards, street improvements, street and sidewalk maintenance operations, capital improvements and updates to the Municipal Design Guidelines."	IWK/NSH MHA are curious how improvements to existing streets and pathways will be prioritized from an equity lens. What is the assessment process and how will investments be determined? IWK/NSH MHA **recommend** establishing an assessment process that ensures an equity approach prioritizing traditionally underserved neighborhoods and communities.
M-17 "The Municipality shall consider opportunities to dedicate streets, or portions of streets, as car-free zones, and shall continue to support programs for Open Streets events and converting parking spaces for use by pedestrians or cyclists."	IWK/NSH MHA applaud this action and recommend engaging in these practices more frequently. This is such an important way to show commitment to prioritizing people over cars. There are several progressive cities across the world who have adopted this model more frequently and are seeing great success.[xl]
7.5.2 Community Safety **M-18** "Streets and communities shall be designed to improve public health and safety. The Municipality shall seek to reduce serious injuries and fatalities on streets and other transportation facilities by: a) using a "Towards Zero" approach to injuries and fatalities for street safety and security; b) applying the Strategic Road Safety Framework; c) partnering with schools and groups to promote safe walking and cycling; d) partnering with Operation Lifesaver to raise awareness about railway hazards; e) encouraging the Province to locate schools within walkable communities; and f) requiring sidewalks or restricting car traffic on streets serving schools."	IWK/NSH MHA would like to know: b) Is there a plan to update the Strategic Road Safety Framework (2018-2023) as it is ending this year? The Road Safety Dashboard is showing very little progress in 2023 for Road Safety countermeasures— is this accurate? How does this align with M-18? How does the approach and framework apply to private land developers and schools to ensure continuity from parking lots, laneways and into the HRM roadways? f) IWK/NSH MHA **recommend** shifting the language to "requiring sidewalks **and** restricting car traffic on streets serving schools **during peak hours**." How do we ensure IMP (all ages and abilities) applies to school zones and that HRM is prioritizing safe ways for children and youth to get to school safely vs. car drop offs, where pedestrians and kids walking or rolling to school should feel comfortable and safe?
7.7 Active Transportation **M-26 "**When considering proposed AT projects or updating the Active Transportation Priorities Plan and Integrated Mobility Plan, the Municipality shall consider the following criteria:"	IWH/NSH MHA **recommend** that it is clearly stated **how** all ages and abilities will be accounted for.

M-29 "The Municipality shall prioritize pedestrian infrastructure and apply a "Pedestrian First" approach to designing streets within the Urban Area."	IWK/NSH MHA **recommend** HRM ensure a Pedestrian First approach be extended to private land development permits, i.e., shopping centre parking lots, big box stores, etc.
7.7.1 Walking and Rolling "Healthy communities are designed with active transportation in mind. Pedestrian facilities should enable safe, short and attractive connections between homes, jobs, schools, shops, community facilities, and transit stops provide safer crossing opportunities, minimize road crossing distances, provide refuges from traffic and **consider** inclusivity and accessibility."	IWK/NSH MHA **recommends** changing the word "consider" to "ensure" inclusivity and accessibility. IWK/NSH MHA **recommend** utilizing this tool: Interim Accessibility Guidelines for Indoor and Outdoor Spaces[xli]
7.8 Public Transit "Access-a-bus reservation requests sometimes exceed available capacity."	IWK/NSH MHA is interested in how HRM can better support families moving/travelling together based on restrictions of space for support people; for example, if there is one child who requires companionship/support on the access-a-bus and other children within that same family who also require assistance from that same adult.
Page 122, fourth paragraph: "Accessibility for persons with disabilities is a high priority…"	IWK/NSH MHA agree with creating more accessibility for those in need. IWK/NSH MHA **recommends** replacing the statement in quotes with the following statement: "Accessibility is a high priority for HRM transit. Ensuring inclusive design for transit facilities by promoting more equitable mobility services and making transit more accessible for all users. Some examples of inclusive design include but are not limited to..." (list design and accessibility measures). IWK/NSH MHA feels an accessibility for all approach with a focus on equity deserving communities is more comprehensive for anyone who may have increased accessibility needs (i.e., caregivers with children and strollers, and elderly person with a wheeled cart with groceries etc.). When we make transit accessible for all, it is accessible for those with disabilities. IWK/NSH MHA **recommend** adopting and using universal design principles into their public transit plans (Principles and Best Practices for Implementing Universal Design in Transit[xlii]: APTA-SUDS-UD-GL-010-20.pdf).

7.8.3 Rural Public Mobility	IWK/NSH MHA is curious if HRM has a formalized partnership with the Nova Scotia Community Transportation Network (Network) and the Rural Transportation Association (RTA).[xliii]
7.11 Looking Beyond: The Future of Transportation Planning **M-48** "In considering amendments to this Plan, the Municipality shall research long-term factors in relation to land use and transportation, such as:"	IWK/NSH MSA **recommend** adding the following bullet points to the list of research factors: "k) Linking access to transportation and poverty through an equity lens to better inform equitable approaches to transportation planning and implementation; and l) Collecting data and metrics of current ridership needs and routes, including a gender lens, to better understand how people who identify as women and transit interact and the barriers currently experienced by those who identify as women." Understanding the travel needs and behaviours of people who identify as women's is fundamental to the equitable planning of transit systems. Aligned metrics that demonstrate how access to public transportation affects individual and population health outcomes and health equity have been shown to be important in guiding community planning efforts. For example, *A Research Roadmap for Transportation and Health* highlights the value of identifying specific population health metrics that may be applied in transportation planning (for example, proximity to housing)[xliv].

Chapter 8: Driving Economic Prosperity

We are excited about the economic growth in HRM to read about the growth goals and opportunities ahead for economic development of our region. Refer to Chapter 4 for general comments as they are also applicable here.

Regional Plan Draft Content/Policy	Comments
Chapter 8: Driving Economic Prosperity	Within Chapter 8, we commend HRM for partnering with the African Nova Scotia community in developing the *African Nova Scotian Road to Economic Prosperity* plan. If HRM has not established any engagement around economic prosperity plans with youth, newcomers, or indigenous communities, IWK/NSH MHA would encourage HRM to identify opportunities to do so.
8.1 Objectives **"5.** Continuously improving quality of life for residents by addressing housing affordability and equity."	While IWK/NSH MHA are happy to read this objective for continuously improving quality of life for residents, housing and equity are not the only aspects of standards for quality of life and the objective does not fit with the rest of them when referring to driving economic prosperity.
8.2.1 Major Institutional Partners **EP-2** "The Municipality **may consider** partnerships with major institutions located throughout the region, including post-secondary institutions, hospitals, health care facilities and the Department of National Defense to ensure sufficient land is available for their current needs and future expansion, and for collaboration on needs such as infrastructure, transportation, housing and municipal services".	IWK/NSH MHA would **recommend** changing "may consider" to "will develop." IWK/NSH MHA are curious as to why other sectors in the commercial and private space are not included here?
8.3 Mixed Use Communities and Mixed Employment Centres	IWK/NSH MHA supports creating more mixed-use communities. IWK/NSH MHA **recommends** HRM establish a clear path to assessing neighbourhood members' needs and ensuring the type of small businesses, commercial retail and homebase businesses that come into specific neighbourhoods meet the goals outlined in this plan from a health perspective. To reach the goal of healthy communities, not only does HRM need to work to support health by access and availability of health promotion activities, services, and commodities, but equally needs to look at protecting community health by restricting or

	reducing the availability and access to unhealthy commodities, activities, or services. IWK/NSH MHA are interested to better understand how the municipality finds balance in what businesses are permitted into a geographic space to ensure the community is complete and protect the community members from commercial retail that may cause risk to developing poor health outcomes to certain members (i.e., substances, vape shops, fast food, etc.). What are the ways the Municipality ensures communities are healthy and complete when it comes to the private retail sector and what businesses come into a community?
8.4 Industrial Employment Lands	IWK/NSH MHA **recommend** moving section **4.7.5 Cannabis-Related Land Use** to section **8.4 Industrial Employment Lands** as it is not associated with Food Security which is where it currently is placed in this document. As stated in the opening paragraphs in section 4.7.5, cannabis production and processing operations is part of economic development therefore needs to be represented as that, not a subsection of food security.

Chapter 9: Celebrating Culture, Arts and Heritage

Regional Plan Draft Content/Policy	Comments
9.1 Objectives	IWK/NSH MHA **recommend** adding a fifth objective: "A built environment that holds space for new stories to be made and shared through support for intergenerational and extended families coming together." By this, we mean moving away from a built environment and supports that caters to the nuclear family and implementing a lens of thinking about larger families' (intergenerational/cultural communities/friend gatherings) ability to informally and affordably gather together to enhance a sense of inclusion and community. How can we create a place where stories are made and shared? "Belonging for Newcomers: how people gather and share space and access to shelter and seating to accommodate larger families and multigeneration in

	parks or in buildings." and "Housing: support for common spaces to come together in apartment and multi-unit buildings to accommodate larger intergenerational families sharing a meal or having a visit."
9.2.1 Mi'kmaq and Indigenous Reconciliation **CH-3** "The Municipality shall increase commemoration and representation of Mi'kmaq and Indigenous communities by considering:"	IWK/NSH MHA **recommend** the Municipality also consider adding: "d) Increased use of Mi'kmaq and Indigenous terms for inclusion on wayfinding/signage" (KJIPUKTUK (Halifax) Mi'kmaw Place Names
CH-4 "The Municipality shall request enabling amendments to the Halifax Regional Municipality Charter to permit the creation of community benefit agreements that will demonstrably bring benefits to Mi'kmaq communities. Mi'kmaq representatives shall participate in the assessment of development proposals that apply for any such incentive."	Referencing action 92i[xlv] from the Truth and Reconciliation Report Calls to Action: "Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects," IWK/NSH MHA **recommends** that Mi'kmaq communities make the final decision in the assessment of development proposals rather than "shall participate."
9.2.3 Other Traditionally Under-Represented Groups **CH-9** "The Municipality shall maintain a community-centered approach to implementing the actions in Sharing Our Stories, utilizing a community-led process for identifying and leveraging our region's cultural resources. This may include:"	IWK/NSH MHA **recommends** adding another bullet regarding enriching and encouraging multilingualism as a connection to culture.

Chapter 10: Implementation

IWK/NSH MHA are encouraged to see that HRM has "creating healthy communities" directly within the Regional Plan's vision statement and a top priority for the region.

As stated in the opening page of our review, the Regional Plan is deeply complex, and each chapter intersects with each other in various ways. Urban, suburban, and rural planning decisions will in turn impact the health, environment, the economy and overall quality of life for individuals living within HRM. Unfortunately, consistent data collection, assessment and evaluation has been a challenge for many years. Establishing consistent tools to data collection, assessment, and evaluation as well as a decision-making framework regarding any urban, suburban, or rural planning impact the community's health is vital to ensuring that HRM successfully reaches the vision of the planning document.

IWK/NSH MHA **recommend** that a Health Equity Impact Assessment (HEIA) is undertaken on all decisions that require other impact assessments to fully understand the impact a policy or project has on the health of the population within the community involved.
The purpose of a HEIA tool[xlvi] is to:

- Help identify unintended health effects of decision-making;
- Support equity-based improvements in policy and programs;
- Embed equity into decision-making; and
- Build capacity to address and increase awareness of the issues

Regional Plan Draft Content/Policy	Comments
10.1 Objectives "**2.** Engage citizens in the development of policies, programs, and services as the basis for building healthy, strong, and inclusive communities. "	IWK/NSH MHA **recommend** removing the word "strong" and replacing it with "safe" to be consistent throughout the document and including "and various community partners". Suggested language changes: "Engage citizens and **various community partners** in the development of policies, programs and services as the basis for building healthy, **safe** and inclusive communities." Health Promoters within IWK, NSH, academia and community organizations are here to work with and support HRM staff at achieving their goal of building healthy, safe, and inclusive communities.
10.2.1 Public Participation for Planning Applications and Planning Documents **I-1** "A public participation policy shall be adopted by Council as an Administrative Order. This Administrative Order: c) **may** identify additional methods for public participation, including the use of a public engagement guidebook for additional or different public participation, and for the removal of barriers to participation; and"	IWK/NSH MHA **recommend** changing the wording from "may" to "shall."
10.3.1 Secondary Municipal Planning Strategies **I-7** "Given the strategic importance of regional objectives in mitigating climate change and protecting the future health of the municipality, new secondary planning strategies or amendments to existing secondary planning strategies, shall organize land use or management of land in a manner, including the scale, location, density and form of development, so that: c) the movements of pedestrians and transit service are prioritized over car-oriented	IWK/NSH MHA is pleased to see that pedestrians and transit service will be prioritized over car-oriented design and include connections to surrounding community. More time spent driving is associated with worse physical and mental health outcomes[xlvii]. We recommend that the language be expanded to include other types of active transportation (e.g., cycling). Suggested language: "the movements of transit service **and people engaging in active transportation** are prioritized over car-oriented design, including the connections to surrounding community."

design, including the connections to surrounding community;"	
10.3.2 Priority Plans	IWK/NSH MHA **recommend** establishing a Healthy Communities working group to explore the potential of creating a heathy communities-specific priority plan to ensure that HRM staff are supported in this area by professionals who are doing the work in their respective organizations but all working towards the same goal of having healthy, safe and inclusive communities.

Our team continues to appreciate the vast amount of thought, research and work that has been pulled together to develop the Regional Plan Review. We encourage the ongoing inclusion of health perspectives into the Regional Plan, particularly embedding a lens that supports the mental health protective factors and reduces the risks for harm and injury. Our team re-emphasizes the importance of a health equity approach to all planning and design to truly achieve a healthy, thriving community for all. Lastly, where possible, our team would **recommend** finding ways to include the voices of children, youth, families, elderly and equity-seeking groups in the planning and design of communities to create more vibrant, healthy, and equitable communities – such as following the example of Leeds with the Child Friendly Cities. A city built for children and seniors is built for everyone.

We look forward to opportunities to engage in future conversations and consultations linking the health impacts to regional planning and working together to build and maintain healthy, safe and thriving communities throughout HRM.

Please don't hesitate to contact us for follow-up or future collaboration.

Sent on Behalf of the IWK Health and NSH Mental Health, Health Promotion Teams

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Additional Resources: Recommended Tools/Guidelines	Reference/Link
Complete Communities: A guide to geospatial land use assessments for British Columbia's communities.	British Columbia Complete Communities Guide (gov.bc.ca)
Restorative Inquiry for the Home for Colored Children	Restorative-Justice-Inquiry-Final-Report-The-Need-for-a-Shift.pdf (restorativeinquiry.ca)
Health Equity Impact Assessment tools	• Health Equity Impact Assessment • Health Impact Assessments | National Collaborating Centre for Environmental Health | NCCEH - CCSNE • Health impact assessment—insights from the experience of Québec (ciphi.ca) • Ten Healthy Built Environment Tools for Local Governments
Child Friendly Cities Frameworks	• Child Friendly Cities Initiative | Child-Friendly Cities Initiative • Child Friendly Leeds
Municipal Children's Charter - July 17/18 Regional Council	Municipal Children's Charter - July 17/18 Regional Council | Halifax.ca
Women and Gender Equity Strategy	Women and Gender Equity Strategy | Halifax
Social Determinants of Health	Social Determinants of Health
The Healthy Built Environment (HBE) Linkages Toolkit	The Healthy Built Environment (HBE) Linkages Toolkit
The Mental Health and Wellbeing: Considerations for the Built Environment	The Mental Health and Wellbeing: Considerations for the Built Environment
City of Ottawa - 15 Minute Neighbourhood	15-minute neighbourhoods | The New Official Plan | Engage Ottawa

Nova Scotia Legislature - Bill 59 - Agriculture and Food Security Secretariat Act	Nova Scotia Legislature - Bill 59 - Agriculture and Food Security Secretariat Act (nslegislature.ca)
Nova Scotia Department of Finance – Statistics	Nova Scotia Department of Finance - Statistics
Canadian Mortgage and Housing Corporation	Canadian Mortgage and Housing Corporation – Universal Design Guide
Public Health Agency of Canada – Mobilizing Public Health Action on Climate Change in Canada	Public Health Agency of Canada – Mobilizing Public Health Action on Climate Change in Canada – Full Report
World Economic Forum – The Global Risk Report 2023	World Economic Forum – The Global Risk Report 2023
The Canadian Municipal Network on Crime Prevention	The Canadian Municipal Network on Crime Prevention
Safer Cities – Exploring the Link Between Climate Change Hazards and Community Safety	Safer Cities – Exploring the Link Between Climate Change Hazards and Community Safety
Polytechnique Montreal – Understanding and Responding to the Transit needs of Women in Canada	Polytechnique Montreal – Understanding and Responding to the Transit needs of Women in Canada
Canadian Urban Transit Association – Prioritizing Safety on Public Transit	Canadian Urban Transit Association – Prioritizing Safety on Public Transit
Social Policy Administrative Order	Administrative Order 2020-002-GOV, Social Policy Administrative Order | Halifax.ca
Nova Scotia Accessibility Directorate – Interim Accessibility Guidelines for Indoor and Outdoor Spaces	Nova Scotia Accessibility Directorate – Interim Accessibility Guidelines for Indoor and Outdoor Spaces
American Public Transportation Association – Transit Universal Design Guidelines	American Public Transportation Association – Transit Universal Design Guidelines

Mi'kmaw Place Names	Mi'kmaw Place Names
Centers for Disease Control and Prevention – Preferred Terms for Select Populations Groups and Communities	CDC - Preferred Terms for Select Population Groups & Communities
This guide is designed to support local governments, including Indigenous communities, with assessing features of their community's built environment. Ten validated healthy built environment assessment tools have been compiled and are presented in this guide	Ten Healthy Built Environment Tools for Local Governments

[i] Health Equity Guiding Principles for Inclusive Communication. Retrived from: https://www.cdc.gov/healthcommunication/Health_Equity.html

[ii] https://www.cdc.gov/healthcommunication/Preferred_Terms.html

[iii] Switching from Stakeholder. Retrieved from https://researchimpact.ca/featured/switching-from-stakeholder/#:~:text=The%20issue%20with%20the%20word,occupying%2Fstealing%20from%20Indigenous%20territories.

[iv] Administrative Order 2020-002-GOV, Social Policy Administrative Order | Halifax.ca

[v] Shape your city: Themes and Directions Report HRM Theme 5 SOCIAL PLANNING FOR COMMUNITY WELL-BEING: pg. 53 2691861fc0c7f92cb590df0d94196bbd_Theme5_SocialPlanningComp.pdf (ehq-production-canada.s3.ca-central-1.amazonaws.com)

[vi] Restorative Inquiry for the HOme for Colored Children https://restorativeinquiry.ca/report/Restorative-Justice-Inquiry-Final-Report-Chapter-3.pdf

[vii] Environmental influences on population mental health promotion for children and youth (2017). National Collaborating Centres for Public Health. Retrieved from https://nccph.s3.amazonaws.com/uploads/2022/06/03_Environmental_MentalHealth_NCCPH_2017_EN.pdf N.pdf

[viii]Social Determinants of Health and Health Inequities Retrived from https://www.canada.ca/en/public-health/services/health-promotion/population-health/what-determines-health.html Social determinants of health and health inequalities - Canada.ca

[ix] BC Centre for Disease Control. Healthy Built Environment Linkages Toolkit: making the links between design, planning and health, Version 2.0. Vancouver, B.C. Provincial Health Services Authority, 2018 bccdc.ca/pop-public-health/Documents/HBE_linkages_toolkit_2018.pdf

[x] BC Children's Hospital. Mental Health and Wellbeing: considerations for the built environment. Vancouver, BC. Provincial Health Services Authority, 2019 Retrived from: mental-health-built-environment.pdf (bccdc.ca)

[xi] Buttazzoni A, Doherty S, Minaker L. How Do Urban Environments Affect Young People's Mental Health? A Novel Conceptual Framework to Bridge Public Health, Planning, and Neurourbanism. Public Health Rep. 2022 Jan-Feb;137(1):48-61. doi: 10.1177/0033354920982088. Epub 2021 Feb 9. PMID: 33563094; PMCID: PMC8721758.

[xii] Working with local governments to support health equity through the built environment: A scoping review Habitus Research (2016) http://www.bccdc.ca/resource-gallery/Documents/Educational%20Materials/EH/Equity%20BE%20Scoping%20Review.pdf

[xiii] Nova Scotia Legislature - Bill 59 - Agriculture and Food Security Secretariat Act (nslegislature.ca)

[xiv] The evaluation of the 3-30-300 green space rule and mental health. (2022) Nieuwenhuijsen, Dadvand, Márquez, et al. Environmental Research Retrieved from:The evaluation of the 3-30-300 green space rule and mental health - ScienceDirect

[xv] Food Deserts and Food Swamps: A Primer Retrieved from: https://www.ncceh.ca/sites/default/files/Food_Deserts_Food_Swamps_Primer_Oct_2017.pdf

[xvi] Food Deserts and Food Swamps: A Primer. (2018). National Collaborating Centre on Environmental Health. Retrieved from: Food_Deserts_Food_Swamps_Primer_Oct_2017.pdf (ncceh.ca)

[xvii] Reducing Fast Food Outlets through Zoning Retrieved from: https://corporationsandhealth.org/2010/09/01/reducing-fast-food-outlets-through-zoning/

[xviii] Singh, Baker,& Bentely (2019) Housing Disadvantage and Poor Mental Health: A Systematic Review. Retrieved from: https://www.sciencedirect.com/science/article/abs/pii/S0749379719301709

[xix] Clair, A. Housing: an Under-Explored Influence on Children's Well-Being and Becoming. Child Ind Res 12, 609–626 (2019). https://doi.org/10.1007/s12187-018-9550-7

[xx] Amerio A, Brambilla A, Morganti A, Aguglia A, Bianchi D, Santi F, Costantini L, Odone A, Costanza A, Signorelli C, et al. COVID-19 Lockdown: Housing Built Environment's Effects on Mental Health. International Journal of Environmental Research and Public Health. 2020; 17(16):5973. https://doi.org/10.3390/ijerph17165973

[xxi] IWK Health. (2021). *Frequently Asked Housing Questions: A Brief Guide for Health Service Providers Regarding Some of the Commonly Asked Housing Questions.* Retrieved from https://www.iwk.nshealth.ca/housing/IWK_Housing_FAQ_ResourcePage_GrandRounds2021.pdf

[xxii] Universal Design Guide. Canada Mortgage and Housing Corporation (CMHC) Retrived from: https://www.cmhc-schl.gc.ca/professionals/industry-innovation-and-leadership/industry-expertise/accessible-adaptable-housing/universal-design-new-multi-unit-residential-buildings/universal-design-guide

[xxiii] Pieters, H. C., Ayala, L., Schneider, A., Wicks, N., Levine-Dickman, A., & Clinton, S. (2019). Gardening on a psychiatric inpatient unit: Cultivating recovery. *Archives of psychiatric nursing*, *33*(1), 57-64.

[xxiv] Healthy Natural Environments. Plan H: Local Government Action Guides for Healthy Communities Retrieved from:
hne_guide_web.pdf (planh.ca)

[xxv] Research NS. (2020). *Mental Health During Covid-19 Outbreak.* Retrieved from https://researchns.ca/2020/10/01/mhrc-release/

[xxvi] Nova Scotia Heath. (2021). *Partnering with purpose: How health promoters and Municipal Governments in eastern Nova Scotia encourage outdoor activity during COVID-19.* Retrieved from http://www.nshealth.ca/news/partnering-purpose-how-health-promoters-and-municipal-governments-eastern-nova-scotia-encourage

[xxvii] Chief Public Health Officer of Canada's Report on the State of Public Health in Canada 2022 https://www.canada.ca/en/public-health/corporate/publications/chief-public-health-officer-reports-state-public-health-canada/state-public-health-canada-2022/report.html

[xxviii] The Global Risks Report 2023 18th Edition INSIGHT REPORT Retrived from: https://www3.weforum.org/docs/WEF_Global_Risks_Report_2023.pdf

[xxix] Canadian Municipal Network on crime prevention Retrieved from: https://safercities.ca/climatechange/#:~:text=Climate%20change%20is%20undeniably%20one,the%20impacts%20of%20climate%20change.

[xxx] Springer, F., Faruquzzaman, O., Khalil, C. & Munger, F. (2021). Background Document: Exploring the Link between Climate Change and Community Safety. VERiS, Laurier University, Ontario, Canada Retrieved from: https://safercities.ca/wp-content/uploads/2022/03/2021-05-Background-Document-Exploring-the-Link-Between-Climate-Change-Hazards-and-Community-Safety.pdf

[xxxi] Buckley, R., Brough, P., Hague, L. et al. Economic value of protected areas via visitor mental health. Nat Commun 10, 5005 (2019). https://doi.org/10.1038/s41467-019-12631-6

[xxxii] City of Calgary. 2021. Valuation of Natural Assets: Analysis Summary. Calgary, AB.

[xxxiii] Chartered Professional Accountants of Canada. 2023. Valuing natural capital – Is it on your radar? Toronto, ON.

[xxxiv] National Association of City Transportation Officials. (2017) Designing for All Ages & Abilities: Contextual Guidance for High-Comfort Bicycle Facilities. Retrieved from NACTO_Designing-for-All-Ages-Abilities.pdf

[xxxv] Hagel, B.E., Macpherson, A., Howard, A. et al. The built environment and active transportation safety in children and youth: a study protocol. BMC Public Health 19, 728 (2019). https://doi.org/10.1186/s12889-019-7024-6

[xxxvi] Shah, S. (2016). Making Parking Lots and Commercial Driveways Safer For Pedestrians; A Policy Guide.

[xxxvii] PUBLIC TRANSPORTATION IN THE US: A DRIVER OF HEALTH AND EQUITY. Heaps, Abramsohn & Skillen (2021). Retrieved from: https://www.healthaffairs.org/do/10.1377/hpb20210630.810356/

[xxxviii] Babbar, P., Peace, J., Cooper, D., Boisjoly, G., & Grisé, E. (2022). Understanding and responding to the transit needs of women in Canada (Rapport). https://publications.polymtl.ca/10017/

[xxxix] Canadian Urban Transit Assocation (2023) Prioritizing Safety on Public Transit Recommendations for transit agencies, partnering organizations and all levels of government https://cutaactu.ca/wp-content/uploads/2023/06/CUTA_Transit_Safety_Recommendations_EN-f2.pdf

[xl] https://www.gov1.com/transportation/articles/cities-embracing-car-free-zones-9MDoaY7MDtSLH6ZJ/

[xli] Interim Accessibility Guidelines for Indoor and Outdoor Spaces https://novascotia.ca/accessibility/interim-accessibility-guidelines-for-indoor-and-outdoor-spaces/documents/interim-accessibility-guidelines-for-indoor-and-outdoor-spaces-full-document.pdf

[xlii] Transit Universal Design Guidelines Principles and Best Practices for Implementing Universal Design in Transit 2020 https://www.apta.com/wp-content/uploads/APTA-SUDS-UD-GL-010-20.pdf

[xliii] https://www.cpha.ca/providing-equitable-transportation-rural-nova-scotia

[xliv] https://www.healthaffairs.org/do/10.1377/hpb20210630.810356/full/health-affairs-brief-public-transportation-health-equity-heaps-1632491696172.pdf

[xlv] Truth and Reconciliation Commission of Canada. 2012. Truth and Reconciliation Commission of Canada: Calls to Action. Winnipeg, MB.

[xlvi] CANADIAN PUBLIC HEALTH ASSOCIATION POLICY STATEMENT HEALTH EQUITY IMPACT ASSESSMENT (2020) heia-policy-e.pdf (cpha.ca)

[xlvii] Ding D, Gebel K, Phongsavan P, Bauman AE, Merom D. Driving: a road to unhealthy lifestyles and poor health outcomes. PLoS One. 2014 Jun 9;9(6):e94602. doi: 10.1371/journal.pone.0094602. PMID: 24911017; PMCID: PMC4049576.

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October 27, 2023

RE: Nova Scotia Nature Trust Comments on the Draft Regional Plan

Dear Regional Planning Team,

On behalf of the Nova Scotia Nature Trust, I would like to extend our thanks and appreciation for this opportunity to provide comments on the Draft Regional Plan. For context, the Nature Trust is a non-government, land conservation charity that has been active in protecting important natural areas across Nova Scotia and within the Municipality for the past 30 years. We own and steward many important protected areas and urban wildlands within the Municipality, including conservation lands in the Purcells Cove/Halifax Backlands, St. Margaret's Bay, Pennant River, Musquodoboit, and the proposed Blue Mountain Birch Cove Lakes National Urban Park. We initiated a major coastal island conservation campaign that is now one of the Municipality's major ecotourism assets, the 100 Wild Islands, and we are an active partner with the Municipality, the provincial and federal governments, Mi'kmaw and other non-government organizations in advancing biodiversity, open space, connectivity, protection of critical ecosystem services, nature-based solutions to climate change, and places for people to access and benefit from natural areas within the Municipality.

We would like to congratulate and thank the Municipality and planning staff for recognizing the importance of natural areas, creating more green spaces and parklands, protecting ecologically sensitive and important lands, providing connectivity, and providing access to nature as key elements of the Draft Regional Plan. We applaud the commitment to further implement and operationalize the Halifax Green Network Plan and to give priority to and acknowledge the irreplaceable benefits and services provided by natural ecosystems, nature parks, the green network, watercourses and riparian habitats, wildlife corridors, and landscape connectivity. Given aggressive growth predictions and targets, integrated, well-informed planning, with a strong foundation of environmental protection, is critical to both protect nature and its vital ecological services and benefits, and to provide access to nature for the health and well-being of residents. The inclusion of "sustainable environment" in the Municipality's vision is a positive and welcome statement on Municipal priorities for the Regional Plan.

The addition of a creative new mechanism that will allow private landowners to protect a portion of their lands for conservation (previously not possible due to subdivision restrictions), provides a new and valuable tool for advancing conservation within priority natural areas in the Municipality.

<u>Support for the Halifax Green Network Plan and Protection of Environment and Open Space</u>

The Draft Regional Plan document includes multiple references to the Halifax Green Network Plan which is to be commended. Implementation of the Halifax Green Network Plan is essential for protecting and providing access to urban greenspace, ensuring the long-term ecological viability of protected areas and wildlife corridors, and preserving the irreplaceable ecological services they provide, from carbon sequestration, clean water, air pollution filtration and temperature regulation, to stormwater management and flood prevention. Reference to the Halifax Green Network Plan being used to inform the location of new development is excellent, but the Halifax Green Network Plan should also be extended to shaping where new development should *not* take place, ensuring the environmental commitments and intentions of the Regional Plan can be met.

While the Halifax Green Network Plan has not been operationalized to date and is not widely known, its prominence in the Draft Regional Plan is encouraging. To achieve the critical environmental outcomes identified in the Halifax Green Network Plan, however, it must be elevated to a central, foundational pillar of the Regional Plan. It should underpin and guide city planning, development planning and approvals, parks and protected areas work, and real estate decision-making for the Municipality. It should be a living document used by the Municipality staff in all departments to help ensure we have the right development in the right places, and that critical, ecologically sensitive areas are preserved.

It will also be important that the Halifax Green Network Plan, and priority areas identified in the Regional Plan related to environmental goals (corridors, the open space and parks networks, wetlands, riparian buffers, ecologically sensitive areas etc.), are made widely available and communicated as essential elements in planning decisions. These maps and associated information need to be shared not only with other Municipal and Provincial agencies, but also community planning, development, and conservation interests.

Specific references and commitments in the Draft Regional Plan that advance environmental protection and that the Nature Trust support and can help to advance through our collaborative work with the Municipality include the following:

2.7.1 Open Space and Natural Resource Designation

Recognition of the importance of the open space network and the intent to direct development in a way that protects these spaces and corridors is important both from an environmental perspective, but also for sustaining the quality of life, health, and wellness of residents in the Municipality.

2.7.3 Urban Reserve Designation

The Blue Mountain Birch Cove Lakes area is a truly unique ecological, recreational, cultural and historic gem; an urban wildland unlike any municipal lands across the country. The area has been proposed as one of Canada's first National Urban Parks. It provides irreplaceable ecological values and benefits and is truly treasured by Nova Scotians and provides a valuable ecotourism and quality of life asset for the Municipality. Its irreplaceable nature should be a strong factor in the study regarding future growth and development in this area, and the study should include both lands already designated as park or other protected area, as well as the surrounding private lands that have been flagged as important potential additions to the proposed Blue Mountain Birch Cove Lakes National Urban Park (to be protected by the Municipality or other conservation partners).

RP-21 – Creation of an Open Space/Resource designation within the Regional Plan is a positive mechanism for identifying, prioritizing, and protecting the Municipality's open space network (open spaces and the essential corridors connecting them). Several areas currently zoned as Urban Reserve are not suitable for urban development and would benefit from designation as Open Space and Natural Resource Lands, such as the Purcell's Cove Backlands (an area where the Municipality, the Nature Trust, the Nature Conservancy, and other community partners are active in conservation, wilderness recreation and public access to nature).

3.4.5 FUTURE SERVICED COMMUNITIES

HC-7 & 8 – Robust planning and studies before granting approval for development within the Future Serviced Communities outlined in table 3.3 is important. While reference is made to aligning with objectives of the Halifax Green Network Plan, it should be noted that some of these areas under review include lands adjacent to or within areas identified as priorities within the Halifax Green Network Plan.

3.5.5 DEVELOPMENT OUTSIDE RURAL CENTRES

HC-15 – The Draft Regional Plan recognizes the negative impacts of ribbon development and commits to implementing strategies to discourage such development. Eliminating ribbon development will have positive impacts on landscape connectivity, reduce wildlife habitat fragmentation, support wildlife movement, and better ensure the long-term health and viability of natural systems within the Municipality.

4.2 PARKS and 4.2.1 NATURE PARKS

The Draft Regional Plan's recognition of the importance of the park system in supporting the open space network, community wellness and active living is encouraging, as is the commitment to create a regional Parks Priority Plan. We look forward to supporting and contributing as a conservation partner in this planning process and securing additional conservation lands within the Municipality.

CI-3 – Blue Mountain Birch Cove Lakes, the Purcell's Cove Backlands and Sandy Lake are important green spaces within urban Halifax and the proposed park planning outlined in the Draft Regional Plan is commendable. The Nature Trust has committed significant resources to conserving land in both Purcell's Cove and Blue Mountain Birch Cove Lakes and will continue working collaboratively with the Municipality and other partners in advancing their protection as open space parks and protected areas. While reference is made to 'consideration" of the Halifax Green Network Plan, it is critical that the Halifax Green Network Plan is a fundamental foundation of both advancing the Natural Parks and limiting development and other potential impacts on the natural values and critical connectivity corridors in the park areas. The various departments within the Municipality, including Planning, Real Estate and Parks need to be working together and using the Halifax Green Network Plan as a guide to decision-making (for example, not permitting additional development within priority connectivity corridors, and considering moratoriums or other mechanisms to pause development approvals on ecologically important lands adjacent to these parks that may be critical additions to the parks, until such time as integrated planning is complete and priorities are established for land acquisition critical to Nature Parks, key ecological corridors, etc.).

CI-4 – The Nature Trust has seen firsthand the importance of collaboration between all levels of government and conservation organizations in advancing nature conservation, parks, and protected areas. We fully support continued collaboration and applaud the recognition of the need for network planning, partnerships and potentially changes to regulation or legislation to support this important work.

CI-5 – It is encouraging to see the need for the Municipality to study lands near nature park areas and to ensure land use is appropriate to support the creation and ongoing use of the nature park included. There must be a commitment as well, to all departments working together to ensure this study informs

planning and development decisions, and that the Halifax Green Network Plan, as noted above (CI-3), drives decision-making.

CI-6 – The Purcells Cove Backlands are an important conservation area and park land for the Nature Trust and the Nature Conservancy, as well as the Province, Municipality, and other community partners. Protecting much of this ecologically unique and fire-prone landscape as open space is an excellent strategy.

The proposal to redesignate privately owned Urban Reserve lands on Purcell's Cove Road (backing onto the Purcell's Cove Backlands) and to apply the Open Space and Natural Resource Designation is a big step forward in protecting the Backlands. While the intention is admirable, the size of the developable areas (250 meters in from the road) would still allow development far into vulnerable areas. We recommend reviewing and reducing this set-back distance. We do applaud the Municipality and planning staff for their willingness to implement such a creative approach to protecting these sensitive areas, while still accommodating landowner interests and the need for housing.

4.2.1 LEVEL OF SERVICE STANDARDS

CI-9 – It is commendable that the Municipality will consider acquiring riparian buffers, wetlands, and islands as public open space when a proposed development is considered by development agreement. Considering the growing population, housing, and other development pressures within the Municipality, it may be worth considering such acquisition as a requirement rather than a consideration.

6.2 PROTECTING AND CONNECTING OUR GREEN SPACES and 6.3.1.1 A REGIONAL GREEN NETWORK

Retaining large natural areas, protecting high value ecological lands, and ensuring connectivity within this green network is a welcome and essential element of the Draft Regional Plan. Recognition of the important benefits of these areas, and the need to strengthen, maintain and in some cases restore them, is also a welcome addition. The Municipality has important partners in planning, creating, and maintaining a regional green network, and such partners (government and non-government) could be acknowledged in the Draft Regional Plan.

It would be helpful to provide more context in the Draft Regional Plan about how the High Ecological Value areas (shown on Map 6) were defined. The areas should also be revisited and refined as there appears to be important gaps (such as Wilderness Areas and priority corridors identified in the Green Network Plan missing from the map). It would be helpful for the Municipality to reach out to other conservation experts to ensure the High Ecological Value areas are comprehensive.

EC-1 While it is encouraging to see that the Halifax Green Network Plan is to be considered in the Municipality's planning, programming and regulatory activities, stronger language should be used ensure it is incorporated. The Halifax Green Network Plan was adopted in 2018 yet has been largely absent from decision-making to date.

EC-2 – The commitment to changing land use and subdivision regulations to manage human activities in areas identified as important to maintaining biodiversity and climate change mitigation is positive (use of the word "shall" is important here), but implementation may be challenging. Mechanisms should be put in place to ensure this commitment is met.

EC-3 – Prohibiting residential development on new roads with the Open Space and Natural Resource Designation is important.

EC-5 – The Protected Area Zone is a positive element and complements the conservation efforts and protected areas of partners like the Nature Trust.

EC-6 – The Nature Trust celebrates the inclusion of a new mechanism enabling subdivision to allow landowners to retain a portion of their property, while donating the remainder for conservation purposes. The wording should be amended to also include the option of selling those remainder lands or donating them through a bequest, to provide the greatest flexibility and likelihood of conservation success. The inability to subdivide land to protect a portion of it, especially in areas like the Purcells Cove Backlands with exceptionally long, narrow strips of land, has been an impediment for landowners and land trusts otherwise willing to protect significant lands for public and environmental benefit.

We recommend changing the language in EC-6 (a) from "*shall be used only for conservation purposes*" to *"shall be legally protected and used only for nature conservation purposes"* to ensure the lands are in fact permanently protected, and the special exemption is not subject to misuse. This creative addition to the Regional Plan will open important conservation opportunities that leverage the goodwill of private landowners and conservation efforts of the Municipality's conservation partners.

EC-7 – It is encouraging to see reference to the Municipality being able to consider accepting or acquiring lands for conservation purposes. However, considering the irreplaceable role of natural areas for environmental and community health and well-being, and the growing pressures on these natural areas, it may be preferable to elevate the protection of additional lands by the Municipality to a required and integral part of the Regional Plan. Clarification may be required to extend the Municipality's authority to acquire lands for conservation purposes (rather than solely for parkland).

6.3.1.2 PRESERVING NATURAL CORRIDORS

EC-8, EC-9 – Conservation science clearly demonstrates the need for ecological corridors and landscape connectivity. As noted in the Draft Regional Plan, important corridors within the Municipality are already compromised or at immediate risk due to rapid development and escalating pressures for future development. The commitment to further refine these corridors and to implement immediate intervention where essential corridors are at risk, is a welcome addition to the Plan.

The Nature Trust will continue to partner with the Municipality to aid in advancing land conservation within these corridors, helping to establish, maintain, protect, and strengthen wildlife corridors and wildlife crossings in the Municipality. It is exciting to see these commitments, including those pertaining to major connectivity infrastructure across highways and utility corridors. The Municipality could be a national leader in this area. Again, it will be essential to ensure that this commitment is clear to all departments and programs within the Municipality and that mechanisms are in place to ensure these commitments are put into effect.

6.4 PROTECTING OUR WATER AND 6.4.6 RIPARIAN AREAS AND WETLANDS

Protecting water and using a watershed planning approach are both positive and essential elements in the Plan.

EC-24, EC-25 – Stronger protections, clear regulations, and enforcement of riparian buffers will provide an opportunity for healthier wetlands while also allowing for continued human enjoyment. The introduction of the 30-meter riparian buffer is an important new planning feature, but the buffer should be extended to all wetland types. Working with the Province on wetland protection and restoration work and helping the province in identifying wetlands of special significance are both helpful strategies in advancing wetland and riparian habitat conservation.

6.5 ACTING ON CLIMATE CHANGE
6.5.5 COASTAL PROTECTION
6.5.3 STORMWATER and FLOODING
6.5.4 FLOODPLAINS

While there is reference in the HalifACT Plan to land protection and land acquisition, they are included only as one of several strategies as part of mitigating climate change impacts (focused on decarbonization and resilient infrastructure). Land protection and acquisition could be elevated to a stand-alone strategic priority.

Intact coastal habitats, as well as floodplains, provide essential nature-based solution to climate change, mitigating climate change impacts, and managing stormwater and flooding. A focus on acquisition of these important lands, or support for acquisition by the Municipality's conservation partners could also be referenced specifically as a priority strategy.

EC-56 – Nova Scotia's iconic coast is under increasing threat from climate change, development, and other changing land uses and impacts. Inclusion of coastal protection is an excellent and commendable initiative within the Plan. The Municipality should expedite this time-sensitive priority, and not wait for the provincial Coastal Protection Act to proceed. We are experiencing very directly the storm damage and other impacts when coastal conservation is not a priority.

While it is encouraging to see reference to sustainable coastal management and policies to limit development in areas vulnerable to climate hazards, the same consideration should be extended to *ecologically important* coastal ecosystems and habitats (for example those providing important biodiversity values, ecological services, supporting species at risk, high concentrations of biodiversity or habitat for migratory birds).

While the plan mentions limiting development on islands prone to hazards, development on islands should also be limited based on priority ecological features and benefits. Where islands support unique ecological features and ecosystems, are essential refuges for many nesting, overwintering and migratory birds, consideration should be given to further conservation-science-based study on coastal islands and the appropriateness of development.

10.0 IMPLEMENTATION

10.3.3 – Discretionary applications should consider not only the Priority Plans, including the Halifax Green Network Plan, but also existing and pending conservation areas, including Federal, Provincial, or Municipal parks and protected areas, lands cared for by the Mi'kmaw, and land trust and other non-government conservation lands.

10.3.4 Conservation Design Developments

The Draft Regional Plan shows great promise in balancing accommodation of carefully planned growth while ensuring environmental protection. It aims to protect important greenspace, a parks network, corridors, and other ecologically important and vulnerable areas, while discouraging growth where it will cause significant ecological damage.

The challenge moving forward will be ensuring that environmental considerations are truly a foundational imperative and guiding pillar, rather than one of many planning considerations. It will also be essential to create mechanisms for accountability on implementation of the Regional Plan and the Halifax Green Network Plan.

CONNECTION TO NOVA SCOTIA'S 20 BY 30 COMMITMENT

The Draft Regional Plan does not reference Nova Scotia's commitment to protect 20% of Nova Scotia's lands and inland waters for conservation by 2030. This commitment is crucial considering the growing dual crisis of climate change and biodiversity loss and development pressures on lands within the Municipality. The Municipality could play a leading role in contributing to this provincial target and provide a model for other municipalities across the country. Both the Federal and Provincial governments seek the support of all levels of government, non-government, and Indigenous partners in meeting ambitious but crucial global protected areas targets. The Municipality has been and will continue to protect priority natural areas in satisfying elements of the Regional Plan that are based on the Halifax Green Network Plan, nature parks, corridors and connectivity, nature-based solutions to climate change, stormwater management etc. Making a commitment to actively engage in Nova Scotia's 20 by 30 target, even setting a specific land conservation target for the Municipality, would be an inspiring addition to the Regional Plan. We would be honoured to partner with the Municipality in such an initiative.

Our thanks to the Planning Team for their efforts, for recognizing the importance of environmental considerations in the Regional Plan, and for the opportunity to provide feedback. We look forward to continued partnership and collaboration with the Municipality in protecting our unique and treasured natural legacy and supporting many of the environmental protection strategies outlined in this Regional Plan.

Submitted on behalf of the Nova Scotia Nature Trust.

Sincerely,

[redacted]

Bonnie Sutherland
Executive Director

October 27th, 2023

Dave Paterson, MCIP, LPP
Principal Planner, Regional Planning Team
Planning and Development
regionalplan@halifax.ca

RE: Halifax Draft Regional Plan Phase 5 - Site Specific Request for Aerotech Comprehensive Development District Lands

Dear Mr. Paterson & Regional Plan Review Team:

Clayton Developments Limited, on behalf of Aerotech Developments GP Limited, 4538217 Nova Scotia Limited, and Municipal Enterprises Limited is pleased to submit a site-specific request for consideration of our approximately 1,000 acre proposed 'Aerotech Comprehensive Development District (CDD)' lands, as shown on the attached compiled plan prepared by SDMM. The lands are south of the Highway 102 Aerotech Connector, between Highway 102 and Highway 2 in Fletchers Lake. The lands are comprised of the following PIDs:

- PID 00527861, PID 41356841, PID 00529248, PID 41356858, PID 41461625, PID 41334459, PID 00515601, PID 00515874;
- PID 40149551 owned by Municipal Enterprises Limited; and
- the provincial lands (PID 41437716 and 41437732) should be considered as part of community planning efforts in the area.

We ask that these lands be considered in the "Urban Settlement" designation, and a "Future Serviced Community" Growth Centre. It is our intent that comprehensive studies be commenced to consider servicing the lands with municipal water, wastewater and conventional transit services. At a preliminary 'land potential' concept level, it is our belief that a combined ±7,000 to ±8,000 multifamily and ground-based homes could be built in this area, subject to appropriate servicing availability in a master planned community (see the attached Conceptual Master Plan). A further ±16 acres of community commercial, and ±143.5 acres of employment lands for either commercial or compatible industrial uses could also be achieved in our preliminary concept plan estimates. This configuration is preliminary, but is offered to assist in informing consideration of our request for inclusion in the Draft Regional Plan, as well as to assist in housing supply estimates we expect may be included in key performance indicators for the plan.

This location is favourable for a Future Serviced Community Growth Centre for the following reasons:

- **Sufficient Size for a Future Serviced Community Growth Centre –** The site is a significant land holding under shared ownership. At approximately 1,000 acres, the parcel is large enough to enable opportunities for a range of housing types, and is adjacent to existing regular transit service to the airport. As a parcel with a coordinated ownership structure backed by developer partners, the site can be developed in timely manner to address HRM's housing needs.
- **Adjacent to Major Transportation Infrastructure Improvements –** Construction has begun on the Aerotech Connector, which would bring supportive highway infrastructure in place for a major development. The Aerotech Connector is under construction and in our understanding, is expected to be completed in 2024 or 2025. The existing Highway 102 flanks the site, and Exit 5A of Highway 102 provides access to this major commuter route.
- **Proximity to Growth Centres and Urban Settlement Designation Areas –** This site has proximity to the existing River-Lake / Fall River Rural Growth Centre in HRM. It is opposite the highway from the Urban Settlement designation at Aerotech and the Halifax Stanfield International Airport. If the municipality continues its higher rate of growth, we will need to find opportunities to extend the urban serviced area, and target transit-supportive densities in new developments, including the subject lands. Sites like the

subject lands are sensible as an extension of services, rather than entertaining leapfrog development patterns.

- **Proximity to Employment –** The site is near the existing employment node of Halifax Stanfield International Airport and Aerotech Industrial Park. It has good transportation route access into Burnside, Sackville Business Park and Bedford Common, particularly when the Highway 107 Sackville-Bedford-Burnside Connector (Highway 107 Extension) is completed. Reading the *2020 Industrial Employment Lands Strategy*, Aerotech will become a future employment node as Burnside Industrial Park builds towards completion. Having housing near employment will facilitate transit opportunities to Aerotech, and any employment growth at the airport to service our growing population.
- **Water Supply Redevelopment Considerations –** Our understanding is that Halifax Water's Bennery Lake Water Supply Plant serving the Halifax Stanfield International Airport and Aerotech Business Park has limited capacity for additional uses. Servicing alternatives would be prudent to support the Aerotech Business Park expansion even if the subject lands were not proposed for development. This proposed development would enable a sufficient population for consideration of significant water supply infrastructure development.
- **Wastewater Opportunities –** The site is near the Aerotech Park Wastewater Treatment Facility, and servicing may be able to be extended to the subject lands from Aerotech Drive. Our understanding is that there is additional capacity within the treatment facility from 2016 upgrades, but the exact supportable population will need to be confirmed by further study.
- **Surface Material Suitability –** While this region of the municipality is prone to pyritic slate, preliminary geotechnical testing indicates that the depth of the acid-bearing rock strata is largely far enough underground to not impact development throughout a large portion of the lands. While this will require further study, it does provide enough supportive rationale for detailed study.
- **Minimized Airport Land Use Conflicts –** The lands are largely located outside of the NEF Contours and *Halifax International Airport Zoning Regulations* under the federal *Aeronautics Act*, excluding a portion of the lands north of Exit 5A.

These lands make available an area which is capable of housing a large, serviced community which will add significantly to developable lands needed to fulfill the Halifax region's housing needs. We understand intimately the need for comprehensive community planning and further study to advance consideration of this area for development. We look forward to working with staff, consultants, and the public in the coming years on background studies and concept design advancement, should it be enabled as a Future Serviced Community Growth Centre.

Thank you for your consideration and attention on this request. Should you have any questions with regards to the enclosed materials, please do not hesitate to contact the undersigned.

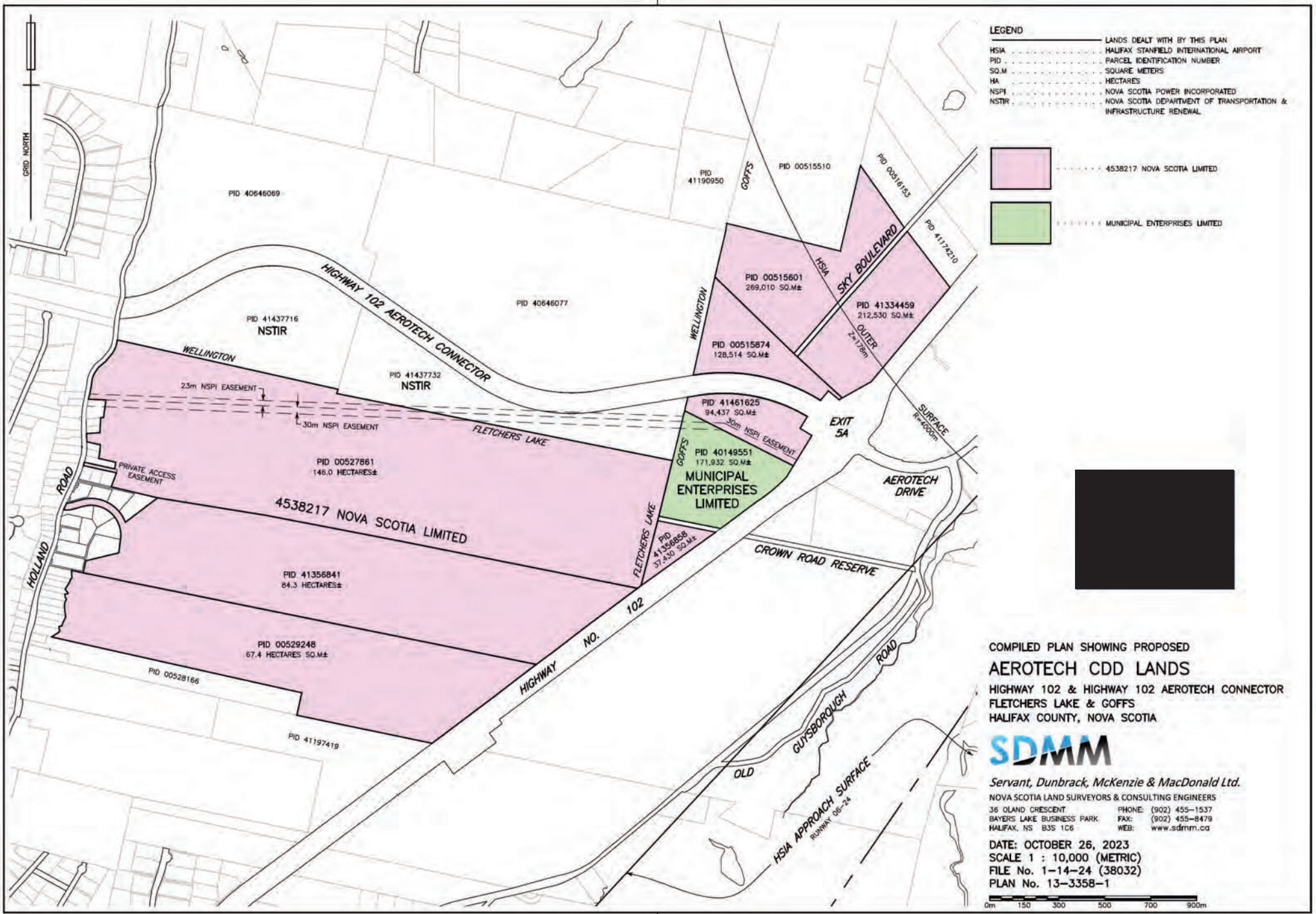
Kind regards,

[redacted]

Jared Dalziel, MCIP, LPP
Senior Planner
Clayton Developments Limited

Enclosures

- Compiled Plan of Survey – Wellington Lands – October 26th 2023
- Aerotech CDD Lands – Conceptual Master Plan - October 27th 2023



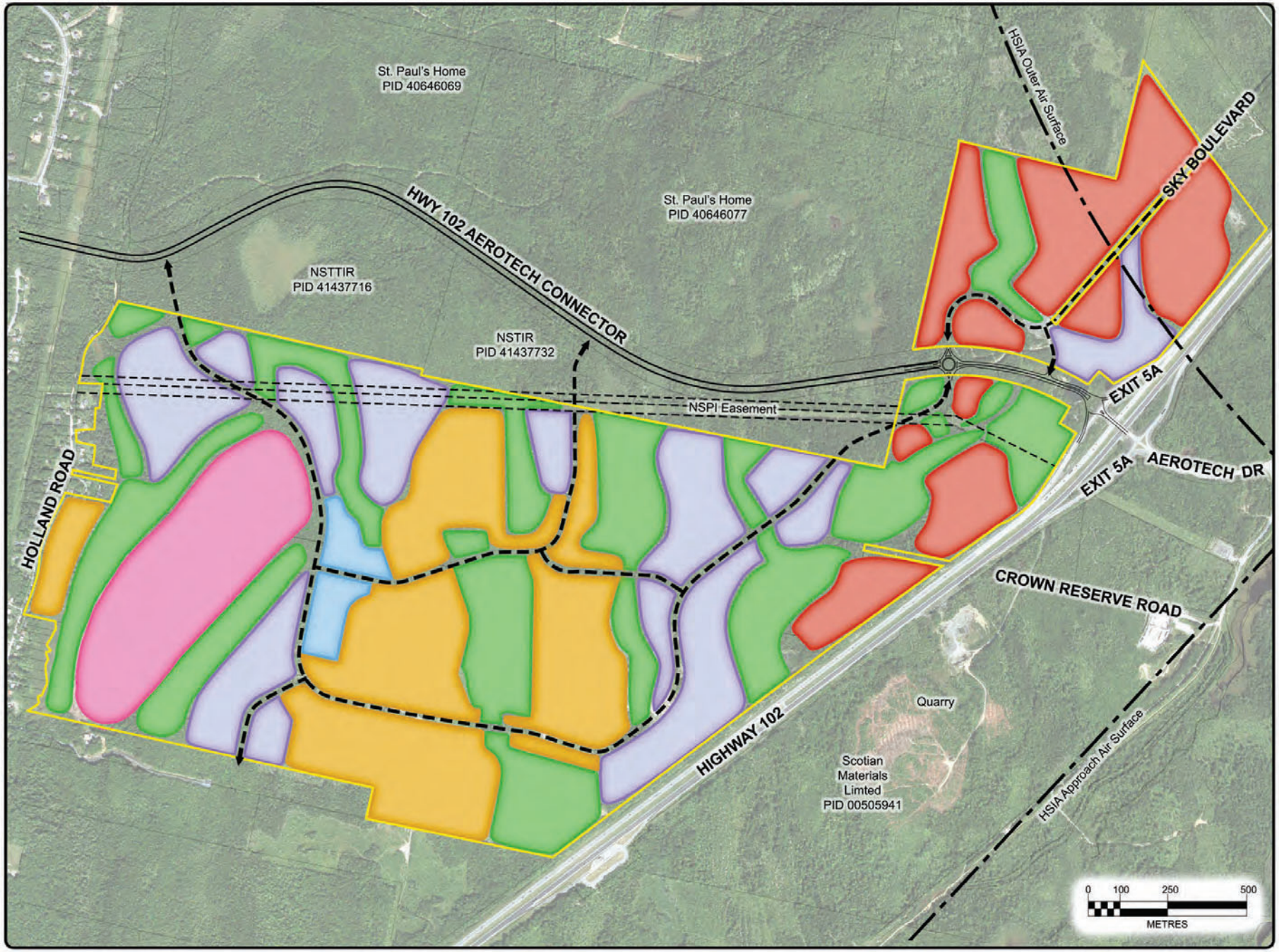
COMPILED PLAN SHOWING PROPOSED

AEROTECH CDD LANDS

HIGHWAY 102 & HIGHWAY 102 AEROTECH CONNECTOR
FLETCHERS LAKE & GOFFS
HALIFAX COUNTY, NOVA SCOTIA

SDMM
Servant, Dunbrack, McKenzie & MacDonald Ltd.
NOVA SCOTIA LAND SURVEYORS & CONSULTING ENGINEERS
36 OLAND CRESCENT
BAYERS LAKE BUSINESS PARK
HALIFAX, NS B3S 1C6
PHONE: (902) 455-1537
FAX: (902) 455-8479
WEB: www.sdmm.ca

DATE: OCTOBER 26, 2023
SCALE 1 : 10,000 (METRIC)
FILE No. 1-14-24 (38032)
PLAN No. 13-3358-1



CONCEPTUAL MASTER PLAN

Proposed Aerotech CDD Lands

- HIGHWAY COMMERCIAL 137.0 Acres
- MULTIPLE RESIDENTIAL 4,550 Units (182.0 ac x 25 upa)
- MIXED-USE (MAIN STREET) 16 ac. (2st. Comm) + 180 units
- GROUND-BASED RESIDENTIAL 1,205 Units
- PARKLAND / EVIRONMENTAL OPEN SPACE (229.5 Ac.)
- MIXED HOUSING RESIDENTIAL 2,078 Units (83.1 ac x 25 upa)
- PROPOSED R.O.W.
- PROJECT BOUNDARY

NOTES:

- CONCEPTUAL LAYOUT ONLY.

DATE
OCTOBER 27, 2023

SCALE
1:5000

N

C787

SUNROSE

Sunrose Land Use Consulting
Halifax, Nova Scotia

October 27, 2023

Leah Perrin, MCIP, LPP
Manager, Regional Planning
Regional & Community Planning/Planning & Development
Halifax, Nova Scotia

Dear Leah:

Re: Request to include in the current Regional Plan review a plan amendment request to the Planning District 5 Chebucto Peninsula MPS/LUB to re-designate and re-zone land in Harrietsfield (PID 41034281) from Residential to Industrial Commercial (R2 to C5).

On behalf of my Client, Steve Murphy, this letter is to provide supporting planning rationale for the above noted plan amendment request. Given the current Regional Plan review and its recognition of the importance of protecting and promoting industrial commercial lands, I believe it would be appropriate to address this plan amendment request through the Regional Plan review.

Mr. Murphy is a long time successful business owner in Harrietsfield. His contracting business has done work in the Harrietsfield and Williamswood area for over 45 years. They have built several subdivisions as well as established the industrial park that is zoned C5 and located at the end of the small subdivision along Weavers Lake Drive and Commercial Drive which has direct access to Old Sambro Road. This industrial park houses many successful businesses.

With the pressures to address the current housing crisis, his contracting business needs a location to expand. He owns a property that is within 1000 feet of their industrial park (the subject property) which he would like to re-designate and re-zone to Industrial Commercial. The property is not adjacent to the Industrial Commercial designation and therefore requires a plan amendment.

The subject property is 25 acres in size, set back off of the main road with a right-of-way easement access to Old Sambro Road. The right-of-way easement access is currently being used as a driveway by the residential property in front, which he will also use to access the subject property. (see enclosed subdivision survey plan). The surrounding land uses are primarily vacant, with just a few homes situated along the frontage of Old Sambro Road.

tel: 902.478.2541 email: sunrose@eastlink.ca

The property is designated Rural Commuter in the Regional Plan. There are no historical features identified on the property as per Map 2 Historical Features of the MPS. There are no significant areas identified on the subject property on any of the Regional Plan maps listed below:

Map 3 Active Transportation and Natural Networks
Map 4 Parks and Natural Corridors
Map 5 Significant Habitats and Endangered Species
Map 8 Cultural Significance (a portion of property is in Level 2 Low Significance)
Map 9 Areas of Elevated Archaeological Potential

In consideration of Regional Plan policy *G-14A* below:

"In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including: (a) The Integrated Mobility Plan; (b) Halifax Green Network Plan; (c) HalifACT; (d) Halifax's Inclusive Economic Strategy 2022-2027; and (e) any other priority plan approved by Regional Council while this policy is in effect."

The property is not addressed in the Integrated Mobility Plan. None of the maps identifying sensitive areas in the Green Network Plan affect the subject property. The HalifACT report encourages efficient buildings, which Mr. Murphy intends to build. The Inclusive Economic Strategy encourages partnerships, and the MPS indicates that the Municipality will invest in infrastructure upgrades to the Harrietsfield area. I am not aware of any upgrades having been done in the area or of any partnerships being initiated by HRM.

Mr. Murphy's business is important to the housing industry of HRM and he needs the subject property to be rezoned so that he can use it for the expansion of his business. Please consider processing this request as part of the Regional Plan review as a fulfilment of the objective to promote new industrial commercial lands.

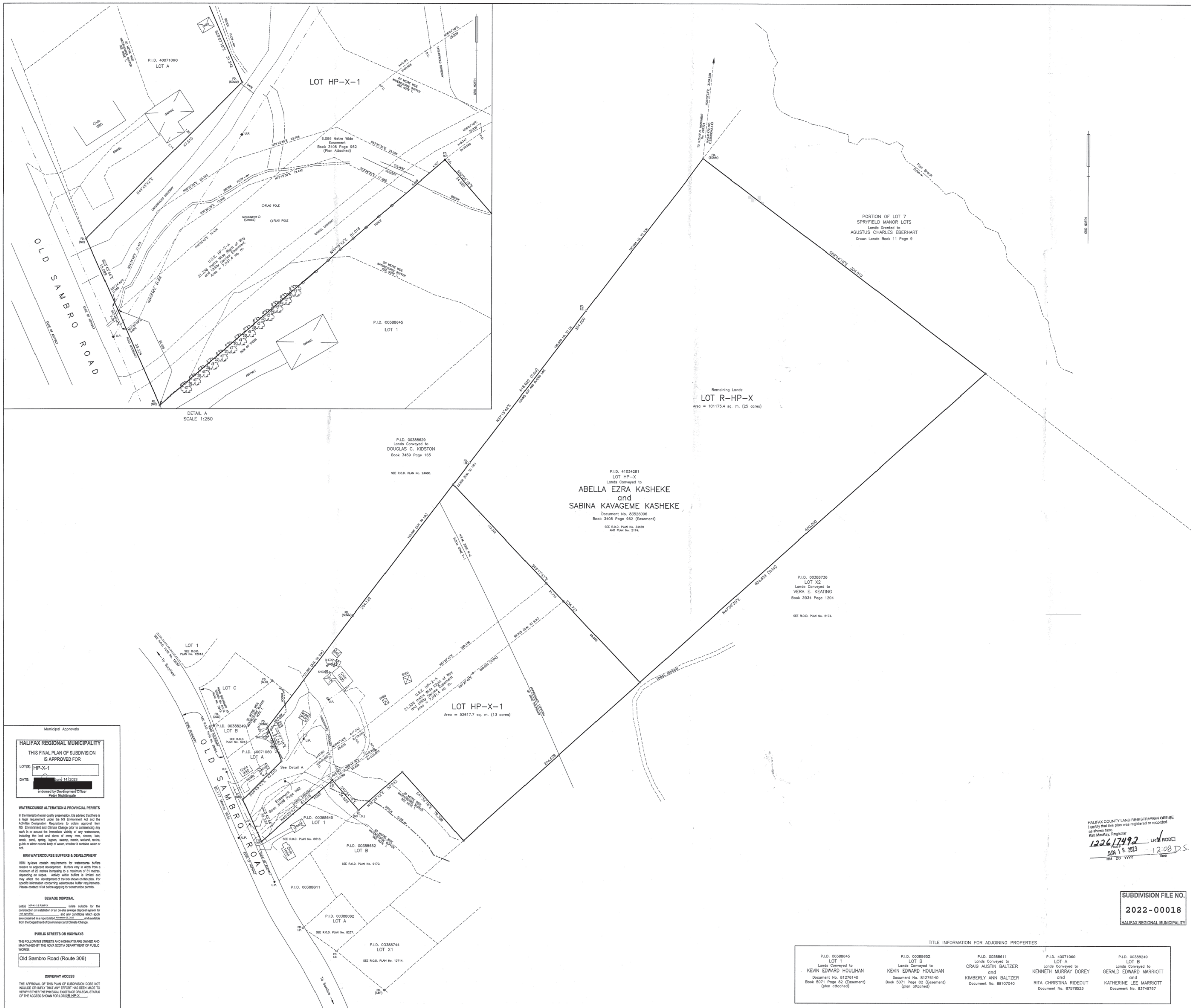
Please do not hesitate to contact me if you require any additional information.

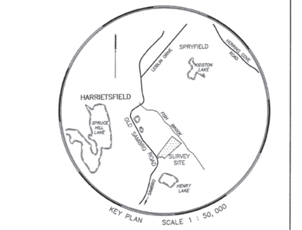
Sincerely:

[redacted]

Jenifer Tsang, MCIP, LPP

Enclosures:
Subdivision survey plan dated June 19, 2023 (HRM file number 2022-00018)





LEGEND

△ N.S.H.P.N.	Nova Scotia High Precision Network
●	Rock Post
◉	Survey Marker
○ I.B.	Iron Bar
○ I.P.	Iron Pipe
♣ D.H.	Drill Hole
C.P.	Crown Post
S.M.	Survey Marker
———	Lands dealt with by this plan
FD.	Found
P.I.D.	Property Identification Number
A / R	Arc Length / Radius
P.C.	Point of Curvature
P.C.C.	Point of Compound Curvature
P.R.C.	Point of Reverse Curvature
H.R.M.	Halifax Regional Municipality
L.R.O./R.O.D.	Land Registration Office / Registry of Deeds
U.P.	Utility Pole with Anchor
—··—	Overhead Wires
(000)	Registration Number for Nova Scotia Land Surveyor
L.S.	Light Standard
O.H.W.M.	Ordinary High Water Mark
FND.	Foundation
WIT.	Witness
U.S.E.	Utility Service Easement
F.P.	Flag Pole
T&P	Thompson and Purcell Surveying Limited
SDMM	Servant, Dunbrack, McKenzie, and MacDonald Ltd.
NR	Not Readable
ALD	Alderney Surveys Limited

Bearings are grid derived from G.N.S.S. observations on N.S.H.P.N. Monument No. 228324, based on 3° M.T.M. projection, Central Meridian 64° 30' west longitude, Zone 5, NAD83 C.S.R.S., epoch 2010.0. Coordinate date: 2016-09-26.

The field traverse was unadjusted. Scale factor of 0.999951 was applied. Distances shown hereon are grid distances.

The field work was carried out during the period September 29, 2022 to November 18, 2022.

NOTES

1) The Riparian buffer relates to Halifax Regional Municipality Land Use By-Law for Watercourse Buffers and Wetland Development. Disturbance of soil and vegetation within this buffer is restricted. The buffer is a minimum of 20 metres from the ordinary high water mark of watercourses and wetlands contiguous with a watercourse. If the average slope within this 20 metre zone exceeds 20% the buffer width increases by 1 metre for each 2% grade in excess of 20%.

2) Approval of Lot HP-X-1 is requested pursuant to Section 45 of the Regional Subdivision By-law. The parent lot is described in Book 2357 Page 659 recorded at the Registry of Deeds on December 29, 1969. This exemption has not been previously been used for this area of land.

The underlying Lot HP (P.I.D. 00389023) includes the lot described in Book 2357 Page 659. The boundaries of the parent parcel were altered to include Lot X in Book 2091 Page 876 but did not materially affect the ability of the parent parcel to be developed and is described at Book 6630 Page 731 with the parent parcel being represented by Lot HP on Registry of Deeds Plan Number 34459.

3) Access and utility services for Remaining Lot R-HP-X to be over U.S.E. HP-2-H, a 21.336 metre wide easement.

Municipal Approvals

HALIFAX REGIONAL MUNICIPALITY

THIS FINAL PLAN OF SUBDIVISION IS APPROVED FOR

LOT(S): HP-X-1

DATE: [redacted] June 14, 2023

[redacted]

endorsed by Development Officer
Peter Nightingale

WATERCOURSE ALTERATION & PROVINCIAL PERMITS

In the interest of water quality preservation, it is advised that there is a legal requirement under the NS Environment Act and the Activities Designation Regulations to obtain approval from NS Environment and Climate Change prior to commencing any work in or around the immediate vicinity of any watercourse, including the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, whether it contains water or not.

HRM WATERCOURSE BUFFERS & DEVELOPMENT

HRM by-laws contain requirements for watercourse buffers relative to adjacent development. Buffers vary in width from a minimum of 20 metres increasing to a maximum of 61 metres, depending on slopes. Activity within buffers is limited and may affect the development of the lots shown on this plan. For specific information concerning watercourse buffer requirements, Please contact HRM before applying for construction permits.

SEWAGE DISPOSAL

Lot(s) HP-X-1 & R-HP-X is/are suitable for the construction or installation of an on-site sewage disposal system for not specified and any conditions which apply are contained in a report dated November 25, 2022 and available from the Department of Environment and Climate Change.

PUBLIC STREETS OR HIGHWAYS

THE FOLLOWING STREETS AND HIGHWAYS ARE OWNED AND MAINTAINED BY THE NOVA SCOTIA DEPARTMENT OF PUBLIC WORKS:

Old Sambro Road (Route 306)

DRIVEWAY ACCESS

THE APPROVAL OF THIS PLAN OF SUBDIVISION DOES NOT INCLUDE OR IMPLY THAT ANY EFFORT HAS BEEN MADE TO VERIFY EITHER THE PHYSICAL EXISTENCE OR LEGAL STATUS OF THE ACCESS SHOWN FOR LOT(S) R-HP-X.

TITLE INFORMATION FOR ADJOINING PROPERTIES

P.I.D. 00388645	P.I.D. 00388652	P.I.D. 00388611	P.I.D. 40071060	P.I.D. 00388249
LOT 1	LOT B		LOT A	LOT B
Lands Conveyed to	Lands Conveyed to	Lands Conveyed to	Lands Conveyed to	Lands Conveyed to
KEVIN EDWARD HOULIHAN	KEVIN EDWARD HOULIHAN	CRAIG AUSTIN BALTZER and KIMBERLY ANN BALTZER	KENNETH MURRAY DOREY and RITA CHRISTINA RIDEOUT	GERALD EDWARD MARRIOTT and KATHERINE LEE MARRIOTT
Document No. 81276140	Document No. 81276140	Document No. 89107040	Document No. 87578523	Document No. 83749797
Book 5071 Page 82 (Easement) (plan attached)	Book 5071 Page 82 (Easement) (plan attached)			

HALIFAX COUNTY LAND REGISTRATION OFFICE
I certify that this plan was registered or recorded as shown here.
Kim MacKay, Registrar
122617492 LR ✓ ROD
Plan #
JUN 19 2023 12:08 D.S.
MM DD YYYY Time

SUBDIVISION FILE NO.
2022-00018
HALIFAX REGIONAL MUNICIPALITY

[redacted]

Surveyor's Certificate

I, Christopher W. Parsons, Nova Scotia Land Surveyor, hereby certify that the survey represented by this plan was conducted under my supervision and that the survey and plan were made in accordance with the Land Surveyors Act, regulations and standards made thereunder.

Dated this 25th day of November, 2022.

[redacted] N.S.L.S.

Revised January 31, 2023 to reflect updated lot designations.

[redacted] N.S.L.S.

PLAN OF SURVEY OF

LOT HP-X-1

SUBDIVISION OF LOT HP-X
LANDS CONVEYED TO

ABELLA EZRA KASHEKE and SABINA KAVAGEME KASHEKE

OLD SAMBRO ROAD, HARRIETSFIELD
HALIFAX COUNTY, NOVA SCOTIA

Scale : 1:1000

THOMPSON CONN LIMITED
NOVA SCOTIA LAND SURVEYORS
HALIFAX and NORTH SYDNEY

DATE: NOVEMBER 25, 2022.
MAP NO. 05N12-79/11D12-T3
P.I.D. NO. 41034281
FILE NO. 17872

THE ASSOCIATION OF NOVA SCOTIA LAND SURVEYORS
Nº 69710

F:\1. Projects\17800-17899\17872 1000 Old Sambro Road, Harrietsfield\6. Boundary\6.4 Final Plan\17872 1000 Old Sambro Rd.dwg

C788

Be innovative and nimble to try many small experiments
This is an overarching attitude given the many complex options for urban designs available. HRM should do this with acceptance that some will fail despite the best intentions and risk management. Try it for one area or another, for limited time, and/or within a budget amount, *etc*. to see how it works. Then learn and apply appropriate follow-up actions. That could be to scale, modify, scrap, and provide a case study. Get a good plan in each case, don't worry about failing with one to justify trying, and go for it! This attitude can easily spill over to others, and other aspects, of HRM, from government to culture. It will also help with unplanned situations.

Build more downtown areas in Urban Settlement and Urban Reserve areas
To accommodate 1 million people in HRM, more land outside the Regional Centre will have to be used for all purposes to avoid overcrowding. Multiple vibrant downtown areas should be developed in Urban Settlement areas, possibly even Urban Reserve areas where critical mass can exist. More people can then work in multiple central locations while living near them, rather than commute far to a few currently. These new downtown areas should be complete communities, of course, and not just for businesses. They would just have densities and mixes of usage like a downtown area.

Encourage entities that can be located outside the Regional Centre to do so
There are a lot of entities that don't have to be located in the Regional Centre. Encourage that perspective for entities looking for locations to question whether it has to be located in the Regional Centre. Putting entities in new and/or rapidly growing sectors is ideal for these new potential downtown areas. They will form a sufficient base while undergoing rapid growth to quickly reach critical mass to attract more entities. Economic incentives are probably not needed. Growth will reduce current low occupancy rates in the Regional Centre, making it more attractive to look elsewhere. Meanwhile, those looking first will gain a financial advantage.

Provide direct transportation routes between all downtown areas
This should be for all common means of transportation. However, priorities should be given to all but single occupancy cars. Direct transportation routes may mean combining existing routes that are not direct, rather than building new ones.

Do not build more industrial parks
The ones in existence are enough to handle future entities that might need to be in an industrial park. Entities there that are not ideal for them now, like stores, will eventually move out to better, possibly new options.

Ensure equal and sufficient access to green and blue spaces for all
There are a lot of forests, lakes, rivers, and ocean around the HRM. Ensure green and blue spaces are accessible for all. There is no shortage of natural resources to go around for all if things were well planned, while still keeping a lot of land relatively undisturbed. If crowded London, England, can do it for green spaces, so can we while adding on blue spaces!

Create more city “squares”
These are generally open areas with some amenities where people can gather while feeling safe due to open sight lines and others around them. Shops could be around some or all sides of the square. Have some places to sit on and activity inducing features like hopscotch or racing track lanes on the ground, with a playground for kids in some squares. Many ideas can be taken from the current HRM waterfronts. There is nothing people are more interested in than other people. This paved open space concept is about as affordable a city “destination” as there can be! If desired, a parklet could be put in one corner. However, parklets serve purposes involving nature, not people. They should not be designed to also be a city square.

Don’t approve many tower structures without bigger bases
Cities like Vancouver are lauded for this practice. It allows more people living or working in these structures to have at least a partial view of the area around them. These towers often have sidewalk shops or offices, with residences or offices in a bigger base up to 4 or 5 stories. The rest of the tower is narrower. Where residences are in the base, they are bigger for families who would likely live there longer. Meanwhile, more transient tenants are in smaller units above.

Open a 3D printed housing market
3D printed concrete housing is quite affordable compared to standard and standard modular housing. One can be printed within days, and the technology is advanced enough to have printed entire villages for similar climates to HRM. Work with printers and update city building codes to allow for compliant 3D printed designs and open a new housing market here, or maybe do a pilot for affordable housing. There is nothing to suggest HRM is a special case where 3D printed housing cannot work here. While generic sounding, they can be customized, then be highly personalized to be chic and more valued by their owners than most prebuilt homes bought.

Make riding public transit a more enjoyable experience
A lot of this is psychology to choose better among same or similar cost options. For example, make buses more colourful on the inside, and have some more facing seating for potential interactions. There could be better route names, and certainly have non-cash payment options. Many proven ideas exist around the world. Find them and embrace what’s feasible.

Introduce more user fees on a city card
Taxes are not going to pay for all services and infrastructure required. User fees can supplement taxes in a fair way with users paying. It would not be popular, but it would be less popular if separate cards, or cash, were required. Have something like a Mac Pass become a city card where all city user fees can be paid for. That’s if a simple credit or debit card system won’t be good enough.

Encourage guerilla city design, within limits
People are keen to personalize their communities to make it their own. However, they just can’t do anything, of course. Create collaborative opportunities where people can change their communities to identify more with them, like the people providing the labour while the city

provides supplies. Examples can be paint for murals, seeds and boxes for gardens or trees, etc. These opportunities could create good urban infrastructure, from something being more visually interesting, to a line of trees or vegetation to separate sidewalks from streets, while building trust in relationship with the city. Contests would also be great to up the ante on similar projects to get people even more engaged. Perhaps create a guide for what people can do to change the city without any or a lot of approvalst.

Create more opportunities for citizens to make a difference and tell their stories
People embrace, take ownership, and spread stories when they are somehow involved in it. For example, if they or a friend won a contest to design a bus now in service. Or perhaps they created something visible and admired in the neighbourhood through guerilla design. Create more of these opportunities. It is the best marketing and hometown pride you'll be able to get! Contests might be costly to run in some cases, but find an efficient and effective model, like designating one trusted person to blind judge entries dropped off or sent in.

Make all planning documents a Grade 9.0 or lower Flesch-Kincaid readability level
This is a standard used by some governments world wide, and can be determined in MS Word. It concerns words and sentence length, not complexity of subject matter that would be harder to assess. However, it is an important factor to help with understanding text. If a grade 9.0 readability level were too hard to attain, try for grade 12 or lower. This feedback has a Grade 8.8 readability level.

C789

October 27, 2023
Feedback Re: HRM Regional Plan Specifically as regards Kidston Lake Development Proposal

Dear HRM,

My name is Daisy (Kidston) Weeren, and I am writing in to share my feedback re: the HRM Regional Plan.

Broadly speaking, in terms of moving forward on the Regional Plan:

- Please respect environmental integrity and ecosystems and really consider how developments and planning take into account climate change and issues we've seen recently like flooding, forest fires, bizarre rainfall patterns, and more frequent and intense storms.

- Developers need to be held accountable to saving environmental features and ecosystems when they build. Considering aspects of landscape ecology is vital…it allows for enough of an ecosystem to be left to support wildlife and provide wildlife corridors to other ecosystems. People are also naturally drawn to neighbourhoods where trees and green spaces are present and watercourses are protected.

- Public consultation is extremely important, especially when a proposed development stands to impact existing communities and/or ecosystems.

I also wanted to share some comments specifically related to a development proposal submitted by KWR Approvals Inc. on behalf of the the North American Real Estate Limited (NAREL) corporation. The proposal provides a concept plan to develop housing around Kidston Lake in Spryfield and expand around existing communities such as Leiblin Park and Kidston Estates.

My concerns about this development proposal are as follows:

- Developing around Kidston Lake will ruin the ecological integrity of this water body. This is a fantastic and beloved lake which is highly used. I swam at Kidston Lake since a girl and I remember stories of my father and his siblings charging people a nickel to use the lake when it was still owned by the Kidston family decades ago. I now take my husband and children to Kidston Lake to swim and this past summer, I've never seen it so packed with people! The love and use of the lake seems to have grown. It is a treasure.

- We live in a very well loved community of Kidston Estates. The development has about 100 houses and was built to target families as is just down the road from the p-8 school Elizabeth Sutherland. Kidston Estates has only one entrance off Rockingstone Road and is extremely quiet and safe. It is packed to brim with children who run and play in the streets as little to no traffic. We live on the street of Beachstone Drive which in NAREL's proposal, would be expanded to become what appears a "shortcut" street for the 4,800 homes being proposed. It is one thing if Beachstone Drive is expanded to reach *some* new homes but 4,800? If this were allowed to happen, it would change our community terribly. Beachstone Drive is a quiet, suburban street and couldn't sustain that sort of traffic.

- Leiblin Park is a charming and very unique housing development which I believe was built after World War II. The housing to this day is modest in size and price and I get the impression it attracts both young families and seniors alike. Similar to Kidston Estates, it is a quiet, safe neighbourhood. The new development could change this quiet, idyllic community

forever. Like Beachstone Drive, the road to Lieblin Park off Rockingstone was not designed to handle large amounts of traffic.

In closing, Spryfield is a rich and diverse community with fantastic ecological qualities. This area has absorbed a large amount of development in recent years (think Governor's Brook) and continues to absorb more and more. I urge HRM Planners to think prudently about how development should continue out here in a pace that both respects existing communities, the ecosystem and beloved ecological features. Future development must also consider climate change, and how people get around via transit, car, and walking/cycling. Public consultation is also vital when considering how to move forward on proposals.

Sincere regards,
Daisy (Kidston) Weeren,
M.E.S (Master of Environmental Studies).

C795

Submission to the DRAFT Regional Municipal Planning Strategy review
Prepared by Patricia Manuel, PhD MCIP LPP
October 27, 2023

Dear regional planning review team and HRM council

Thank you for the opportunity to provide comments to the Draft Halifax RMPS. I have participated in the plan review since the engagement process began. I am well-familiar with its development and content and appreciate the huge amount of work that has gone into the preparation of this draft.

I am a geographer and a planning researcher, educator, and practitioner specializing in community and environmental planning. My areas of expertise include watershed planning; wetlands interpretation and assessment; coastal planning; climate change adaptation planning (coastal systems, watershed impacts, risk assessment, nature-based approaches, heat stress); and marine spatial planning. I also volunteer with community-based environmental organizations.

I view land use planning through an environmental lens and advocate for watershed and community-based approaches to land planning and land use.

I am submitting comments addressing mostly the environmental and climate change aspects of the plan including Chapter 1, Chapter 2, Chapter 3, Chapter 4, Chapter 6 and Chapter 10. I also draw attention to the need for coastal planning and management in our coastal zone. HRM Is a coastal region. Coastal planning provides a context for coastal climate adaptation planning; a planning context for the provincial Coastal Protection Act Regulations, should they be implemented; and coastal access for industry, commerce, tourism, recreation and leisure, and cultural and spiritual practices.

Overall, the DRAFT RMPS conveys strong attention to environmental principles and climate change action, not only in Chapter 6 Protecting Environment and Acting on Climate, but in most chapters of the plan. The plan includes stronger acknowledgement of the natural environment than earlier plans, including its importance to shaping the communities of the region, and the benefits of ecosystem services deriving from the forests, wetlands, and watercourses that comprise our natural landscape. There is clear direction on containing development to prevent impacts on the natural spaces. The Plan indicates a shift to watershed planning and management as a framework for organizing land use planning and development. Such a shift would be transformative in the way we relate to and care for the land and water, with far reaching benefits. Coastal planning and management are the complement to watershed planning and management. I encourage extending the integrative thinking of watershed management to the coastal zone.

I organize my comments by the DRAFT RMPS Chapters and Sections, and usually provide the text from the plan for quick reference. My comments range from specific word change suggestions to broader observations. I also include a section to advance coastal management policies.

I look forward to the revised Regional Plan that will follow in the coming months.

Respectfully submitted,

Patricia Manuel, PhD MCIP LPP
[redacted]

Detailed review

PREFACE

DRAFT RMPS Page 1. "*The municipality has been experiencing a period of rapid population growth, beginning in 2016. This rapid growth is placing significant pressure on the Municipality's services and infrastructure, including parks, facilities, emergency services, transit, and utilities. The municipality is facing housing shortages as high housing costs and low vacancy rates impact residents' ability to secure safe, affordable and appropriate housing. Acting on the climate crisis continues to be critically important for building a more resilient and healthy future.*"

Comment: It is also a period in which climate change impacts on our coastal city are becoming increasingly evident, including coastal flooding, increasing fluvial and pluvial flooding, and fire.

DRAFT RMPS Page. 1 *". . . that supports our goals for healthy, connected, inclusive, ~~and~~ affordable* and environmentally sustainable *communities.*" [Yellow-highlighted text added]

Comment: Add "environmentally sustainable." Here and wherever this phrasing occurs in the document.

Environment must be reflected in the growth and development goals of modern plans for modern cities. Without a healthy environment, we will not be resilient in facing the dual crisis of climate change and loss of biodiversity while accommodating a doubling of the population. We must stop separating development and environment. Development cannot be successful without robust and resilient natural ecosystems that support life.

LAND ACKNOWLEDGEMENT

DRAFT RMPS Page 2. "*Planning for the future presents an opportunity to embrace Etuaptmumk - Two-Eyed Seeing, in which we learn to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing. In doing so, we learn to use both perspectives for the benefit of all.*"

Comment: Embracing *Etuaptmumk* must be evident in policy and implementation throughout the plan. Stewardship of and respect for the natural environment that sustains us as the foundation of all growth and development decisions will signal whether or not the municipality is ready to embrace *Etuaptmumk*.

CHAPTER 1 REGIONAL CONTEXT

1.1 REGIONAL CONTEXT

DRAFT RMPS Page 8.
Comment: There is nothing in this section about the natural landscape/natural history of the municipality, including the Acadian/Wabanaki forest ecosystem, coastal barrens, and coastal shoreline environments. HRM has a rich natural heritage of woodland, lakes, rivers, wetlands, and shoreline, and a highly diverse geology and landforms. The natural environment is the historical foundation of economic development in the region, activities that continue today, including fishing, forestry, mining, and more recently tourism and recreation. The coastline in particular is very diverse. Halifax Harbour is the heart of the regional centre but there are many other harbours and bays that are the heart of our many other coastal communities. Past development has damaged the natural environment and put infrastructure at risk with poor development decision-making. This plan and future plans are an opportunity to repair damage and ensure that development respects environmental constraints moving forward. There are strong principles of watershed planning in the environment chapter of this plan, for example. This plan could embrace environmental planning.

DRAFT RMPS Page 8. "*The Halifax Regional Municipality (Municipality) is located in the Sipekni'katik and Eskikewa'kik districts of Mi'Kmak'i, the traditional and ancestral lands of the Miꞌkmaq First Nations. Halifax is commonly known to the Mi'Kmaq as K'jipuktuk, meaning Great Harbour.* "

Comment: Excellent start.

DRAFT RMPS Page 8. "*The Regional Centre area is the most urban and densely populated area of the Municipality and is comprised of distinctive neighbourhoods that have evolved over thousands of years through use and settlement.*"

Comment: Possibly an overstatement, at least for the Regional Centre. The Regional Centre urban neighbourhoods emerged out of the colonial garrison settlement, expanding from there. Hundreds of years would be more accurate.

1.2.1 Vision

DRAFT RMPS Page 12. "*The Municipality's vision for the future is to enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment*."

Comment: Good. Ensure that sustainable environment is in the introduction to the document as well.

1.2.3 Principles

DRAFT RMPS Page 12. "*Encourages community-led initiatives and collaboration on planning, environmental management, and culture and heritage protection;*"

Comment: Encouraging environmental management through community-led initiatives and collaboration is a good goal (as it is for planning, and culture and heritage protection as well). But, 'encourage' is a weak word for a principle and the environment is the foundation upon which the municipality is built. Environment needs to stand out in the principles.

Comment: Environment is missing as a distinct principle. Add a principle.

Suggest: "Incorporates environment sustainability into growth and development decision-making to ensure the protection ecosystems, open space and the natural assets infrastructure of the municipality."

Or, Add to Principle 1 "Directs housing and employment growth to strategic locations across the region that supports building healthy, connected communities, while protecting the valued natural assets of the municipality; " [Yellow-highlighted text added]

1.4 RELATIONSHIP TO OTHER PLANS

DRAFT RMPS Page 13. "*Many of HRM's 22 Secondary Municipal Planning Strategies were developed before amalgamation in 1996. Each is accompanied by a Land Use By-law, which is the regulatory implementation tool. The plans are in a variety of formats, and use different definitions, policies, and processes to regulate land use and development. Recognizing the age of the existing community plans and the need to provide a comprehensive update for the entire region, this Plan guides the Community Plan & By-law Simplification Program, which has been established to modernize planning policy and improve administration. The goal of this program is to reorganize the community plans around three major geographies:*

- *Regional Centre: Halifax Peninsula and Dartmouth within the Circumferential Highway;*
- *Suburban Communities: lands outside of the Regional Centre in the Urban Settlement Designation; and*
- *Rural Communities: all lands within rural designations that used on-site services (sewer and wells).*

The reorganization of HRM's planning framework into these three sub-geographies will address the issue of many different plans guiding planning decisions, by providing a regional vision and context. It will establish a unified planning approach and bring these documents more fully in line with the strategic vision set out in this Plan."

Comment: Agree - long overdue. Looking forward to a clear timetable for this much needed modernization of our local plans. The Community Plan and By-law Simplification Program will bring consistency in policy and plan making and regulation across the municipality while still allowing for local planning sensitive to the particular characteristics of a local plan area.

Comment: From an environmental, community planning and natural resource management perspective ensure that the HGNP is well integrated into the RP policies and the local plans and land use by-laws.

The municipality needs a coastal plan and a watershed strategy to provide consistency in planning, development and environmental protection along the coastline and the inland waterbodies and watersheds that drain to them. Healthy water, and the land and ecosystems that protect water are essential for the health and well-being of the municipality. There are many and diverse watersheds within the municipality, many groups trying to do what government should be doing. Chapter 6 describes a watershed approach to planning. Thus, an objective of this plan should be to develop a watershed management strategy for the municipality that guides watershed planning.

The coast is part of almost every plan area in the municipality and is under great development pressure and/or impacts of climate change. It is a critical boundary area of the municipality and one that the municipality must coordinate with the province and federal government as well as multiple sectors, private and public land owners. The municipality needs a strategic approach to managing the coast; it needs coastal planning.

1.5 PROVINCIAL ROLE IN PLANNING

DRAFT RMPS Page 15.
Comment: Unfortunately, this section may need to address the "elephant in the room" -- the take over of development decisions (Bill 329) by the provincial government. At the very least, if it comes into effect, there should be an explanation of what that shift of control means and its implication for implementation of this RMPS. Public process and transparency are at great risk in a system that will now see decision-making authority with a provincial minister, and a partnership between the province and select developers far removed from local planning concerns and local community aspirations for environmentally sustainable development.

DRAFT RMPS Page 15. "*Provincial Statement (2) Flood Risk Areas. Low-lying areas in the municipality sometimes experience flooding from intense weather events. This Plan includes policies and regulations on ocean storm surge protection, landscaping and green roof requirements, and watercourse buffers to reduce and mitigate the risk of flooding through policies contained in Chapter 6. The Secondary Municipal Planning Strategies also address flood risk areas through land use designation policies and regulations*."

Comment: Should also address projected sea level rise and the position of the high tide flood line in 2030 and 2055 -- the end of this plan and the next one. Should also acknowledge the provincial flood line mapping for both river and coastal flooding.

DRAFT RMPS Page 16. "*Provincial Statement (3): Agricultural Land. By enabling strategic growth in existing communities, this Plan provides for a variety of housing and development opportunities in urban and suburban areas where services already exist, thereby reducing development pressure on agricultural lands in other parts of the municipality. This Plan provides protections and regulations for agricultural land across the municipality in Chapters 2 and 10, and highlights the importance of agricultural land for food security in Chapter 4.*"

Comment: HRM needs agricultural land zoning, zoning that prioritizes and protects agricultural land uses for quality

agricultural land. The Musquodobit Valley and other land in the northwestern part of the Municipality bordering East Hants and Colchester Counties accounts for about 12 percent of the Municipal land area. Nova Scotia does not have Class 1 soils; Class 2 soils are distributed around the province, but not, for the most part, along the Atlantic coast. The soils in HRM are Class 3 and 4, the same as the majority soil class in Kings County, which is now protected by agricultural land zoning. The Canada Land Inventory identifies soil classes 1, 2, 3 and 4 as suitable for agriculture (the class increases with stoniness, drainage and terrain challenges, and the need for soil amelioration,). Nova Scotia does not have a provincial policy for protecting agricultural land. The province developed a policy *framework* in 2012. A provincial framework responds to the Statement of Provincial Interest on Agriculture, but the province leaves agricultural land protection up to the municipalities.

I.6 INTERPRETATION.

DRAFT RMPS Page 16. "*This Plan is written in the active voice to indicate purposeful direction for future development and outcome*"

Comment: Pleased to read about (and read) this direct language approach. Some of my comments refer to direct language, but I know that staff (planners, lawyers, and editors) will carefully review for the plan for style and vocabulary.

DRAFT RMPS Page 17. *"may" denotes permissive action, and when used in policies, the Municipality is not obliged to undertake future action;*

"shall" denotes mandatory action, and when used in policies, the Municipality must implement the policy through the applicable implementation tools; and

"shall consider" when used in policies, the Municipality is required to consider, but not obligated to undertake, any action or expend any money."

Comment: "May", "shall", and "shall consider" – clear definitions. Helpful to include them, but the definitions are not applied consistently in the policies, particularly "shall consider". There are many instances (highlighted in my comments throughout) where "shall consider" appears not to fit with what should be a mandatory action. If the intent is to accurately convey the definition, then there are instances where "xhall consider" undermines the sincerity or the importance of the policy intent. These inconsistencies or messaging may be unintentional. Review "shall consider" (also, sometime "shall be considered" and other variations) for specificity.

CHAPTER 2 PLANNING FOR OUR REGION

2.1 ACKNOWLEDGEMENT

DRAFT RMPS Page 19.
Comment: Members of the Mi'kmaq communities within the Region will comment and/or the municipality must seek their confirmation of this Acknowledgement. The introduction to this Plan recognizes the Treaties of Peace and Friendship, thus this Acknowledgement should also recognize these treaties, which did not cede land to the colonizers. Thus, the territory is the ancestral, traditional and unceded territory of the Mi'kmaq.

2.2 ABOUT THIS PLAN

DRAFT RMPS Page 19 "*. . . by strategically directing housing, jobs, and community infrastructure in a way that supports our goals for healthy, connected, inclusive, ~~and~~ affordable and environmentally sustainable communities.*"
[Yellow-highlighted text added]

Comment: Add "environmentally sustainable communities". Environment needs more presence in the front-end of this plan.

2.3 REGIONAL PLANNING

DRAFT RMPS Page 20.
Comment: Strong introduction with clear recognition of the environment and cultural heritage.

DRAFT RMPS Page 20. ". . . *Key principles for organizing this growth include infrastructure management, protecting our environment and cultural heritage, improving mobility, and planning cooperatively with our many partners*."

Comment: ". . . protecting our environment" - Thus environmental protection must be included and stand out as a principle in section 1.2.3 PRINCIPLES

DRAFT RMPS Page 20 *". . . Settlement should be organized in a manner that strives to protect and enhance the open space and environmental network to reduce our urban footprint . . ."*

Comment: Excellent to bring protecting and enhancing natural areas and environmental connectivity up front as a key consideration in organizing settlement.

DRAFT RMPS Page 20 ". . . *In situating housing and employment, we also must consider that where people live and how they move about for their daily activities affects their personal finances, influences their work-life balance, and helps determine their carbon footprint*."

Comment: Very good to see climate change mitigation language here ("and helps determine their carbon footprint").

DRAFT RMPS Page 20. "*Making sure that the region's communities are well-connected with each other is important for residents' access to physical activity, supports their mental health and well-being, social interactions, and access to nature."*

Excellent, recognizing "access to nature".

Natural and Cultural Services

DRAFT RMPS Page 20 "*Protection of the open space network, valuable ecological lands, regional parks, natural corridors, culturally significant places and working landscapes will be prioritized and these assets will be protected and used to shape our region's communities.*"

Comment: Excellent. Pleased to see this priority.

DRAFT RMPS Page 21. *"RP-1 The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located."*

Comment: Good to see the commitment of 'shall' in the first policy of the RMPS ". . . mandatory action, and when used in policies, the Municipality must implement the policy through the applicable implementation tools"

Comment: Ecosystem health -- An important concept and glad it is here, but also vague. Does ecosystem health mean biodiversity, clean air, water, soil? Opportunity to evolve -- meaning room to expand (move, grow), progress through ecological succession? Provide ecosystem services (like nutrient cycling, controlling hydrology and sedimentation?).

On its own, 'the green network' is ambiguous. Suggest replacing this phrase with the following:
"The Municipality shall protect and conserve ecosystem health and natural open spaces by implementing the Halifax Green Network Plan to shape where new development is located." [Yellow-highlighted text added]

The implementation tool is the HGNP (RP-1 ". . . the Municipality must implement the policy through the applicable implementation tools")

Also, as environment is clearly a regional policy, then it must be included clearly in section 1.2.3 Principles

2.4 COMMUNITY PLANNING

DRAFT RMPS Page 22. "*It sets policy direction at a regional scale by showing where and how to build communities in a way that makes the best use of municipal services and amenities, strengthens equity and our residents' quality of life* and protects the natural environment, including provision of ecosystem services [Yellow-highlighted added]

Comment: Add. . . "and protects the natural environment, including provision of ecosystem services."

DRAFT RMPS Page 22. "*RP-8 The Municipality shall refine regional geographies as community planning proceeds, while considering watershed boundaries, existing and future planned Municipal services, local context, community input, and any other relevant technical studies*."

Comment: Good to see recognition of watershed boundaries. What does 'consideration of watershed boundaries' mean, however?. Recommend change to the following:
"The Municipality shall refine regional geographies as community planning proceeds, aligning with watershed boundaries to the extent possible within the jurisdictional boundary of the Municipality, ~~existing~~ and in accordance with exiting and future planned Municipal services, local context, community input, and any other relevant technical studies. [Yellow-highlight text added]

DRAFT RMPS Page 22. *RP-10 "The Municipality shall identify large tracts of underutilized land within the Urban Area as future growth nodes to enable redevelopment*."

Comment: Is "underutilized land" land that is now derelict or land in need of redevelopment? Avoid "greenfield" development. Large areas of green space within the urban area provide accessible natural areas to people in urban areas. They are important components of the urban forest, provide ecosystem services (like regulating over land flow and providing cooling) and protect other infrastructure from storm impacts.

2.5 STRATEGIC GROWTH PLANNING

2.5.2 Growth Targets

DRAFT RMPS Page 24 "*it will be important to locate as much as 90% of growth to the Regional Centre and Suburban Area. The Halifax Green Network Plan and HalifACT identified that focusing most new development in existing areas and minimizing greenfield development will allow the Municipality to make efficient use of resources, protect critical areas of open space and minimize carbon emissions by reducing vehicle use and improving sustainable mobility options*."

Comment: Yes. 'minimizing greenfield development' and referring directly to the advice of the HGNP and HaliFACT. What happens now, however, with special planning areas and provincial control of development planning in the HRM? Will the Municipality be able to maintain the 90% target?

2.5.3 Service Areas

DRAFT RMPS Page 25. "*This Plan establishes a careful, considered process before allowing any expansion of the Urban Service Area Boundary. This ensures that new serviced lands can be provided with infrastructure in a cost-effective manner when it is needed to support population growth*."

Comment: What is the "careful, considered process"?

DRAFT RMPS Page 25. "*RP-14 It is the intent of this Plan to direct housing and employment growth to the Urban Area, which is serviced with municipal water, wastewater and stormwater services and conventional transit services*."

Comment Are the boundary of the Urban Area and the Urban Service Area Boundary the same thing? Clarify. Map 3 does not show the Urban Service Area Boundary. Has the boundary changed since 2006 or 2014?
Note that Policy R-22 refers to extension of services, so this policy should also signal future intent. "is" implies no extension. Need consistency across policies.

DRAFT RMPS Page 25. "RP-15 *The Municipality shall consider establishing by-laws to allow for the recovery of growth- related costs*."

Comment: Why "shall consider"? If not recovered, growth will cost taxpayers money that could otherwise be spent on maintenance of existing infrastructure.

2.6 LONG TERM GROWTH

DRAFT RMPS Page 26.

Comment: Absolutely need a Strategic Growth and Infrastructure Priority Plan.

2.6.2 Long Term Growth & Infrastructure Planning

DRAFT RMPS Page 26. "*Growth projections are already shared and used by Halifax Water and Halifax Transit to inform infrastructure and capital planning. These growth projections can also be used to direct Municipal investments in community infrastructure, such as emergency services, parks, green/natural infrastructure, community facilities, and libraries. Furthering this, the Municipality will continue to share these projections as we collaborate with the provincial government on growth, transportation, schools, healthcare facilities and public housing* " [Yellow-highlighted text added]

Comment: Add "natural infrastructure" to the list of infrastructure. Parks is a broad category and not all parks necessarily provide functional natural infrastructure that provide ecosystem services such as managing urban runoff.

DRAFT RMPS Page 26. " *. . . new growth can affect existing communities and their assets (such as parks, natural infrastructure, schools, and fire stations)*" [Yellow-highlighted text added]

Comment: Add "natural infrastructure"

DRAFT RMPS Page 27. "*Past versions of the Regional Plan envisioned growth beyond the 2031 horizon occurring in areas adjacent to the service boundary. New studies have shown that these areas are important green and natural areas*."

Comment: Good. How does the plan use this information to control urban sprawl?

DRAFT RMPS Page 27. *"RP-20 The Strategic Growth and Infrastructure Priority Plan shall give consideration to: . . .* "

> *a) Identifying different scenarios for locating future housing and employment growth organized to meet the needs of a potential population of 1,000,000;*
>
> *b) Assessing each of these different scenarios for growth based on:*
>
> > *i. environmental impacts such as watershed health, flood mitigation, landscape connectivity, and restoration of important ecological features consistent with the objectives of the Halifax Green Network Plan;*

ii. climate impacts such as minimizing reliance on carbon-based energy and transportation, increasing naturalization and protection of biodiversity, increasing carbon sequestration, and assessing the resilience of scenarios against potential future changes in climate; "

Comment: Is "shall give consideration to" the same as "shall consider"? Need consistency in terminology so that the policy intent is transparent. If the two phrases are synonymous then the current wording signals a lack of commitment to carrying through with the necessary actions. The actions described here in RP-20 are important. Change this policy to a "shall" policy.

2.7 REGIONAL LAND USE STRUCTURE

2.7.1 Open Space And Natural Resource Designation

DRAFT RMPS Page 28
Comment: Excellent to see recognition of natural landscape values, beyond their use for resource extraction as is implied by 'natural resource lands'.

What are the development restrictions in this area? Without clarity around what is not possible (residential uses, for example), private lands in this area could be used for things other than the what the designation intends.

DRAFT RMPS Page 28. "*The open space network consists of parks, natural corridors and trail systems that have been developed by government agencies, non-governmental organizations and private land owners.*"

Comment: Also, undesignated wild lands. Parks is a formal designation; natural corridors do not account for large areas of land (that are not linear). The policy statement (RP-21) includes wilderness areas, so include here as well. Wildland is a more comprehensive term, however, because wilderness areas could be interpreted as recognized (designated) wilderness areas; not all wildland is designated for protection or management.

DRAFT RMPS Page 29. "*RP-21 The Open Space and Natural Resource Designation shall be established on the Regional Land Use Structure Map (Map 2), as the area encompassing a natural network of open space in the interior of the Municipality. The Open Space and Natural Resource Designation shall apply to public and private lands identified for their role in the open space network, and shall generally include: parks (federal, provincial and municipal); trails and greenways; wildlands, wilderness areas and nature reserves, including private conservation lands; areas of protected habitat; resource lands (including Crown lands, and commercial forestry, agriculture and fishery lands); coastal lands (including salt marshes, beaches and estuaries); wetlands; areas of environmentally sensitivity; natural and wildlife corridors; and cultural landscapes*." [Yellow-highlighted text added]

Comment: Insert wildlands

Are "private conservation lands" Land trust lands? That is, are they formally recognized lands?

Put wetlands back in. They are in the current policy statement, E1-K and should not be removed. Nothing else was removed from the list (perhaps it was an oversight). They are under siege in the province. Acknowledging/ recognizing them in policy wherever the opportunity exists is important.

What are areas of environmental sensitivity? Are these steep slopes, barrens, shorelines, wetlands? Or, more broadly, lands and habitats sensitive to disturbance? Important to clarify/specificity as previous policy interpretation of environmentally sensitive areas has not worked in favour of protecting such areas designated on municipal maps.

2.7.3 Urban Reserve Designation

DRAFT RMPS Page 29. "*The Urban Reserve Designation is applied to lands that may be suitable for serviced urban*

development in the longer-term horizon. These lands must be studied to determine if they are still appropriate places for serviced development. An assessment of these lands is required before they may be redesignated as Urban Settlement or any comprehensive planning process is undertaken.

In 2006, the Urban Reserve designation included several areas to be considered as potential future serviced communities to accommodate housing and employment growth beyond 2031. One area, the Purcell's Cove Backlands, was removed from the designation following the acquisition of the Shaw Wilderness Park."

Comments: Shaw Wilderness Park accounts for only part of the PCR former UR area. The remainder was removed because service extension is no longer envisioned for this area. PCR encompasses the wildlands extending from the west end of Williams Lake to Herring Cove.

DRAFT RMPS Page 30. "*RP-25 Amendments to the Regional Land Use Structure Map (Map 2) to change the Urban Reserve designation to Urban Settlement shall only be considered once the Strategic Growth and Infrastructure Priority Plan as identified under RP-19 and RP-20 is completed and shall be guided by long-term scenarios for future growth and the criteria set out by that process.*"

Comment: Good.

2.7.4 Rural Commuter Designation

DRAFT RMPS Page 30. "*The intent of the Rural Commuter Designation is to direct development and services to centres within commuting distance to the Regional Centre while protecting the natural resource base, preserving the open space network, and continuing to foster traditional rural community character. While residential development within this designation has historically been characterized by large lot residential developments, ~~more development will be encouraged through~~ future development will use a clustered development approach*." [Yellow-highlighted text added.]

Comments: Does cluster development mean Conservation Design Development? Add or change one of the policy phrases to include reference to cluster development.

"more development will be encouraged through clustered development" is ambiguous. What does "more development will be encouraged" mean? Mixed messages here. For clarity, change to 'future development will use a cluster development approach". That would not commit to CDD (although that is going to be the preferred, even mandated design), but it would commit to keeping development contained.

DRAFT RMPS Page 31. RP-28 c) control the amount and form of development between centres through the use of cluster development design; [Yellow-highlighted text added]

Add . . . through use of cluster development design

2.7.3 Rural resource designation

DRAFT RMPS Page 31 "*RP-29 The Rural Resource Designation shall be established on the Regional Land Use Structure Map (Map 2) to encompass lands and communities along the Eastern Shore. The intent of this designation is to:*

a) protect the natural resource base and the ability to sustain these resources in the future;

b) protect natural and heritage features which define the rural character, ~~and~~ support tourism; and protect biodiversity and provide ecosystem services for the health of natural and human communities. [Yellow-highlighted text added]

c) where growth is to be supported while controlling the amount and form of development between centres through the use of cluster development design; and" [Yellow-highlighted text added]

Comment: Add ". . . , protect biodiversity and provide ecosystem services for the health of natural and human communities." to ". . . which define the rural character and support tourism"

Comment; Add . .through the use of cluster development design

2.7.6 Agricultural Designation

DRAFT RMPS Page 32. "*RP-30 The Agricultural Designation shall be established on the Regional Land Use Structure Map (Map 2) to encompass a significant portion of the Musquodoboit Valley. The intent of this designation is to:*

a) encourage the use of this area for natural resource-based activities and industries such as farming, forestry, mining and renewable energy, and to protect these uses from the intrusion of incompatible non-resource related uses;"

Comment: Encourage is a weak word. Agricultural land is a non-renewable resource and we need the strongest tools to protect it. The policies of this part of the plan must support the food security policies of the plan, as well as ensure a supply of agricultural land in the future.

CHAPTER 3 BUILDING HEALTHY AND COMPLETE COMMUNITIES

DRAFT RMPS Page 34.
Comment: Embed environmental sustainability into the language of this section, throughout. Healthy and complete are key goals, but environment is not always included in complete community descriptions. It needs to stand out on its own as it contributes to human health and well-being and provides ecosystem services for communities.

Preamble
DRAFT RMPS Page 34. "*This chapter provides guidance for planning at the local level and sets the vision for ongoing community planning to achieve complete, healthy, inclusive and environmentally sustainable communities*." [Yellow-highlighted text added]

Comment; Added . . . and environmentally sustainable . . .

3.1 OBJECTIVES

DRAFT RMPS Page 34. "*1. Use a lens of complete, inclusive and environmentally sustainable community planning to create positive and equitable health outcomes for all communities*;" [Yellow-highlighted text added].

Comment: Add and environmentally sustainable communities.

Comment: "Lens" is ambiguous. 'Use best practices for building' would be more instructive.

DRAFT RMPS Page 34. "*2. Integrate climate mitigation and adaptation strategies at the local level to create safe and resilient communities"*

Comments: Good to include climate change mitigation and adaptation, but mechanism is vague. Would that be in design guidelines, density in land use zones, a requirement for all development agreements, for example?

DRAFT RMPS Page 34. "*3. Ensure the protection of a generous, connected network of parks, natural open spaces,*

cultural and working landscapes to support ecological, social, and economic community outcomes" [Yellow-highlighted text added]

Comments: Add 'connected' and 'natural'

DRAFT RMPS Page 34. "*6. Create a welcoming and accessible environment for community input and participation;*"

Comment: Policy HC- for community-led rural planning -- revise this policy statement to reflect the principle of community-led planning for all of HRM. It's a strong objective and should be foundational for community process, generally,

3..2 COMMUNITY PLANNING FRAMEWORK

DRAFT RMPS Page 35.
Comment: Include environmental language in this section. Add 'environmentally sustainable' to the list of complete and inclusive -- complete, inclusive and environmental sustainable communities.

DRAFT RMPS Page 35. "*Likewise, plans for the Suburban and Rural Areas must be guided by the overall objectives of the Regional Plan and Priority Plans, as well as best practice research, information regarding demographic and economic trends, and community engagement. In the interim, the Regional Plan provides certain policies directed at the existing community plans and land use by-laws where a region-wide approach is important to achieving key strategic objectives.*"

Comment: Vague – where are the policies in the RP? Or are there too many to point to them, specifically?

DRAFT RMPS Page 35. "*The Community Planning program will use the lens of complete, inclusive communities and environmentally sustainable to help create positive health outcomes for communities, support sustainable and equitable change, and in some cases transformation. Some of the building blocks of complete, healthy, environmentally sustainable communities include equitable access to:* " [Yellow-highlighted text added]

Comment: Add . . . and environmentally sustainable

DRAFT RMPS Page 35. "*Places to play and access nature, including parks and natural areas, community centres, recreation facilities and libraries;"* [Yellow-highlighted text added]

Comment: Add . . . parks and natural areas . . .

3.2.1 Urban Land Use Area

DRAFT RMPS Page 36. "*While a mix of compatible land uses supported by built form provisions is supported in most designations, some lands will require protection and more limited land use permissions to ensure long-term sustainability and provision of ecosystem services.*" [Yellow-highlighted text added]

Comments: add . . . and provision of ecosystem services

DRAFT RMPS Page 36. "Special Areas and Overlays: can include waterfront areas, Harbour Lands, heritage districts, and any other areas that require special land use, built form or urban design considerations."

Comment: Would such areas include open space and natural resource designations on private land?

3.3 REGIONAL CENTRE PLAN

"*The Halifax Harbour remains an important asset that facilitates the growth of commercial, industrial, and institutional activities in the region."*

Comment: I think it is an important asset, maybe the most important. If it weren't for the harbour, Halifax wouldn't be here. Shipping, military, ship building, ocean research, tourism are key industries for the region and province and all are on the harbour.

3.3.2 Core Concepts And Guiding Principles For The Regional Centre

DRAFT RMPS Page 37
Comment: People in the regional centre need access to nature (parks include nature, but not all parks do, so reference to access to nature should be explicit) and the regional centre needs the benefits of ecosystem services. Natural areas are a necessary component of resiliency. There are wild natural areas in the regional centre, notably Point Pleasant Park, some areas of the Dartmouth Common, and remnant spaces. This content reflects what is in the Centre Plan now; will need to address through centre plan updates.

DRAFT RMPS Page 30: "V Complete Neighbourhoods

- *Support safe, mixed-use, and diverse neighbourhoods, including:*
  - *affordable housing and a variety of tenures;*
  - *residential, commercial, employment uses; and*
  - *visually and physically accessible amenity space, including schools and parks and natural areas within walking distance*." [Yellow-highlighted text added]
  -

Comment: In the Centre Plan update, add . . . "and natural areas"

3.3.2 Regional Centre Growth Areas

DRAFT RMPS Page 40. *HC-3 To help support growth management and the provision of services at a regional scale, any change in the designation of lands in the Downtown, Centre or Future Growth Node Designations in the Regional Centre Secondary Municipal Planning Strategy shall require an amendment to this Plan and shall consider impacts on housing and population projections and municipal services and infrastructure, including natural assets and the provision of ecosystem service* " [Yellow-highlighted text added]

Comment: Consideration of impacts on housing and population projections, only, seems limiting. Any change would need to consider implications for and impacts to hard and soft infrastructure, generally, including the natural environment, natural assets/provision of ecosystem services in this section.
Add " . . .and municipal services and infrastructure, including natural assets and the provision of ecosystem services."

3.4 SUBURBAN COMMUNITY PLANNING

DRAFT RMPS Page 41. "*Suburban communities have many distinct characteristics, and their individual history is often tied to the towns and communities that preceded them. While some suburban communities at the edge of the Regional Centre are very urban, others are dominated by low-density and single-use development. Suburban communities were often planned around the separation of land uses and the car as the dominant mode of transportation, which resulted in significant travel distances for residents' daily needs.*"

Comment: Natural landscapes area also part of many suburban communities, including forest lands, barrens, wetlands, lakes, streams. Because they border residential and commercial areas, they provide easy access to nature for area residents, and for people coming to the area, especially the spaces that are close to transit routes. Natural landscapes provide ecosystem services that contribute to water regulation, cleaning air, and holding soil; they are part of the region's biodiversity. They are also linking spaces (corridors) between natural areas across the region, including between suburbs and to the natural areas that dominate rural areas. They are at high risk of development and need recognition as important places in suburban communities as part of the community fabric.

3.4.2 Suburban Planning Guiding Principles

DRAFT RMPS Page 41. *"Open Space and Culture*

- *Identify, preserve, enhance, and showcase important natural and cultural heritage features, that contribute to sustainability and sense of place.*
- *Integrate natural processes and energy conservation in site design including preserving, rehabilitating and restoring natural system functions.*
- *Provide for generous, connected active and passive parks and open spaces."* [Yellow-highlighted text added]

Comment: Good. But, add "connected" to active and passive park and open spaces.

3.4.3 Suburban growth areas

DRAFT RMPS Page 42. "*This Plan recognizes the importance of preserving and providing for the expansion of Employment Lands, including institutional and industrial areas, and the ongoing work to study and plan for Future Serviced Communities, and Urban Reserves which may result in future changes to the boundary of the Suburban Plan."*

Comment: These are areas where natural landscapes and ecosystem services are especially vulnerable to development. Thus, it is essential to identify what features are providing what services, and the natural area required to maintain the services. The HGNP will be an important plan for guiding any future development in the suburban areas, and any planning for future serviced areas.

3.4.5 Future Serviced Communities

DRAFT RMPS Page 45
Comment: Describe the circumstances under which it becomes necessary to open up future serviced areas. There are other aspirations for several of these lands. The provincial mandate is one reason, but not all lands have been mandated as special planning areas.

Among the special planning areas are urban settlement (Bedford West, Sandy Lake, Port Wallace) and rural commuter (Morris Lake expansion) land designations. Sandy Lake is particularly concerning for the implications of loss of valued natural landscape within the Sandy Lake-Sackville River regional park proposal. Other areas shown on Map 3 abut the BMBCL regional park/National Urban Park lands with implications for the east side of the park.

Policies HC-7 and HC-8 are strong, in principle -- although "consideration shall be given to" (HC-7) and "shall consider" (HC-8) are weak -- but may be overridden if/when the province takes over development control from the municipality. There is no question as to whether or not there is a need for more housing to support expected population or employment growth (HC-7a). The province has already dictated the special planning areas will be developed. Application of the other components of Policy HC-7 could also be at risk to expedite rapid development, dictated by the province.

However, in case that doesn't happen . . . add "determination of ecological services" to the b) list of HC 7. Identifying land constraints or watershed impacts is not the same as identifying ecosystem services. It's important to identify the valued natural assets and their positive contributions, and not only as constraints to development (land suitability analysis). LSA is a necessary and important step, but framed in a development-negative context. Undisturbed, these lands are providing ecosystem services to the downstream communities, and to the parks and protected areas in which they are situated. Development will disrupt that provisioning to these areas, and especially to the urban communities that will replace them.

DRAFT RMPS Page 43. "*Careful consideration must be given to designing these new neighbourhoods in a way that protects the health of the valuable natural features of these areas and maximizes the protection of these natural assets. The planning process can define the edge between development and the natural area. The relationship*

between these areas must be reviewed carefully and ~~should~~ must align with the objectives and actions in the Halifax Green Network Plan related to preserving natural corridors and connections." {Yellow-highlighted text added]

Comment: Good to see HGNP specifically identified as the implementation tool. Change 'should align' to 'must align'

3.5 RURAL COMMUNITY PLANNING

DRAFT RMPS Page 46. "*The Regional Plan and the Halifax Green Network Plan have also focused on stronger protections for the natural environment, and updated regulations are needed to ensure these policies are implemented. As part of the Rural Community Planning program, the Municipality will be developing a Rural Planning Framework that will build on existing community plans and provide updated policy and land use by-law regulations for the rural areas.* "

Comment: HGNP as a key implementation tool. Excellent to see HGNP identified as a key priority plan here. Ensure that the HGNP has the key role in directing land use and especially settlement pattern, as described by policy RP-1 for directing location of new development.

3.5.1 Vision for Rural Community Planning

DRAFT RMPS Page 46-47

Comment: Strong statement and Policy HC-9 – strong foundation.

Where there is opportunity for further vision and policy development, suggest realigning planning boundaries to watersheds, in accordance with Policy RP-8: "*The Municipality shall refine regional geographies as community planning proceeds, while considering watershed boundaries, existing and future planned Municipal services, local context, community input, and any other relevant technical studies*."

Of the three planning regions in the municipality (rural, suburban and urban) rural community planning offers the best opportunity to integrate land use, watershed and coastal planning in one system because environmental and human health and rural economies are reliant on the health of the land, through integration of all the watershed and receiving waters – fresh water, soil, forests, settlements and the coast (land and water

3.5.3 Community-Led Planning

DRAFT RMPS Page 48. *". . . Given the large geographical area and diversity of local issues, it is important that rural community plans are developed by community for community, or are co-created to use local knowledge and address important issues while being aligned with other rural areas and the region. A robust community engagement program will develop local visions, action plans and land use policies for rural communities*."

Comment: Community-led planning should be part of all community planning processes, rural, suburban and urban. Enhance Objective 3.1 - 6 with the main points of this principle.

DRAFT RMPS Page 48. "*HC-11 As part of the Rural Community Planning program, the Municipality shall seek to use a participatory community engagement model to co-create and support the implementation of community visions, action plans and land use policies that use local knowledge to develop strong and resilient communities."*

Comment As noted above, participatory community engagement should be part of the community planning program generally. This plan needs to strengthen commitment to participatory community-based engagement at every opportunity. Repeat for each section -- rural suburban and urban and include in the objective section 3.1

3.5.4 Planning For Rural Centres

DRAFT RMPS Page 48.
Comment: This section appears to be evolving, and the rural community planning process will enrich the policy outcomes.

DRAFT RMPS Page 49
Comment: Specific to Policies HC-12 and HC-13, encouraging cluster development to manage servicing, and avoid ribbon development seems to be a key strategy. It is also a strategy to avoid impacts to the natural environment that is a crucial component of the rural region.

Conservation design development is a key tool -- policy HC-13 states "shall establish conservation design policies". Conservation design development is already a policy in the RP (3.4.1.A Conservation Design Developments (RC-Oct 11/22;E-Nov 16/22) and has been available since 2007, originally called 'open space design'. Uptake of this design option has been slow, to date. It would be helpful to identify that problem and explain why the uptake is slow. Is the current policy inadequate? Is there too large an inventory of outstanding, still valid development permits that are not subject to the policy/ Cluster development is important. What is the specific intent here to 'develop conservation design policies"? What needs to change to make it happen?

DRAFT RMPS Page 49. "*HC-12 To protect the character of rural communities and working landscapes, conserve open space and support clustered rural development, the Municipality shall ~~establish a framework to~~ implement the Halifax Green Network Plan to direct growth in Rural Communities to Rural Growth Centres and Rural Local Centres as shown on Map 4 and in Table 3-5*." [Yellow-highlighted text added].

Comment: HC-12 -- the HGNP is "a framework to direct growth". The preamble to the Section 3 of this DRAFT Plan refers specifically to the HGNP. A framework to direct growth should employ the HGNP.

DRAFT RMPS Page 49 "*HC-13 To further protect the character of rural communities and working landscapes, the Municipality shall establish conservation design policies, as outlined in Chapter 10, to encourage growth within the Rural Growth Centres and to manage growth in between centres.*"

Comment: Conservation design development can implement the HGNP at the site level.

CHAPTER 4 STRENGTHENING COMMUNITY INFRASTRUCTURE.

4.0 INTRODUCTION

DRAFT RMPS Page 52. "*Community infrastructure is essential to building healthy, ~~and~~ complete, and environmentally sustainable communities. Parks, recreational spaces and programs, and libraries provide communities with safe, inclusive and accessible spaces to gather, build strong and resilient networks, engage in positive social activities, and seek safety from harm. Shared public spaces are important to our physical and mental health, leisure, economic development, environmental sustainability, and even climate resiliency. Emergency services, solid waste and energy utilities are critical infrastructure that ensure safety and security for residents*." [Yellow-highlighted text added].

Comment: Add . . . and environmentally sustainable

4.1 OBJECTIVES

DRAFT RMPS Page 52. "*3. Support the protection, acquisition, and management of the significant natural or cultural resources in regional parks.*"

Comment: Yes. But, many parks contain nature and may take forms such as buffers along lake shores and stream courses, or around wetlands, for example. Include nature in parks wherever possible (not just Nature Parks). The

more access people have to it, the better.

4.2 PARKS

DRAFT RMPS Page 53. "*Parks are an important component of the Green Network. An ecologically and economically sustainable park system contributes to the resilience and connectivity of ecological systems. It provides residents of all ages and abilities with access to nature, active and passive amenities and social cohesion. As part of the region's open space network, parks help to mitigate the impacts of extreme weather conditions such as heat waves and flooding*."

The park system, along with the green network, helps shape the settlement form and character of the region's communities. A sustainable Green Network is envisioned as a system that protects important ecological functions mitigates climate change impacts and provides recreational opportunities."

Comment: A strong statement. There are few things that could strengthen it even more. Clarification of 'green network', reference to biodiversity, and reference to natural assets or ecosystem services. Reference here to a green network should be framed in the context of the Halifax Green Network Plan.

Suggestion: "Parks are an important part of the Municipality's green network, an interconnected system of natural open green and blue spaces and corridors and working landscapes, as described in the Halifax Green Network Plan. They are integral components of the Municipality's natural infrastructure assets An ecologically and economically sustainable park system contributes to the resilience and connectivity of ecological systems. It provides residents of all ages and abilities with access to nature, active and passive amenities and social cohesion. As part of the region's open space network, parks help to clean air, control runoff, and mitigate the impacts of extreme weather conditions such as heat waves and flooding.

The park system, along with the green network, helps shape the settlement form and character of the region's communities. A sustainable green network is envisioned as a system that protects important ecological functions and ecosystem services, mitigates climate change impacts, protects and restores biodiversity, and provides recreational opportunities." [Yellow-highlighted text added]

DRAFT RMPS Page 52 Policy CI-2
Comment. Great to see the directive: "*shall develop a Regional Parks Priority Plan that supports the objectives of this Plan and the Halifax Green Network Plan* "

Directly links to the HGNP.

All statements within the policy are strong. Very encouraging including C2 sections a to d recognizing ecosystem needs, ecological function, restoring natural corridor and ecosystem function in urban areas, connecting people to natural areas, addressing equitable access, establishing level of service standards, and especially the full content of policies C2 e to h.

"e) Establishing investment and management guidelines for public open space lands, infrastructure and sustainable natural open space management strategies;

f) Incorporating ecosystem and climate values, cultural and heritage values, naturalization and year-round recreation when planning across the park spectrum;

g) Prioritizing the connections between parks and open spaces, freshwater bodies and the Atlantic Ocean for open space protection; and,

h) Prioritizing protection of public access to significant wilderness and coastal areas."

Comment: Parks are also places to protect and restore biodiversity, but biodiversity is missing from the policy so

far. Add biodiversity to statement CI-2b

"*Coordinating and managing a program to research and identify potential public open space parks and corridors for the provision of quality open space for recreational and social development, restoration of natural corridor and urban ecosystem function, protection and restoration of biodiversity, and greenway networks to connect communities and provide mobility options and significant natural habitats to guide considerations of future development*;" [Yellow-highlighted text added]

4.2.1: Nature Parks

DRAFT RMPS Page 54 "*The municipality is home to municipally, provincially, federally and non-profit owned parks and open spaces that provide wilderness protection and recreation opportunities. The Municipality currently has direct involvement in land ownership and park management for three areas that are being developed as Nature Parks. The primary goal of park planning for these publicly held lands is to retain them in a natural state, offering passive access to nature. An overview of these areas is provided in Table CI-1 below. Lands that the Municipality currently owns, or provincially or federally owned lands will be subject to future park planning processes. As development proceeds in close proximity to park areas, attention should be placed on ensuring land use is of a suitable use and scale.*"

Comment: Suggest adding the other primary goal that goes with retaining in a natural state, specifically protecting the quality of the natural ecosystems, biodiversity and provision of ecosystem services, as follows:

"*, , , The primary goal of park planning for these publicly held lands is to retain them in a natural state, protecting the quality of the natural ecosystems, biodiversity and provision of ecosystem services, and .offering passive access to nature. . .* " [Yellow-highlighted text added].

Comment: The three natural parks are highly valuable municipal assets and two have national recognition: one as a candidate National Urban Park (Parks Canada) and the other as one of a very few urban areas secured by the Nature Conservancy of Canada. All three are vulnerable to development impacts at their borders which could have implications for park ecosystem health and the recreational experience. One (Sandy Lake) is situated within the urban boundary; the other two border it. Sandy lake is especially vulnerable because of the newly designated Special Planning Area lands that border the lake shore and occupy the watershed. Drawing attention to these vulnerabilities, and high value status would give more weight to the statement: "*As development proceeds in close proximity to park areas, attention should be placed on ensuring land use is of a suitable use and scale*."

The sentence: "*As development proceeds in close proximity to park areas, attention should be placed on ensuring land use is of a suitable use and scale*" is probably an understatement. Local planning and site planning will be critically important to managing the edge impacts that could intrude on the park lands protecting natural connectivity between these natural parks, and hydrologic impacts from urban runoff, or loss of wetland function in developed lands draining to the park lands.

Similarly, "*Any lands that are held in private ownership are subject to other land uses, and unless they are zoned for park, are subject to existing development rights as enabled under a land use by-law, or subdivision approvals or development agreements currently in effect*." underscores the importance of moving on suburban planning as the by-laws are seriously out-dated. Development has accelerated in some areas already, such as Spryfield and the former Chebucto District 5, where the plans have never been reviewed or revised (aside from occasional amendments) since they were developed before amalgamation. One result has been the loss of natural corridors identified in the HGNP.

DRAFT RMPS Page 55 "*CI-4 The Municipality shall coordinate with Provincial and Federal governments and conservation groups to help establish a nature park network . . .* "

Comment: What is a nature park network? What connects the parks together? Is this a physical network? A

management Network. Needs clarification.

DRAFT RMPS Page 55. "*CI – 5 The Municipality shall study lands in close proximity to nature park areas and ensure land use is of a suitable use and scale to support the creation and ongoing use of the nature park"*

Comment: As previously noted – local and site planning will be critically important to ensure suitable use and scale of adjacent development. Suburban planning with local plan development needs to happen quickly or the opportunity to control adjacent land use will be lost; or interim measures are needed in the applicable secondary strategies and LUBs to control development at these edges.

DRAFT RMPS Page 55. "*C-6 To recognize the unique, fire-prone ecology of the Purcell's Cove Backlands and protect the majority of this area as open space, the Municipality shall establish provisions within the applicable secondary municipal planning strategy and land use by-law to limit development within the interior of the Backlands*."

Comment: Excellent to see recognition of the fire-prone ecology of the PC Backlands. This policy should also recognize protection of the unique barrens Jack Pine/Broom Crowberry plant assemblage and the sensitive network of wetlands, streams and lakes.

Amend to the following: "*To recognize the unique, fire-prone ecology, the rare Jack Pine/Broom Crowberry association, and the sensitive network of wetlands, streams and lakes of the Purcell's Cove Backlands, and lakes and protect the majority of this area as open space, the Municipality shall establish provisions within the applicable secondary municipal planning strategy and land use by-law to limit development within the interior of the Backlands.*" [Yellow-highlighted text added]

4.2.1 Level of Service Standard

DRAFT RMPS Page 59. "*C-9 Where a proposed development is considered by development agreement, the Municipality ~~may consider the acquisition of~~ shall acquire riparian buffers, wetlands, and islands as public open space to protect public interest and facilitate public access.*" [Yellow-highlighted text added].

Comment: Change "may consider" to "shall". These features are so critically important for environmental protection and securing dwindling coastal public access, that the municipality needs to make the greatest effort to acquire them. Riparian buffers and protection of some wetlands are required by regulation, in any event.

4.6 PUBLIC SAFETY AND EMERGENCY SERVICES

DRAFT RMPS Page 4.6
Comment: This section focuses on the social aspects of public safety. Land use planning and development also play a role in public safety, which becomes more and more evident through the tragic impacts of natural disasters such as wildfire and coastal, fluvial (river) and pluvial (overland flash floods) flooding, legacy contamination from mining and waste disposal, exposure to environmental contaminants sometimes released by development in areas of problematic geology, industrial transportation accidents, or contamination to air and water from upstream and adjacent land uses . The association may lead to greater risk of emergency situations, like development in floodplains, or slower-acting impacts to public health like arsenic and other heavy metal poisoning. Where people live and the hazards of their everyday spaces are a direct result of land use development decisions. Thus, the relationship between land development and public safety needs closer examination in HRM, reflected in this plan as an additional policy.

4.7 FOOD SECURITY

4.7.1 Rural Agriculture

DRAFT RMPS Page 62.
Comment: The preamble acknowledges the importance of the agricultural land base for regional food security

and the rural economy. But the policies use discretional language which weakens the message. Yes, planning for agricultural land use will unfold in the context of rural community planning, but the implications and significance of agricultural land protection go beyond the community and even the municipality. Nova Scotia does not have a provincial strategy for agricultural land protection. Protecting agricultural land is up to the municipalities through a patch work of land use controls of varying strengths across the municipalities to this precious resource. Although the farmland is privately owned, arable soils have to be treated as a public good. The policies need to convey certainty about the intent to protect this land base.

Thus, change 'shall consider' and 'may' to shall.

DRAFT RMPS Page 62 "*CI-23 The Municipality shall ~~consider~~, as part of the Rural Community Planning program, develop measures to preserve existing agricultural land and expand agricultural land used for food production within HRM*." [Yellow-highlighted text added]

DRAFT RMPS Page 62 "*CI-24 Where Provincial programs are made in support of preserving agricultural land and promoting local agriculture, the Municipality ~~may consider~~ undertake means to complement or further such programs through its policies or regulations*." [Yellow-highlighted text added]

CHAPTER 6. PROTECTING THE ENVIRONMENT AND ACTING ON CLIMATE CHANGE.

6.0 INTRODUCTION

DRAFT RMPS Page 84.
Comment: A strong introduction that places watersheds and interconnectedness of land and water as the organizing concept and planning framework for the environmental and climate change policies. However, there is not mention of watersheds in the objectives.

Similarly, the chapter starts with a statement of commitment to *Netukulimk* but the partnership that allows it to develop and function is missing from the objectives and also from the rest of the chapter.

6.1 Objectives

DRAFT RMPS Page 85.
Comment: Incorporating the commitment to *Netukulimk* into the policy requires discussion with Mi'kmaq groups, but as a start Objective 1 can include Mi'kmaw organizations.

Comment. Promote, "foster", "support" are vague terms for objectives, or sometimes unnecessary extra words that can weaken the message. The objectives should signal delivery on protecting the environment and managing the impacts of development and climate change. "Adopt", used in some objectives, signals that intent. Some suggested word changes to consider . . .

"1. ~~Promote~~ Use ~~an approach to~~ tools for environmental management and economic development that ~~supports~~ create a sustainable future through cooperation and collaboration with other levels of government, Mi'kmaq organizations, government agencies, residents, and non-governmental organizations." [Yellow-highlighted text added]

Comment: This objective is unclear, but I think what is the real message is important: cooperation and collaboration to achieve the sustainable future. The other objectives take care of the tools and approaches.

"2. ~~Foster~~ Use environmental and watershed planning for land management and community design ~~that maximizesopportunities~~ to preserve the environment, ecology, and culture of lands and aquatic systems; and to protect lands suited for parks, trails, wilderness areas, and corridors for recreational, ecological, environmental, and educational opportunities." [Yellow-highlighted text added]

Comment; Watershed planning and management need to be in the objectives.

"*3. Adopt development practices that sustain and nourish air, land, water and groundwater resources, and reduce negative impacts to surrounding areas*" [Yellow-highlighted text added]

Comment: Development practices generally don't sustain and nourish air, land, water and groundwater. If they did, then the second statement would be unnecessary, unless it is referring to negative social, economic, and cultural impacts. Development is extractive by nature. Best not to promise more than is reasonable. Could suggest practices that have a net-zero impact on clean air, land, water and groundwater.

"*4. Respond to the climate emergency through ~~by supporting~~ the rapid transition to a low carbon future by committing to a deep reduction in greenhouse gas emissions and energy consumption, responding to climate change hazards and climate conditions, improving energy security and maximizing the use of renewable energy resources."* [Yellow-highlighted text added]

"5. ~~*Promote practices that support the*~~ *Prioritize management of stormwater quality and quantity through natural topography and land cover, and use of green and natural infrastructure."* [Yellow-highlighted text added]

"6. ~~*Promote practices that support*~~ *Ensure [Build] safety and resiliency of communities and assets by prioritizing and upgrading critical infrastructure to withstand climate hazards, and through setting standards for resilient infrastructure for new construction*." [Yellow-highlighted text added]

"7. *Adopt community- and ecosystem-based coastal adaptation strategies for the impacts of sea level rise by updating extreme water level estimates and implementing holistic approaches to coastal protection."* [Yellow-highlighted text added]

Comment: What are holistic approaches to coastal protection? Perhaps describe identify what comprises holistic approaches. Does it mean, education, policy, land use planning and regulation, site design and a range of engineering and nature-based approaches, prioritizing the nature-based ones?

6.2 PROTECTING AND CONNECTING OUR GREEN SPACES

DRAFT RMPS Page 85.
Comment: Content is good but sometimes inconsistent.

DRAFT RMPS Page 85. "*Halifax Regional Municipality has a full spectrum of open spaces, consisting of lands for natural resources, agriculture, recreation, environmentally sensitive areas, hazard prone lands, cultural landscapes, natural corridors, trails, parks, wilderness areas, and preservation areas for potable water and waste/resource management. This foundation of open spaces forms a Green Network that provides numerous functions such as shaping development, providing ecological services, capturing carbon, retaining lands for agricultural and forestry uses, and providing recreational opportunities*."

Comment: "waste/resource management" is an odd open space if one thinks of recycling plants, landfills and composting facilities. This land use doesn't fit with what the other spaces imply. "Natural resources" cover resource management. Waste management is more appropriately an industrial activity.

Comment: Is the intent that "ecological services" cover 'ecosystem services', specifically, those of value in the context of municipal natural assets?

Comment; Biodiversity is missing from this section.

DRAFT RMPS Page 85. *". . . The Halifax Green Network Plan (HGNP), approved in 2018 by Regional Council, defines*

an interconnected open space system for the municipality, highlights ecosystem functions and benefits, and outlines strategies to manage open space. Specifically, the HGNP provides land management and community design direction to:

- *maintain ecologically and culturally important land and aquatic systems;*
- *promote the sustainable use of natural resources and economically important open spaces; ~~and~~*
- *identify, define and plan land suited for parks and corridors*." and
- shape where new development is located. [Yellow-highlighted text added]

Comment: RP-1 states that "The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located."
Thus, add. . . . shape where new development is located.

Could also use the opportunity to identify where naturalization and restoration can occur to increase the green network.

DRAFT RMPS Page 87. "*EC-1 The Actions of the Halifax Green Network Plan shall ~~be considered in~~ shall inform the business planning, programming and regulatory activities of the Municipality.*" [Yelow-highlighted text added]

Comment: Change . . . 'shall be considered in" to "shall inform the" business planning, programming and regulatory activities of the municipality.

The HGNP is a priority plan. RP-1 states the "The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located." Thus, "shall give consideration to" appears to be inconsistent with RP-1, the first policy of the plan. Land use zoning is a regulatory activity of the municipality.

6.3.1.1. A regional green network. [Note – numbering error here]

DRAFT RMPS Page 87.
Comment: Good description of the benefits and services of the green network. Policy E2 to E6 are on the right track.

One statement raises a question, however: "*The development pattern of the region has been shaped by a natural network of open space, consisting of inaccessible Crown lands and privately held lands for natural resource production (such as forest production and harvesting).*"

This claim that the natural network of open space has shaped the development pattern of the region (also stated else where in the report), is not accurate in my opinion (or perhaps I am misinterpreting it). Suburban sprawl has encroached upon and fragmented the natural landscape extending into the interior of the Chebucto Peninsula from all roads around and across it, from west of Bedford, north and east of Tantallon, branching off the Hamonds Plains Road, and north of Sackville. Nature has been disappearing at an alarming rate through unserviced land development as well as extension of services from what used to be the periphery. While Crown land and private resource lands may be controlling some expansion, nature is not shaping the development pattern in HRM in the exurban development areas and suburbs. I wish it were. What controlled development until about 25 to 30 years ago was geology, although that is no longer a constraint with the modern blasting technology, and road patterns.

DRAFT RMPS Page-8
Comments, Policies E2 to E6:

E-2 Good. The HGNP can be the key tool, but it is not likely to identify smaller scale opportunities at the site level, especially in the most built-up areas are the municipality (regional centre or village or hamlet centres, for example).

E-3 Unclear. Does '*prohibit development on new roads*' first mean prohibit the development of new roads? What is the definition of a 'road'? Does the policy allow development of new roads for resource extraction purposes? In that case, is the intent that such roads would or could not be used for residential development?

E-4 Define 'area of land".

E-5 Good. "Protected Area Zone". A clearly defined zone for these purposes is helpful.

E-6 Pleased to see this addition. Is donation the only option? Land trusts also buy land. Could the land own also not sell the land to a land trust?
For "b*: may not meet minimum road frontage and lot area requirements*.", Why would there be doubt about whether or not a parcel meets minimum road requirements? (Wording seems to imply that).

E-7 Would such acquisitions be separate from/in addition to the parkland dedication?

6.3.1.2 Preserving natural corridors

DRAFT RMPS Page 87.
Comment: Regarding the definition of 'Essential Corridors' . . . This section is confusing because it implies that the policies address only Essential Corridors. There are two types of corridors in the HGNP: Essential Corridors and Important Corridors. However, Policy E-8 refers to both Essential and Important Corridors. The policies otherwise appear directed to the Essential Corridors. Important Corridors are important too. Actions in local planning and at the neighbourhood level can retain, preserve, and restore corridors in the local contexts. Collectively they make a difference, especially for smaller animals in urban settings. Every contribution helps to increase biodiversity. Perhaps make a link to the next section, Naturalization.

DRAFT RMPS Page 88
Comment: Policies E-8 to 13

E-8 What does 'refining the boundaries' mean? Updating to reflect narrowing or loss due to development? Expanding to reflect aspiration for expansion through naturalization and restoration? It's not clear.

E-9 will require education of these other agencies about the HGNP corridors which will be labour intensive, but it will be necessary to secure many of the corridors. Good to see it included here.

E-11 Good. Addressing public lands sets an example for private lands. Could also include educating land owners within the corridors about their location and about naturalization and encourage them to adopt this type of landscaping.

6.3.3 Naturalization and municipal natural assets management

DRAFT RMPS Page 89.
Comment: Great to see this section on natural assets and naturalization. Strong description of benefits and values and the need to retain the natural structures intact wherever possible. Replacement is costly; the level of service is difficult to replicate.

EC-15 is a broad policy. Is there specific intent or targets with naturalization? Can naturalization support natural corridors, for example. Linking these two sections would be helpful.
Change "shall support" to "shall implement"

E-16 – Good policy. MNAI is just getting started in HRM so a framework is a good target for this plan revision. Hopefully the framework will be ready to inform a full program in the next plan review.

6.3.4 Urban Forests

DRAFT RMPS Page 89.
Comment: This section would benefit from a description of the value preambles about the value urban forests. This section does not seem to convey the same level of enthusiasm and interests for this natural assets as the previous sections do for natural assets in general.

Policy E-17 Change 'shall be considered in' to "shall inform".

6.4 PROTECTING OUR WATER

Sections 6.4.1 Watershed Planning, 6.4.2 Watershed Management, 6.4.3 Watershed Studies, 6.4.4 Rural community watershed management

DRAFT RMPS Pages 90-93
Comment: Strong sections describing the importance of protecting water through a watershed planning and management approach, a framework structure of management, assessing development impacts, connecting communities to watersheds through participation in watershed management, using watershed units as land planning units and aligning community boundaries with watershed boundaries in rural communities. Connecting communities and watersheds will be key to successful watershed planning and management. Also use watersheds as local area planning unit for suburban areas.

There should be cross referencing between this section and storm water management. Watershed planning and management is part of stormwater management in both the urban and rural areas. This is where integrated management happens. There will be two frameworks and they are complementary – Integrated Stormwater Management Policy Framework and the Watershed management framework.

Comments: Policies are comprehensive.
EC-18 to 20

Policy EC-18 Change "shall consider developing" to shall develop – it is the only way to solidify commitment to this very important initiative in a municipality that is as close to being defined by water as land can be.
And, change "The Watershed Management Frameworks shall consider to "shall:. . . with appropriate verb changes for each phrase a to l, all of which are all essential elements of a watershed management framework (or strategy).

Shall is in keeping with the purpose of watershed management. For example, it is hard to imagine in a watershed management framework why one would only 'consider' determining and mitigating the impact of water pollution, when the purpose of watershed management is to do precisely that. The same argument applies for the other phrases..

Policy EC-19 Strong policy content. Using 'shall'.
Concerning sub-section b) "recommend water quality objectives . .. ", and other 'recommend" statements that follow. . . why 'recommend'? Who converts 'recommend' to 'adopt', or 'set', or 'identify'? WQ standards are already set for public health purposes, and for indicator species if ecosystem protection is also the goal. "Recommend" creates ambiguity about implementation of the watershed study unless recommendations are going to an authority for final approval/adoption.

6.4.4 Rural Community Watershed Management

DRAFT RMPS Page 93.
Comment: Policy E-20: Strong policy content, but weakened by a lot of 'considering'. ". . . where the Municipality is considering adopting a new secondary municipal planning strategy in a rural area, the following shall be considered…".

6.4.5 Lake quality monitoring.

DRAFT RMPS Page 94.
Comment: Monitoring is an essential part of water quality management, the end-goal of watershed management. To come this far and then only 'may consider' (EC-21) preparing a water quality monitoring protocol is limiting. Are Policies EC-22 and EC-23 contingent on preparing the protocol?

6.4.6 Riparian areas and wetlands

DRAFT RMPS Page 84,
Comment: Excellent background.

6.4.6.1 Riparian Areas

DRAFT RMPS Pages 95-96.
Comment: Policy EC-24: applying buffers to all watercourses – Great to see "shall".
Does the municipality use the provincial definition of watercourse in the Environment Act (Section 3 Interpretation: "the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not, and b) all groundwater"? Should clarify the definition. Is there a width limit for application of the policy? Great if this requirement applies to all watercourses.

It is an improvement to see some wetlands included in this policy, but all wetlands – not only those contiguous with a water course, or WSS (EC-34) – need buffer protection from adjacent development. Wetlands exposed to development degrade from the direct impacts of development that can include sedimentation, nutrient pollution, invasive species, litter and garbage, trampling. Buffers maintain wetland health and wetlands are part of the Municipality's natural infrastructure. Not buffering upland wetlands indicates the Municipality has not fully accounted for the value of all wetlands in its municipal natural asset infrastructure plans. When wetlands are protected from development – sometimes wetlands other than WSS and stream course wetlands are spared – the municipality should do what it can to ensure they stay healthy. This policy needs to include all wetlands.

"*EC-24 The Municipality shall, through the applicable land use by-law, require the retention of a minimum 30-metre-wide riparian buffer along all watercourses as well as wetlands contiguous with watercourses throughout the Municipality, WSS wetlands, and other wetlands exposed to development to protect the chemical, physical and biological functions of marine and freshwater resources . . .*" [Yellow-highlighted text added]

EC-25 – a long list of uses that may be permitted in a buffer. Are there controls on construction materials or site management during construction, or maintenance to minimize impact on the buffer? What controls are in place to ensure the least intrusive development of these uses?

EC 27-29 – The exceptions are unfortunate.

EC 30 – "*The Municipality shall ~~consider~~ develop and implement a by-law to protect existing trees and to manage the retention and the removal of existing trees within riparian buffer zones*" [Yellow-highlighted text added]

Comment: Since trees are an essential element of naturally treed buffers (as described in the preamble), and removal of vegetation is prohibited (EC-24), why is the language of EC-30 discretionary?
'Shall develop and implement a by-law . . ." would be consistent with and reinforce EC 24.

EC-31 (Water lots) - This policy (and EP-22) appears to be addressing water lots after they have been filled. The language needs to be clear about the stage of water lot development this policy covers, the infilling stage or the filled stage and limiting development of the filled lot, presumably to something that makes infilling pointless.

Ideally, the policy should disable infilling of water lots. The original intent of water lots did not include infilling to extend the dryland portion of the property to increase the lot area. Infilling destroys marine habitat, can interfere with marine transport, and may impact longshore drift (transfer of sediment along the shore) and therefore natural adaptation to climate change impacts. The Northwest Arm has attracted most of the attention, but the potential for problems isn't limited to this inland coastal waterway. Regulation of water lots is falling between the jurisdictional cracks where neither the provincial (managing the tidal zone) nor federal (marine habitat and marine transport) governments appear willing to address the problem.

HRM should apply to change the Halifax Regional Municipality Charter so that the municipality can extend land use planning and development controls to water lots, before they are filled. Water lots require oversight, and since the intent for infilling is to create land, the municipality has an interest in regulating extension of the land's edge to create dry land. The current policy suggestion picks up regulation after the damage has been done. The control should be pre-emptive.

6.4.6.2 Wetlands

DRAFT RMPS Page 96.
Comment: The preamble contains a clear statement of the municipality's and the province's roles. Since the municipality regulates development adjacent wetlands, then applying a no-development zone around wetlands that are protected from development – a buffer (EC 24) --, is a municipal contribution, even responsibility, to control any potential impacts to wetlands. All wetlands need recognition and protection.

The push-pull approach is good, if land owners can be incentivized to protect wetlands on their property.

Comment: EC 32 – The preamble establishes that the province regulates development of a wetland, not the municipality. However, EC 32 suggests the municipality is prohibiting development of wetlands. The contradiction is confusing. "*The applicable land use by-law shall prohibit development within any wetland except as required to allow for existing public infrastructure*." in contrast "*The Nova Scotia Department of Environment regulate wetland alterations and the Municipality regulates development adjacent to wetlands*". The contradiction needs correction, or explanation. Maybe the Municipality is implementing the provincial regulation.

While the municipality requires "*the proponent to verify the existence and extent of any wetland*" on a development application, the policy needs to go further and require that proponent provide the outcomes of provincial decision on wetland alteration applications. Clear communication between HRM development permitting and ECC wetland alteration permitting (approved or not approved) is essential – a clear need for cooperation and collaboration between the municipality and the province on wetland protection.

Clarify that 'any wetland' means any wetland regardless of whether or not it is included in the provincial wetland inventory. The inventory is a start – a tool – for identifying wetlands.
Relying on the proponent to identify wetlands is a limitation, Field work might not pick up wetlands, especially smaller ones, in the drier part of the year. Wetland identification should take place in the spring.

HRM is large and contains a lot of wetlands. Having a municipal inventory of wetlands and wetland impacts, losses, protected status would be helpful, especially for implementing the watershed planning and management approach described in this plan.

Comment EC 33 and 34: Good policies – seeking WSS status for wetlands and applying a riparian buffer to these wetlands (add WSS to the Riparian Buffer Policy too). However, this good addition may be constrained by the province, which has tightened the interpretation of Wetlands of Special Significance, including what is a WSS and what part of a WSS is protected from development (not the whole wetland), and expanded the types of developments (serving necessary public function) that are exempt from the WSS constraint. "Housing, commercial/ industry, renewables and etc.". These types of development now may also be included in land uses of necessary public function, if warranted. The opportunity to assign WSS status to a wetland or ensure that at WSS status will protect a wetland has been constrained.

EC-35 Good policy. But, identifying the appropriate areas for transfer of density needs careful environmental assessment to avoid loosing ecosystem benefits in one area for a gain in another. There should not be a net loss of ecosystem benefits. Link to the naturalization and watershed policies. Strategically identifying watersheds for wetland restoration – thereby restoring watershed function along with gain of wetland function would be a win-win.

6.5 Climate Change

6.5.1 HalifACT

DRAFT RMPS Page 6.5
Comment: EC-36 – It is entirely appropriate that HalifACT is the primary mechanism for addressing climate change adaptation and mitigation in the municipality. However, there are many policies in this Draft RMPS that contribute to climate change adaptation and mitigation and must also take into account climate change impacts so as not to be maladaptive.

It would be helpful to include a general preamble under 6.5 to acknowledge that while HalifACT and this policy section focus the attention on climate change, a modern community plan needs to comprehensively address climate change across the sectors it covers. The description could also bring attention to the specific impacts (in brief) on HRM – which come from all directions – river and overland (fluvial and pluvial) flooding – identifying the horrible flooding of July 2023, coastal flooding (Fiona, Dorian, and so many other storms recently), fires (May 2023), the warmest (and wettest) summer on record, impacts on infrastructure, the costs of climate change – (actual dollar amounts if available). This section is very important and some HRM-specific information should complement the global content.

Furthermore, all policies in the plan should be strategically assessed against climate change adaptation and mitigation to assure that, if not aligning with climate change action objectives and HalifACT, then at least they are neutral and not maladaptive. Moden community planning needs to be climate change action planning. Perhaps some of the climate change descriptive content could be moved into the general preamble, and the HalifACT section then focuses on the role of the priority plan leading into the policies.

DRAFT RMPS Page 36-37
Comment: There appears to be repetition between Policies E-36 and E-37. Furthermore, adaptation does not come out as strongly as mitigation in E-36.

In policy E-36, climate change mitigation strategies are reducing energy consumption (which is also energy conservation) and switching to renewables. Energy security is a possible outcome of these actions (especially switching to renewables). The policy lists "mitigating climate change" separately from these actions.

Suggest the following change: "*EC-36 HalifACT, approved in 2020 and as updated from time to time, shall provide guidance to the Municipality for actions and programs ~~related to improving energy security and energy conservation~~; to mitigate climate change by reducing and eventually eliminating green house gas emissions and build energy security by supporting renewable energy sources and reducing energy consumption; and to ~~adapting~~ adapt to climate hazards. To further the goals of HalifACT, the Municipality shall consider adopting or amending by-laws.*" [Yellow-text added]

6.5.2 – NO SECTION. MISSING OR A NUMBERING ERROR?

6.5.3 Stormwater And Flooding

DRAFT RMPS Page 98.
Comment: Strong content throughout. Excellent to see prioritizing green infrastructure and naturalized systems

as the preferred approach to manage stormwater.

Some policies are weaker, using "may consider" – permissive action, no obligation to undertake the stated action.

EC 43 EC 44 EC 45 EC 47 – may consider. At least change to shall consider for EC 43, EC 44 and EC 47 as committing to considering seems more in line with the need described in the policy.

EC-45 Excellent to see a policy specific to stream daylighting. May consider makes sense here, as there are conditions that need to apply, not the least of which is available funding.

6.5.4 Floodplains

DRAFT RMPS Page 100.
Comment: This section is inadequate considering the extensive climate change adaptation needs associated with flooding and flood plain expansion. The text does not refer to how flooding has become more frequent with more intense storms (climate change), exacerbated by continued hardening of the landscape with urban expansion. Historic flood mapping is no longer reliable for identifying the flood zone for land use planning horizons. This section should incorporate climate change adjusted flood mapping into floodplain management. The provincial flood line mapping program is providing this information. Mapping of 'designated watercourses' needs to reflect at least the climate change adjusted flood lines for 1 in 20 and 1 in 100 years storms. The goal should be to keep development out of areas that not only are flood plains now but will become floodplains over the life-span of infrastructure that might otherwise be built there.

Include a policy to address flood plain expansion due to climate change and incorporating climate change projections into the flood plain zoning.

It is time to move on from the 1980s floodplain mapping for the Sackville and Little Sackville Rivers. This mapping is old. The policies and regulations "adopted under the Sackville planning documents to reduce the risk to property and the need for flood control measures" are out of date. The evidence of every storm event and the development in flood prone areas along the river show the regulations don't work. What happened to the CBCL 2017 Sackville Rivers flood plain study? The study produced updated flood maps and the HRM website states that "The new floodplain mapping shows a larger flood impact for the 1-in-20 and 1-in-100-year weather events when compared with older (1980s) flood risk mapping" Why then, is this information not included in this section, and also reflected in the policies?

Sackville and Little Sackville Rivers aren't the only rivers in HRM. This preamble should acknowledge there are many rivers flowing through the Municipality and they all have floodplain, many have development encroachment into the flood plain, and all need updated mapping that reflects the growing floodplain.

Connect this section to the watershed management section and storm water management section.

EC-48 Is there a list or a map that shows designated watercourses?

EC 51 What does "adequately protected" mean? If development is occupying the floodplain, where does the water go? It will need to spread out beyond the normal floodplain. Is there risk that redirected water will impact other properties that might not have otherwise been impacted? What is the impact to floodplain function and to aquatic habitat in the floodplain?

6.5.5 Coastal Protection

DRAFT RMPS Page 10. "*EC-53 The Municipality shall regularly update municipal LiDAR data, digital elevation models and vulnerability mapping, and may adopt policy to require emergency management services and current and future climate change hazard projections are considered as part of the as-of-right development process, discretionary planning applications, and during reviews of planning documents*."

Comment: This policy is crowded. There are four policies themes in this statement – updating the DEM (say why); vulnerability mapping; emergency management services; and incorporating cc hazard projections into local planning and development approvals and reviews.

DRAFT RMPS Page 102. "*EC 54 . . . and ~~may~~ shall consider adopting a coastal-specific adaptation policy using a PARAEBA (Protect, Accommodate, Retreat, Avoid or Ecosystem Based Adaptation) Framework or other suitable framework for climate change adaptation planning to plan for hazards and increase resilience to those hazards*." [Yellow-highlighted text added].

Comment: Change "may consider" to at least "shall consider". The municipality certainly needs a coastal-specific adaptation policy to identify and plan for hazards. The 'consider' should apply only to which kind of framework.

DRAFT RMPS Page 102. "*EC-56 The Municipality shall foster sustainable coastal management along its coasts considering long term climate impacts, ecosystem health, public risk and vulnerability assessments, adaptation strategies and cost-benefit analysis of adaptation approaches. A coastal management approach shall also consider opportunities to retain and improve public coastal access."*

Comment: Sustainable coastal management would also prioritize nature-based approaches for coastal protection, and transition away from hardening the shore with armour stone and seawalls. The municipality can demonstrate nature-based coastal protection along municipally owned shoreline, and support property owners through education and incentives to shift to nature based coastal protection.

Comment: Good to see coastal access, but it needs a separate policy. Coastal access is at risk of coastal flooding and erosion, but also at risk of other coastal pressures that are not climate change related.

<u>General comment for coastal matters</u>:

The municipality needs a coastal management strategy to successfully "foster sustainable coastal management" (EC-56) and to employ a "coastal management approach" (EC-56). At the moment, climate change is directing coastal management, but the need for coastal management is long-standing, long before climate change impacts became concerning. And, there are continuing coastal land use issues that are not climate change related.

The HRM coastline is arguably the most complex in the province and uses need careful management. Coastal planning and management need the same attention in this plan as that given to watershed planning and management. The two planning and management systems are complementary. Furthermore, the federal government, with the involvement of the provincial government, is undertaking Marine Spatial Planning (MSP) which should connect with the coast. Land-side coastal planning and management - the jurisdiction of municipalities - would provide the connection to the landward coastal zone.

Activities in the offshore and coastal waters will come ashore. Municipalities need to integrate their land use planning with MSP in the shore zone to ensure that MSP benefits the municipality. Municipalities control impacts

to coastal water quality resulting from land use, including sediment and urban runoff. Coastal marine environment quality begins with land use management and controlling pollutant discharges from the land to the estuary. It begins in the watershed.

A coastal management strategy would incorporate implementing the Coastal Protection Act Regulations when the province releases the regulations, or implementing the regulations as municipal requirements if the province doesn't release them (the work is done), along with managing land-based impacts on coastal water quality, managing working waterfronts, and coastal access. The CPA regulations already address development controls, incorporate coastal habitat protection, and address coastal hazards from flooding and erosion. Sea level rise is incorporated into the coastal flooding vertical setbacks. The CPA regulations exist in a policy and planning vacuum, however. HRM can provide that context at the municipal level, even if the province does not.

A coastal management strategy, like a watershed management strategy, requires cooperation and collaboration with other government players in the coastal zone who control activities below the highwater mark, Indigenous communities/organizations, civil society organizations, and other sectors such as industry, commerce, transport, recreation, among others. Some of these interests will engage with MSP as well. Most have an interest in working waterfronts which need special consideration to protect against the unintended consequences of gentrification and redevelopment, protecting commercial and industrial water access and ensure the necessary shoreline space for coastal industries. Some aspects of protecting marine environmental quality MEQ are addressed in the watershed sections of this plan, along with managing stormwater. Working waterfronts are addressed, in part, in industrial and commercial land zoning and in the Halifax Harbour lands designation. Coastal access is partially addressed through coastal parks, but it is a more complex matter than parks and requires study and analysis.

Developing a coastal management strategy is a longer-term proposition. Including related policies in the RMPS would be a start. The DRAFT RMPS includes some of the time-critical problems related to coastal development and climate change impacts, but should expand the content beyond coastal protection. Following, are policy area suggestions:

Policy for coastal planning and management

Include a policy to develop a coastal planning and management strategy to "foster sustainable coastal management along its coasts". Also, in addition to the policies already in this Draft RMPS that address climate change impacts and incorporate coastal development controls, include policies for

Coastal environmental quality:

- Introduce a policy to connect coastal planning with watershed planning (described earlier) to develop integrated land-coast-sea planning and management. Connecting land and sea via water ensures attention to and control of the land-based impacts on coastal and ocean (marine) environmental quality and protects habitat connections (especially along rivers systems). Municipalities control land use and development and therefore have a key role in managing impacts on coastal environmental quality.

- Extend the municipal water quality monitoring program to coastal water quality in valued coastal recreation areas. The HRM lake water quality monitoring program is an excellent initiative. Coastal waters also require monitoring, especially estuaries and recreational beaches. The HRM used to test the water quality at municipal ocean beaches. HRM could justify municipal monitoring of some areas (coastal parks) and should partner with the province for monitoring of other areas where provincial jurisdiction prevails.

Working waterfronts:

Introduce a policy to protect or reserve coastal lands for traditional marine industries and activities and anticipated new industries, reflecting the emerging 'blue economy' opportunities for coastal regions. Coastal working landscapes are not specifically identified in Section 4.2 HGNP Working Landscapes of the HGNP, but they are implied and mapped in Map 7 Working Landscapes in the HGNP. Coastal working landscapes integrate both socio-culture and working landscapes on this map. A policy to protect or reserve coastal space for marine enterprise as part of a coastal plan would also intersect with the Rural Community Planning.

Coastal access:

Introduce a policy to protect existing and increase opportunities for public coastal access.

Only 14 percent of Nova Scotia's coastline is publicly owned (federal, provincial, or municipal ownership). Coastal land in HRM comprises public and private owners, with the majority in private hands. The public can use public lands and some non-governmental land trust properties to access the shore, but not all public lands are available for access (such as some Department of Defence lands, for example). There are various informal accesses across private land and along private shorelines where land owners allow public use, but there are not guarantees of access in perpetuity.

Public access to the coast and walking the shore, either along the beach or bluffs, is at risk. Climate change threatens coastal access by flooding low-lying public land and destabilizing bluffs; shoreline hardening, water lot infilling, and building docks are impeding access in the tidal zone; subdivision and sale of coastal properties may close traditional accesses across private land and along private shoreline.

Developing and implementing a coastal access policy in the Halifax RMPS and eventually in a coastal planning and management strategy would involve the following:

- Identifying where access is located, the type of access, its characteristics, and risks to access
    - an inventory of existing access, including all public, quasi-public (non-governmental land trust) properties and public routes, and established (traditional) private land access to and along the shore;
    - classification of access, including the type of access (to, along, or to and along), the type of coastal environment (e.g. beach, bluff, cliff), the type or level of service (e.g. 'improved' or 'unimproved'; managed or unmanaged);
    - the environmental and land use context of the access (e.g. sensitive habitats; terrain and coastal sensitivity, such as flood and erosion risk; adjacent infrastructure; adjacent property ownership);
    - identifying public access at risk to climate change impacts;
    - Identifying impediments to access on public land – such as blocking passage along the shore below the ordinary highwater mark;
    - equity of access: how equitable is access to the coast via public land in particular.
- Identifying tools or strategies to protect existing access and secure more access, such as coastal land acquisition programs; working with the province to ensure public coastal lands are not transferred or sold to private interests; community development models for community-based management of coastal access, and involving private land owners willing to offer access across or along their property;
- Identifying opportunities for partnerships with groups like NS Nature Trust and other like organizations to acquire access; or directly with coastal property owners.

CHAPTER 10 IMPLEMENTATION

10.1 OBJECTIVES

DRAFT RMPS Page 158 *"2. Engage citizens in the development of policies, programs and services as the basis for building healthy, strong, ~~and~~ inclusive and environmentally sustainable communities."* [Yellow-text highlighted]

Comment: Add 'environmentally sustainable". Environment needs strong presence in Implementation.

10.2.1 Public Participation For Planning Applications And Planning Documents

DRAFT RMPS Page 158. *"I1-d may provide for public participation for certain planning applications other than planning documents.*

Comment: Good addition. I suppose which certain planning applications is yet to be determined, hence 'may'?

10.3 PLANNING TOOLS

10.3.1 Secondary Municipal Planning Strategies

DRAFT RMPS Page 159.
Comment: Yes, these old plans, including the "visions, objectives and policies" may not be consistent with the HRMPS. Modernizing these plans and programs and the land use zoning-bylaws to align with the HRMPS and Priority Plans is long overdue. The sooner these plans are updated or replaced, the better. Policies I-3 and I-4 provide some management of out-dated policies and regulations. Do they cover enough, however? Policy I-3 refers to amendments.

10.3.2 Priority Plans
DRAFT RMPS Page 159. "*I-8 In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, the Municipality shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including: . . .* "

Comment: "shall consider" . . . What would prevent implementation of the priority plans when considering development agreements or amendments to DAs or amendments to the RP? "Consider" suggests conditional commitment to these Priority Plans.

10.3.3 Discretionary Applications
DRAFT RMPS Page 161. *"I-9 In considering a secondary municipal planning strategy amendment or development agreement applications pursuant to the provisions of this Plan or any Secondary Municipal Planning Strategy, in addition to all other criteria as set out in various policies of this Plan, Council shall consider that . . . "*

Comment: Is policy I-8 among "all other criteria" as set out in various policies of this Plan?

DRAFT RMPS Page 162.
Comment: I-10 and I-11, Good to attention to environmental details. Sub-policies 1-10 c and d refer to the Essential Corridors. I-11 should also refer to Essential Corridors. Local corridors should receive the same attention at the site level.

10.3.4 Conservation Design Developments

DRAFT RMPS Page 163.
Comment: Conservation Design Development has been available for rural residential development since 2007. Uptake has been slow. Have enough development permits on rural lands expired so that this very worthwhile and well-considered policy will finally have an impact?

DRAFT RMPS Page 165.
Comment: Specific to I-18, Include local corridors. Include other elements of HGNP for ensuring protection of areas of high ecological value.
Parkland dedication should not be reduced. The conservation lands in a Conservation Design Development are not public lands. Parkland dedication is to increase the supply of public land. Furthermore, if the development includes lake shore or coastline, parkland dedication should prioritize access to and along these areas. Traditional access to and along these shorelines, or to angling areas on stream or rivers, should be acquired through this process. The dedication may also be necessary to ensure no degradation through encroachment within the development onto areas of high ecological value.

10.3.4 Special Planning Areas

DRAFT RMPS Page 168.
Comment: Concerning I-20. A poor exception. Notwithstanding clauses are chilling. Permitting early removal of trees, blasting and earthworks by-passes the assessments needed to ensure an environmentally sustainable development that will not adversely impact watershed hydrology, important habitats, and ecosystem services on the site and in receiving areas outside of the site. An unfortunate addition. Yes, we need housing, but it sounds like environmental principles will not apply to these lands. It's a short-sighted policy. If the concern is that the assessments take too long, put more resources toward completing them. Reduce some other fees that developers need to pay (those that haven't already been waived for development in these areas), so that the developer can put more money to completing the assessments.

10.3.5 Regional opportunity sites

10.3.5.1 Suburban area sites

DRAFT RMPS Page 169.
Comment: Concerning I–21 f, g, h. Why 'if required'? Under what circumstances would these fundamental assessments not be required?

DRAFT RMPS Page 170.
Comment: Concerning I-22 "Shall consider", again the wording weakens the policy commitment, perhaps unintentionally or unnecessarily for some needs. There may be sub-sections of the policy where wiggle room is necessary, but for the essentials of equitable, completed, environmentally sustainable communities, "shall ensure that" gives confidence that the intent of the policy will carry. Review wording for more specificity in application of shall consider, and identify the essentials for "shall+imperative verb"

10.3.5.2 Rural area sites

DRAFT RMPS Page 171.
Comment: Concerning I-23, "shall consider", again the wording weakens the policy commitment, perhaps unintentionally or unnecessarily for some needs. There may be sub-sections of the policy where wiggle room is

necessary, but for the essentials of equitable, completed, environmentally sustainable communities, "shall ensure that" gives confidence that the intent of the policy will carry. Review wording for more specificity in application of shall consider, and identify the essentials for "shall+imperative verb"

10.4 REGIONAL SUB-DIVISION BY-LAW

DRAFT RMPS Page 172. *"I-26 When amendments to the Regional Subdivision By-law are brought forward for approval, the Municipality shall consider whether the proposed amendments are consistent with or further achieve the objectives and policies of this Plan, including any plans referenced by policies of this Plan for guidance."*

Comment: Why 'shall consider' in the context of the sub-division by-law. Is it not a requirement that the By-law align with plan policies? Is 'shall consider' used in the way the definition describes on page 18 of this plan: "**"shall consider"** when used in policies, the Municipality is required to consider, but not obligated to undertake, any action or expend any money."

10.4.4 Parkland Dedication

DRAFT RMPS Page 175
Comment: Concerning I-43, Yes, establish a minimum of 10% parkland dedication for new subdivisions. What would be the incentives to secure more than 10%? Or, under what circumstances would the municipality require more than 10%?

Comment: Concerning I-44 No. Do not reduce the dedication for parkland dedication to 5% for CDD for reasons identified under 10.3.4. Furthermore, 10% is already a minimum.

DRAFT RMPS Page 176
Comment: Table 10.2 Park Classification System – Nature parks are missing from the table.

DRAFT RMPS Page 177
Policy I-45 "the following shall be considered". Should that sentence be: "When acquiring land through parkland dedication through the subdivision process, the Municipality shall consider**"** ?

The HGNP should have a key role in considering parkland dedication. Consider land acquisition that strengthens/ restores the Essential and Important Corridors; and secures High Ecological Value areas. At this time, Nature parks (Section 4.2.1) are regional scale parks, but there could be the opportunity for local scale nature parks as well to fulfill roles in strengthening natural corridors.

Also consider opportunity to complement and strengthen contiguous parks (Regional Nature Parks, Federal Urban Park, provincial parks, provincial wilderness areas and land trust natural areas.

Wetlands are at risk of development, and protection measures have been constrained by ECC 'clarifications' to interpretation of WSS. Use parkland dedication to secure wetlands at risk or that could contribute to green and blue space connectivity.

Comment: Concerning I-45 d, connection to existing trails and park systems. Yes, but this is a functional use connection. Important, but does not address ecological connectivity (See comment above).

Comment: Concerning I-45 e, access to coastal areas – Good, indicate access to and along the coast.

Comment: Concerning I-45 f, access to wetlands, lakes and other watercourses -Yes, but for wetlands, need to ensure that there is wetland to access, and that access will not impact WSS values, for WSS wetlands.

10.5 WATER AND WASTEWATER

10.5.1 Urban service area

DRAFT RMPS Page 178. Preamble *". . . or where strategic investments in infrastructure support building healthy, ~~and~~ complete, and environmentally sustainable communities."* [Yellow-highlighted text added].

10.5.3 Source water protection.

DRAFT RMPS Page 181
Comment: Concerning I-53, Protected water supply zone. Yes, this zone is needed. It should be established within the larger context of watershed management. The policy refers to the water suppy watershed, but does not describe the need for a watershed management plan.

10.5.4 Groundwater supplies

DRAFT RMPS Page 181-182
Comment: Watershed planning and management should be the foundation for protecting groundwater, like it should be the foundation for protecting surface water.

Generally for water protection, attention is given to protecting drinking water, which is essential protection, but there is not connection to the watershed planning and management approach described in Section 6.4 Protecting our Water, of this plan. Furthermore, there is not consideration of protecting water quality for purposes other than drinking water, although clean water is essential for healthy aquatic biota, as well as for human recreation. By extension drniking water quality will serve for aquatic ecosystem water quality. It may serve recreation water quality where recreation activities are permitted in the water supply watershed water bodies. Watershed management for overall ecosystem and human health is not addressed in this Implementation chapter.

C798

Ralf Dreimanis
[redacted]

2023 10 29

Distribution List

For Your consideration:

RE: HRM Case 22257 Regional Plan Review: Phase 4 Draft – A Discussion Paper for consideration.

As a supplemental item to my previous submission of comments dated 2023 09 07, I offer for consideration the following discussion paper regarding the subject of the NS Act to Dismantle Racism, & Hate. The attached discussion paper has the intent of assisting the reader in further developing their understanding of anti-indigenous racism within Nova Scotia. This submission is provided in the anticipation that it may assist Halifax Regional Municipality (HRM) staff in the further refinement of HRM's Regional Plan.

In my previous submission I offered for consideration that the Draft Regional Plan as issued under the Phase 4 Draft dated 2023 06 20 neglected some Indigenous rights issues. With this supplement I hope to provide some amplifying information regarding the following:

a) Indigenous Peoples' Rights to the unceded Territory of Mi'kma'ki;

b) HRM's, Nova Scotia's, & Canada's legal fiduciary duty of care & protection for the Indigenous Natural Heritage Environment;

c) Considerations for science-based evidence regarding Limits to Growth; and

d) Priorities to be set for Nova Scotia to become self-reliant, & resilient to the ever-increasing number of external environmental, & economic stressors.

For Your consideration and action, as you feel appropriate.

With respect

[redacted]

Ralf Dreimanis
[redacted]

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Discussion Paper regarding – Nova Scotia Act to Dismantle Racism, & Hate 2022;

- **a paper to assist in understanding the Definition of Anti-Indigenous Racism.**

Author: Ralf Dreimanis
Date: 2023 10 29

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Reference: Bruce MacKinnon's cartoon 2023 08 19
[found at the following Saltwire media link -
https://www.saltwire.com/media/photologue/photos/2023/8/18/Bruce_08_19_2023_RGB.jpg?fit=clip&h=1400&w=1694&auto=compress,format]

Introduction

- **General**

I offer for consideration that in neglecting these Aboriginal Rights to the territory of Mi'kma'ki & continuing to develop & expand occupation of the territory, Canada, Nova Scotia, & HRM are engaging in systemic anti-indigenous sentiment against Indigenous Peoples of this territory.

I offer for consideration that Canada, Nova Scotia, & HRM have neglected to consider the Aboriginal Rights to the territory of Mi'kma'ki, and that any plans or work for further development & expanded occupation must now be halted until consultation has occurred with, & permission granted byte Hereditary Chiefs of Mi'kma'ki.

I would offer the following discussion in anticipation that this submission might assist Canada, Nova Scotia, HRM, and private developers in:

a) Recognizing / Identifying the systemic racism involved in the development & expanded occupation of this territory; and
b) Addressing the systemic racism involved in the development & expanded occupation of the territory.

In recognizing & addressing this systemic racism, the anticipation is that Canada, Nova Scotia, HRM, & private developers will develop a non-racist approach to occupation of the Nova Scotia portion of Mi'kma'ki, and consider appropriate restitution for territory inappropriately occupied.

- **Discussion Paper Structure:**

I will break out the discussion into four major components;

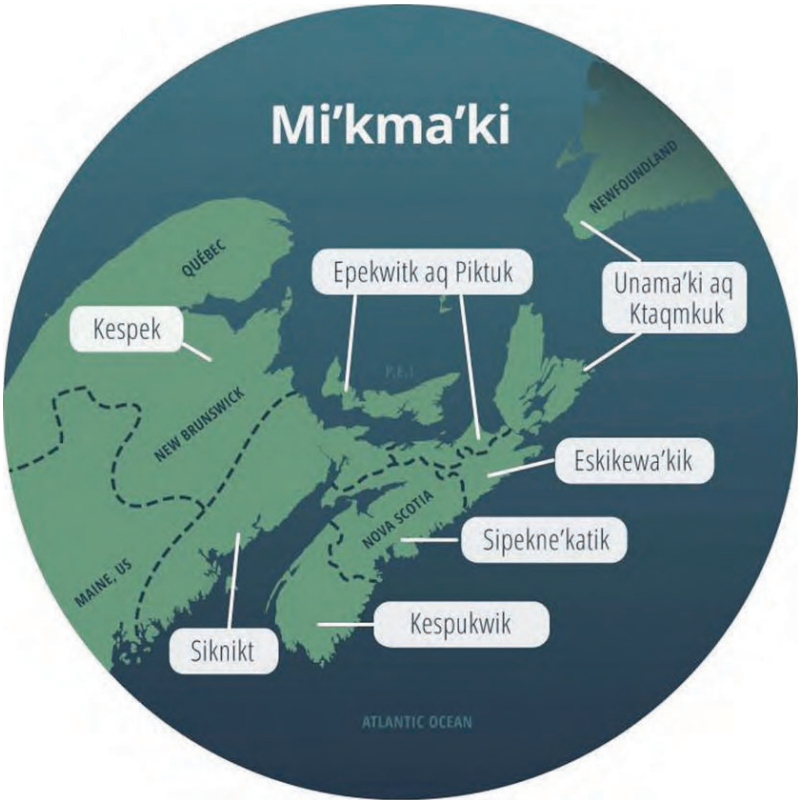
a) Nova Scotia Act to Dismantle Racism & Hate
b) Aboriginal Territorial Rights violations;
c) Aboriginal Individual Human Rights violations, and Collective Community Human Rights violations; and
d) Restitution considerations.

- **Territory of Mi'kma'ki description**

Under a classical European centred concept of territory / property ownership, some groups consider Mi'kma'ki to include present provinces of New Brunswick, Nova Scotia, Prince Edward Island, a portion and perhaps all of the Island of Newfoundland, portions of the Gaspe Peninsula, portions of the State of Maine, the Magdalene Islands, and perhaps the islands of St. Pierre & Miquelon; the territory and resources of the land, internal waters, air, and surrounding adjacent marine environment of this territory.

Judge Embree, trial Judge for Marshall (#1), in his review of historical background, describes the territory inhabited by the Mi'kmaq as including "all of present-day Nova Scotia, Prince Edward Island, the Eastern Coast of New Brunswick up to the Restigouche River, the Magdalene Islands, Ste. Pierre-Miquelon, and possibly the south coast of Newfoundland."

The following image and notes are reproduced from the Treaty Education Nova Scotia Facebook site. [Treaty Education Nova Scotia (TENS) Facebook website: https://www.facebook.com/TreatyEducationNS]



> Mi'kma'ki is the traditional territory of Mi'kmaq and includes seven districts which are found in what is now known as Nova Scotia, Prince Edward Island, Quebec (Gaspé Peninsula), parts of New Brunswick, parts of Newfoundland and parts of Maine, US. …
>
> Present day mapping and borders didn't exist, there were natural boundaries in the landscape such as rivers, mountains, or watersheds that marked the territory ….
>
> Photo credit: Treaty Education Nova Scotia (Graphic designer Aaron Googoo created this artistic rendering for TENS illustrating the districts of Mi'kma'ki)

- **Apologies**

As well, with respect, please accept my apologies for the lack of polish in this discussion. I felt urgency more important than polish. Additionally, I am not an expert in this field of aboriginal rights. I have tried to educate myself using online resources which may not have provided me with the most appropriate references.

Since writing the last draft dated 2022 11 29, certain parts of this discussion have been amended. Paragraphs that have been added are identified with three stars (***). Paragraphs which have been slightly modified are identified with one star (*).

Nova Scotia Act to Dismantle Racism & Hate 2022 09 13

Act to Dismantle Racism & Hate:
[https://nslegislature.ca/sites/default//files/legc/statutes/dismantling%20racism%20and%20hate.pdf]
Bill No. 96:
[https://nslegislature.ca/sites/default/files/legc/PDFs/annual%20statutes/2022%20Spring/c003.pdf]

Nova Scotia's Act to Dismantle Racism & Hate establishes a commitment by the government of Nova Scotia to the development & implementation of a provincial strategy to address systemic racism, hate, & inequity by July 2023. The Nova Scotia Office of Equity & Anti-Racism (OEA), has been made responsible for the implementation of this Act on behalf of the Minister.

Three issues for which the OEA is responsible are relevant to this discussion paper:

a) Defining Systemic Anti-Indigenous Racism;
b) Recognizing & Identifying Systemic Anti-Indigenous Racism; and
c) Addressing Systemic Anti-Indigenous Racism.

In searching for a definition of Systemic Anti-Indigenous Racism the work of the Nova Scotia Office of Equity & Anti-Racism (OEA) Initiatives provides an initial starting point.
At this OEA website [https://www.oeaengagement.ca/equity-and-anti-racism-legislation]
are posted the Strategy Engagement documents for the various categories of **systemic** racism, hate, & inequity that the OEA will address.

Examining the **Anti-Indigenous Engagement Strategy document**, the reader can find the following definition.
[https://www.oeaengagement.ca/27457/widgets/120597/documents/88794]

> pdf pg 12
> **Definitions –Anti-Indigenous Racism**
>
> Conscious or unconscious ideas and practices that establish, maintain, and perpetuate power imbalances, systemic barriers, and inequitable outcomes that stem from discrimination, negative stereotyping, hate, injustice directed at Indigenous people and the legacy of colonial policies and practices in Canada.
>
> Systemic anti-Indigenous racism is evident in discriminatory federal policies such as the Indian Act and the residential school system. It is also manifest in the overrepresentation of Indigenous peoples in provincial criminal justice and child welfare systems, as well as inequitable outcomes in education, well-being, and health. Individual lived experiences of anti-Indigenous racism can be seen in the rise in acts of hostility and violence directed at Indigenous people.

I would like to submit here that consideration might need to be given to expanding the definition to include the issue of cultural preservation, and the intimate connection which the indigenous natural heritage environment has to indigenous cultural preservation. Loss of territory results in a weakened

culture. Further in this discussion, I submit that through systemic anti-indigenous sentiment, Nova Scotia has incrementally failed to preserve the Indigenous natural heritage environment, resulting in a weakened Indigenous culture.

Examining this same Strategy Engagement document, the reader can gain insight into the OEA's grounding position regarding the territory of Mi'kma'ki. The following extracts provide insight into one OEA basic principle regarding the territory of Mi'kma'ki; that being that it is **unceded** territory. In both the Land Welcome and the African Nova Scotian Acknowledgement, the territory is identified as unceded.

> Pdf pg 2
> **Land Welcome**
> We acknowledge that this event is taking place in Mi'kma'ki, which is the traditional and **unceded** territory of the Mi'kmaq and Maliseet peoples. This territory is covered by the Treaties of Peace and Friendship. We acknowledge that all land in Canada is the traditional territory of Indigenous People. As individuals who reside in Canada, we are all Treaty people, and all hold the responsibility to respect and honour these laws.
>
> Pdf pg 3
> **African Nova Scotian Acknowledgement**
> We acknowledge that this event is taking place in Mi'kma'ki, which is the traditional and **unceded** territory of the Mi'kmaq and Maliseet peoples. This territory is covered by the Treaties of Peace and Friendship. We acknowledge that all land in Canada is the traditional territory of Indigenous People. As individuals who reside in Canada, we are all Treaty people, and all hold the responsibility to respect and honour these laws.

The understanding of the territory being unceded is significant to understanding of how Nova Scotia has, through systemic anti-indigenous sentiment, failed in its duty of care for the Indigenous Natural Heritage Environment, with the consequent result of a weakened Indigenous culture.

Aboriginal Territorial Rights Violations

- **International Law – Imperium & Dominium**

Consider first that no treaty document exists whereby the peoples of Mi'kma'ki ceded the territory of Mi'kma'ki to any other nation; not to the French Crown, and not to the English Crown.

In the Supreme Court of Canada (SCC) Marshall (1) decision, Judge Binnie, writing for the majority, writes in para 21, "While it is true that there is no applicable land cession treaty in Nova Scotia, it is also true that the Mi'kmaq were largely dispossessed of their lands in any event, and (as elsewhere) assigned to reserves to accommodate the wave of European settlement which the Treaty of 1760 was designed to facilitate. It seems harsh to put aboriginal people in a worse legal position where land has been taken **without their formal cession**..". Additionally, in the same Marshall (1) case, Judge McLachlin, writing for the dissenting position, writes in para 74, "The Treaties of 1760-61 were peace treaties, not land cession treaties…".

One must therefore acknowledge that the peoples of Mi'kma'ki, as the original peoples occupying this territory, still today retain the status of a separate distinct Nation, retaining Imperium and Dominium over this territory. The aboriginal peoples as a distinct Nation, with Nation-to-Nation status within the world of Nations, (equal to the British Crown), retain Territorial Sovereignty (Imperium) and Property Rights, & Right to Resources (Dominium) of this unceded territory.

- **International Law – Par in parem non habet imperium**

Consider next, the International Law principle that the doctrine of Discovery and Occupation do not remove the aboriginal rights over this territory. Under the International Law general principle of "Par in parem non habet imperium", Equals have No Sovereignty over Each Other. By extension, the Municipal, Provincial, and Federal Canadian governments cannot exercise jurisdiction over another sovereign state, & therefore, cannot hold authority over this territory of Mi'kma'ki; they can neither use the resources, occupy the territory, nor convey title to any portion of this territory.

- * **Canadian Constitution Acts 1867 & 1982**
  [Ref A: Canadian Constitution Acts 1867 to 1982;
  Website: https://laws-lois.justice.gc.ca/eng/const/
  PDF: https://laws-lois.justice.gc.ca/PDF/CONST_TRD.pdf]

  [Ref B: Supreme Court of Canada (SCC), R. v. Sioui, 1990, SCR 1025;
  SCC Website: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/608/index.do
  PDF link: https://scc-csc.lexum.com/scc-csc/scc-csc/en/608/1/document.do]

  [Ref C: Honourable Bernard Valcourt, MP, Minister of Aboriginal Affairs & Northern Development; 2013; Speaking notes at the "Creating Canada: From the Royal Proclamation of 1763 to Modern Treaties" symposium; https://www.canada.ca/en/news/archive/2013/10/creating-canada-from-royal-proclamation-1763-modern-treaties-symposium.html]

  [Ref D: The Oxford Handbook of the History of International Law; Bardo Fassbender (ed.), Anne Peters (ed.); Chapt 35 Discovery, Conquest, and Occupation of Territory; https://academic.oup.com/edited-volume/43488/chapter-abstract/363760367?redirectedFrom=fulltext]

The Consolidated Canadian Constitution Acts of 1867 to 1982, section 35, (Ref A) dealing with Aboriginal rights, does not address issues of unceded territory; in this omission the impression is given that these unceded territories are now under the *de jure* sovereignty and control of the Crown and Canada. Nor does the Act provide clarity regarding the definition of Aboriginal rights as it somewhat does for Treaty Rights in 35 (3).

> Ref A; pdf pg 71
> Part II
> Right of the Aboriginal Peoples of Canada
> Recognition of existing aboriginal and treaty rights.
> 35(1) the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

> Definition of aboriginal peoples of Canada
> (2) In this Act, aboriginal peoples of Canada includes the Indian, Inuit and Metis peoples of Canada.
>
> Land Claims agreements
> (3) for greater certainty, in subsection (1) treaty rights includes rights that now exist by way of land claims agreements or may be so acquired.

Examining section 35 of the Constitution, I would offer the reader the need to consider the following in the expectation that this might assist in building an enhanced understanding of the definition of Anti-Indigenous Racism.

Consider the following:

1) Regarding 35(1), what is the definition of "Affirmed"?;
2) Regarding the omission of a clarification of Aboriginal Rights, what do these rights entail, and what is their source?;
3) Regarding the omission of a clarification of how to deal with unceded territory;
    a) what is the mechanism for identifying unceded territory?; and
    b) what is the mechanism by which the Crown/Canada claim *de jure* acquisition of the unceded territory of Mi'kma'ki?.
4) Regarding the clarification of Treaty rights para 35(3), the appearance given is that treaty rights are only associated with land claims agreements; How do we addresss this clarification of Treaty Rights through land claims agreements only?

In the attempt to further develop an understanding of anti-indigenous racism, I offer for consideration that one should review some of the foundational documents of Canada's creation. Two documents have been presented as foundational; The 1763 Treaty of Paris, and the 1763 Royal Proclamation.

The SCC decision of R v Sioui 1990 (Ref B) provides a comment regarding the Treaty of Paris. Justice J. Lamer writes the following regarding Great Britain's acquisition of control over Canada:

> Ref B, pdf pg 28: Treaty of Paris a Foundational document
> Great Britain's *de jure* control of Canda took the form of *the Treaty of Paris* of February 10, 1763, …

I would offer for consideration the recognition of *de jure* control of Canada through the Treaty of Paris is not quite correct.

The historical record does not show acquisition of the territory of Mi'kma'ki from the Mi'kmaq by Treaty or by Purchase with either the French or the English.

Later in this discussion paper, the reader will be presented with some insight into the 1763 Treaty of Paris. The reader will see then that both the English and the French erred in their understanding of *de jure* acquisition / control over the territory of Mi'kma'ki, and by consequence, erred in their writing of the terms of the Treaty of Paris.

One must therefore conclude that Canada has no *de jure* control over the the territory of Mi'kma'ki through Treaty or Purchase.

In that review of the Treaty of Paris later in this paper, we will see how this Treaty provides definition and clarity to the Aboriginal Rights referred to in the Constitution Act 35(1).

Regarding the second foundational document, the notes of Honourable Bernard Valcourt 2013 (Ref C) provide comment regarding the 1763 Royal Proclamation as a foundational document for Canada.

> Ref C: Royal Proclamation a Foundational document
> … Today we commemorate the 250th anniversary of the Royal Proclamation of 1763. This is a unique opportunity to recognize the importance of this foundational document to all Canadians and its crucial role in the development of our territories, and to the treaty relationship that continues today. …
>
> … The Royal Proclamation has served as a basis of the treaty-making process throughout Canada. The protocols and procedures it established …

I will discuss further this Royal Proclamation later in this paper. What we will see is that this Proclamation recognizes Indigenous Peoples as a Nation; a Nation with all its rights or sovereignty and control over its resources.

In examining the Treaty of Paris, and the Royal Proclamation I contend that we will gain clarity on the definition of Aboriginal Rights to be considered when addressing Indigenous Peoples Constitutional Rights.

Regarding the unceded territory of Mi'kma'ki, the question becomes now, by what mechanism has this acquisition happened? By what legal means then does the Crown and Canada claim *de jure* ownership of this territory?

Ref D provides an interesting summary of various doctrines historically used by Europeans to justify colonization.

> Ref D: historical doctrines of colonization:
> Europeans employed a spectrum of legal arguments to justify empire and colonization …
>
> The dominant doctrines were discovery, conquest, cession, and occupation. Publicists and princes frequently appealed to a right of discovery but that argument was rarely taken seriously by jurists. Occupation and cession were the most potent of these legal arguments.
>
> … but conquest was not popular as a legal argument in part because it too readily recalled the Spanish Black Legend of the conquest of the Aztecs and Incas but also because occupation and treaty were particularly suited to agricultural colonization. The reality of conquest was clothed in the more acceptable language of *peaceful occupation*. There was a significant gap, therefore, between the language of the law of nations and the practice of States.

> On matters of empire, international law appeared to be more a system of rhetoric than a system of justice. …
>
> The argument of occupation was frequently employed, however, to state that the land of non-European peoples was already occupied and could not justifiably be seized either by conquest or occupation. The conventions of international law and the law of nations were thus tools which could be turned to a number of different and sometimes conflicting ends.

In the case of Mi'kma'ki, "discovery, conquest, and cession" seem not to be applicable; the territory is considered unceded; the territory was not acquired through discovery or conquest. What remains is "occupation".

"Right of Conquest" would not seem to apply. Reviewing the history behind the Peace and Friendship Treaties of 1760-61 one finds that the British did not consider the Indigenous peoples as conquered. In the Marshall (1) decision, Judge McLaughlin, writing the dissenting opinion, writes in

> para 90: (4) the British wanted peace and a safe environment for settlers and, despite recent victories, **did not feel completely secure in Nova Scotia**.

The question that remains relates to whether Canada's *de jure* control over the territory of Mi'kma'ki was "otherwise" acquired.

What remains are concepts such as "*de Facto*" occupation (occupation in reality, but not officially; as contrasted with *de Jure*, of law, or officially); "*de Recto*" sovereignty (moral right to sovereignty; perhaps a form of the doctrine of First Discovery, & doctrine of Occupation of Terra Nullius); some form of "*Annexation*"; some type of special case law ("*Sui Generis*"); doctrine of "*Underlying Title*"; or by the "*doctrine of First Discovery*", or the "*doctrine of Occupation of Terra Nullius*"; or "*Peaceful Occupation*" (a form of "*de Facto*"). One could contend that each of these could be distilled down as a subcategory of the more simplified term/concept in English common law of "***Adverse Possession***", colloquially described as "***squatter's rights***".

Surely the Crown is not claiming sovereignty and dominium over resources under the premise of "squatter's rights", which at a Nation-to-Nation level, tends towards the systemic anti-indigenous sentiment.

What then is the mechanism that Canada claims *de jure* acquisition of the territory of Mi'kma'ki?

The Canadian Constitution appears to completely dismiss the existence of unceded territory & does not appear to make clear the mechanism by which Canada and the Crown claim sovereignty over unceded territory.

- * **2021 - Canada Act Respecting United Nations Declaration of Rights of Indigenous Peoples (UNDRIP)**
  [Ref A:
  Justice Laws Website: https://laws-lois.justice.gc.ca/eng/acts/u-2.2/
  UNDRIP PDF: https://laws-lois.justice.gc.ca/PDF/U-2.2.pdf]

[Ref B: Govm't Canada; Backgrounder: United Nations Declaration on the Rights of Indigenous Peoples Act; 2021; https://www.justice.gc.ca/eng/declaration/about-apropos.html]

[Ref C: Govm't Canada; Global Affairs Canada's Action Plan on Reconciliation with Indigenous Peoples – 2021-2025; 2022; https://www.international.gc.ca/transparency-transparence/indigenous-reconciliation-autochtones/index.aspx?lang=eng]

Consider next Canadian the Act Respecting United Nations Declaration of Rights of Indigenous Peoples (UNDRIP). This Act provides an additional source of information that will assist us in developing clarity regarding a definition of Anti-Indigenous Racism. The following extracts are of significance.

> Ref C: Canada's Action Plan on Reconciliation
> … On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent and came immediately into force. This legislation advances the implementation of the Declaration as a key step in renewing the Government of Canada's relationship with Indigenous peoples. …
>
> Ref B: Backgrounder UNDRIP
> … The purpose of this Act is to affirm the Declaration as an international human rights instrument that can help interpret and apply Canadian law. It also provides a framework to advance implementation of the Declaration at the federal level. …
>
> Ref A: pdf pg 10; Doctrine of Discovery & Doctrine of Occupation of Terra Nullius - Racist
> **Preamble:**
> … Affirming further that all *doctrines, policies and practices* based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are *racist*, scientifically false, legally invalid, morally condemnable and socially unjust, …

What we note in the Preamble to the Act is the text relating to doctrines, policies and practices that are racist, scientifically false, legally invalid, morally condemnable and socially unjust. What I submit to the reader is that the Doctrine of Discovery, and the Doctrine of Occupation of Terra Nullius are doctrines that are referred to in the act's preamble. These doctrines are recognized as racist, scientifically false, legally invalid, morally condemnable and socially unjust.

With this recognition, I offer for consideration that the Indigenous Peoples' of Mi'kma'ki, not having ceded the territory of Mi'kma'ki, retain sovereignty and dominium over the territory, and that colonization of these territories is expressing the racist doctrine of Occupation of Terra Nullius.

I will discuss further the Doctrine of Discovery and the Doctrine of Occupation of Terra Nullius further in this paper; showing how the Crown, the Colonists, and Canada have expressed policies and actions that equate to the Doctrines of discovery and doctrine of occupation of terra nullius.

- * **Doctrine of Discovery & Doctrine of Occupation of Terra Nullius**

At this point, I would like to offer for consideration some bits of information relating to the Doctrine of Discovery, and Doctrine of Occupation of Terra Nullius in the hopes that they might help all concerned

agencies/parties to understand how this doctrine might apply to Canada in general, & in particular with respect to the territory of Mi'kma'ki; how the expansion/incremental occupation by non-Aboriginal agencies into the Indigenous Heritage Natural Environment of Mi'kma'ki has qualities of systemic racism. Such clarification, may help the various Canadian agencies, and parties to better understand how this might relate to understanding of the racism mentioned in the preamble to the UNDRIP Act, and guide the OEA to address the issues of systemic anti-indigenous racism.

- * Papal "Bulls of Discovery" - 1452, 1455, 1456, 1481, 1493, 1514

  [Ref A: List of Papal Bulls – Wikipedia
  Website: https://en.wikipedia.org/wiki/List_of_papal_bulls]

  [Ref B: Discovery doctrine – Wikipedia;
  Website: https://en.wikipedia.org/wiki/Discovery_doctrine]

  [Ref C: Terra nullius – Wikipedia;
  Website: https://en.wikipedia.org/wiki/Terra_nullius]

  [Ref D: Daniel N. Paul, 2022; We Were Not the Savages, First Nations History, 4th ed., Collision Between European & Native American Civilizations]

  [Ref E: Peter Best and Nina Green, 2022, The 'Doctrine of Discovery' & the Myth of Papal Bulls
  Website: https://www.dorchesterreview.ca/blogs/news/myth-of-papal-bulls]

  [Ref F: Canadian Conference of Catholic Bishops, Canadian Catholic Aboriginal Council, 2016;
  "Doctrine of Discovery" and Terra Nullius: A Catholic Response;
  CCCB Website: https://www.cccb.ca/
  PDF link: https://www.cccb.ca/wp-content/uploads/2017/11/catholic-response-to-doctrine-of-discovery-and-tn.pdf]

  [Ref G: Assembly of First Nations, Dismantling the Doctrine of Discovery, 2018;
  PDF ling: https://www.afn.ca/wp-content/uploads/2018/02/18-01-22-Dismantling-the-Doctrine-of-Discovery-EN.pdf]

The Doctrine of Discovery is a concern of Canada's First Nations. Consideration of the following points regarding the Doctrine are important in that this doctrine is identified in TRC Call-to-Action 47 (noted later in this discussion). The following extract from Ref G provides some basic insight into the First Nation's concerns.

> Ref G: pdf pg 2
> … The Doctrine of Discovery emanates from a series of Papal Bulls (formal statements from the Pope) and extensions, originating in the 1400s. Discovery was used as legal and moral justification for colonial dispossession of sovereign Indigenous Nations, including First Nations in what is now Canada. During the European "Age of Discovery", Christian explorers "claimed" lands for their monarchs who felt they could exploit the land, regardless of the original inhabitants.

> This was invalidly based on the presumed racial superiority of European Christian peoples and was used to dehumanize, exploit and subjugate Indigenous Peoples and dispossess us of our most basic rights. This was the very foundation of genocide. Such ideology lead to practices that continue through modern-day laws and policies.
>
> The Assembly of First Nations remains deeply concerned about the contemporary ramifications of the doctrine of discovery and other discriminatory practices. Now is the time for Canada to finally and formally end any reliance on the doctrine of discovery. …

Two items are of interest for this discussion paper:

1. "This was invalidly based on the presumed racial superiority of European Christian peoples and was used to dehumanize, exploit and subjugate Indigenous Peoples and dispossess us of our most basic rights."; and

2. The Assembly of First Nations remains deeply concerned about the contemporary ramifications of the doctrine of discovery and other discriminatory practices.

In this discussion paper I would like to present to the reader some of the contemporary policies, practices, guidance papers, and such like, which are continuing to express anti-indigenous sentiments systemically held by historical and present-day Colonists of the territory of Mi'kma'ki.

The Conference of Canadian Catholic Bishops have provided an historical review of the Doctrine of Discovery from the Catholic point of view (Ref F). The following extracts provide the reader a short insight into this review.

> Ref F: pdf pg 6: Terminology - Discovery
> **Doctrine of Discovery:**
> The concepts of the "Doctrine of Discovery" and terra nullius are foreign to many people. Yet even when people know the terms, they are often not understood in the same way. For this reason, we will begin by attempting to clarify, from our understanding and perspective, what these terms mean, beginning with the "Doctrine of Discovery."
>
> The "doctrine" of discovery is a legal convention or principle that was not codified until 1823 by a decision of the US Supreme Court, thereby making its way into American common law. This particular ruling made frequent reference to the rights that accrued to European nations by virtue of "discovery," effectively establishing a new legal doctrine. This is why we speak of the "Doctrine of Discovery."
>
> While this principle can be understood in various ways, today it is usually taken to mean that ownership of or sovereignty over land passed automatically to Europeans by virtue of their having "discovered" it, irrespective of the presence of previous Indigenous occupants. However, the actual discovery doctrine is more narrowly circumscribed than this. A later decision of the US Supreme Court summarizes the meaning of the doctrine clearly: …
>
> In other words, the legal "Doctrine of Discovery" is, in the strict sense, a constraint on European nations and individuals and does not legally affect the rights of Indigenous peoples. It does,

however, negatively affect their ability to sell their land to Europeans since they could in theory sell only to whichever European nation had "discovered" their territory. We are well aware, however, that in reality lands belonging to Indigenous peoples were often simply taken and were not freely sold by their Indigenous owners. This brings us to the more dangerous but related concept of terra nullius.

Ref F: pdf pg 7: Terminology - Terra Nullius

Terra nullius

Terra nullius (literally: no one's land) is a term that attempts to explain how Europeans often justified their seizure of Indigenous lands. In effect, Europeans often treated the territories of Indigenous Peoples in the New World (particularly in North America and Australia) as if they were unoccupied and belonging to no one, and therefore free to be taken by whoever discovered them. It seems that in recent years, this idea has become virtually synonymous with the "Doctrine of Discovery" even though the two are distinct issues.

The challenge, from a historical point of view, is that the term terra nullius is not as old as its Latin name suggests. While the "law of the first taker" existed in Roman Law, it generally applied to things like wild animals.

The term terra nullius, however, was not used at all until the late 19th century and was at that time mainly confined to disputes over Antarctica and the North Pole. While we will discuss terra nullius more later in this paper, at this point we can say that the term terra nullius is of quite recent origin and we should be cautious about assuming that there is a single, common legal principle underlying European expansion in the New World.

However, it cannot be doubted that the term terra nullius does point to a historical reality, namely that Europeans, because of their own limited understandings of agriculture, technology, property, and culture, often did see Indigenous land as being essentially unused and therefore free for the taking. That these same Europeans often *seized these lands without the consent* of the land's rightful owners was a profound injustice.

Ref F: pdf pg 12

Bending the Rules: Inventing Justifications for the Seizure of Indigenous Territory

Despite the Papal Bulls mentioned above, European nations knew that they could not, on the basis of theology or canon law, simply claim sovereignty over land inhabited by non-Christians. For this reason, new justifications were invented. We have already spoken about the concept of terra nullius which, even if not actually employed during the Age of Discovery, seems to represent what became an all-too common assumption by many Europeans. This assumption derived from the ancient idea that an unowned land, object, or animal, could be claimed by whoever first discovered it. However, Europeans knew that the New World was well-inhabited. Thus, the claim was sometimes made, *particularly by the English*, that these lands could be considered empty or unowned because their inhabitants were not fully utilizing them – an argument that simply did not exist prior to the Age of Discovery. The idea was that if the land was not being put to "civilized" use – which generally meant widespread agriculture – then it could be considered unused and free to be claimed. This idea, of course, contained certain presuppositions about what constitutes use and ownership – presuppositions which certainly did not favour the Indigenous inhabitants.

> … theologian Francisco de Vitoria in his 1532 work On the Indians. After establishing that the *native peoples possessed true dominium* prior to the arrival of the Spanish, Vitoria notes that …
>
> Ref F: pdf pg 13
> … Most damaging of all, however, was the argument employed explicitly by Spanish colonists that the Indigenous peoples of the Americas were in effect subhuman, or created for natural servitude. …

The items to note at this point are:

1. Europeans seized territory without consent;
2. The English particularly interpreted the "rules" to their advantage;
3. Even in the 1500s, the understanding of Indigenous Peoples rights to possessing dominium over their territory was understood; yet were not applied or recognized; "rules" were bent; and
4. The Spanish particularly held that indigenous peoples could be considered subhuman; as subhuman, they could be considered as property and relegated to a life of slavery. Additionally, given this subhuman categorization, the territory which they occupied is then a Terra Nullius (an unoccupied territory).

In this discussion paper, I hope to reveal to the reader that, even the English had developed a culture, which they encoded into law, where humans could be considered property. This cultural attitude, with its culturally specific system of logic & reasoning, could bend the "rules" to suit a particular purpose; or group of individuals. I furthermore, submit that this same culturally specific system of logic & reasoning permeates (although unknowingly, & therefore, to be considered systemically) the culture of both the historical, and present-day colonizers of the territory of Mi'kma'ki.

As a starting point one should identify the sources of the Doctrine of Discovery. From a review of various sources, I believe the "Bulls of Discovery" include the following;

> 1452 bull Dum Diversas, Pope Nicholas V;
> 1455 bull Romanus Pontifex, Pope Nicholas V;
> 1456 bull Inter Caetera, Pope Clixtus III;
> 1481 renewal of bull Inter Caetera, Pope Sixtus IV
> 1493 bull Inter Caetera, Pope Alexander VI;
> 1514 bull Precelse denotionis, Pope Leo X.

One must next consider how these Bulls are issued and subsequently promulgated within a Nation; as I understand the issue, in Medieval and Renaissance Europe, the popes issued the bulls, but it was the job of kings to promulgate and enforce them in their kingdoms.

Consideration should then be given, with respect to British colonization of Canada, that these Bulls of Discovery did not apply/were not considered by the British Crown, as the crown had moved away from the Catholic religion and these Catholic bulls would not have impact on the British realm. Parliament's passage of the Act of Supremacy in 1534 was the break from the Catholic Church making the king the Supreme Head of the Church of England. Not till the 1600s did Henry Hudson first arrive, and not until 1700s did Britain engage in conflict with the French; these events all after the Papal Repudiation of the Bulls of Discovery with the Bull Sublimis Deus 1537.

Ref B provides some indication that both France & England disputed the Bulls of Discovery.

> Ref B: Bulls disputed by France & England
> France and England also disputed the notion that discovery by itself could provide title over lands inhabited by non-Christians. In 1541, French plans to establish colonies in Canada drew protests from Spain. In response, France effectively repudiated the papal bulls and claims based on discovery without possession, the French king stating that "Popes hold spiritual jurisdiction, and it does not lie with them to distribute land amongst kings" and that "passing by and discovering with the eye was not taking possession."[11]
>
> Similarly, when in 1580 Spain protested to Elizabeth I about Francis Drake's violation of the Spanish sphere, the **English queen** replied that popes had no right to grant the world to princes, that she owed no allegiance to the Pope, and that mere symbolic gestures (such as erecting monuments or naming rivers) did not give property rights.[12]

As Official policies, the Bulls of Discovery appear to only relate / impact / have influence in only certain Catholic dominated nations such as Spain & Portugal.

The follow-on questions relates to the doctrine of Occupation of Terra Nullius; what is it? what is it's origin? how has it been applied? How does it continue to weave its way into modern day actions in the territory of Mi'kma'ki.

Ref C provides some background history.

> Ref C: Terra Nullius definition, & history:
> Terra nullius (/ˈtɛrə nʌˈlaɪəs/, plural terrae nullius) is a Latin expression meaning "nobody's land".[1] It *was a* principle sometimes used in international law to justify claims that territory may be acquired by a state's occupation of it.[a][3] There are currently three territories claimed to be terra nullius, two of which are caused by border disputes between sovereign states.
>
> In international law, terra nullius is territory which belongs to no state. Sovereignty over territory which is terra nullius can be acquired by any state by occupation.[4] According to Oppenheim:
>
> > "The only territory which can be the object of occupation is that which does not already belong to another state, whether it is uninhabited, or inhabited by persons whose community is not considered to be a state; for individuals may live on as territory without forming themselves into a state proper exercising sovereignty over such territory."[5]
>
> Occupation of terra nullius is one of several ways in which a state can *acquire territory* under international law. The other means of acquiring territory are *conquest*, *cession by agreement*, *accretion* through the operations of nature, and *prescription* through the continuous exercise of sovereignty.[6][7]
>
> Although the term terra nullius was not used in international law before the late nineteenth century,[8] some writers have traced the concept to the Roman law term res nullius, meaning nobody's thing. In Roman law, things that were res nullius, such as wild animals (ferae bestiae), lost slaves and abandoned buildings could be taken as property by anyone by seizure. Benton and

> Strauman, however, state that the derivation of terra nullius from res nullius is "by analogy" only.[9][b]
>
> Sixteenth century writings on res nullius were in the context of European colonisation in the New World and the doctrine of discovery. In 1535, Domingo de Soto argued that Spain had no right to the Americas because the lands had not been res nullius at the time of discovery.[10] Francisco di Vitoria, in 1539, also used the res nullius analogy to argue that the indigenous populations of the Americas, although "barbarians", had both sovereignty and private ownership over their lands, and that the Spanish had gained no legal right to possession through mere discovery of these lands.[11] Nevertheless, Vitoria stated that the Spanish possibly had a limited right to rule the indigenous Americans because the latter "are unsuited to setting up or administering a commonwealth both legitimate and ordered in human and civil terms."[12]

As the reader will see from the above extract, the acquisition of inhabited territory by "occupation" was considered legitimate only if the inhabitants had not formed a community that could be considered to be a state. If the inhabitants have not formed a community that can be considered a state, then the territory can be considered a Terra Nullius. As we noted earlier, the question relating to Canada's *de jure* authority over the territory of Mi'kma'ki can be considered under this "doctrine of Occupation", or in more legal terminology, under the concept of "Adverse Possession". The question that arises is whether Canada's claim to *de jure* acquisition through occupation can be recognized as legitimate. Given our understanding of the historical community structure of the Indigenous People's of Mi'kma'ki is that this community was in fact very much organized; with a governing structure, a system of justice, & in many ways more advanced than that of the colonizing Europeans (Ref D); ie. an organized state (under English cultural logic & reasoning); we can conclude that these Indigenous Peoples were in fact organized in the manner of a recognized state. In that these peoples were and still are organized as a state, the acquisition of the territory under the term "occupation" would not then be applicable.

Regarding the use of the term Terra Nullius in papal bulls, some question seems to exist regarding Pope Urban II papal bull using the term.

> Ref E: Pope Urban II & myth of Terra Nullius
> … The first of these ancient edicts is the Bull of 1095 issued by Pope Urban II which allegedly mentions terra nullius. But fact-checking reveals that this is a myth. Urban II did issue a Papal Bull in 1095, but it had to do with the excommunication of the ruler of the Kingdom of Aragon (in Spain), and makes no mention of terra nullius. …

As this discussion progresses, I hope to reveal to the reader how this Doctrine/Policy of Occupation of Terra Nullius, (ie. Adverse Possession), has in fact been effectively applied in Canada at an unofficial level; most likely, unknowingly. To not know that the actions of occupation of Mi'kma'ki under the concept of Terra Nullius is this colonial culture's systemic reflection of its anti-indigenous "sentiment".

- 1573 – Papal Repudiation of Bulls of Discovery - Papal Bull Sublimis Deus, 1537:
  [https://www.papalencyclicals.net/paul03/p3subli.htm]

Next, consideration should be given to Pope Paul III, Papal Bull *Sublimis Deus*, 1537, on the Enslavement & Evangelization of Indians.

As I understand this Papal Bull, it has served to correct & repudiate any Bulls of Discovery along with any other such racist documents.

> ..."We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of His flock who are outside into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the Catholic Faith but, according to our information, they desire exceedingly to receive it. Desiring to provide ample remedy for these evils, We define and declare by these Our letters, or by any translation thereof signed by any notary public and sealed with the seal of any ecclesiastical dignitary, to which the same credit shall be given as to the originals, that, notwithstanding whatever may have been or may be said to the contrary, the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the faith of Jesus Christ; and that they may and should, freely and legitimately, enjoy their liberty and the possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and have no effect." ...

Here then, we see that the Catholic Church has renounced Bulls of Discovery. Significantly, one should note that this Bull of repudiation also recognized the Indigenous peoples' rights to territory and liberty … "are by no means to be deprived of their liberty or the possession of their property" …

- 1610 – Mikmaq Concordat with Holy See

James Youndblood Henderson, in his book "The Mikmaw Concordat", describes a Concordat (agreement/treaty) between the Mikmaw and the Holy See, which provides evidence of the Papal recognition of Mi'kma'ki as a Nation State within the Holy Roman Empire, and effectively ends discussions relating to the French king's royal prerogative / authority over the peoples of Mi'kma'ki.

Henderson references R.G. Thwaites' 1856-96 notes of "Jesuit Relations and Allied Documents", describing this Concordat as having solidified a kinship type relationship "with the French; brother, good friend, ally, confederate, and comrade of the king and of the French."

This, I suspect, is the model that was understood by the Indigenous peoples of Mi'kma'ki to take effect under the Halifax Peace and Friendship Treaties of 1760-61; Mi'kma'ki to be recognized as a Nation State.

- Charles II (1660-1685) – Common Law of Slavery for England & Empire

[https://www.cambridge.org/core/journals/law-and-history-review/article/creating-a-common-law-of-slavery-for-england-and-its-new-world-empire/8D27552070D9A6CD478BA9912DEFB26B]
Brewer, H. (2021). Creating a Common Law of Slavery for England and its New World Empire.
Law and History Review, 39(4), 765-834.
Published online by Cambridge University Press: 21 February 2022

In the research paper by Brewer H., 2021, Creating a Common Law of Slavery for England & its New World Empire; Law & History Review Nov 2021, Vol. 39, No. 4, [found at the above link], we find a discussion relating to the creation of a Common Law of Slavery for England & its Empire. This work represents a large body of research done by Brewer which reveals English cultural attitudes towards human society and the Common Law mechanisms they used to systematically entrench in law a racist

approach to human society. The following excerpt provides some insight into the English approach to treatment and classification of human beings & to some small extent it presents a picture of the state of the legal system in England in the 1600s & 1700s.

Although Brewer's work is directed primarily to the development of Common Law of Slavery, the work identifies underlying cultural attitudes that are relevant to the discussion of dismantling Systemic Anti-Indigenous Racism in Nova Scotia. These same cultural attitudes carried over to the treatment of the Indigenous Peoples of the Empire, and with respect to this discussion, to the Indigenous Peoples of Mi'kma'ki. These racist cultural attitudes remained embedded in English society for many years, with slavery being prohibited by British parliament finally in 1834.

Several excerpts are provided further below. These are of interest for following several reasons:

- Firstly, they reveal a relationship between the non-Catholic rule in England, and the Papal Bulls of Discovery noted earlier in this discussion paper. Non-Catholic England implemented the elements of the Papal Bulls of Discovery through the creation of a Common Law of Slavery;

- Secondly, these excerpts highlight how laws were developed in the English system of Common Law to systematically entrench racism by a system of categorizing human beings; and

- Thirdly, these excerpts highlight the agencies engaged, and mechanisms used in this systemic racist categorization of human beings for the purpose of supporting a newly emerging capitalism.

- *English Common Law developed to define Slaves as Property*

The following excerpts reveal the involvement of the Crown & Judges appointed by the Crown in the development of English Common Law to define certain human beings as property.

> pdf pg 2
> … "his" [Charles II's] judges in the sense that they held their seats "during his pleasure"— presided over a series of rulings that made slavery legal not only in England itself, but also in its empire. These judges held that people could be "goods" or absolute property if they were "infidels" (and therefore legally aliens), and that their status could be perpetual and hereditary.
> These rulings brought the phalanx of English property law to support slavery.
>
> pdf pg 4
> Not only did the common law on slavery change profoundly during the seventeenth and eighteenth centuries: the common-law became an instrument of crown policy. It provided a foundation for a common law of slavery in all English colonies and for the slave trade.
> It created a legal fiction—since people were not and are not actually things—upon which to base (and litigate) the ownership of people.

In the above excerpt the reader will see striking similarities between the English Common Law for Slavery and the Papal Bulls of Discovery. In both, people were things; humans classed as "infidels" which were considered property. In effect, non-Catholic England has instituted laws, equal to the Papal Bulls of Discovery, & the associated doctrine of possession/occupation of Terra Nullius; which allow colonists to take property, & territory in the new world where infidels resided without concern for the

aboriginal peoples residing there. The territory of Mi'kma'ki, and in particular the territory of the current province of Nova Scotia were territories subject to this English common law. The attitudes resulting from this cultural mindset certainly had an impact on how the English dealt with the indigenous peoples of this territory.

- *English Courts used to circumvent Parliament*

What we see from Brewer's research is the power struggle which developed after the three English Civil Wars (1639 – 1653). The struggle between Royalists, where the King was considered to have absolute power, & the Parliamentarians (Republicans) fighting for parliament's rights to participate in governing of the country& the Empire. Mixed in with this struggle are the English Courts, the Privy Council, &, as we will discuss later, very significantly, the Lords / Board of Trade. The Courts being manipulated by the King, as highlighted earlier, reflecting the interests of the King. The Lords / Board of Trade representing the interests of merchants engaged in a newly rising capitalism, also had a significant impact on the how the English dealt with the indigenous peoples of the territory of Mi'kma'ki.

> pdf pg 4
> Royal decrees could shape policies in their empires, even though they were imperfectly enforced. This article tells the strange but compelling history of how the kings of England, unable to simply issue royal decrees, used the courts to circumvent Parliament and to legitimate slavery, beginning with a 1677 case called Butts v. Penny. More generally, the courts under Charles II and James II, as under their father, Charles I, had often allowed English kings to circumvent Parliament, to ignore laws and to effectively create new ones. Courts became such crucial instruments of absolutism that after the revolution against James II in 1688, the revolutionary "Convention Parliament" that met in the spring of 1689 purged and punished all twelve high court justices of the common law courts and decreed that no decisions from James II's reign should ever be cited as precedent. The new cadre of justices after the Glorious Revolution, led by Sir John Holt, furthermore, sought to overturn the court's decisions on slavery from Charles II's reign. After King William's death and then his judges' deaths, however, those reversals would be in turn countermanded.
>
> pdf pg 5
> American slavery therefore did not emerge "beyond the line" of English justice, but within it. While colonial legislatures could and did make some separate codes, those codes could not be "repugnant"—contradictory—to English law. They had to conform to it. Such conformity was increasingly enforced in an expanding network of royal colonies, within which all laws had to be approved by royal governors with strict instructions from the king, Privy Council, and other government oversight bodies such as the Council on Jamaica (in the 1660s), the Council on Foreign Plantations, and later the *Board of Trade*.

In the above two excerpts, we see the use & influence of Royal proclamations with their interconnection to Parliament & the Board of Trade (at one point referred to as Lords of Trade). Here I bring the readers attention to the influence of the Board of Trade on how the colonies developed. The economic development of Nova Scotia, in its early history, was greatly influenced by the Lords / Board of Trade. Business & Capitalism had significant influence in the early economy, the early settlement, &the relationships with Aboriginal peoples. The Board of Trade had influence in Treaties that were developed, & how territory was to be claimed & occupied. The Board of Trade with its mindset developed around a Common Law of Slavery for England & its colonies, with a mindset that infidels were

not human, would, with this same cultural mindset, then develop trade policies, &settlement policies embracing a strong anti-aboriginal mindset; a colonial supremist approach. The Board of Trade had influence over Parliament and to some extent the King of the time.

I would at this point direct the reader to the concept of culture and education influencing a person's reasoning. Reasoning is directly related to cultural and educational background of the individual. The reasoning of the individual is reflected in the individual's approach to ethics, and integrity of actions. In the analysis of anti-indigenous racism, one must therefore examine the culture of the time, and the changes in that culture over time.

In the case of the Board of Trade, the culture of the country at the time had been thoroughly entrenched. Being so entrenched, this cultural and educational upbringing impacted the thinking and by extension the reasoning of the people within that culture. With such entrenched thinking & reasoning, any decisions made that might impact the aboriginal peoples of Nova Scotia would have a bias toward the decision makers cultural upbringing & training. We see in the time of Charles II, a reasoning the legitimized the enslavement of indigenous people of Africa. In the case of the Board of Trade, [who had administrative responsibilities for the colonies, which included the administration of the Slave Trade], and the colonizers, the bias would tend towards the benefit of the colonizers with their colonial supremist cultural indoctrination; the remnants of which are still present today in Nova Scotia.

- *English Cultural Attitudes towards Slavery*

Furthermore, Brewer compares the cultural attitude of the British toward people as property with that of India's caste system which at least recognized the humanity of the lowest rung.

> pdf pg 7
> By using the courts to approximate an imperial slave code, however, Charles II used a blunt and clumsy instrument to adjust a delicate system of justice according to which colonial law too had to operate. They created system in which people could be more completely property under the common law than under the civil law of other empires. Instead of creating what was in effect a "caste" system as in India or early modern Spanish America, which recognized the humanity of those on the lowest rung, the ***English crown relied on justices to bluntly rule that people were property***.
>
> pdf pg 8
> The judges twisted these legal rationales into a rope that combined feudalism with capitalism, one that defined people as perpetual & hereditary property. They thereby rationalized an exploitative labor system highly compatible with early capitalism; indeed, they created a kind of **extreme capitalism, where even people were things**, one which would continue, in its basic procedures and writs, into the Antebellum United States.

I offer to the reader to consider how this English culture of supremacism permeated the society of the time. This permeated the Crown, the Judges, the Board of Trade, much of the business community, and likely very much the whole society. With this engrained cultural attitude, the aboriginal societies are approached with an attitude of "pushing them aside; they will not stand in the way of our colonial expansion".

Later we see King George III's proclamation of 1763 attempting to steer these attitudes of colonist expansion into aboriginal territory in a different direction, but with little success. The question that arises in one's mind is why did this proclamation not succeed? Why was it ignored? Could the elements of the colonist's supremacist attitudes & culture have been so engrained that they affected the thinking of these remote colonisers? What grains of the supremist attitudes impacted the development of treaties at the time? What grains of this supremacism remain even in our Canadian culture, and Judicial system? What legal ropes have been spun & twisted to permit continued colonial expansion into unceded territory?

- *Charles manipulates Courts*

As we see from the following extract of Brewer's work, not all of society or Judges had embedded this cultural supremist attitude of people as property.

> Pdf pg 22
> Unable to get an imperial slave code through Parliament, **Charles II turned to the courts.** But he had limited power over the high court until 1676. In 1660, Charles II had originally appointed Sir Mathew Hale, one of the few moderate judges, using a writ that allowed him to serve during "good behavior." So Charles could not merely fire Hale as chief justice in 1674: he had to be impeached. On the question of slavery, Hale was uncooperative. Hale never presided over a case that recognized slavery as legal in England or its empire.
>
> Instead, in a quiet rebuke to crown justifications for slavery, Hale published a treatise on the "origination of man" in which he argued that all peoples around the world have a common parentage. **Everyone, including "heathens," have some of God's essence. Hale argued that even infidels were under God's (and the law's) protection.** Although a philosophic work, it was **widely read**. Morgan Godwyn, a minister in Barbados, for example, used Hale's arguments to argue against planters' justifications for slavery in Barbados.
>
> After Hale's death in February 1676, the king chose a new chief justice who would more readily accede to his wishes: Sir Richard Rainsford.

- *Enslavement of Indigenous People in Canada*

> [https://www.thecanadianencyclopedia.ca/en/article/slavery-of-indigenous-people-in-canada#:~:text=To%20a%20tremendous%20extent%2C%20the,French%20Canada%20began%20to%20decline.]
> Lawrence, B. 2020; Enslavement of Indigenous People of Canada.

The following extracts are from an article by B. Lawrence, published online 2020. Of interest to this discussion paper is the extent to which Indigenous peoples were enslaved in Canada.

> To a tremendous extent, the enslavement of Indigenous peoples defines slavery in Canada. Fully two-thirds of the slaves in the colony of New France were Indigenous. After 1750, the number of Indigenous slaves brought into French Canada began to decline. When slavery was abolished in British colonies in 1834, Black slaves far outnumbered Indigenous slaves.… The enslavement of

> Indigenous peoples is part of a dark legacy of colonization that has had implications on generations of Indigenous peoples in Canada and throughout North America.
>
> Indigenous enslavement was central to the survival of England's southern colonies; all relied almost entirely on Indigenous slaves initially, for personal service and to break the land for plantations. African slaves were less popular during this time because they were more expensive. It was cheaper to buy (or ultimately, to capture) Indigenous people. These slaves were exported and traded north to New England and Canada or south to South America in exchange for other Indigenous slaves. …
>
> The Indigenous slave trade ended after the Yamasee War of 1715–17, when Indigenous nations in Britain's southern colonies went to war against the British to stop the slave trade and European expansion into their territories. From that point, the southern colonies began relying on African slaves. However, Indigenous peoples continued to be enslaved alongside African people until slavery was abolished.

What is important to note here is that slavery of both Indigenous North American, & African peoples existed for many years. For the English, slavery was a business that supported their newly emerging capitalist merchants, and provided much needed taxes to support the Crown and the Empire. Profit was the key in varying degrees for the Crown(s) as well as the merchants. Racist attitudes were well entrenched in a large part of the culture, both in England & its colonies. With the act of abolishing slavery, can one also assume that the racist, supremist cultural attitudes disappeared? Certainly not; one legislative act will not change cultural attitudes. What are the remnants of this old cultural attitude in today's society? If remnants continue to be embedded in our modern society, to what extent to they affect societal decisions; to what extent to they affect legal decisions?

- Question of Crown Integrity

At this point I will digress slightly to reflect on the issue of the presumption of the integrity of the Crown; often cited as one of the principle elements in law that deals with Indigenous Rights.

With Charles' II influence on the Judiciary and resulting entrenchment of the concept of human beings as property in English Common Law, one must question the integrity of the Crown of the time. Using a modern-day perspective, the integrity of Charles' II & his judiciary must be questioned. The principle of Cown Integrity is considered fundamental in modern day interpretation of Indigenous treaties, & land claims. The question that arises is at what point in time did the "integrity of the Crown" switch from that of the time of Charles II to that of modern day? Additionally, one must question to what extent does the legacy culture of Charles II & the judiciary of the time, maintain a thread into our modern judiciary?

I offer for consideration the question - "to what extent did this culture with its supremist attitude prevail in English society; and to what extent the attitude of England differed from the colonists". Consideration, I believe, should be given to the possibility that remnants of the cultural supremist attitude towards aboriginal peoples remains in Nova Scotia.

- *Slavery Abolition Timeline*

[https://www.thecanadianencyclopedia.ca/en/article/slavery-abolition-act-1833]

Henry, N., 2021; Slavery Abolition Act, 1833

An examination of the timeline for the abolition of the slave trade and of slavery itself may provide some insight into the cultural attitudes of the British empire; attitudes which reflect or impact the reasoning and decision-making processes of the people, and by extension the agencies they are associated with. Effectively, I wonder if an examination of this timeline could provide some insight into the question of the Integrity of the Crown; when did it the culture change to the point where we could assume the integrity of the crown in its dealings with Indigenous peoples of the empire and in particular the indigenous peoples of Mi'kma'ki.

Examining some of the significant dates relating to the final abolition of the slave trade, and of slavery itself in the British empire one sees the following:

a. 1793 – Parliament of Upper Canada abolished the slave trade, but not slavery.
b. 1807 – Britain abolished the Slave Trade with the Slave Trade Act signed into law by King George II, in March of 1807. The idea at the time was that by abolishing the Trade in Slaves, the knock-on effect would be that Slavery itself would die out. This Slave Trade Act saw a concerted British effort through the Royal Navy to intercept and prosecute slavers. This Royal Navy action had some difficulties and some successes.
c. 1833 – Britain abolished Slavery with the Slavery Abolition Act of 1833; this Act did not include the non-Crown territories administered by the British East India Company.
d. 1843 – Indian Slavery Act of 1843 dealt with prohibition of East India Company employees.
e. 1862 – Indian Penal Code, which came into force in 1862, effectively abolishes slavery in British India by making the enslavement of human beings a criminal offense. (one must note that the Indenture System arose in response to the demands for cheap labour; a system some historians can be compared to slavery under a different name)
f. 1865 – American Civil War ends;
g. 1886 – Slavery abolished in Cuba

The following excerpt from the above link, describes some interesting aspects of the Slavery Abolition Act as it relates to British North America, as well as to this discussion paper.

> As an imperial statute, the *Slavery Abolition Act* liberated less than 50 enslaved Africans in British North America. For most enslaved people in British North America, however, the *Act* resulted only in partial liberation, as it only emancipated children under the age of six, while others were to be retained for four to six years as apprentices. Twenty million English pounds (£20,000,000) were made available by the British government to pay for damages suffered by owners of registered slaves, but none was sent to slaveholders in British North America. Those formerly enslaved did not receive any compensation either.
> This legislation also made Canada free land for enslaved black Americans.

When we examine the timeline to find hints of when cultural attitudes had changed, we must consider the Trade in Slaves, Slavery itself, and significantly, the Trade in Goods produced from slavery / slave labour.

The timeline of the abolition of the slave trade, and then of slavery itself in the British empire reflects the changes in cultural attitudes of both the British empire, as well as several of the other European

nations of the time. It is culture and education that informs a person's reasoning. This relationship between culture, education, and reasoning is significant with respect to this discussion of anti-indigenous racism within the colony of Nova Scotia. A culture which has reasoned that a need exists for slavery; that people can be relegated to slavery as a matter of course; that humans can be categorized as property; is a culture that is likely to apply similarly twisted reasoning to other aspects of its dealing with indigenous peoples in its empire. It is this relationship between culture and reasoning which one must hold onto when reviewing the interactions of the colonists with the indigenous peoples of Mi'kma'ki, and in particular those peoples occupying the territory of the current province of Nova Scotia, as it is this reasoning which directly reflects the cultural ethics and integrity.

Examining the timeline we see the signs of change with the enactment of the Slave Trade Act of 1807, and subsequent efforts to prosecute slavers. One could potentially consider that this marks an inflection point for beginning to possibility of assuming the Integrity of the Crown in its dealings with Indigenous peoples of the British Empire.

The cultural attitudes of the empire have not completely changed with this Act of 1807, as we see that not until 1862 does the Indian Penal Code come into effect to make taking a human into slavery a criminal offence within British India.

When one considers the issues of Trade in Goods produced from slave labour, one must consider, for example, products such as cotton produced in the plantations of the Southern Unites States, and sugar produced from the plantations of Cuba. Britain was a large consumer of sugar produced from the plantations of Cuba. As well, cotton was in great demand by the British weaving / fabric industry. Slave picked cotton was used by the British fabric industry for the production of many fine cloths. These valued cloths were then used in the purchase of slaves off the coast of West Africa from the local African kings involved in the capture and transport of slave to the coast. The slaves then transported to the Americas to pick the cotton. The demand for slaves was constant, in that the life expectance under the harsh conditions was not very long. With the end of the civil war in the United States or the end of slavery in Cuba, for example, did the British trade in these goods become free of the taint of slavery?

Thomas in his work (The Slave Trade) provides several notes regarding the hypocrisy of the Trade in Goods produced from slave labour. The following is an example extract.

> Pdf 733
> "[Richard] Cobden (one of the supporters of the Free Trade group in Parliament), the great Free Trader, who lived in Cottonopolis – Manchester – put the matter even more brutally; what moral right had the Englis, the largest sellers of textiles to Brazil, made from slave-grown cotton, to refuse to take slave-grown sugar in return?... Did not British firms sell three-eights of the sugar, half the coffee, and as much as five-eighths, of the cotton exported from Brazill?... In 1845, …Macaulay, the Whig historian… insisted on the hypocrisy of importing, for refining and re-exporting, Brazilian sugar: "We import the accursed thing; we bond it; we employ our skill and machinery to render it more alluring to the eye and to the palate; we export it to Leghorn and to Hamburg; we send it to the coffee houses of Italy and Germany; we pocket a profit on all this; and then, we put on a pharisaical air, and thank God that we are not like those sinful [others], who have no scruple about swallowing slave-grown sugar".

One could start to consider that the cultural attitudes in the British empire, both at home and abroad, had changed sufficiently towards the end of the 19th century. Here perhaps is the inflection point where we can begin to perhaps assume the integrity of the Crown. But one must look further to confirm this inflection point in Canada, and in particular in Nova Scotia and the territory of Mi'kma'ki.

- *Indigenous Residential Schools& Doctrines of Discovery & Occupation of Terra Nullius*

  [https://www.anishinabek.ca/wp-content/uploads/2016/07/An-Overview-of-the-IRS-System-Booklet.pdf]
  Union of Ontario Indians, 2013; booklet – An Overview of the Indian Residential School System

A review of the timeline for Canada's Indigenous Residential School system may assist in uncovering an inflection point where one can see a shift from lack of integrity in the time of Charles II, to a time when one can begin to presume the Integrity of the Crown in its dealings with Indigenous peoples, and in particular the Indigenous Peoples of Mi'kma'ki.

In studying the timeline of Canadian Indigenous Residential Schools, an understanding of the mindset of the Crown is helpful. The following extract from the Union of Ontario Indian's booklet referenced above is enlightening.

> Pdf pg 3
> Duncan Campbell Scott, who was the Deputy Minister of Indian Affairs in Canada in 1920, has been quoted on the record saying;
> "I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone... Our **objective** is to continue until there is **not a single Indian in Canada** that has not been **absorbed** into the body politic and there is **no Indian question**, and **no Indian Department**."

It is in this cultural attitude of the Crown and likely the majority of the Canadian colonists, that leaves one doubting the integrity of the Crown; the presumption of Integrity is a false presumption. The effect of assimilation / absorption of Indigenous peoples into the body politic; to continue until there is not a single Indian in Canada, and until there is no Indian question and no Indian Department is the essence of a mechanism by which the Crown and the population of colonists can execute within Canada, a Doctrine of Discovery and a doctrine for the Occupation of Terra Nullius.

When the Supreme Court of Canada states that "The **doctrine of terra nullius** (that no one owned the land prior to European assertion of sovereignty) **never applied in Canada**, …", the SCC is incorrect. The mechanism by which the Crown, Canada, and colonists applied the doctrine is through the Canadian Indigenous Residential School System, with its objective of eliminating the Indian question, and thereby opening up all territory to occupation. Once absorbed into the general English culture, the Indigenous culture would no longer exist. The people as Indigenous owners of the territory would no longer exist. The territory then becomes a Terra Nullius; a land not occupied. A land open for the taking.

The following timeline of Canada's Residential School System is taken from a number of online sources.

> The Canadian Encyclopedia (undated); Timeline Residential Schools
> [https://www.thecanadianencyclopedia.ca/en/timeline/residential-schools]

National Centre for Truth & Reconciliation (undated) Residential School Timeline [https://nctr.ca/exhibits/residential-school-timeline/]

Thomson, S., 2021: Timeline: Residential Schools stretch across Canada's entire history [https://thehub.ca/2021-06-10/timeline-residential-schools-stretch-across-canadas-entire-history/]

Hanson, E., 2009; Gamez, D., & Manuel, A., (2020); Indigenous Foundations Arts UBC The Residential School system [https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/]

a. 1620 – Mission Schools for Indigenous Children Established: For more than two hundred years, from the early 1600s to the 1800s, religious orders run mission schools for Indigenous children — the precursors to the Government of Canada's residential school system. The early origins of residential schools in Canada are found in the implementation of the mission system in the 1600s. The churches and European settlers brought with them the **assumption that their own civilization was the pinnacle of human achievement**. They interpreted the socio-cultural differences between themselves and Indigenous Peoples as "proof" that Canada's first inhabitants were ignorant, savage, and—like children—in need of guidance. They felt the need to "civilize" Indigenous Peoples. Education—a federal responsibility—became the primary means to this end.
b. 1857 – The Gradual Civilization Act: The Gradual Civilization Act requires male Status Indians & Métis over the age of 21 to read, write & speak either English or French, & to choose a government-approved surname. It awards 50 acres of land to any "sufficiently advanced" Indigenous male, & in return removes any tribal affiliation or treaty rights.
c. 1867 – British North America Act: the federal government takes authority over First Nations & land reserved for First Nations. This authority would later extend to education of Status Indians.
d. 1876 – Indian Act: The Indian Act is introduced. The Act aims to eradicate First Nations culture in favour of assimilation into Euro-Canadian society. The Act also reinforces that Status Indians must voluntarily give up status & treaty rights to vote federally. Status Indian women are barred from voting in band council elections.
e. 1883 – Residential Schools Authorized: Based on the recommendations of the Davin Report, Sir John A. Macdonald authorizes the creation of the residential school system, designed to isolate Indigenous children from their families and cut all ties to their culture.
f. 1884 – Residential Schools Act: Amendments to the Indian Act of 1876 provide for the creation of residential schools, funded, & operated by the Government of Canada& Roman Catholic, Anglican, Methodist, Presbyterian & United churches.
g. 1885 – Indian Act Amendment: Traditional Indian ceremonies, such as potlatches and the Sun Dance, are prohibited.
h. 1920 – Mandatory Attendance: Deputy Superintendent General of Indian Affairs, Duncan Campbell Scott, makes attendance at residential school mandatory for every First Nations child between 7 and 16 years of age. This policy was also inconsistently applied to Métis and Inuit children.
i. 1951 – Sixties Scoop: The "Sixties Scoop" begins after amendments to the Indian Act give provinces jurisdiction over child welfare on reserves. Over the following decades, more than 20,000 First Nation, Métis and Inuit children are "scooped" from their homes & adopted into

predominantly non-Indigenous families, leaving many adoptees with a lost sense of cultural identity.

j. 1958 – Abolition of Residential Schools recommended: Indian Affairs regional inspectors recommend the abolition of residential schools
k. 1982 – Constitution Act Amendment: The Constitution Act is amended and now recognizes and affirms the rights of "Indian, Inuit, and Métis peoples of Canada."
l. 1980s – Cdn Legal system responds to allegations of abuse: It was not until the late 1980s that the Canadian legal system began to respond to allegations of abuse brought forward by survivors, with fewer than fifty convictions coming out of more than 38,000 claims of sexual and physical abuse submitted to the independent adjudication process.
m. 1996 – Last Federally Operated Residential School Closes: The last federally-run facility, Gordon's Residential School in Punnichy, Saskatchewan, closes.
n. 1997 –Grollier Hall Closes: The Roman Catholic Church chooses not to renew its contract due to lack of "religious personnel." Enrolment continues to decline throughout the 1990s until Grollier Hall is turned over to Aurora College in the summer of 1997, marking the end of the residential school system in the North.
o. 1998 – St. Michael's Indian Residential School Closes: St. Michael's Indian Residential Schools, the final band-run school, is closed.
p. 2015 –Truth & Reconciliation Commission final report; Canada's Truth and Reconciliation Commission releases a final report, describing the school system as "cultural genocide," with 95 calls to action and a demand for an apology from the Pope.

What one can determine from the above timeline is that the Cultural Assimilation of Indigenous Peoples by the Crown, Canada, and its various agents has had a long Canadian history. Not until 2015 has some mechanism for understanding and reconciliation been attempted. However, even with this TRC report, the 95 Calls-to-Action will only be implemented, hopefully, at some time into the future. With many years left to fully implement the Calls-to-Action, the threat of the Doctrine of Discovery and occupation of Terra Nullius created by the Canadian Residential School system will weave its way into the future fabric of the nation and in particular for this discussion, the future fabric of Nova Scotia.

It is this objective of assimilation that is important to recognize as the mechanism by which the Crown, Canada, its various agents, and to some extent the population of colonists, attempt to execute a Doctrine of Discovery and subsequent Occupation of Terra Nullius. Once the Indigenous peoples have been assimilated, the question of Sovereignty and Dominion over resources goes away. The colonists then have freedom to manoeuvre; freedom to occupy the territory.

This timeline now gives one the information to judge where an inflection point might be identified which allows us to make the presumption of the Integrity of the Crown, both in Canada and also in England. One can see some changes developing in the Canadian culture around the 1950s with the recommendations to abolish the residential school system. However, the last of that system was not closed until 1998. Another major milestone marking possible cultural change is with the 2015 TRC commission report. However, with the 95 Calls-to-Action yet to be fully implemented, and as we discuss later, some with troubling progress or even incorrectly focused, the cultural change needed to allow one to fully presume integrity of the Crown, Canada, and its agents may still be considered somewhat not fully founded.

Without the full presumption of Integrity, one must call into question the various dealings between the Crown, Canada, its agents, and the Indigenous Peoples of Canada. Dealings such as treaties; dealings such as trade; dealings such as limitations of Indigenous cultural activities.

- 2014 – Supreme Court Canada (SCC) Denial of Doctrine
  [https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do]
  [https://decisions.scc-csc.ca/scc-csc/scc-csc/en/14246/1/document.do]
  SCC Judgements, 2014; Tsilhqot'in Nation v. British Columbia

I offer to the reader to next consider the SCC's denial that the Doctrine of Discovery which permitted Occupation of Terra Nullius never applied in Canada. The following extract from the Tsilhqot'in Nation decision of 2014 provides some insight.

> Pdf pg 36
> *A. The Legal Characterization of Aboriginal Title*
> [69] The starting point in characterizing the legal nature of Aboriginal title is Dickson J.'s concurring judgment in Guerin, discussed earlier. At the time of assertion of European sovereignty, the Crown acquired radical or underlying title to all the land in the province. This Crown title, however, was burdened by the pre-existing legal rights of Aboriginal people who occupied and used the land prior to European arrival. The **doctrine of terra nullius** (that no one owned the land prior to European assertion of sovereignty) **never applied in Canada**, as confirmed by the Royal Proclamation of 1763. The Aboriginal interest in land that burdens the Crown's underlying title is an independent legal interest, which gives rise to a fiduciary duty on the part of the Crown.

I would offer the following consideration with respect to whether the Doctrine applied in Canada. Documentation which directly identifies the Papal Bulls of Discovery to have been applied to Canada does not appear to exist, so we come to the conclusion that the Doctrine was never applied in a legal manner. I would offer for consideration, however, that the Doctrine did apply from two perspectives. The Doctrine was in effect from the perspective that agencies sought to assimilate the Indigenous Peoples, and in so doing, eliminate the Indian problem. In so doing, the territory of Canada, and specifically for this discussion, the territory of Mi'kma'ki would become free and open for colonization without impediment. The agencies involved in this colonial expansionist attitude were the Lords / Board of Trade, & the Nova Scotian colonizers themselves, and later the Government of Canada with its execution of the Doctrine through the establishment of the Indigenous Residential School system with its objective to assimilate the indigenous peoples.

Consider as well, that the Papal Bulls of Discovery reflected the attitudes of the Catholic church. We will see later in this discussion in an article by Professor Andrew Boyd (2022; Papal Condemnation of Doctrine of Discovery), that confusion exists over interpretation of the Bulls. Similarly, in the Papal Repudiation found in Bollettino 2023 03 30, we see the Bollettino indicating that the old Bulls of Discovery were misinterpreted and manipulated for political purposes. In light of this idea of misinterpretation and manipulation, one can consider the manipulation of the judicial system that created the English Common Law of Slavery under Charles II. The basis of this Common Law of Slavery is precisely the same as the Papal Bulls of Discovery; that humans could be classed as Infidels, and as such were not human; they could be treated as property; they could not own property or have sovereignty & dominion over territory. The reader should note that the English Slavery Abolition Act did not come into

effect until 1833. Later, in 1837, the Slave Compensation Act came into effect, and England did not pay off these debts to slave-owners until 2015. The threads of these cultural attitudes extend to the present day.

What the reader will see then, is that the *culture* of the "Doctrine of Discovery, and it permitting the Occupation of Terra Nullius" was encoded and entrenched into English Common Law. The doctrine, therefore, did have application in Canada under this "disguise". This idea of classification of peoples was embedded in the colonist culture for many years. It is my contention that elements of this culture, anti-indigenous attitudes, continue today in forms that are not even noticed, as they are so embedded and systemic.

- 2021 – Canadian Repudiation of Doctrine of Discovery, & Doctrine of Occupation of Terra Nullius– Bill C-15 passed:

The Canadian Bill C-15 Preamble to Act Respecting UNDRIP has a statement that repudiates the Doctrine of Discovery;

> … "Whereas all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the **doctrines of discovery and terra nullius, are racist,** scientifically false, legally invalid, morally condemnable and socially unjust;"

The importance of these words in the preamble to Bill C-15 cannot be overstated. That the Government of Canada has identified Doctrines of Discovery & Doctrine of Occupation of Terra Nullius as racism has far reaching implications. The doctrine of occupation of Terra Nullius requires the labelling/designation of human beings to not be human but to be inferior creatures, not human; beings that could be designated as property.

The reader must consider that even though Canada has repudiated these doctrines, Canada has not eliminated the underlying racism. A racism that was entrenched in English Common Law; a racism that was supported by the English Crown, the English judiciary & legal system, the merchants engaged in an emerging capitalism, & the English Parliament. The racism extended from the homeland to the English Colonies.

- 2022 – Boyd's paper on Papal Condemnation of Doctrine of Discovery

[https://churchlifejournal.nd.edu/articles/papal-condemnation-of-the-doctrine-of-discovery/]
Boyd, A., 2022; Papal Condemnation of the Doctrine of Discovery

Professor Boyd, in his article Papal Condemnation oof Doctrine of Discovery, (found at the above link Church Life Journal), notes the following:

> There remains a lot of myth and misunderstanding surrounding "discovery," not least of which is the assertion that it is the Pope's to revoke or rescind. In fact, this is a bit like asking Queen Elizabeth II to revoke Jim Crow or Prohibition in the U.S.
>
> The "doctrine of discovery" is:
> a) not primarily the Pope's to begin with,
> b) has been "revoked" already, condemned, and rejected repeatedly over centuries, and
> c) is not "still on the books" in any way, even as a technicality.

In sum, neither the doctrine, nor the papal bulls to which its origins are popularly traced, have any moral or legal force in the Catholic Church, nor in any Christian communion, and has been both explicitly and implicitly condemned time and again over five centuries.

The "doctrine of discovery" is not a Christian theological doctrine, but a political and legal doctrine, claimed first by nominally Christian monarchies of the Age of Exploration, and later by "post-Christian" secular authorities, all of whom repeatedly ignored papal condemnations and ecclesial excommunications.

Some confusion arises from the fact that there was a spectrum of interpretation of the rights of "discovery" accrued to exploring European powers.

- On the one end, promoted by popes and theologians, is the idea that indigenous inhabitants truly own and have the right of possession to their lands, and are free to sell or transfer it to whomever they please, and certainly could not be enslaved or deprived of any such freedoms by European "discovery."

- At the other end were those more motivated by profit and imperialism, arguing that indigenous persons have no rights to freedom or property, and any payment made to them by discovering powers was to expedite their removal, not a recognition of previous ownership.

- In the middle were claims either that discovering powers had "first right of refusal" to purchase lands from natives, or that the natives were legitimate tenants but had no sovereignty. It is in the middle of this spectrum that most European powers, and later colonies, understood and applied the doctrine of discovery.

The fact that [secular] juridical systems may employ the "doctrine of discovery" as a juridical precedent, is therefore now a characteristic of the laws of those states and is independent of the fact that, for the Church, [Inter Caetera] has had no value whatsoever for centuries. The refutation of this doctrine is therefore now under the competence of national authorities, legislators, lawyers, and legal historians.

I will not extract additional notes of importance from Boyd's work; however, the reader is encouraged to study this work in order to gain a further understanding of the culture of the time & with that understanding, perhaps recognize how this thread of injustice has entangled both ancient & modern-day law makers. Laws such as the English Common Law of Slavery have entrenched ancient societal views on categorization of peoples which still find their expression today in our Nova Scotia approach to indigenous peoples.

- 2023 – Papal Repudiation – Pope Francis Bollettino 2023 - Joint Statement on "Doctrine of Discovery"
[https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2023/03/30/0238/00515.html]
Bollettino 2023 03 30 [B0238]

At this point I feel that value may exist in examining Pope Francis' Bollettino of 2023.

> 4. .,. As **Pope Francis** has emphasized, their sufferings constitute a powerful summons to *abandon the colonizing mentality* and to walk with them side by side, in mutual respect and dialogue, recognizing the rights and cultural values of all individuals and peoples. In this regard, the Church is committed to accompany indigenous peoples and to foster efforts aimed at promoting reconciliation and healing.
>
> 5. It is in this context of listening to indigenous peoples that the Church has heard the importance of addressing the concept referred to as the "doctrine of discovery." The legal concept of "discovery" was debated by colonial powers from the sixteenth century onward and found particular expression in the nineteenth century jurisprudence of courts in several countries, according to which the discovery of lands by settlers granted an exclusive right to extinguish, either by purchase or conquest, the title to or possession of those lands by indigenous peoples. Certain scholars have argued that the basis of the aforementioned "doctrine" is to be found in several papal documents, such as the Bulls Dum Diversas (1452), Romanus Pontifex (1455) and Inter Caetera (1493).
>
> 6. The "doctrine of discovery" is not part of the teaching of the Catholic Church. Historical research clearly demonstrates that the papal documents in question, written in a specific historical period and linked to political questions, have never been considered expressions of the Catholic faith. At the same time, the Church acknowledges that these papal bulls did not adequately reflect the equal dignity and rights of indigenous peoples. The Church is also aware that the **contents of these documents were manipulated for political purposes by competing colonial powers in order to justify immoral acts against indigenous peoples** that were carried out, at times, without opposition from ecclesiastical authorities. It is only just to recognize these errors, acknowledge the terrible effects of the assimilation policies and the pain experienced by indigenous peoples, and ask for pardon. Furthermore, Pope Francis has urged: "Never again can the Christian community allow itself to be infected by the idea that one culture is superior to others, or that it is legitimate to employ ways of coercing others."
>
> 7. In no uncertain terms, the Church's magisterium upholds the respect due to every human being. The Catholic Church therefore *repudiates those concepts* that fail to recognize the inherent human rights of indigenous peoples, including what has become known as the legal and political *"doctrine of discovery"*.
>
> 8. Numerous and repeated statements by the Church and the Popes uphold the rights of indigenous peoples. For example, in the 1537 Bull Sublimis Deus, Pope Paul III wrote, "We define and declare [...] that [, ..] the said Indians and all other people who may later be discovered by Christians, are by no means to be deprived of their liberty or the possession of their property, even though they be outside the Christian faith; and that they may and should, freely and legitimately, enjoy their liberty and possession of their property; nor should they be in any way enslaved; should the contrary happen, it shall be null and have no effect".
>
> 9. More recently, the Church's solidarity with indigenous peoples has given rise to the Holy See's strong support for the principles contained in the *United Nations Declaration on the Rights of Indigenous Peoples*. The implementation of those principles would improve the living conditions

and help protect the rights of indigenous peoples as well as facilitate their development in a way that respects their identity, language and culture.

I offer to the reader that the "colonizing mentality" referred to by the above Bollettino still has roots in our society today. As noted in the Bollettino, these attitudes must be abandoned.

- **1762 – Lieutenant Governor Belcher Proclamations:**

  Ref a: Adams, E., 2004; Ghosts in the Court: Jonathan Belcher & the Proclamation of 1762; Dal Law Journal.
  [https://digitalcommons.schulichlaw.dal.ca/cgi/viewcontent.cgi?article=1863&context=dlj]

  Ref b: Nova Scotia archives document RG 1 vol 30 doc 58: Copy of a Representation from Lords Commissioners for Trade & Plantations to His Majesty, dated Nov 11 1761

  Ref c: Cooper, A., et al: 2019; Report on Lord Dalhousie's History on Slavery & Race; Dalhousie University
  [https://eloncdn.blob.core.windows.net/eu3/sites/922/2019/10/Report-on-Lord-Dalhousie-History-Slavery-and-Race.pdf]

  Ref d: Chard, D. F., 1979: Mauger, Joshua; Dictionary of Canadian Biography, vol 4.
  [http://www.biographi.ca/en/bio/mauger_joshua_4E.html]

In this section of the discussion I bring together some pieces of the puzzle that provide the reader with an introduction to the culture and political environment of Nova Scotia in the mid 1700s. These extracts paint a picture of a culture and environment that is in turmoil; a mirky mix of Military Rule, Mercantile influence both locally in Nova Scotia and at "home" with the Lords/Board of Trade, and Crown Officials attempting to provide some legal, regulated basis for the culture and society to develop in an orderly and ethical manner. In examining the culture of the time, both in Nova Scotia and the English homeland, one can develop an understanding of the reasoning process used by the Crown, its agents, Parliament, the Board of Trade, colonists, and the group of capitalist merchants; as culture, & education directly affect a person's reasoning process. This reasoning process directly impacts ethics & integrity of the person and/or the agency within they operate.

Ref a: extracts: Adams, E., 2004; Ghosts in the Court: Jonathan Belcher & the Proclamation of 1762; Dal Law Journal.

In the following extract, Adams notes the feelings of Jonathan Belcher Sr. (father of Jonathan Belcher Jr. who became Nova Scotia's Chief Justice and later Lieutenant Governor) towards the political and cultural environment existing in Nova Scotia at the time (1733).

> Pdf pg 6
> Jonathan Belcher Sr., Governor of Massachusetts, did not hold Nova Scotia in high regard. In response to British *pressure to send New England farmers north* to till & settle the lands of Nova Scotia, Governor Belcher confided to a friend in 1733. "By what I heard the government of the

> *petty province* of Nova Scotia has been one constant *scene of tyranny*. God deliver me and mine from the *government of soldiers*."' …Twenty-one years later, his son, Jonathan Belcher Jr., arrived in Halifax as Nova Scotia's first Chief Justice; six years later Belcher was lieutenant governor.

What one can see is a province in turmoil. A government not fully established; a province government by military officers who likely are without training or background in the complexities of developing a government and at the same time respecting the rights of Indigenous Peoples of the territory. One can also note the potential influence of the New England farmers, who as one will see later in the discussion, have come from a different political / governmental organization than what is in existence in Nova Scotia at the time. This difference becomes a source of conflict; a conflict which ultimately influences the direction of Nova Scotian government, and by extension the cultural attitudes of the governing agents and the population.

In the following two extracts one sees the influence of the Lords / Board of Trade; having sufficient influence to "reward" Jonathan Belcher Jr. with the posting of first chief Justice of Nova Scotia. The posting was as a result of a Governor Hopson's request to the Board of Trade for a chief justice with Legal Training. It was Belcher Jr. who caught their eye. (The Earl of Halifax mentioned here below is the namesake of the city of Halifax, the **2nd Earl of Halifax, George Montagu-Dunk,** who was president of the Board of Trade from 1748 – 1761.) This clearly suggests that the "government" under "military officers" was not working, and as such, can cause one to question the integrity of the Crown in general, and more specifically to question the integrity of the Crown in its dealings with Indigenous Peoples.

One also can note here the question has not yet been resolved regarding which system of law was applicable in the Province; whether English common law, or Massachusetts law. Again, we see a province in turmoil without a system of law established, further raising questions regarding the presumption of Crown Integrity in general, and more specifically with respect to its dealings with Indigenous Peoples. Without a system of law, one begins to question the integrity, not only of the Crown, but that of the mercantile community and even the general population itself; to question their integrity in their dealings with the Indigenous Peoples of Mi'kma'ki.

> Pdf pg 7
> Jonathan Belcher earned the notice of the *Lords Commissioners for Trade and Plantations (the Board of Trade*), and its president, the Earl of Halifax. The Board of Trade rewarded Belcher with a colonial posting to Nova Scotia as its first chief justice…
>
> The founding of Halifax was an early experiment … and the Lords of Trade and Plantations, the body which directed the colonies at that period, issued a proclamation inviting disbanded officers and men of the army and navy, artisans, and agricultural workers to join the new settlement. Free passage and provisions for the voyage were to be given, subsistence for a year after landing would be provided, arms. ammunition and tools supplied, and the settlers were promised free grants of land and the privilege of civil government as in the other British colonies.
>
> Pdf pg 8
> Jonathan Belcher's arrival in Halifax was part of a deliberate attempt by the British to improve the government with an eye to securing greater authority and security in the region. The seeds of Belcher's appointment lay in a 1752 dispute among Nova Scotia's untrained judges, various government officials and citizens as to *whether English or Massachusetts law applied in Nova*

> *Scotia's courts*. The protracted quarrel led …Peregrine Thomas Hopson [Governor Cornwallis' successor], to appeal to the Board of Trade for a chief justice with legal training. In Jonathan Belcher, Nova Scotia received an anglophile who …. fully embraced the common law of the British tradition.

Increasingly one sees that the Province was in turmoil with respect to the type of government to be employed. Influences were coming from both London (likely the Lords / Board of Trade, being administrators of the colonies, with concerns for taxes to be raised for the Crown, and the profits to be made by business investors, & the mercantile community needing these investments), &from the streets of Halifax (the wealthy merchants from New England). One sees Belcher, with his legal training, as trying to find a middle road; an ethical road that would not compromise his integrity.

> Pdf pg 11
> Nova Scotia was not ready for representative government. Pressure for a legislature increasingly came not only from London but also from the streets of Halifax. Not surprisingly. the wealthy & influential merchants from New England, who expected to find a place in such an assembly, demanded representation with increasing fervour.
>
> The alliance between Belcher & Halifax's ambitious New England merchants proved temporary. As chief justice, Belcher aimed to resolve one of the principle reasons for his appointment in the first place: the question of ***whether British or Massachusetts law would govern*** Nova Scotia.
> The answer for ***Belcher*** was clear, & from his influential place atop the judicial pyramid, he steadily and decisively ***moved Nova Scotia law towards its British foundations*** and away from its Massachusetts influences.
>
> The divide between Belcher and Nova Scotia's New England constituency widened as Belcher gained further political power in the province.

The Debtors Act, passed by Governor Cornwallis seems to have had some significant role to play in the behaviour of the mercantile community. At time of writing, I have not taken the opportunity to further investigate how this act affected the thinking and reasoning of the English community of Nova Scotia. One can only wonder at this stage who those Debtors were that benefited from this Act.

From the below two extracts we again see Belcher as trying to ethically address the issue of an unscrupulous mercantile community in such as manner as to not cause the Crown's integrity to be questioned.

> Pdf pg 16
> In 1750, in an effort to entice settlers to Nova Scotia, Governor **Cornwallis passed the Debtors Act** which insulated debtors from any debts "contracted in England or in any of the Colonys prior to the Establishment of this Settlement." Despite his own impecunious past, *Belcher despised the Act's preference for unscrupulous traders and merchants over "honest*"
>
> Pdf pg 17
> As lieutenant governor, he made no secret of his intention to amend the Act. Not surprisingly, many of the Act's supporters including those in the assembly and council carried large debts abroad. Over the summer of 1761, word spread in Halifax of Belcher's desire to amend the Act.

The assembly was scheduled to begin a new session in October, but in an act of protest and defiance, a group of influential members refused to meet and no quorum could be established. Belcher complained to the Board of Trade of his troubles, of those who weighed "[t]he Cases of private persons too strongly ... without attending to the difficulties Upon Creditors."

But with an empty, assembly, a stalled government, and a ***colony of debtors*** fearful of Belcher's proposed changes to the law, public sentiment turned sharply against Belcher.

The Board curtly responded that the offending members should be removed from their positions & in August 1762. Belcher happily dismissed his opponents. But the boycotting members had been assembling allies of their own, including **Joshua Mauger**, a wealthy London-based merchant & influential consultant on Nova Scotia affairs for the Board of Trade.

In the ref c extracts, discussed further below, one will see additional notes regarding Joshau Mauger. Joshaua Mauger appears to have had significant influence while in Nova Scotia, with the mercantile community of Nova Scotia, and then later in his life, significant influence with the Board of Trade, while residing in London.

In the following extracted note, one gets the feeling that Belcher is attempting to clean things up; to enforce and orderly system of justice, and eliminate the fraudulent dealings of an in debt mercantile community.

Pdf 18
Note 74: Belcher had ordered an investigation into Gerrish's administration of the Mi'kmaq truckhouse trading system because he believed Gerrish to be running the truckhouses fraudulently *for personal profit*.

Reading the above note, one can begin to wonder about the establishment of the Truckhouse system. Taking note of the question regarding Crown Integrity raised above; along with the Debtors Act having benefited perhaps a large portion of an unscrupulous mercantile community; one can begin to develop a picture of the Indigenous Peoples not being fairly treated with respect to their Territorial Rights, and also their Individual and Collective Community rights to survival. Once again sees the colonist attitude towards the Indigenous Peoples territorial rights, and by extension, their individual human rights and their collective community human rights being violated without remorse. The Indigenous Peoples can be just pushed out of the way.

Pdf 19
The Mi'kmaq believed that the treaties were being undermined by the increasing numbers of settlers who were encroaching on their traditional hunting areas and clearing the forests for farms.

The problem was not particular to Nova Scotia. Lands across the colonies were being aggressively settled in spite of treaties with aboriginal peoples protecting their traditional hunting grounds.

In New York, the Mohawk took up arms against the encroaching settlers. These escalating tensions greatly troubled the Board of Trade, who wanted to avoid costly hostilities with the Mohawk & with aboriginal peoples generally.

> In a letter to King George III the *Board of Trade blamed the settlers & unscrupulous local governments* of New York.

In the following paragraph we see the issue of Sovereignty and Dominion being raised by the Board of Trade.

> Pdf pg 19
> The Mohawk were justly agitated, the Board explained, because of the "the Cruelty and Injustice with which they had been treated with respect to their Hunting Grounds, in open violation of those solemn Compacts by which they had *yielded to us the **Dominion but not the Property** of their Lands*. The Board asked the King to issue an order "putting a stop to all Settlements upon the Mohawk River.

With the above comments made by the Board of Trade, one begins to wonder whether their understanding of Imperium and Dominium were actually reflected in the agreements they thought they were making with the Indigenous Peoples. Clearly the two parties; considering one to be the Board of Trade (in whatever form they might be representing the Crown) and the other to be the Indigenous Peoples, the question arises as to whether the two did actually have the same understanding of the agreements.

Regarding the interpretation & communication of the meaning of treaties I would direct the reader's attention to the case of Her Majesty the Queen vs Donald Marshall Jr.; Honourable Judge Embree's decision of 27 Jun 1996 (Nova Scotia Supreme Court). In his written decision Judge Embree considers the issue of misunderstanding by the Mi'kmaq because of language or translation problems.

> Pdf pg 35
> The general intent of the 1760-61 Treaties would also not have been the subject of any misunderstanding by the Mi'kmaq because of language or translation problems. I am satisfied that the Mi'kmaq community had members who could communicate in French. So did the British. They could communicate directly with each other….
>
> Pdf pg 36
> …There was no misunderstanding or lack of agreement between the British & the Mi'kmaq about the essential ingredients of these treaties as they appear in written form before me.

Judge Embree's assessment appears to be the general interpretation used by the courts in assessing the likelihood of misunderstanding between the English and the Indigenous Peoples. I would offer for consideration, however, that the English in their own English versions of the agreements or dealings with the indigenous, may not have actually understood their own writings. As noted above, the Lords / Board of Trade appear to indicated that they are interpreting agreements to have included both Sovereignty & Dominion, where the Indigenous are interpreting only Dominion. Given the mirky nature of the government of the time; the military nature of the governing bodies who may not have, or likely didn't have legal training such as observed by Hobson, (who requested a Chief Justice with legal background); along with the mirky nature of the influential mercantile community; one can consider that some misunderstanding of agreements, arrangements, dealings with the Indigenous Peoples has in fact occurred. The Treaties of 1769-61 (which are not territory secession treaties), may in fact have

some mixed level of interpretation. Even though some were developed during the time of Belcher's Lt Governorship and some before, the text may have been influenced by the Lords/Board of Trade and/or the mercantile community who had their own interests and capitalist agenda. It is in these treaties that the previously mentioned Truckhouse system was developed.

> Pdf pg 20
> …Belcher was ordered to "publish a Proclamation" requiring the removal of all settlers "seated ... upon any Lands so reserved to or claimed by the said Indians, without any lawful Authority for so doing." Contravention of the Order, Belcher was warned, would result in "Our highest Displeasure and of being forthwith removed from your ...office." In January 1762. the Board of Trade sent Belcher the King's Order and requested that "you do cause the same to be proclaimed in the Province of Nova Scotia under your Government."

Here in the following extracts one can see further evidence of the colonist attitude towards any thread of being controlled by any external agency. Proclamations ignored; alliances made to fight changes to the Debtors Act; influential members of the Nova Scotia mercantile community conspiring to undermine any attack on their self-interest and capitalist aspirations.

> Pdf pg 21
> The Proclamation elicited two principle responses from Nova Scotia residents: *derision & ignorance*.
>
> Belcher …investigated the Mi'kmaq's claims prior to drafting the Proclamation, & was convinced of their validity for a "Common-right" to the coast." In response to the latter, Belcher issued a second Proclamation in August reiterating the terms of the May Proclamation & levying a fine of 50 for its violation." *Neither Proclamation was obeyed*. Worse for Belcher, his political enemies in Halifax, mobilized by the **Debtors' Act crisis**, used the disaffection surrounding the Proclamation to further spread & entrench Belcher's unpopularity in Halifax & London. To that end, **Joshua Mauger** petitioned the Board of Trade for Belcher's removal, noting that his "Imprudent Conduct [demonstrated he was] unacquainted with & unskilled in the Art of Government."

Here in the next paras, we see the result of the influence of Joshua Mauger, with the supporting "caste" of the self-proclaimed upper element of Nova Scotia society, the mercantile community of Halifax, over the Board of Trade. The colonists, land speculators, & significantly, the Board of Trade all resisted any ideas or actions giving the Mi'kmaq access to territory for their own survival. Again, we see the underlying culture towards the Indigenous Peoples; they can just be pushed aside.

> Pdf pg 6
> As lieutenant governor, Belcher sought to secure peace in the colony by appeasing the agitated Mi'kmaq. But Belcher's anxiety & political naivete led him to misread the mood in the corridors of power in London & on the streets of Halifax. The Board of Trade & Halifax's settlers & land speculators were loathe to reserve the valuable Atlantic coast for the Mi'kmaq. Within a year of the Proclamation's issuance, the Board of Trade removed Belcher from his position as lieutenant governor. The Proclamation of 1762 became another of the forgotten promises to the Mi'kmaq.
>
> Pdf pg 23

> The Board, …, replaced him [Belcher] as lieutenant governor with Montagu Wilmot in September 1763."

The picture develops of a community struggling within itself and with the offices/agencies of the home country in England. What appears to be emerging is a mercantile community with a substantial number of persons in debt, being protected from claims on this debt by the Debtor's Act. Belcher, with his legal background, appears to be trying to conduct investigations to gather evidence that will allow him to make ethical decisions.

> Pdf pg 23
> In March 1764, the Board wrote to Wilmot and asked him to inform the Mi'kmaq of "His Majesty's disallowance" of the Proclamation, but Wilmot responded that it was wisest to continue to *ignore the Proclamation* to avoid "cause for a quarrel" with the Mi'kmaq.

The removal of Belcher would appear to seal the fate of the territory in developing a culture living under an organized rule of law. When he acted with integrity, actions which threatened the mercantile community, he was removed by the Board of Trade. The Board of Trade's own integrity can now be questioned and not presumed. Further in this discussion paper, some observations will be presented of the Board of Trade in general, and in particular its actions with respect to Nova Scotia.

Ref b: extract: Nova Scotia archives document RG 1 vol 30 doc 58: Copy of a Representation from Lords Commissioners for Trade & Plantations to His Majesty, dated Nov 11 1761

In this document one notes that possession of Indigenous territory is claimed by the Indigenous peoples to have been taken under **false pretences**.

> Pdf pg 3
> … the said Indian have made and do still continue to make great Complaints, that Settlements have been made and Possession taken of Lands, the Property of which they have by Treaties reserved to themselves, by Persons claiming the said Lands, _ under Pretence of Deeds of Sales & Conveyance illegally, fraudulently & surreptitiously obtained of the said Indians, And…

One would presume the Deeds of Sales & Conveyance mentioned above would have to have been organized/administered under some legal system of land transfer, with some Government official or officials providing certification & oversight of the legality of such deals. The fact that the indigenous peoples see land being taken under false pretences leads one to question the integrity of the Crown, its agents, and perhaps the colonial mercantile community as well as to some extent, the general population itself in their dealings with the Indigenous Peoples of Mi'kma'ki.

Ref c: extracts: Cooper, A., et al: 2019; Report on Lord Dalhousie's History on Slavery & Race; Dalhousie University

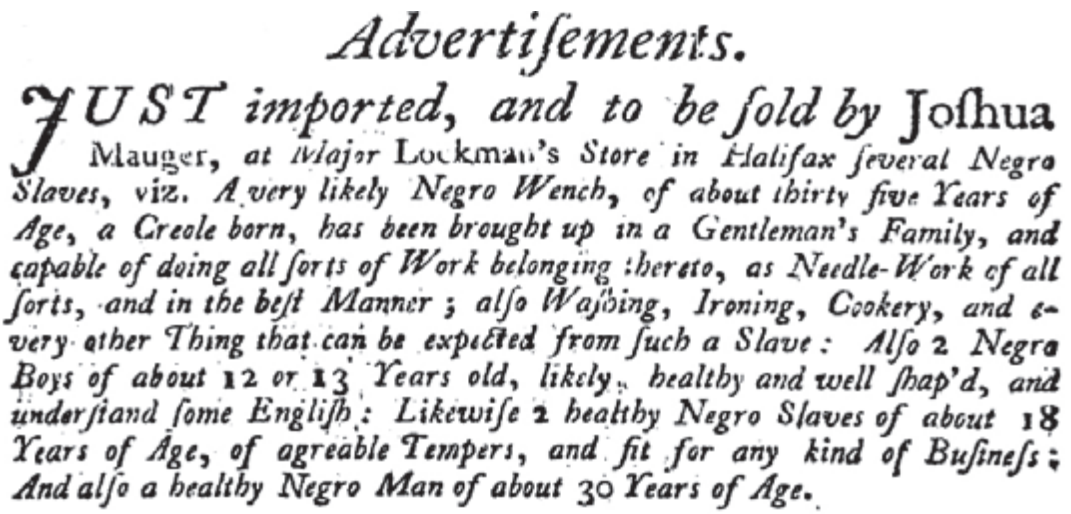
The extracts from Cooper's work provide some additional insight into the workings and culture of the mercantile community. A community that is "entangled with the transatlantic slave trade." Significant in this community is **Joshua Mauger**, mentioned earlier in this discussion paper.

Pdf pg 33

> …from the very beginning of Canada's colonial enterprise, through its mercantile endeavours, Nova Scotia had been entangled with the transatlantic slave trade, through the cod, rum, sugar, and molasses link. Île Royale was yoked to the rest of the colonial world that had been using the Black African body and its labour to enrich and empower itself. Slavery in mainland Nova Scotia became much more common after the founding of Halifax in 1749.

Here in the next extract, we again see mention of New Englanders. The reader should keep in mind here, that State of Road Island was a significant player in the building of ships for the transatlantic slave trade. The same cultural attitude towards the slave trade was surely brought to Nova Scotia.

> In the years after Halifax's founding New Englanders, naval officers, merchants, immigrants, and others coming from the Caribbean brought their enslaved property with them to Halifax…. The example of Bloss and others, such as merchant trader **Joshua Mauger**, illustrates the coastal dimension of the slave trade where British colonists moved enslaved persons along the Atlantic littoral, from the Caribbean to Nova Scotia, and from Nova Scotia to the Caribbean.
>
> The enslavement of Black people in Nova Scotia expanded after the Expulsion of the Acadians in 1755. The British government granted lands it had stolen from the French to English-speaking settlers who had arrived from New England between 1755 and 1774. Called "Planters," these New England settlers brought their enslaved property with them. The government gave an additional fifty acres of land to the Planters for each Black person these settlers brought. So, one can clearly state that slavery played a role in expanding the colony. During the years of Planter settlement, eight thousand New England Planters had resettled in Nova Scotia…
>
> Halifax, with its port and naval base, became an *integral part of a system of trade in both humans and slave-made products* that had been established between Europe, the West Indies,



Advertiſements.

JUST imported, and to be ſold by Joſhua Mauger, at Major Lockman's Store in Halifax ſeveral Negro Slaves, viz. A very likely Negro Wench, of about thirty five Years of Age, a Creole born, has been brought up in a Gentleman's Family, and capable of doing all ſorts of Work belonging thereto, as Needle-Work of all ſorts, and in the beſt Manner; alſo Waſhing, Ironing, Cookery, and every other Thing that can be expected from ſuch a Slave: Alſo 2 Negro Boys of about 12 or 13 Years old, likely, healthy and well ſhap'd, and underſtand ſome Engliſh: Likewiſe 2 healthy Negro Slaves of about 18 Years of Age, of agreable Tempers, and fit for any kind of Buſineſs; And alſo a healthy Negro Man of about 30 Years of Age.

Figure 5: Joshua Mauger: Advertisement for the sale of 'Several Negro Slaves'; courtesy of Nova Scotia Archives

As an aside, this Joshua Mauger is the same person after which Maughers Beach, off McNabs Island, is named after. (Other spellings used for the name of the beach include Meaghers and Maugers).

From Cooper's work one can develop a picture of Halifax's role in the Slave Trade, with this picture further enlightening the reader on the culture of the community at the time. We will see later in this paper the importance of the Board of Trade, as the administrator for the colonies, and its role in the administration of the Slave Trade in the colonies of the British Empire.

Ref d: extracts: Chard, D. F.; 1979: **Mauger, Joshua**; Dictionary of Canadian Biography, vol 4.

Chard's work provides some additional insight into a significant, leading, & influential personality of the Halifax mercantile community; that of Joshua Mauger.

> Cornwallis, obviously dissatisfied, suggested to the *Board of Trade* that ***Mauger*** be dismissed as victualler to the navy. He was convinced that unless the authorities were firm Nova Scotia would become "a rendezvous for smugglers and people who keep a constant correspondence to Louisbourgh."
>
> Mauger, quick to support a fellow merchant, joined with 13 other Halifax citizens calling themselves *"the principal Inhabitants of this Town"* to support Lloyd's protest. Early in March 1753 the Council cleared the justices of the charge, but by the end of the month Governor Peregrine Thomas Hopson had appointed four new justices "to prevent any suspicion of Partiality in the Bench for the future."
>
> In April **1762** the Nova Scotia House of Assembly chose **Mauger** as the colony's agent in London. In that capacity he conducted a bitter campaign against Jonathan Belcher, the chief justice and lieutenant governor. On several occasions in 1762 and 1763 he appeared before the Board of Trade to ***demand Belcher's removal*** from administrative office for such offences as his refusal to permit continuation of the fur monopoly, of which Benjamin Gerrish was the principle beneficiary, and his unwillingness to extend the **Debtors' Act**, which protected settlers who had left debts behind them in other colonies and in which many members of the Halifax mercantile community had a vested interest.

Here again one sees the influence of Mauger on the Board of Trade, & its decision to remove Belcher as Lieutenant Governor. One sees the power of the Board of Trade in the removal of a Government/Crown official. We see also a connection between Mauger, "the [13] principle inhabitants of this Town [of Halifax]", the Debtors' Act, & the appointing of new justices to the Bench. A picture develops of mercantile personal interests, interests that are reflected in the Board of Trade as administers of the colonies, all influencing Justice, Justices, & the Crown. One can begin to question the presumption of Crown Integrity; the integrity of the Board of Trade, and certainly the integrity of the mercantile community; perhaps even extending to questioning the behaviour of individual colonists themselves, in their dealings with Indigenous Peoples of Mi'kma'ki. The ultimate goal was to claim the territory by pushing the indigenous peoples aside. Once pushed aside, the territory was then open and free for the taking. A cultural doctrine of discovery, and a doctrine of occupation of terra nullius.

- * **1763 – Royal Proclamation**

Consider next King George III Royal Proclamation of 1763. This sets out the basis for governing North American territories after the Treaty of Paris 1763, which surrendered most North American French territories to the British. The issue in the case of Mi'kma'ki is that this territory was never ceded to the French, (not in the Treaty of Paris 1763, nor the Treaties of Utrecht 1713), and by extension would not therefore have been transferred to the British as part of the Treaty of Paris.

This proclamation is of significance in understanding the aboriginal territorial rights of Mi'kma'ki, in that this proclamation is referenced in the Truth and Reconciliation Call-to-Action 45.

Some of the significant elements of this proclamation relevant to the discussion here are:

1) Acknowledgements:

    a) acknowledgement of the existence of Aboriginal unceded territory;

    b) acknowledgement of Aboriginal Peoples as having Imperium (sovereignty) and Dominium (control of resources) over these territories;

    c) acknowledgment of Aboriginal Peoples as Nations with a Nation-to-Nation relationship to the Crown;

    d) acknowledgement of the requirement for Nation-to-Nation Treaties to be established with respect to the any ceding of territory to the Crown;

2) Territorial Claims:

    a) **Absence** of any claim to the territory through the doctrine of First Discovery and doctrine of Terra Nullius;

    b) **Recognition** of territorial claims only through Treaty or Purhase;

3) Orders / Instruction to Officials & Colonists:

    a) Orders / Instructions for persons seating themselves upon unceded territory to remove themselves from such territory;

    b) Orders / Instructions that provide for a Treaty making process; provision for a process of negotiation for the transfer of indigenous territory to the Crown; and required format of a PUBLIC meeting.

    c) Orders / instructions to colonists that provide for the Indigenous peoples to not be molested or disturbed in the territories the Indigenous have not ceded or sold.

"It is just and reasonable and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should ***not be molested or disturbed in the Possession of such parts*** *of our Dominions and Territories as* ***not having been ceded to or purchased by Us, are reserved to them,*** *or any of them, as their Hunting Grounds…or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid,* ***are reserved to the said Indians, or any of them****. …*

…We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians all the Lands and Territories not included within the Limits of Our said Three new Governments …

And We do ***hereby strictly forbid****, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or* ***taking Possession of any of the Lands above reserved, without our especial leave and Licence*** *for that Purpose first obtained.*

And We do further ***strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements****.*

…but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some ***public Meeting or Assembly of the said Indians****, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie…"*

This proclamation also suggests that the Crown holds a special type of arrangement over these territories, in that the Crown appears to declare it retains Imperium (Sovereignty, Protection), and Dominion over them (…*reserve under our Sovereignty, Protection, and Dominion*…), yet at the same time, the Indigenous peoples retain rights of Imperium and rights of Dominion over the same territory even though it hasn't been ceded.

The history of property/territorial rights and law are likely somewhat different at the time than we presently see them. The British concept of property rights was significantly different from the Indigenous Peoples concept. The question that arises is which set of "property laws" should be followed in determining territorial rights. Further examination of the differing concepts of Property may be required here, as it may impact thinking on property ownership, and subsequently, Aboriginal Territorial Rights. One could review work by Adam Smith and Walt Whitman Rostow regarding the various categorizations of societies and their concepts of property, or Proudhon's "What is Property".

- *** **Treaties of the Mi'kmaq 1725 to 1779**

  [Ref A: Wallace, S.E., last edited 17 Feb 2023, Peace & Friendship Treaties; https://www.thecanadianencyclopedia.ca/en/article/peace-and-friendship-treaties#:~:text=The%20Chignecto%20and%20Pictou%20Mi,reasonable%20living%20without%20British%20interference.]

  [Ref B: Government of Canada, Fact sheet on Peace and Friendship Treaties in the Maritimes and Gaspé Date modified: 2010-09-15, (Footnote 1 - This paper is the work of Prof. Wicken, PhD, and

represents his views respecting the Crown/ Aboriginal treaty relationship in the Atlantic. It does not necessarily represent the views of the federal government.) https://www.rcaanc-cirnac.gc.ca/eng/1100100028599/1539609517566]

[Ref C: Treaty 1761, Nova Scotia Archives – 201606298, 299, & 300 – Treaty between Jonathan Belcher & Francis Muis; Peace and Friendship Treaties Nova Scotia Archives RG 1 volume 430 number 20a; https://archives.novascotia.ca/mikmaq/archives/?ID=627]

[Red D: Treaty 1760, Nova Scotia Archives – 201605008, 5009, 5010, & 5011 - Treaty of Peace and Friendship concluded by the Governor... of Nova Scotia with Paul Laurent, Chief of the La Heve tribe of Indians,"; Peace and Friendship Treaties Nova Scotia Archives RG 1 volume 284 number 17; https://archives.novascotia.ca/mikmaq/archives/?ID=626]

[Ref E: Nicholas, A.B., 1994, Univ of New Brunswick Law Journal vol 43; Mascarene's Treaty of 1725; https://caid.ca/MascTreaty1725.pdf]

[Ref F: Wicken, W.C., 2002, Mi'kmaq Treaties on Trial; History, Land, & Donald Marshall Jr.]

[Ref G: Encyclopaedia Britannica, Treaties of Utrecht; https://www.britannica.com/topic/treaties-of-Utrecht]

[Ref H: Daniel Paul: TREATY OF UTRECHT, SECTION XV - April 11, 1713; http://www.danielnpaul.com/TreatyOfUtrecht-1713.html#:~:text=Finally%2C%20in%201715%2C%20the%20Mi,I%20was%20now%20their%20sovereign]

[Ref I: 1713 – Treaties of Utrecht:
Website: A SEARCHABLE DATABASE OF HISTORICAL DOCUMENTS RELATING TO THE DRAFTING AND ADOPTION OF THE CONSTITUTION OF CANADA;
https://primarydocuments.ca/the-treaty-of-utrecht-1713/
PDF: Collection of All treaties of Peace, Alliance & Commerce between Great-Britian & other Powers vol 1, vm 1688 to 1727; London MDCCLXXII (1772)
https://primarydocuments.ca/wp-content/uploads/2018/04/TreatyUtrecht1713.pdf]

[Ref J: 1763 – Treaty of Paris:
Website: Univ of Ottawa; Treaty of Paris (1763); complete text:
https://www.uottawa.ca/clmc/treaty-paris-1763]

- Chronology of Treaties:

The following chronology of Treaties is taken from various sources. Not all treaties are included in this list. The list & comments are provided in the anticipation that they may provide the reader some insight into some of the terms of the treaties that are presented in this discussion paper.

Treaty	General notes

1713	Ref G: **Treaties of Utrecht**: also called Peace of Utrecht, (April 1713–September 1714), a series of treaties between France & other European powers (April 11, 1713 to Sept. 7, 1714) & another series between Spain & other powers (July 13, 1713 to June 26, 1714), concluding the War of the Spanish Succession (1701–14). Ref H: In view of the White supremacist attitudes prevailing at the time, the fact that First Nations, including the Mi'kmaq, were left out of the treaty negotiations, not even advised about its signing, should come as no surprise. A letter from Governor T. Caulfield to Vaudreuil, dated May 7, 1714, attests to the fact that the Mi'kmaq had been left in the dark: ... ... After they had learned that the French had claimed their land and, unbeknownst to them, attempted to transfer their territories to Great Britain by treaty two years earlier, the Mi'kmaq directed protests to St. Ovide de Brouillant, Louisbourg's military commander in 1715, and Governor after September 1717. He responded with what can be described as lies and doubletalk: ... Ref I: pdf 33: Section XV: ... As also the Natives of those Countries shall, with the same Liberty, resort, as they please, to the British and French Colonies, for promoting ***trade*** on one side, and the other***, without any Molestation or Hindrance***, either on the part of the British Subjects, or of the French. ...
1725	Ref A: The 1725 treaty officially ended Dummer's War (1722–25) — a series of conflicts between the British and Wabanaki Confederacy over the borderlines between Acadia and New England. … December 1725, the Penobscot and some other allied Indigenous bands in the northeastern United States signed what became known as the Treaty of Boston (or Dummer's Treaty). Ref E: the following extract indicates the existence of two versions of the 1725 Treaty; one referred to as Dummer's Treaty, the other referred to as Mascarene's Treaty. pdf pg 3: … In 1984 the missing part of that "mysteriously different version of Dummer's Treaty" signed by Maliseets & Micmacs at Annapolis in 1728, was discovered. It was the part containing English promises including one that the Indians shall not be molested in their persons, Hunting, Fishing and Planting Grounds". (note 8 Mascarene's Promises, PRO, CO 217, vol 38 at 99 & vol 4 at 349….) pdf pg 15 provides the full list of Promises. Here one can find the promise of reparation through His Majesty's Laws: …That if any of the Indians are Injured by any of His Majesty's aforesaid Subjects or their Dependants, they shall have Satisfaction and Reparation made to them according to His Majesty's Laws whereof the Indians shall have the Benefit equal with His Majesty's other Subjects…

1726	Ref A: One year later, the Mi'kmaq and Wolastoqiyik in Nova Scotia and New Brunswick (as well as the Abenaki and Passamaquoddy living in Massachusetts and New Hampshire) signed essentially the same agreement (*rd. same as 1725 Treaty*), sometimes referred to as Mascarene's Treaty (named for military officer Paul Mascarene, who became the acting governor of Nova Scotia in 1740). By signing the treaty, **Indigenous peoples agreed to cease hostilities against Britain; in exchange, the British promised not to interfere with Indigenous hunting, fishing and farming.** Ref B: …treaties were signed in 1726, formally bringing to an end a three-year long war between New England and the Wabanaki. The Wabanaki was a political alliance of the major aboriginal communities living in the Atlantic region. The alliance was composed of four societies: the Mi'kmaq, the Maliseet, the Passamaquoddy and a loosely-allied group of communities living between the Penobscot and the Kennebec Rivers. This allied group is often called the Abenaki. …. The **1726 treaty is composed of two separate documents**. (*rd: notes regarding these two separate documents will be provided later in this discussion paper*)
1749	Ref A: …George's War (the North American part of the War of the Austrian Succession, 1744–48). After that conflict ended, Nova Scotia's Governor Edward Cornwallis, hoping to secure control over lands west of the Missaguash River, and to reconfirm loyalty to the Crown, invited the two Indigenous nations to sign a new treaty. However, most Mi'kmaq leaders refused to attend the 1749 peace talks in protest of the governor's founding of Halifax that year. Moreover, increasing British military presence and settlement in the region threatened traditional Mi'kmaq villages, territories and fishing and hunting grounds. Only the Chignecto Mi'kmaq joined the Wolastoqiyik in signing the treaty at Halifax on 15 August. This agreement **renewed the Boston Treaty of 1725 without adding new terms**.
1752	Ref A: …Cornwallis offered a **bounty on Mi'kmaq heads**. Anglo-Mi'kmaq hostilities during this time initiated the first phase of the Anglo-Micmac War (1749–60), in which Mi'kmaq fighters, supported by Acadian militiamen, unsuccessfully attempted to expel British colonists from traditional Wabanaki homelands. Fighting ceased temporarily in 1752 with the signing of a treaty at Halifax on 22 November by **Jean-Baptiste Cope,** chief of the Shubenacadie (Sipekne'katik) Mi'kmaq in Nova Scotia, and Peregrine Hopson, the province's governor. … The ensuing peace agreement included the British pledge to establish "**truck houses**" (trading posts) for the use of the Indigenous peoples involved in the treaty. This would have allowed Britain to challenge French trading in the region and given the Mi'kmaq greater access to finished European goods. **However, no truck houses were built** in accordance with this treaty.

	Ref B: The 1752 treaty reaffirmed the 1726 treaty but also modified it by formalizing a commercial relationship between the British and Mi'kmaq. This provision was outlined in the treaty's fourth article: 'It is agreed that the said Tribe of **Indians shall not be hindered from but have free liberty of Hunting and Fishing as usual** and that if they shall think a Truck house needful at the River Chibenaccadie (Shubenacadie), or any other place of their resort they shall have the same built Ref F: extract from Wicken's work highlighting the judicial body responsible for mediating disputes. pg 186; 1752 Treaty outlines dispute resolution measure … Finally, the treaty promised that **disputes** between the Mi'kmaq and British subjects would be tried in "His Majesty's Courts of Civil Judicature". ... this phrase of the treaty modified the 1726 treaty by referring to the judicial body responsible for mediating disputes between the Mi'kmaq and His Majesty's subjects. (note 62;). ... Ref F: extract from Wicken's work highlights that **territorial boundaries** were not addressed in this treaty. pg 187; 1752 Treaty not resolve issue of territory boundaries ... The 1752 treaty provided for stricter regulation of the colony's dealings with the Mi'kmaq, but it did not resolve the troublesome issue of land. ...
1760	Ref A: The Anglo-Micmac War resumed when members of the Wabanaki Confederacy sided with France against Britain in the Seven Years War (1756–63). France had lost Quebec and other key holdings to the British by 1760, leading the Wabanaki to make peace treaties with the British. The Wolastoqiyik and Passamaquoddy signed a treaty on 22 February 1760, agreeing to uphold the provisions of the Boston Treaty of 1725 and to stop trading with enemies of the Crown. In **exchange, Britain promised to establish a truck house at Fort Frederick, New Brunswick**. On 10 March, the La Have, Sipekne'katik and Richibuctou Mi'kmaq also signed the 1760 treaty. Ref D: extracts from Treaty of Peace and Friendship concluded by the Governor... of Nova Scotia with Paul Laurent, Chief of the La Have tribe of Indians: …That if any *Quarrel or Misunderstanding* shall happen between myself & the English or between them & any of my tribe, neither I nor they shall take any private satisfaction or Revenge but We will **apply for redress according to the Laws established in His said Majesty's Dominion**… Ref F: extract from Wicken's work highlighting that the treaties of 1760-1 did not clearly define territorial limits for where the Indigenous could Hunt, Fish, Plan. pg 205; Treaties of 1760-1 do not define territorial areas

	… British officials acknowledges that they did not have the right to build settlements everywhere in Nova Scotia. The 1760-1 treaties reflected an implicit expectation that the Mi'kmaq would continue to trade furs. ... These activities would not be confined to one area, but were to encompass mainland Mi'kma'ki, Unimaki, & eastern New Brunswick. In signing the treaty with the Mi'kmaq, Lawrence & the council were not seeking to regulate where the Mi'kmaq could hunt; in fact, they expected the villagers to continue to use the land that had historically been identified with family hunting groups. (note 50;). ... The treaty validated Mi'kmaq villages' own understanding of the customs governing hunting territories and fishing sites. However, the treaty did not define the areas to be used by each village, ... Ref F: extract from Wicken's work highlighting the issue of expanding colonization pg 220; British agree further settlements not interfere with Mi'kmaq ...the treaty (1726) …. suggested that the British would build new settlements in Nova Scotia, but it did not specify a process …. Nor did the treaty outline how the interests of both the Mi'kmaq and the British would be protected. …., in acknowledging that the Mi'kmaq exercised an exclusionary right to use lands for their support, the British were agreeing that any future settlements they established in NS would not interfere with the Mi'kmaq economy. ...
1761	Ref A: The Treaty of 1761 was signed on 25 June by the Miramichi, Shediac, Pokemouche and Cape Breton Mi'kmaq in a **"Burying the Hatchet" ceremony** in Halifax. The Chignecto and Pictou Mi'kmaq signed onto the 1761 treaty on 12 October. Ref C: extract from Treaty of Peace & Friendship concluded by Belcher & Francis Mius: …I Francis Muis for myself & the Tribe of La Have Indians of which I am chief do acknowledge the Jurisdiction and Dominion of His Majesty King George the third over the territories of Nova Scotia or Acadia and we do make submission to His Majesty in the most ample and solemn manner… …That if any quarrel or misunderstanding shall happen between myself and the English or between them and any of my Tribe neither I nor they shall take any private satisfaction or revenge but we will **apply for relief according to the laws established in his Said Majesty's dominion**…
1760 & 1761 treaties general note	Ref A: Much like the previous agreements, the **1760–61 treaties guaranteed** Mi'kmaq, Wolastoqiyik and Passamaquoddy peoples the **right to hunt, fish, farm land and earn a reasonable living without British interference**. In 1762, Belcher's Proclamation (named for Jonathan Belcher, Nova Scotia's governor) **confirmed Britain's intention to protect the land rights of the Mi'kmaq**. (See also Rights of Indigenous Peoples in Canada.)

1763	Treaty of Paris: Concluded the French & British Seven Years' War; termed the French & Indian War in North America. Ref J: Article 2: Treaty of Peace & Commerce of Utrecht of 1713 renewed.
1778	Ref A: With the start of the American Revolution in 1775, the British sought to confirm bonds of peace and friendship with Indigenous allies in Eastern Canada. (…) On 24 September 1778, Wolastoqiyik delegates from the St. John River area and Mi'kmaq representatives from Richibuctou, Miramichi and Chignecto signed an agreement promising not to assist the Americans in the revolution **and to follow their "hunting and fishing in a peaceable and quiet manner."**
1779	Ref A: The following year, Mi'kmaq people from Cape Tormentine to Chaleur Bay signed a similar peace agreement with the British. ….. the 1779 Treaty guaranteed fishing and hunting rights: "The said Indians and their Constituents, shall remain in the Districts before mentioned, **quiet and free from any molestation of any of His Majesty's Troops, or other his good Subjects in their Hunting and Fishing."**

The important points the reader should note here, for the purposes of this discussion paper, are provided as follows.

1) **Grievances:** The treaties define agreement between the British & the Indigenous peoples for grievances to be addressed through the English system of Law. Any grievances the Indigenous might have with the English would be addressed in a fair manner through the English legal system.

2) **Free from Molestation:** The treaties define that the Indigenous shall be free from any molestation in their Hunting, Fishing and Planting.

   a) *Dedicated Territory:* The follow-on logical reasoning is that the Indigenous Peoples would have a dedicated territory that would be available to them to support their existence and culture. The existence of this territory for survival does not require them to occupy the territory, or even to "perambulate" through the territory. The territory will be available in all its natural ecological functions to support their survival into the future. The fiduciary duty remains with all levels of Canadian government (HRM, Nova Scotia, & Canada) to maintain this Indigenous Natural Heritage Environment in the form that permits survival of the community and culture into the future.

   b) *Free from Regulation:* Additionally, to be free from molestation requires that they be free from any English (or future colonial) regulation of their use of this territory for the purposes of supporting their survival, aside from any economic business / mercantile activities.

c) *Control over Territory:* Furthermore, this freedom from molestation gives the Indigenous peoples the right to control this territory; to control / regulate intrusions by outsiders; to control / regulate travellers, & traders travelling through this territory; to control / regulate any mercantile activities of the Colonists in this territory.

3) **Free to Trade without Molestation:** The Treaties of Utrecht provide for the Indigenous Peoples to be free to Trade as they wish with either side. Free to Trade without molestation, which by English cultural logical extension requires that they be free from outside regulation; have control over the products of trade; have control over the location of trade; free to trade with whomever they wished.

I submit to the reader the following for consideration. In agreeing that the Indigenous Peoples would not be molested in their Hunting, Fishing, & Planting, the English have agreed that the Indigenous Peoples retain control over these resources. By English cultural logical extension & reasoning, for the Indigenous to have control over these resources, one must also, by logical extension, have control over the resources that sustain the ecological existence of these resources; ie. control over the associated supporting terrestrial natural resources required to maintain a viable hunting ground & planting area. Similarly for the associated supporting aquatic natural resources required to maintain a viable fishing ground. What we can then conclude from the English cultural logic & reasoning, is that the English have, by logical extension, given Dominium (ie. control of resources) over the territory to the Indigenous Peoples.

Furthermore, the freedom from molestation gives the right to control the territory from outsiders, travellers, perambulators, squatters (adverse possessors), and all others. Following the English cultural logic & reasoning, the English have, by logical extension, agreed and given the Indigenous Peoples Imperium (ie. sovereignty) over the territory.

In addition, the English agreement that the Indigenous Peoples have freedom from molestation requires, by English cultural logic & reasoning, that the Indigenous Peoples shall not come under outside regulations or rules with respect to Hunting, Fishing, & Planting, and by extension under English logic & reasoning, this includes the Indigenous Heritage Natural Environmental territory with its resources that are needed to support the ecological environment required to support this same Hunting, Fishing, & Planting. What we have here is a specific exception to the requirement to submit to the English laws; that Hunting, Fishing, & Planting fall outside of the terms of the agreements indicating the Indigenous will submit to the English laws. The treaty term to submit to English laws only applies to interactions with individual English colonizers; a mechanism to settle disagreements between individuals.

Within these aspects of the agreed terms of the treaties we will see further in this discussion, that these terms (a; to have grievances addressed through the English system of law; and b) to be free from molestation in Hunting, Fishing, & Planting) have not been fulfilled by the English.

- 1726 Treaty – 2 Parts:

The following extracts from Ref B provide some important details regarding the agreements between the British and the Indigenous peoples.

> The 1726 treaty is composed of two separate documents.

One document, **termed the articles of peace and agreement**, was signed by the Mi'kmaq, Maliseet and Passamaquoddy. This document contains the promises made by each of the three communities to the British. ...

The second document, often **referred to as the reciprocal promises**, contain those promises made by the British to the Mi'kmaq, Maliseet, and Passamaquoddy. This part of the treaty was signed by the colony's principal military leaders, Lawrence Armstrong and John Doucett. Armstrong was the Lieutenant-Governor of Nova Scotia while Doucett was the Lieutenant-Governor of the British garrison at Annapolis Royal.

The 1726 treaty and later treaties are unique as much for what they do say as for what they do not. The treaties were meant to do one thing: harmonize relationships with the Mi'kmaq and Maliseet and in the process wean them away from their alliance with the French. The treaties were also meant to establish some general laws regarding inter-relationships between the British and the region's aboriginal inhabitants.

The most important of the treaty's provisions dealt with land. On the one hand, the Mi'kmaq and Maliseet **agreed not to molest** His Majesty's subject in their settlements 'already made or lawfully to be made.' By this clause, both communities formally accepted the legality of existing settlements. They also agreed that the British might establish future settlements, though such settlements could only be made 'lawfully.' The treaty, however, did not define 'lawfully.' This issue might have been addressed in the treaty negotiations but the minutes of these discussions are not extant. Nonetheless, it is reasonable to assume that the two sides to the agreement agreed that future settlement would be a subject of future negotiations.

In the reciprocal portion of the treaty, the **British agreed not to molest** the communities' fishing, hunting, planting and 'other lawful activities. ' Though the treaty did **not define the location** or size of such fishing, hunting, and planting grounds, we would assume that such grounds lay outside the 'existing settlements.' We would also assume that these grounds were ones that were used by the Mi'kmaq and Maliseet at the time the treaty was signed at 1726. However, it is not clear whether or not all those lands outside the 'existing settlements' could be considered to be part of the 'fishing, hunting, and planting grounds.'

As is evident, the **1726 treaty did not focus on the issue of land in any great detail**. **Nor did the treaties signed after 1726.** This was different from what transpired in the late 19th and early 20th centuries when the Canadian federal government negotiated a series of treaties with western natives. Those treaties, which are often called the *numbered treaties, involved the surrender of aboriginal lands to the federal government. In exchange*, communities received some form of compensation, including the provision that separate reserves would be established for them. Such provisions were not part of the treaties signed with the Maliseet and Mi'kmaq.

- Land Speculation:

Wicken in his work provides some interesting insights into the issue of Land Speculation by the elites. The following extracts provide the reader with a bit of an outline.

Ref F: pg 112, 113: Legal Status of Individuals

… the court established the legal status of individuals who by …birth were not subjects of the Crown, but who later came to live under its jurisdiction. According to the court, "every man is either *alienigena*, an alien born, or *subditus*, a subject born. Every *alien is either a friend* that is in league, or *an enemy* that is in open was.". …These alien friends … could trade with English subjects but could not own land within the monarch's domain "unless the house be for their necessary habitation." … Alien enemies, … were those people who lived in a Christian kingdome but whose monarchs were at war with England.

… distinct from subjects, & aliens were infidels. *Infidels* were people who did not belong to a Christian kingdom, & who therefore were "in law … perpetual enemies (for the law presumes not that they will be converted that being a remote possibility) for between them, as with the devils, whose subjects they be, & the Christian, there is perpetual hostility, & can be no peace. …infidels were people who were neither subjects nor aliens but inhabitants of a country or kingdom not part of the Christian world.

The 1726 treaty … recognized that the Mi'kmaq would not be integrated into British civil society overnight; … The Mi'kmaq simply weren't ready, as they lacked all manner of civilization. British concepts of civilization were closely associated with the Latin term *civitas*, which referred to urban areas where the necessaries of life & culture could be found. Those who lived outside the civitas were 'barbarians,' since they lacked the means to enrich their bodies, & their minds.

Ref F: pg 115: Land Speculators

British expansion in Massachusetts Bae, Plymouth, & (later) the valley of the Connecticut River required the displacement of aboriginal farming & fishing communities. Settlement was achieved by either purchasing land from aboriginal communities or by conquest. Massachusetts's relations with the Abenaki were no different. The Abenaki protested that speculators had bought lands without the consent of communities; this did not sway government officials, who upheld these purchases by force. Invariably, each ceasefire ended with the signing of a treaty which confirmed that earlier English purchases of Abenaki land had been valid.

Ref F: pg 206, 207: Land Specultation issue:

But if there was ambiguity, it was because the treaty negotiators hardly discussed land issues. The question now at hand is why they didn't. ...

At the same time, British officials were reluctant to press the issue of new settlements, mainly because of their own financial interests. Perhaps the colony's gentry were making a deliberate decision not to rile the Mi'kmaq unnecessarily. For proof of this, we need only consider the dealings of *four British officials; Jonathan Belcher, Michael Francklin, Isaac Deschamps, & Joshua Mauger*. All *4 were members of the NS Council*. For these men, NS was more than a place to trade in furs; it was also a place to trade in land. After all, wasn't land speculation something that all colonial gentlemen engaged in? Hadn't the French & Indian Wars been precipitated by the eagerness of colonial land companies to buy into the Ohio Valley? ... Land speculation in NS was the continuation of something that had begun much earlier. In the 1720s, British settlement in NS had been only a remote possibility; by the 1760s, times had changed, & the possibilities were enticing. Thus, it is not surprising that men like Belcher, Deschamps, Francklin, & Mauger were granted large tracts of lant (note 54;). Nor should it surprise us that in negotiating treaties with the various Mi'kmaq communities in 1761, Lieutenant-Governor Belcher chose not to discuss in depth the issue of land. Better for him to say nothing at all than to say something that might unsettle his own financial affairs, & those of his friends. .... The Belchers, like may of their class, speculated in land, including Abenaki lands.

Ref F: pg 208: Land issue dodged in treaty negotiations:
…The fact that the land issue was dodged during the treaty negotiations was also a reflection of the financial interests of the colony's economic & political elites ... the founding of Halifax, coupled with France's defeat, promised opportunities for trade & land speculation for men like Lawrence & Belcher. Nova Scotia offered merchants & political officials a means to enrich themselves in a way they never could in Massachusetts of Great Britain. Here was land for the taking. …

Ref F: pg 75: Land Purchase Legality, &Vague language regarding boundaries; Massachusetts 1717
Some Abenaki did not accept Massachusetts's claims, questioning the legality of the purchases, & wondering how it was possible for one individual to sell lands when the land belonged not to one person but to the whole community. … 'We can't understand how our Lands have been purchased, what has been Alienated was by our Gift. … Other leaders sought clarifications from Massachusetts officials regarding the boundary between the purchased lands, & the lands the colonists considered as still belonging to the Abenaki. Massachusetts officials used vague language to describe the limits of British settlement, & constantly expanded the area's boundaries.

Ref F: pg 87: Land Purchase Legality:
… The Abenaki refused, arguing that the land was held in common by all Abenaki, & could not have been sold by one person.

Ref F: pg 217: Ambiguities characterise treaty making
Here, in the treaty signing at Belcher's farm, we encounter all the ambiguities that has come to characterise British-Mi'kmaq treat making. …

Ref F: pg 170: Land issue dodged in treaty negotiation:
… In 1726 the British had promised that the Mi'kmaq would not be interfered with in their planting, hunting, & fishing grounds, but they did not specify where such 'Lands' were located.

Ref F: pg 143: Treaties work of Local Officials
The King's ministers might have exhibited a keener interest had it been necessary for the treaties to be consistent with the existing common law. But aboriginal people were not considered to be part of the body politic, so it wasn't necessary that agreements signed by them be considered in the same manner as legislation passed by colonial legislatures. This is implicitly suggested in a letter sent to King George by the board (*rd; the Board of Trade*) in early September 1721, in which it recommended the signing of treaties with aboriginal nations but did not indicate any need to subject these treaties to the king's review. To a remarkable degree, therefore, the treaties signed by the government of Massachusetts and Nova Scotia with the Abenaki & with the Mi'kmaw were the work of local colonial officials.

Ref F: pg 146: Personal Financial Interests:
… the Board of Trade & the Secretary of State supported them because of their own interest in extending the British Empire. For statesmen like the Duke of Newcastle, there was a direct link between the state's political interests and their own personal fortunes. Though land was still the foundation of these men's wealth, ….

What the reader will see here is the implementation of an English doctrine of discovery, & an English doctrine of Occupation of Terra Nullius. In the minds of the English, Mi'kma'ki was a territory to be discovered, to be opened up, to be occupied & then traded; a territory not occupied by civilized, cultured peoples; a territory occupied by infidels, perpetual enemies of the Crown; therefore, a Terra Nullius; here was land for the taking; here was their money pot.

As the reader will recall from the earlier discussion of the English elites investing, & speculating in companies dealing in human property; investing, & speculating in Slavery; we see a similar pattern of the elites investing, & speculating in territory. As was the case with the business of speculation in Slavery, so it seems was the business of speculation in the trade of Indigenous owned territory. The Board of Trade had the mandate to manage the trade of slaves for the purposes of profit taking; working with and often appointing Governors to support the business in the colonies. In the case of Nova Scotia, the Board of Trade had learned its lessons from Massachusetts and did not provide for a colonial charter. Nova Scotia was their new business experiment. Working with the English elites as members of the Nova Scotia Council, the business of enriching themselves (and perhaps shareholders in the land speculation companies; although more research in this area is required) could proceed with much greater efficiency. The Board of Trade, & Nova Scotia Council would need to provide the "vision" for how to manage the treaty process such that the speculation could achieve the greatest profits.

Here again, when considering the issue of land speculation; issues with respect to English relations with the Indigenous peoples and the treaty making process, we come to the feeling that the integrity of the Crown cannot be presumed.

- Nova Scotia Council:

As one reads Wichen's work, one sees many references to the Nova Scotia Council. His work provides some insight into its workings, its membership, & the interests of the membership. How the NS Council interacted with the English Board of Trade is not quite clear. Further research into the workings, & influence of the NS Council would be of interest.

The following extract reveals the Council's main purpose, & level of authority.

> Ref F: pg 89: Main Administrative body
> The council was the king's chief administrative body in British Nova Scotia. Formed in April 1720, & appointed by the governor, it possessed wide-ranging powers that included the right to overrule the governor's authority, & to act as a court of law. Its main responsibility in 1726, however, was to govern the colony's French-speaking inhabitants, the Acadians, …

As the reader will see later in this discussion paper, the practical administration of all of the English Colonies was managed by the Lords/Board of Trade. The Nova Scotia Council was a colonial body, working under the Lords/Board of Trade.

The following extract provides one additional piece of insight into the activities, & influence of the NS Council.

> Ref F: pg 181: Nova Scotia Council issues Scalping Proclamation

> … Having read this letter, the Nova Scotia Council did not inquire into the nature of the Mi'kmaq land use. On the contrary, the council members responded angrily, issuing a proclamation offering a **reward for Mi'kmaq scalps or prisoners**. … the council argued that an aggressive policy was necessary to defend the colony. Ten guineas were offered for 'every Indian killed or taken Prisoner' … As an additional measure, the council voted … to raise an independent company of one hundred men to augment Captain Gorham's company. Whatever opportunity might have existed to peacefully resolve the dispute ended with the council's resolutions. As ... a French missionary … was to later write, the posting of the proclamation prompted 'all the Indians to raise their hatchets' against the British.'

As an aside, a question is raised regarding the actual involvement of Governor Cornwallis in the scalping proclamation. What influence did Cornwallis have in developing, & then later putting into effect the scalping proclamation. Given that Nova Scotia Council could override the Governor, even if the Governor opposed the proclamation, the Council could put the proclamation into effect.

- 1713 – Treaties of Utrecht:

The Treaties of Utrecht provide some guidance with respect to Indigenous Peoples rights to / opportunities for Trade. The Treaties have also been a thing of concern regarding the Title to Indigenous Territories.

> Ref H: Rights of Indigenous Abrogated
> The main victims of this peace were the First Nations Peoples of the Americas & the Black people of Africa. The tragic destinies of both people were decided by the European Crowns, without an iota of thought being given to their interests. Their rights, as free & independent peoples were being abrogated & First Nations & African lands were also being taken. The Treaty of Utrecht also gave European nations license to forcibly remove Black people from Africa & bring them to the Americas as slaves.

> Ref I: pdf 33: Section XV: ... As also the Natives of those Countries shall, with the same Liberty, resort, as they please, to the British and French Colonies, for promoting **trade** on one side, and the other***, without any Molestation or Hindrance***, either on the part of the British Subjects, or of the French. ...

> Ref F: pg 129, 130: British Claims
> … In Nova Scotia, the British claims to the land stemmed from the Treaty of Utrecht. In 1762, Lieutenant-Governor Jonathan Belcher argued that 'the French derived their Title from the Indians, & the French ceded their Title to the English under the Treaty of Utrecht.' … Belcher's supposition that the French had acquired land title from the Mi'kmaq was not as well grounded as he thought. …
>
> Belcher's 1762 letter indicates that the legal issue of title involved establishing that the French actually purchased lands for settlement from the Mi'kmaq. …. No land deeds exist that attest to the formal purchase of land by Acadians or by early fur traders … Nor does any document exist which states that the Mi'kmaq formally ceded their lands to the French king. …
> As much as Lieutenant-governor Belcher in 1762 believed that Great Britain had acquired title via Utrecht, there is no documentation that the Mi'kmaq had formally ceded any lands to France.

> Whatever Belcher believed, the Mi'kmaq in theory retained a right to the soil after 1713, since they had not surrendered or sold lands to the French.

What the reader should note here is the Treaties of Utrecht provide for the Indigenous Peoples to "*resort, as they please, to the British and French Colonies, for promoting **trade** on one side, and the other**, without any Molestation or Hindrance**, either on the part of the British Subjects, or of the French.*" That is to permit them to conduct Hunting, Fishing, & Planting without molestation or hindrance. In order to conduct these activities of Hunting, Fishing, & Planting to be conducted without molestation or hindrance requires the Indigenous Peoples:

1. to have a territory dedicated for the conduct of these activities;
2. to have a territory that is suitable, of appropriate productivity for these activities;
3. to be free from outside regulation; &
4. to have control over the territory in order to preserve its suitability, & productivity.

Also included in this Treaty of Utrecht Article XV is the provision for Indigenous Peoples to be permitted to Trade; to Trade without Molestation or Hindrance. Without molestation or hindrance of the Indigenous Peoples trade activities requires the Indigenous Peoples:

1. to be free to trade / not hindered in trading with whomever they wished; including both English, & French;
2. to be free of hindrance from restrictions on movement within the territory of their trade; not constrained to small plots of territory such as reservation, but able to "follow" the resources with the seasons during migration; to move between areas of different resources without restriction.
3. to be free of hindrance from outside regulations;
4. to be free of taxes on their trade;
5. to be free of hindrance on the scope of the trade; no hindering restrictions on the type of trading activity; &
6. to be free of hindrance from the amount of trade; no hindering restrictions on the profit that can be made; the trade is not restricted to ceremonial activities, nor restricted to self-sustenance, nor restricted to moderate livelihood.

Additionally, the reader will note the Indigenous Peoples did not cede territory to the French, however, the French inappropriately conveyed Indigenous Territory to the English, and furthermore, the English inappropriately assumed that title to indigenous territories had been appropriately conveyed to them through the Utrecht.

- 1763 – Treaty of Paris

I direct the readers attention to the following Articles of the 1763 Treaty of Paris.

> Ref J: Article 2; Renewal of Previous Treaties:
> Article 2: The Treaties of … peace and of commerce of Utrecht of 1713; … serve as a basis and foundation to the peace, and to the present treaty: and for this purpose they are all renewed and confirmed in the best form, as well as all the general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be ***exactly observed, for the future***, in their whole tenor, and religiously executed on all sides,

> in all their points, which shall not be derogated from by the present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: …

Under Article 2, if I understand the text correctly, under the terms of the Treaty of Paris, the treaty of Utrecht of 1713 is renewed, & is to be observed into the future. The Treaty of Paris thereby renews Utrecht 1713 Section XV:

> … *'As also the Natives of those Countries shall, with the same Liberty, resort, as they please, to the British and French Colonies, for promoting trade on one side, and the other, without any Molestation or Hindrance, either on the part of the British Subjects, or of the French.'* …

The Treaty of Paris, in renewing the Treaty of Utrecht, brings with it the requirements outlined in the previous paragraph regarding the 1713 Treaties of Utrecht. The reader should note here as well, the treaty requirement to observe these renewed treaties into the future.

One question to consider relates to the other "treaties" of peace & friendship developed from 1725 to 1763. How does the renewal of the Treaty of Utrecht under Article 2 of the Treaty of Paris affect the "treaties" of peace & friendship of 1725 to 1763? (*further research req'd*)

An additional question to consider relates to the 'notwithstanding' clause in the above Article 2. With respect to the terms "that may have been stipulated" in those "treaties" of peace & friendship, one must question whether these terms stipulate anything to the contrary by the English 'high contracting party' to the 1763 Treaty of Paris (ie. the King). The reader will recall an earlier note made regarding the documents developed by the Nova Scotian officials were not presented to the King for signature, or ratification, or any sort of 'stamp of approval'. These documents were locally developed documents. Although the word Treaty is often seen on the documents, the question arises regarding whether these can in fact be considered formal Treaties if they have not been approved, signed, reviewed by the King; ie. the High Contracting Party, and subsequently ratified.

Article 4 deals with the renouncement of pretensions to Nova Scotia or Acadia.

> Ref J: Article 4; Renouncement of Nova Scotia or Acadia
> Article 4: His Most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: Moreover, his Most Christian Majesty cedes and guaranties to his said Britannick Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Lawrence, and in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights ***acquired by treaty, or otherwise***, which the Most Christian King and the Crown of France have had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, …

What is specified in this article is that the territory must have been rightly "*acquired by Treaty, or otherwise*". The historical record does not show acquisition of the territory of Mi'kma'ki from the Mi'kmaq by Treaty. The historical record does not show acquisition of the territory of Mi'kma'ki from

the Mi'kmaq by Purchase. One must therefore conclude that Canada has no *de jure* control over the the territory of Mi'kma'ki through Treaty or Purchase.

The historical record does not show acquisition of the territory of Mi'kma'ki from the Mi'kmaq by Conquest.

The question that remains relates to whether Canada's *de jure* control over the territory of Mi'kma'ki was "otherwise" acquired. The reader will recall earlier in this paper, a discussion regarding by what means does Canada claim rights to the territory of Mi'kma'ki. ("*Right of Conquest*"; "*de Facto*"; "*de Recto*"; "*Annexation*"; "*Sui Generis*"; "*Underlying Title*";. Each of these distilled as subcategory of "*Adverse Possession*", colloquially described as "*squatter's rights*". The "*doctrine of First Discovery*"; & "*doctrine of Occupation of Terra Nullius*" both have been defined by the Government of Canada as racist policies).

We come back to the same question as earlier. What drops out is the French claim to the territory of Mi'kma'ki, as it did for Canada's claim, is a claim through *Adverse Possession*, or *squatter's rights*.

Article 23 provides for an interesting conundrum with respect to the territory of Mi'kma'ki.

> Ref J: Article 23: Restoration of Countries Not Under this Treaty
> All the countries and territories, which may have been conquered, in whatsoever part of the world, by the arms of their Britannick and Most Faithful Majesties, as well as by those of their Most Christian and Catholick Majesties, which are not included in the present treaty, either under the title of cessions, or under the title of restitutions, shall be restored without difficulty, and without requiring any compensations.

If one considers that under Article 4, France did not have a sovereign right to the territory of Mi'kma'ki, *'acquired by Treaty of otherwise',* then by logical extension the territory is not considered to be 'included in the present treaty,' and therefore '*shall be restored without difficulty*'. The territory of Mi'kma'ki could clearly be considered for restoration to the Indigenous Peoples of Mi'kma'ki. I would offer for consideration that the restoration in this case must be accompanied by restitution as recognized by UNDRIP.

Finally, Article 26 provides for the agreement to observe the articles of the treaty; including the renewed articles of the Treaty of Utrecht 1713.

> Ref J: Article 26: Promise to Observe Articles of this Treaty
> Their sacred Britannick, Most Christian, Catholick, and Most Faithful Majesties, promise to observe sincerely and bon fide, all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties, generally and reciprocally, guaranty to each other all the stipulations of the present treaty.

- Communication:

I offer for the reader's consideration, the following discussion regarding language translation between English, French, & Mi'kmaw.

The following extract from Wicken's work provides an interesting comparison of communication via Wampum and communication via Alphabetic script.

> Ref F: pg 92: Standardization of English language
> … **Wampum** also differed from alphabetic script in that it made use of symbolic figures. In an **alphabetic script**, the individual symbols per se do not impart information; they are only comprehensible once arranged in a certain pattern. Though there were certainly variations in spelling, & grammar, by the eighteenth-century great strides had been made in standardizing English. For instance, Samuel Johnson's *Dictionary of the English Language* appeared in 1755, & Robert Lowth's *Short Introduction to English Grammar* in 1762. Furthermore, the symbolic patterns used in written English represent spoken words; this is what makes possible their communication across time, & space without recourse to oral speech. This was not true of wampum; its symbols were not exact duplications of spoken words, but rather ideograms used as mnemonic devices to represent concepts. Wampum, unlike alphabetic script, depended on a human intermediary who could interpret the belt's message. For all of the above reasons, a wampum belt was far harder for outsiders to 'read' than an alphabetic script. …

As Wicken makes note of the strides made in standardizing the English language, the early formalizations came in 1755, & 1762. These developments are coincident with the writing of the Mi'kmaq Treaties (1725 to 1779). What one must consider then is how well developed were the English language skills of the English Officials, & staff involved in the development of the treaties? If the English language was at the time in early stages of standardization, the follow-on question then becomes, what was the English language skill level of the French who were doing the translating for the Indigenous Peoples? They then would not have been as intimately connected to the developments in standardizing the English language, & therefore by extension, some of the understandings would have been lost in translation from English, to French, then finally to Mi'kmaw. A follow-on question one could also consider is whether a similar development for standardization of the French language was occurring? A short review of the history of the French language development reveals that the "modern french" language began to be formalized in the 1500s, with some major further developments to in the 1600s.

One can begin to consider the issues of language translation as being quite significant in the development of the Mi'kmaq treaties of 1725 to 1779. One must consider to what extent did the language issue impact the English in their understanding of what they were writing in these treaties, given the progress in the standardization of the English language at the time. Did the English truly understand the import of what they were writing in these texts? Did the texts have sufficient clarity for even all the English to understand what was written, & intended?

> Ref F: pg 148: Treaty interpretation
> … The lack of an established merchant community with a financial investment in the colony's development had important consequences for how Nova Scotia Officials explained the terms of the treaty to the Mi'kmaq. Neither Doucett nor Armstrong would have felt pressure from local elites to insist on an interpretation of the treaty that emphasized British law as the standard for interpreting the treaty's article. On the contrary, it was possible for Doucett & Armstrong to take a more flexible approach, & to accept an interpretation of the treaty that integrated Mi'kmaq custom into British law.

Ref F: pg 152: Treaty Interpretation

But the court's interpretation of the 1726 treaty was not share by the Nova Scotia government. Armstrong adopted a more conciliatory policy, & did not interpret the treaty as making the Mi'kmaq subject to the laws of Great Britain in their interactions with British subjects. In Armstrong's view, such a policy would have been foolhardy, ….

Ref F: pg 156, 158: Treaty as Flexible Instrument, & Interpretation

… Armstrong's comments suggest an elasticity to the treaty process. This view is reinforced by comments the governor of Ile royale made after meeting with some Mi'kmaq leaders in July 1726. …

A key question during the Massachusetts trial concerned how the British law was to apply to the Mi'kmaq villagers who had signed the 1726 treaty. The Massachusetts government's interpretation was … , British law was to be the basis for regulating relations between the Mi'kmaq & British subjects. Armstrong rejected this interpretation, … his actions suggest a more nuanced interpretations of the legal relationship created by the treaty – that he viewed the treaty as a flexible instrument for regulating disputes between both parties. … Armstrong was able to interpret the treaty in a manner that would assuage the Mi'kmaq & influence them to accept the peace.

Ref F: pg 98: Treaty Interpretation

… the Mi'kmaq & the British diverged in their understanding of the treaty. For Brtish officials in London, the treaty was an embodiment of its English text. For the Mi'kmaq the treaty … included the oral discussions held prior to the treaty's signing. … what would have been more important was how the words of the treaty were translated from English into Mi'kmaq by the two Acadian interpreters.

Ref F: pg 97: Treaty Interpretation

… to expect them therefor e to evaluate the treaty's words in the exact manner that Doucett & His officer expected them to do, seems unreasonable. Language I historically constructed & so is not easily transferred from one historical experience to another. … To contend that every English word contained in the treaty would have been easily translated from English to Mi'kmaq is to suggest that with the treaty, the the history of both societies had been merged into the other, so as to make their languages indistinguishable. …

Ref F: pg 94: Treaty Interpretation

Even after they arrived at Annapolis, the Mi'kmaq delegates' understanding of the treaty would have been informed less by the written text than by the discussion about it. …

Ref F: pg 84: Treaty Interpretation

… But do you not recognize the King of England as King over all his states? … Yes, I recognize him King of all his lands, but I rejoined, do not hence infer that I acknowledge thy King as my King, & King of my lands. Here lies my distinction – my Indian distinction. God hath willed that I have not King, & that I be master of my lands in common. … Loron did not agree that the British alone would resolve disputes between the two: 'I understood only that he should judge his people. Ant that I would judge mine.'

Ref F: pg 85

> … All of this is a good example of how British officials used a written text to enforce agreements that emphasized their own understanding at the expense of native people's understandings. This issue would resurface much later as a problem in Mi'kmaq versus British interpretations of the 1726 treaty.

What we see from the above extracts is the situation where treaties have different interpretations. Interpretations varying between agencies that wish to apply them; varying between individuals, their individual backgrounds, political motives, mercantile motives; varying between cultures; varying between mechanisms of communication. Where Wichen reflects on the English use of alphabetic text as having the capability & benefit to transit time and space without a human to provide context and interpretation as being superior to the transmission over time and space by Indigenous Wampum is not quite correct. As we see from Wichen's own descriptions, the English alphabetic text is plagued by the problems of interpretation over time and space. The Indigenous Wampum, requiring a human interpreter to provide context and explanation, has the superior benefit of human-to-human interaction; of human-to-human communication, allowing clarification of ideas, concepts, & context.

With the English alphabetic text of the treaties being the only instruments retained in records, we struggle with the issues of Interpretation, the issues of level of English language development, the issues of the level of English language skill of the English, the issue of the level of English language skill of the Acadian Interpreters, the issue of the level of Mi'kmaw language skill of the Acadian interpreters, and with the level of French language skill of the Mi'kmaq.

Add to this complex issue of Treaty interpretation, the issue of English intent with regard to Land Speculation, & presumption of integrity of the various non-Indigenous agencies involved in the treaty process, we are left with a strong balance of justice in favour of the Indigenous peoples. A balance the extends its reach into our present society and its dealings with Indigenous Peoples. Dealings that strongly suggest an anti-indigenous bias.

- Influence of Lords / Board of Trade

  [Thomas, Hugh, 1997; The Slave Trade: The Story of the Atlantic Slave Trade 1440-1870]

In this section I would like to present the reader with a general perspective of the Lords / Board of Trade's operations and culture as it might affect anti-indigenous racism.

The following extracts from Hugh Thomas' work provide the reader with some insight into the culture of the English society; a culture that calls into question the integrity of the Crown in its dealings with Indigenous Peoples of Mi'kma'ki.

We see, for example, the establishment of companies such as the South Sea Company, a company heavily involved with the slave trade. This involvement of the various people or agencies was motivated purely by a desire for profit.

> Pg 237
> …The South Sea Company agreed to buy in Africa the slaves required from the old Royal Africa Company (RAC); take them to Jamaica, where the weakest, the "refuse" slaves, would be eliminated (left to die uncared for on the dock); and then carry the prince slave to Spanish markets….

In the following extract, Thomas identifies the Board of Trade as effectively the Administrators of the colonial empire. As discussed earlier in this document, the Board of Trade was a body with significant influence in the workings of the English governmental complex of the time. What I suggest is important here is to try to understand the level of influence that this body had in the workings of the colonial empire. Many of the archived letters, discussion, notes etc relating to the English relations with the Indigenous peoples of Mi'kma'ki are documents exchanged between the English colonial authorities and this Board of Trade.

> pg 238
> …On December 15, 1712, at a meeting in the Board of Trade, London, Colonel Cleland, that body's agent in Barbados, suggest to the Lords Commissioner of plantations **(in effect the Administrators of the colonial empire**) that "we should endeavour to exclude all other nations from the negro trade…" … "among those who stood to gain by all these arrangements was, first & foremost, Queen Anne, with her substantial portfolio." [that portfolio being in the South Sea Company]
>
> "The directors of the South Sea Company included John Blunt, instigator of the whole enterprise, politicians, … the duke of Argyll … Shareholders with over ten thousand pounds' worth of stock included the **earl of Halifax,** founder of the Bank of England, politician James Graggs, … Smaller stockholders included Swift, Defoe, … & Sir Isaac Newton."

As Administrators of the colonial empire, this Board oversaw the integrated network of the English economy with the colonial authorities. This was a board focused on profit and collection of taxes to build and maintain the Crown, the homeland, and the colonial empire. Goods manufactured in England, in the forerunner to England's industrial revolution, were relied upon in the trade for slaves. Goods produced in England were used to "pay for" / exchange for slaves from the coast of Africa.

We see from the above extracts significant investors, all with a profit motive. We see the Queen involved as an investor; and as such, calls into question the integrity of the Crown in its dealings with indigenous people of the colonies.

As an aside, the namesake of the city of Halifax, the **2nd Earl of Halifax, George Montagu-Dunk,** known as "father of the colonies", was president of the Board of Trade from 1748 – 1761. [https://en.wikipedia.org/wiki/George_Montagu-Dunk,_2nd_Earl_of_Halifax]

In the following extracts we become aware of the broad scope of this culture. This culture of classification of people as goods; as objects, where even the Royal Navy was involved. We see members of the House of Commons, & House of Lords; more evidence of the royal family's involvement. Further evidence that leads one to question the integrity of the crown in its dealings with indigenous peoples. The Crown, the parliament, and the Board of Trade, all involved in this activity with profit as the prime motivator.

> pg 239
> … Another difficulty was that private, independent, & even by English law, illegal trade continued. Naval Officers indulged themselves in this business. … "as to what to do concerning our men of war protecting & carrying on the private trade," the directors (of the South Sea Company) wrote …"it is not in our province to complain about it."

Pg 241
… For the historian .. the list of shareholders … reads like a directory of contemporary Britain. Most of the House of Commons (462 members), hundreds of members of the House of Lords (200 members). So were … and all the royal family … The Swiss canton of Berne had a large holding of South Sea stock. Whether the shareholders realized that the main purpose of the South Sea Company was to carry slaves to the Spanish empire is far from obvious. But all would still have thought … with Kings Charles II and James II, that it was better for black slave to be given work by Christians in the Americas than by dogless princes in Africa.

Pg 244
… The prince of London slave merchants in these days was Humphrey Morice, … member of parliament, & governor of the Bank of England (1727-1728). Morice had been an effective spokesman for the independent traders in the complaints against the Royal Africa Company….

The following extract is even more enlightening regarding the influence of the Board of Trade. Here we see a slave trading company being given the responsibility to appoint governors. How extensive was the power of the Board of Trade? How far did its authority reach into the colonial empire?

Pg 265
…In 1750, the slave trade was made even easier for British merchants: an act made the commerce entirely open, so that it was henceforth "lawful for all His Majesty's subjects to trade & trafffick to & from any port in Africa…". A new holding company representing all merchants trading to Africa was established to look after British forts & trading posts. This was to be direct by a board composed of trader from Bristol, Lond, & Liverpool, which set about devising a new form of regulation to maintain those places. The eventual arrangements were a good example of the English approach to the mixed economy; the Crown gave the new company an annual grant of ten thousand pounds to maintain the forts, but the company – that is the merchants – ran them, & were also responsible for the appointment of governors…..

In the following extract we see how profitable this business of slavery was and the cultural attitudes of the time.

Pg 269
…Yet Laurens reported in 1755, "Never was there such pulling & hauling for negroes before. Had there been a thousand, they would not have supplied the demand." The firm of Austen & Laurens was concerned with wines & spirits, beer, deerskins, rice, indigo, and indentured servants, as well as slaves, but it carried, in 1755, about a quarter of Charleston's slaving business: seven hundred slaves that year. Laurens made a profit of 10 percent on every slave imported, 5 percent on other produce.

In the following extract we see a hint of the English business culture of the time, & the influence of the Board of Trade on that business culture.

Pg 479
The rebellion *(American Revolution)* began with a decision by the so-called Association, a union of the colonies, to end commercial intercourse with the mother country. Since the slave trade was

> an important part of that, it was one of the first branches of business to come to an end. This was a move opposed by the merchants of Liverpool & Bristol, sustained by the president of the Board of Trade in London, the earl of Dartmouth, who said, "We cannot allow the colonists to check or discourage in any degree a traffic so beneficial to the nation."

In the above extract, the "earl of Dartmouth" being referred to at this time was William Legge, 2nd Earl of Dartmouth, who served as president of the Board of Trade for only one year in 1765, resigning in 1766. Of interest regarding Nova Scotian history, the city of Dartmouth's namesake, also William Legge, but 1st Earl of Dartmouth, served as Commissioner of the board of Trade & Plantations from 1702 - 1710.

What we now see is a Board of Trade that administers the colonial empire. This Board of Trade has a profit motive. This Board of Trade oversees all manner of companies and the economy, including activities related to slavery. We see the widespread cultural attitudes that are blind to the plight of certain humans, and more focused on the profit motive. We see that this activity of slavery continued into the 1800s. Even after abolishment, the culture was such that restitution had to be made for loss of property to the slave owners; this restitution finally ending in the 1900s. What the reader must consider is that the cultural attitudes of the past are reaching into todays society of the 2000s.

- Board of Trade influence in Nova Scotia

  [https://ruor.uottawa.ca/bitstream/10393/23522/1/Hully_Thomas_2012_thesis.pdf]
  Hully, T., 2012, Thesis; British Empire in the Atlantic: Nova Scotia, the Board of Trade, & the Evolution of Imperial Rule in the mid 18th Century.

In this section I would like to present the reader with some insight into the Board of Trade's operations and culture as it relates specifically to the Nova Scotian "colony".

The work of Hully seems to provide some amplification on the work of Thomas outlined above. What we seem to be seeing is an England that is still evolving from the Civil Wars; with lots of confusion; attempts to restrict Crown absolute power; many agencies and individuals pulling in different directions, and not for a united vision; personal ambition and vested interests having a significant influence on the direction taken in the relations with indigenous peoples.

In the following extract we find historical analysis indicating "personal ambition & vested interests" within fluid, not unified political parties, as a driving force in decision making.

> Pdf pg 11
> His second conclusion was that the Tories and Whigs were far from being tightly organized political monoliths. In fact, both parties contained small, fluid and ever shifting groups or factions whose opinions were formed on an issue-by-issue basis, or by familial connections. In Namier's view, political corruption or ideological organization did not determine how MPs voted, *personal ambition and vested interests did*:
>
> > The division between Whigs and Tories existed in 1761, as before, and as it still exists in the body politic of England; … But it was not focused on particular problems, and did not therefore supply clear lines of division in politics; the old issues were worn out, while personal politics, …, were thrown into confusion by the accession of George III.

In the following extract we see historical analysis indicating the significant influence of the Board of Trade over the economy and governance of Nova Scotia; more so than in other colonies. This "backwater" would perhaps be considered their own sandbox. This is the same Board of Trade that is at this same time managing the British Slave Trade, particularly the companies given exclusive rights in that trade. We have seen already in Thomas' work, "independent" operators / "interlopers" were also involved in this business, contrary to law of the time.

> Pdf pg 28
> …While Nova Scotia receives honourable mention in the works of scholars such as Greene, Marshall, Harris, and many others, few have taken the time to examine the mechanics of how the British state and the Board of Trade sought to establish **central control over the colony's administration**. Though they tend to agree that the **Board of Trade exercised stronger authority over Nova Scotia** than other colonies, they paradoxically attribute this to the fact that the colony was a marginal region of the empire, and largely neglected by the British administration. This neglect left the province under populated by settlers and chiefly administered by military officials, employing military governments, for much of its early history.

In this next extract we see historical analysis indicating that Nova Scotia was a guinea pig, in an experiment concocted by the Privy Council and the Board of Trade. An experiment that permitted them to do things as they wished. The reader should consider at this stage the earlier extract describing the significance of "personal ambition & vested interest". To what extent did this play into the Board of Trade & Privy Council decision making. Understanding that this same Board of Trade was managing the Slave Trade, much of which was for personal financial gain, the question arises as to the culture of this organization and its real goals. The follow-on conclusion that arises is that we must now question the "integrity of the Crown" in all its dealings with the indigenous peoples of Mi'kma'ki, and in particular those peoples of Nova Scotia at the time.

> Pdf pg 29
> …The need for a civil government quickly became apparent, and, as it turned out, **Nova Scotia would become the guinea pig in an experiment** with ominous consequences for the rest of the American colonies…**Privy Council and the Board of Trade collaborated** to ensure that it was strictly a government colony….

In the following extract we see indications that military officers were left in charge of the administration of the colony, [Cape Breton & Nova Scotia]. How much of this administration was executed from self-interest? The reader is referred to Hully's notes regarding "personal ambition & vested interests" playing a key part of English politics. The reader is further referred to Thomas' observations regarding "naval officers indulging themselves in the business [of slave trading]".

> Pdf pg 30
> …As a result, **military officers were left in charge of their administration, which lacked the proper resources or government mechanisms to maintain law and order**, or promote the settlement and economic improvement which would have made them useful additions to the imperial project….

The following extract makes reference to Lord Halifax, President of the Board of Trade. This is the 2nd Earl of Halifax, George Montagu-Dunk, the namesake of the city of Halifax president of the Board of

Trade from 1748 – **1761**. Here the historical analysis indicates how the Nova Scotia experiment was to be governed. Instead of a Royal Charter, instructions to the governor were to serve as the basis. These instructions were to come from the Board of Trade.

> Pdf pg 31
> …Secretary of State for the Southern Department the Duke of Bedford, and **President of the Board of Trade Lord Halifax**, implemented an **experimental model of civil governance for Nova Scotia** in an attempt to increase centralized metropolitan control. Instead of granting the colony a royal charter as had been in done in the past with other North American colonies, the gubernatorial instructions and commission were to serve as the basis of the colony's government….

In the following extract we see the loose arrangement that existed regarding the governing of the colony. The Privy Council & Board of Trade could reinterpret instructions or issue new orders for the governor.

> …Because the colony lacked a formal charter or constitution, the **Board of Trade or Privy Council could reinterpret the instructions or issue new orders** for the governor via their correspondence if the needs of the colony dictated it, or British policy changed.

As earlier discussed, the politics of England at the time were very much influenced by personal ambition and vested interest. The cultural attitude towards indigenous peoples were a reflection of the cultural attitudes towards slavery; in both cases, people could be classified as property, as infidels, who could not own property. The attitudes that developed the English Common Law of Slavery paralleled those of the Papal Bulls of Discovery. These same cultural attitudes existed in the colonies, in particular Nova Scotia, as it was a backwater, of no real concern to the Government and the Crown. The Board of Trade and Privy Council had free reign.

Having established this Nova Scotia experiment, the Board of Trade had the freedom of movement to create "British" space; to provide more room for its citizens to live. In order to provide this room to live, the Board of Trade "sought to exclude or assimilate non-British populations of the province". The Indigenous Peoples of Mi'kma'ki would be pushed out of the way. Once assimilated, the territory then could, under English cultural logic & reasoning, be considered a no-mans-land, a Terra Nullius, a territory open for the taking.

> …**Board of Trade** felt that the best way to create a "British" space in the province was through the strategic use of land grants. In doing so, **they sought to either exclude or assimilate non-British populations in the province**, and severely limit municipal governments which could challenge the provincial administration for power and influence….

The picture that appears to be developing is an England that is in turmoil regarding governance at home and throughout the empire. The parliament is too absorbed in wars and rebellions to be interested in Nova Scotia. Even with that, through examination of the slave trade we see the members of parliament, the royals, prominent business persons, and others of higher society, were very interested in personal ambition, financial gain.

The objective of assimilation brings us back to the earlier discussion of Canadian Indigenous Residential Schools. These schools had the objective of assimilation of the Indigenous Peoples. Once assimilated, the Indian problem disappears, and the Doctrine of Discovery and Doctrine of Occupation of a Terra Nullius can be implemented. The territory is then free and open for the taking. Colonists can expand their occupation without impediment. One can see now that this doctrine of assimilation has its roots as far back at least to the mid 1700s. These roots still have threads reaching into today; 2023.

> "By the **1760s**, Britain was the foremost European country engaged in the slave trade. Of the 80,000 Africans chained and shackled and transported across to the Americas each year, 42,000 were carried by British slave ships. Between 1750 and 1780, about 70% of the government's total income came from taxes on goods from its colonies."
> [https://thebarnetgroup.org/tbg/uk-black-history-from-ancient-britain-to-the-transatlantic-slave-trade/#:~:text=By%20the%201760s%2C%20Britain%20was,carried%20by%20British%20slave%20ships. / UK Black History]

The administration of the colonies was being conducted by the Board of Trade, an agency heavily focused on business of the colonies and financial gain; a Board of Trade that had significant influence with the Crown, with parliament, the privy council and the entire business community within England and through the colonies. The picture of financial gain driving a large portion of Nova Scotian development, can only lead one to start to question whether one can presume the "integrity of the Crown" when reviewing interactions of the colonial administrators with the Indigenous Peoples of Mi'kma'ki.

- Treaty Making Process

  [Ref A: Honourable Bernard Valcourt, MP, Minister of Aboriginal Affairs & Northern Development; 2013; Speaking notes at the "Creating Canada: From the Royal Proclamation of 1763 to Modern Treaties" symposium; https://www.canada.ca/en/news/archive/2013/10/creating-canada-from-royal-proclamation-1763-modern-treaties-symposium.html]

  [Ref B: Report of the Aboriginal Justice Inquiry of Manitoba; Aboriginal & Treaty Rights; 1991; http://www.ajic.mb.ca/volumel/chapter5.html]

One of the questions that arises when reviewing the history of the treaties of 1725 to 1779 relates to establishing whether the Treaty documents of 1725 to 1779 are actually considered Treaties. Consider for a moment the 1763 Royal Proclamation. This Royal Proclamation is generally considered to be a foundational document for Canada regarding the Treaty Making Process.

> Ref A: Royal Proclamation a Foundational document
> … Today we commemorate the 250th anniversary of the Royal Proclamation of 1763. This is a unique opportunity to recognize the importance of this foundational document to all Canadians and its crucial role in the development of our territories, and to the treaty relationship that continues today. …
>
> … The Royal Proclamation has served as a basis of the treaty-making process throughout Canada. The protocols and procedures it established led to the orderly opening of the lands of what is today Southern Ontario, and eventually Western Canada. While its intent was to control western expansion of the colonies and formalize the relationship between First Nations people and

> colonists, the Royal Proclamation also became the first public recognition of First Nations rights to lands. …

This Royal Proclamation of 1763, was issued after the Treaty of Paris 1763.

> Ref B: Royal Proclamation Codifies; After Treaty of Paris
> British government was in competition with other Europeans, especially the French. Thus, Indian allies were vital to British ambitions. As a result, the treaty-making process, coupled with respect for Aboriginal land rights and sovereignty, quickly became the cornerstone of official British policy. Numerous treaties were negotiated with various Indian nations along the east coast throughout the 1700s, including several with the Micmac and Malecite nations of what has become Atlantic Canada. This policy was codified in a sense through the *Royal Proclamation* of October 7, 1763, which was promulgated after the British victory over France and the Treaty of Paris of 1763. The *Royal Proclamation* was designed to determine both the future of the newly acquired colonies of Quebec, Florida and Grenada, as well as relations with Indian nations.
>
> The *Royal Proclamation* officially declared that the Indian nations who remained within the borders of any of the British colonies *were not to be "molested" in their possession of traditional territories*. The 1763 Proclamation of King George III put it this way:
>
> > And Whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, **should not be molested or disturbed** in the Possession of such Parts of our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.6
>
> If the Indian nations chose to surrender any or all of their lands within the new and existing colonies, then this could occur by treaty, with the specific process described in the Proclamation. It is *interesting to note that the major elements of the treaty process* outlined by the *Royal Proclamation* (such as requiring a public meeting in the presence of Crown representatives and allowing only the Crown, rather than private individuals, to make treaties) are still reflected in the *Indian Act* surrender requirements and the general land claims process. Those Aboriginal people residing outside these colonies were to be left untouched by settlers and local colonial governments, according to the Proclamation.
>
> While much has transpired since 1763 in the Aboriginal-Crown relationship, the essential elements of the *Royal Proclamation* remain. The Proclamation has become one of the founding constitutional documents of Canada and has clear implications for Manitoba. It is appended as a schedule to the *Constitution Act, 1982* and expressly referred to in section 25(a) as part of the Aboriginal rights shielded from any negative effects of the *Charter of Rights and Freedoms*.

The curious question that arises from a review of the above extracts relates to what caused / stimulated the need for documenting a Treaty Making Process in the 1763 Royal Proclamation.

What the reader must note here, is that the English Common Law of Slavery was in effect during this time of the writing of the 1763 Royal Proclamation. England was still emerging from the turmoil of its civil wars. The King remained in a struggle with Parliament, the Judiciary, and the Lords/Board of Trade

for influence in governing the country and its colonies. A struggle remaining from the time of Charles II. The King's absolute authority of ancient times was diminishing. The influence of the emerging capitalists and the Lords/Board of Trade was on the rise. It is this struggle for power and influence that must be considered when reviewing the judgements of the SCC relating to Aboriginal Rights to Sovereignty and Dominion over resources. Should the SCC be considering these social, economic, and legal situations of the colonies of the time in their judgements? Questions arise relating to the integrity and authority of the Crown. Questions arise around the cultural mindset of the colonists and the influence of this cultural mindset in their dealings with the Indigenous peoples.

One might consider that the English King has finally come to the realization that Treaty making has not been going well in what he claims as his domain in North America. Seeing the requirements developed in the Treaty of Paris 1763, that confirm acquisition of territory must be *de jure*, by 'Treaty or otherwise', the English King now becomes concerned. The activities of the local authorities in their development of the local "treaties" have now been recognized by the King as not meeting the acceptable international, (and now also English), rules for development of Treaties with the Indigenous Peoples. The Royal Proclamation of 1763 is the mechanism he used to address the concerns of *de jure* acquisition of territory throughout the empire.

The problem with regard to the territory of Mi'kma'ki, the 'dots have not been connected'. France did not have *de jure* acquisition of the territory of Mi'kma'ki, and therefore did not have the authority to convey that territory to the English via the Treaty of Paris. Furthermore, the English, made assumptions regarding the French *de jure* acquisition of the territory of Mi'kma'ki; assuming that it had in effect been acquired legitimately.

The reader will recall the Article 2 of the Treaty of Paris reaffirms earlier Treaties, and in particular the Treaty of Utrecht. What we see then is the reaffirmation in both the Treaty of Paris, and the Royal Proclamation, of the requirement for the **Indigenous Peoples to not be molested, disturbed, hindered, in their Trade, Hunting, Fishing, & Planting**. The reader is guided back to the earlier discussions regarding what this freedom from molestation, disturbance, hindrance actually means in practise; in the field/real life.

- Mi'kmaq Petitions of Redress to the Crown – 1794, 1841, 1853:
  [Wicken, W.C., 2002, Mi'kmaq Treaties on Trial; History, Land, & Donald Marshall Jr.]

Wicken, in his notes three Indigenous Petitions to the Crown for Redress of Grievance; 1794, 1853, 1864. An extract from one of the petitions reads as follows:

> pg 222
> "…May it please Her Majesty. The terms of that treaty have never been violated by the Indians, but the white man has not fulfilled his engagements."

Wicken then writes:

> pg 224
> "Like the ones before it, the 1854 petition was not answered. Indeed, one might argue that in deciding to defend Donald Marshall Jr, the Mi'kmaq of Nova Scotia were just continuing something they had been doing for more than two hundred years."

These petitions were made in compliance with the 1726 Treaty Reciprocal Promises, article relating to Redress Through the Crown. The extracted paragraph is provided:

> pg 64
> "That if any Indians are Inured By any of his Majesty's Subjects or their dependants, They shall have Satisfaction and Reparation made to them According to his Majesty's Laws whereof the Indians shall have the Benefit of Equall with his Majesty's other Subjects."

Clearly, under the terms of the 1726 Treaty Reciprocal Promises, the Petitions of 1794, 1853, 1864, for Regress of Grievance remain unaddressed. The Treaty promises have not been fulfilled by the Colonists.

Treaty Suspension & Termination: The reader's attention is at this point drawn to Article 60 of the Vienna Convention on the Law of Treaties (1969). The following partial extract of Article 60 provides the reader with insight into the actions which could be considered when a treaty can be considered to have been breached.

> **Article 60 - Termination or suspension of the operation of a treaty as a consequence of its breach**
> [Vienna Convention on the Law of Treaties (1969):
> https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf]

Ref: Article 60:

1. **A material breach** of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.

2. **A material breach** of a multilateral treaty by one of the parties entitles:

    a. the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:
        a. in the relations between themselves and the defaulting State, or
        b. as between all the parties;

    b. a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;

    c. any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.

3. **A material breach** of a treaty, for the purposes of this article, consists in:

    a. a repudiation of the treaty not sanctioned by the present Convention; or

b. the violation of a provision essential to the accomplishment of the object or purpose of the treaty.

I submit that a Material Breach under Article 60 3.b. has occurred with respect to two items of the treaties between the Indigenous Peoples of Mi'kma'ki and the Crown (& Colonists of the territory of Mi'kma'ki);

1) a breach of Crown promises to address Indigenous grievances through the English system of justice; redress according to the Laws established in His said Majesty's Dominion; apply for relief according to the laws established in his Said Majesty's dominion; and

2) a breach of Crown orders / instructions to colonial authorities, & colonists to not molest, hinder, interfere, with Indigenous hunting, fishing, farming, planting, and Trade; The Indigenous shall have free liberty to conduct these activities.

Firstly, the Crown promised to address Indigenous grievances through the English system of justice.

As Wicken notes, the three petitions for redress of grievance have not been addressed as promised, in accordance to the "laws established in his Siad Majesty's Dominion".

With the failure to address the three Indigenous Petitions for Redress of Grievance, the English Crown has materially breached the treaty agreements; the Crown has violated "a provision essential to the accomplishment of the object or purpose of the treaty".

Secondly, the Crown ordered / instructed colonial authorities, & colonists to not molest, hinder, interfere, with Indigenous hunting, fishing, farming, planting, & Trade.

I bring the readers attention to the earlier notes regarding this second item relating to Crown orders to the colonial authorities & colonists. In order to conduct these activities to be conducted without molestation or hindrance requires the Indigenous Peoples:

1. to have a territory dedicated for the conduct of these activities;
2. to have a territory that is suitable, of appropriate productivity for these activities;
3. to be free from outside regulation; &
4. to have control over the territory in order to preserve its suitability, & productivity.

Also included in this Treaty of Utrecht Article XV is the provision for Indigenous Peoples to be permitted to Trade; to Trade without Molestation or Hindrance. Without molestation or hindrance of the Indigenous Peoples Trade activities requires the Indigenous Peoples:

1. to be free to trade / not hindered in trading with whomever they wished; including both English, & French;
2. to be free of hindrance from restrictions on movement within the territory of their trade; not constrained to small plots of territory such as reservation, but able to "follow" the resources with the seasons during migration; to move between areas of different resources without restriction.
3. to be free of hindrance from outside regulations;

4. to be free of taxes on their trade;
5. to be free of hindrance on the scope of the trade; no hindering restrictions on the type of trading activity; &
6. to be free of hindrance from the amount of trade; no hindering restrictions on the profit that can be made; the trade is not restricted to ceremonial activities, nor restricted to self-sustenance, nor restricted to moderate livelihood.

I will not go into providing the reader evidence, for each item in the lists, showing how the item has been contravened. General knowledge of the current situation of the Indigenous Peoples of Mi'kma'ki reveals that they do not have a dedicated territory in which to conduct the identified activities. They are not free from outside regulation. They do not have control over any territory dedicated to these identified activities. They are not free to Trade. They are not free from restrictions of movement within the territory of Mi'kma'ki. They are not free from hindering regulations regarding the scope and amount of their trade. The treaties have therefore been materially breached with regard to this second item described.

With these material breaches of the Treaties, one can consider the Treaties now void. With the Treaties now void, one could consider invoking Article 23 of the Treaty of Paris, requiring territories to be restored but in the case of Mi'kma'ki, one could consider some form of Restitution.

- **Practical workings on the ground:**

What may be of interest, and needing further research, is the practical application/implementation of the Doctrine of Discovery of Terra Nullius within the territory of Mi'kma'ki. Even though the Doctrine had not been officially recognized by British Crown or British Parliament, the ideas/concepts presented in the Bulls, may however, have permeated society, agencies, and businesses, influencing individuals within society even though the Bulls were not "in effect".

I offer for consideration, that the early rulers of England, those before the Reformation in the 16th century when Church of England broke with the Catholic church. The parliament passed laws abolishing papal authority in England when Henry VIII's request for a marriage annulment was refused by the Pope. During this pre-reformation time, the culture of the society had already been influenced by these Papal Bulls of Discovery, even if they hadn't been supported by any ruling or parliamentary authority. The culture of classifying people was entrenched in society. This prepared the ground for Charles II, with the English Common Law of Slavery, entrenching in law what had already been entrenched in society by the Papal Bulls.

Along with this English Common Law of Slavery, one must consider the objective of the Residential School system in Canada. Here again, as discussed earlier, the objective was to negate the existence of the Indigenous Peoples; to assimilate them in to the self-proclaimed "higher" more developed society. Through assimilation the question of territorial Sovereignty and Dominion goes away. The territory then becomes open, unoccupied, and free for occupation. The Residential School system was Canada's mechanism to execute the Doctrine of Discovery and the doctrine of occupation of terra nullius.

Later, the crown proclamation of King George III, could be seen as a reflection of the King's attitude toward this cultural norm which had developed in England and its colonies. We have seen that the proclamation was not been followed by individuals or agencies within the colonies. Some historians suggest that the Royal Proclamation of 1763 may have influenced the American Revolution. Citizens

wishing to move into the western interior, into unceded indigenous territory were prohibited from doing so by this Royal Proclamation. In the end, the move into the interior occurred despite the directions given to prevent this type of activity; in essence, this is an example of the practical on the ground consideration that the interior territories were open for the taking; a “terra nullius”.

With this American example in mind, a parallel could be drawn with Canada, Nova Scotia, HRM, and developers systematically designating territory of Nova Scotia (unceded territory of Mi’kma’ki) as a commodity open for the taking; a “terra nullius”.

The unceded territory of Mi’kma’ki, the Indigenous Heritage Natural Environment, has been considered by government agencies and private developers, as unoccupied territory (terra nullius). As unoccupied territory, it has been developed &occupied, and continues to be slowly, incrementally developed& occupied without Public Meetings to gain permission of the Indigenous Peoples. The granting of permission being held by the Indigenous Peoples through their right of Imperium (sovereignty) and Dominium (control of resources).

Canada has proclaimed the activity of occupation of terra nullius as systemic racism. Even though the Doctrine has not been an official policy supported by the Crown or government, Canadian colonists, have in fact practiced the doctrine in their occupation of unceded territory. The instructions providing for removal of persons occupying this territory in the Royal Proclamation of 1763, were never taken seriously.

Consideration must be given, by the OEA, to addressing this territorial rights violation in its work to dismantle racism, & hate within Nova Scotia.

- **2015 – Truth & Reconciliation Commission (TRC)**

[https://www.rcaanc-cirnac.gc.ca/eng/1524494530110/1557511412801]

At this point, I bring the readers focus to the Truth & Reconciliation Commission and its final report of 2015. The Truth and Reconciliation Commission’s (TRC) Calls-to-Action provide some additional insights with respect to Aboriginal Territorial Rights violations. Review of certain Calls-to-Action are important in that certain of these relate to the issues of rights violations reflected in occupation of unceded territory. The following extracts from the TRC website are the Calls-to-Action which I believe are associated with and must be considered when assessing anti-indigenous racism relating to the violations of rights of Indigenous Peoples to Sovereignty and Dominium over their territory, and in particular for this discussion the Indigenous Peoples of Mi’kma’ki.

- Call-to-Action 43: Adoption of UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

  [https://www.rcaanc-cirnac.gc.ca/eng/1524502914394/1557512757504]
  Government of Canada: Canadian governments and the United Nations Declaration on the Rights of Indigenous Peoples

  43. We call upon **federal, provincial, territorial, and municipal governments** to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

Canada's Response:
"What's happening?
This call to action speaks to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. On May 10, 2016, the Minister of Indigenous and Northern Affairs announced that **Canada is a full supporter, without qualification, of the United Nations Declaration on the Rights of Indigenous Peoples**. The announcement also reaffirmed the Government of Canada's commitment to adopt and implement the declaration in accordance with the Canadian Constitution."

- Call-to-Action 44: Measures to achieve goals of UNDRIP
[https://www.rcaanc-cirnac.gc.ca/eng/1524502914394/1557512757504]

44. We call upon the Government of Canada to **develop a national action plan, strategies, and other concrete measures** to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

Canada's Response:
"What's happening?
On June 21, 2021, Bill C-15, an Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, received Royal Assent. This act **provides a legislative framework for the Government of Canada's implementation of the declaration and requires measures** to ensure the consistency of federal laws with the declaration, the development of an action plan to achieve the objectives of the declaration and annual reports on progress."

- Call-to-Action 45: Proclamation of 1763 & UNDRIP
[https://www.rcaanc-cirnac.gc.ca/eng/1524503097736/1557513982301]

45. "We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a **Royal Proclamation of Reconciliation** to be issued by the Crown. The proclamation would **build on the Royal Proclamation of 1763** and the Treaty of Niagara of 1764, and **reaffirm the *nation-to-nation relationship*** between Aboriginal peoples and the Crown…."

One item of note in Canada's response to Call-to-Action 45, an extract of which is as follows:

Canada's Response:
"What's happening?
The Government of Canada is renewing the relationship with Indigenous peoples based on the recognition and implementation of rights, respect, cooperation and partnership.
This approach aligns with the United Nations Declaration on the Rights of Indigenous Peoples and advances self-determination.
Since 2015, the Government of Canada has:
- endorsed the declaration and committed to its **full implementation**
- …"

With respect to Aboriginal Rights in general, and in this discussion in particular, what is noteworthy here is Canada's commitment to **full implementation** of UNDRIP. What this commitment means is that one

can now use UNDRIP to assist in defining what constitutes the Aboriginal Rights noted in para 35 of the Canadian Constitution Acts 1867 & 1982.

In the 1997 R v Marshall (1) Nova Scotia Court of Appeal (NSCA) judgement, one should note the following comment regarding aboriginal rights and evidence requirements. "In respect of the cases cited which concern aboriginal rights, again, certain of the interpretive principles are applicable, however, **aboriginal rights cases suffer from a limitation which exists to a significantly lesser extent in a treaty case - a complete lack of written documentation**. This was recognized by Lamer, C.J.C. in Van der Peet, supra, at pp. 558-559: ..."

Where in 1997 R v Marshall, the NSCA judgement noted issues with aboriginal rights cases suffering from lack of documentation, the adoption of UNDRIP by Canada with Bill-C15 in 2020, and the Canada's endorsement of TRC Call-to-Action 45, both may provide some progress in clarification of what constitutes aboriginal rights.

Furthering the documentation of Indigenous Peoples' rights, the Organization of American States (OAS), of which Canada is a member, has, in 2016, adopted a declaration of "Rights of the Indigenous Peoples of the Americas". This document further progresses the clarification of what constitutes aboriginal rights. [https://www.oas.org/en/sare/documents/DecAmIND.pdf]

- Call-to-Action 47: Repudiate concepts such as Doctrine of Discovery
  [https://www.rcaanc-cirnac.gc.ca/eng/1524503097736/1557513982301]

The following extract from the RCAANC website describes the current situation relating to Call-to-Action 47.

> 47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.
>
> *Canada's response:*
> What's happening?
> This call to action is currently being addressed in Calls to Action 45 and 46, which includes specific language on the Doctrine of Discovery and Terra Nullius. At this stage, focus remains largely on advancing work on Call to Action 46.
>
> In addition, the preamble to the *Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*, which came into force on June 21, 2021, rejects all forms of colonialism and notes that doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the doctrines of discovery and *terra nullius*, are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

Here, I offer to the reader that they must consider the requirement to amend the text of Call-to-Action 47, with respect to repudiating the doctrines, policies, practices, advocating superiority of peoples on basic of race, religion, ethnic or cultural differences. Canada describes its approach to addressing

concerns of Call-to-Action 47, under the "What's happening?" comments included in the RCAANC website. Call-to-Action 47 is the call to address systemic racism within Canadian society. Canada, in its response, indicating that action called for in 47 is being addressed in Calls-to-Action 45, & 46, is redirecting the call to address systemic anti-indigenous racism within Canada.

Even though the Doctrine of Discovery, & Doctrine of Occupation of Terra Nullius have been revoked by the Papacy in 1573, later repudiated by Canada in its preamble to UNDRIP ratification in 2021, & most recently in the Papal Bollettino of 2023 [see https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2023/03/30/0238/00515.html], what remains is the requirement to address the systemic racism that remains as a legacy of the English Common Law of Slavery entrenched under the reign of Charles II (1660-1685), & the Papal Bulls of Discovery. The Papal Bulls of Discovery & Doctrine of Occupation of Terra Nullius entrenched in society, for many years to come, the superiority of certain peoples. A common view of society that had existed for many years into ancient history. The entrenchment in English Common Law, a law applying to both England, AND its colonies, declared the superiority of certain peoples and thereby entrenching Slavery. This law entrenched a common societal cultural attitude that permitted the designation of certain human beings as property. This cultural attitude prevailed not only in England itself, but within its colonies. Not until the Slavery Abolition Act of 1833 did the legal premise for the business of slavery end. The legal premise may have ended; however, the cultural attitudes could not be erased in one act of legislation. Similarly, Canada in is one act of repudiation of the doctrines of Discovery, & Occupation of Terra Nullius, could not erase the cultural attitudes of anti-indigenous racism that have a twisted legal rope threading back to the reign of Charles II. Moreover, the Papal & Church repudiations of the Doctrine of Discovery and Occupation of Terra Nullius could not immediately erase the cultural attitudes embedded in colonial society.

Canada has failed in its responsibility to directly address the anti-indigenous racism winding is way from Charles II, and remains in Canadian culture. Later in this discussion, examples of how this thread still reveals itself in the actions of Canadian governments at various levels, in the judicial decisions made relating to Indigenous Rights to territory and their cultural survival, & in the actions of our Canadian business community.

Consideration must be given to amending the text of Call-to-Action 47, to recognize the English Common Law of Slavery as the equivalent to the Papal Bulls of Discovery. Canada must amend the text of its response in the "What's Happening?", showing a new approach that directly takes action to address the problem of anti-indigenous racism that remains within Canada.

- Call-to-Action 52: Aboriginal claims Burden of Proof
  [https://www.rcaanc-cirnac.gc.ca/eng/1524503744418/1557511885830]

  52. "We call upon the Government of Canada, provincial and territorial governments, and the courts to adopt the following legal principles

  i. Aboriginal title claims are accepted once the Aboriginal claimant has established occupation over a particular territory at a particular point in time…"

  Canada's comments:
  - **What's happening?**

The Government of Canada is committed to renewing the relationship with Indigenous peoples based on the recognition and implementation of rights, respect, co-operation and partnership. This means not forcing First Nations, Inuit and Métis rights-holders to use the courts to see those rights implemented.

On January 11, 2019, the Minister of Justice and Attorney General of Canada issued the Directive on Civil Litigation Involving Indigenous Peoples. The directive will guide the government's legal approaches, positions and decisions taken in civil litigation involving Aboriginal and treaty rights and the Crown's obligation towards Indigenous peoples.

The directive is part of the Minister of Justice and Attorney General of Canada's work to review the Government of Canada's litigation strategy. This is to ensure the federal government's legal positions are consistent with its commitments, the Charter of Rights and Freedoms and Canadian values.
Consistent with the 2017 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples, the directive emphasizes the importance of resolving conflicts expeditiously and collaboratively, reducing the use of litigation and the courts.

- **Recent progress**
  The Minister of Crown-Indigenous Relations has a mandate to continue ongoing work with First Nations, Inuit and Métis to redesign the Comprehensive Land Claims and Inherent Right policies, including policy approaches for the recognition and implementation of Aboriginal title.
  The Government of Canada is engaged in over 150 discussion tables with Indigenous groups across the country that are co-developing approaches for the recognition and implementation of rights through treaties, agreements and other constructive arrangements. Discussions are focused on community-identified priorities, which may include Aboriginal title.

  In 2019, Canada co-developed the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia with the First Nations Summit and the Government of British Columbia. This policy replaces the Comprehensive Land Claims and Inherent Right policies for treaty negotiation in British Columbia. The policy identifies the negotiation of treaties, agreements, and other constructive arrangements as the preferred method of achieving the reconciliation of Crown title and the inherent titles of Indigenous nations.

  Where there is interest, the Government of Canada is ready to discuss using the approaches found in the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia with negotiation partners elsewhere in the country.

- **Next steps**
  The Government of Canada will continue working in collaboration with Indigenous partners to redesign the Comprehensive Land Claims and Inherent Right policies.

Xxx (to be further developed)

- *Canada Census 1665-1871*

[https://www150.statcan.gc.ca/n1/pub/98-187-x/4151278-eng.htm]
Statistics Canada, Censuses of Canada 1665 to 1871; Aboriginal Peoples

In Call-to-Action 47 we see the Burden-of-Proof (onus probandi) has been placed on the Aboriginal claimant. One of the criteria the aboriginal claimant must provide in this burden of proof to justify their territorial claim, is to provide evidence that the territory was occupied and used.

If one examines the Government of Canada's Aboriginal Peoples censuses of Canada 1665 – 1871 one can see that Canada has clearly defined Indigenous peoples' territories, and additionally clearly defined the range of territory these peoples occupied and used.

In figure 1 below, we see one record of "alignment/overlay" between the european colonies with the aboriginal territory. The table points to the colonial areas of Nova Scotia, Prince Edward Island, Eastern part of New Brunswick, counties of Bonaventure, Gaspe, and Rimouski in Quebec, over which the peoples of Mi'kma'ki retain **Imperium** (sovereignty over land, sea, and air).

The table and the associated chart (figure 2) define these areas of aboriginal hunting and fishing, over which the peoples of Mi'kma'ki retain **Dominium** (property rights, & rights to resources).

TABLE of the Aboriginal Population of Canada, with the Superficies in square miles of the hunting and fishing grounds occupied by the different tribes, the whole referring to the year 1871.

Name of Tribes.	Description of Places inhabited.	Population.	Territorial Superficies in English square miles.
1-The Esquimaux, IN	Littoral of the North Sea, from Labrador to Alaska, the northern shores and islands of Hudson's Bay, with the islands of the Arctic Ocean.	4,000	600,000
2-The Naskapis, AL	Interior of Labrador, South-East Watersheds of Labrador, Rupert's Land to the East of Hudson's Bay, and the Mistassin Country.	2,500	330,000
3-The Montagnais, AL	North shore of the Gulf and mouth of the St. Lawrence, valley of the Saguenay River. *(These Indians do not fish.)*	1,745	115,000
4-The Micmacs, AL (Villagiers.)	Nova Scotia, Prince Edward Island, Eastern part of New Brunswick; counties of Bonaventure, Gaspé and Rimouski, in Quebec.	3,459	56,000
5-The Maléchites, AL (Villagiers.)	Valley of St. John River, in New Brunswick, counties of Temiscouata, Kamouraska and L'Islet, in Quebec.	574	24,000
6-The Hurons, H.-I (Villagiers.)	Lorette, environs of Quebec, and the County of Essex, in Ontario.	356	10,000
7-The Wamontachingues, Têtes de Boules, etc., AL	St. Maurice Territory.	247	29,000

Figure 1: Table of Aboriginal Population of Canada, to the year 1871
[https://www150.statcan.gc.ca/n1/en/pub/98-187-x/2000001/4198819-eng.pdf?st=Q4eWwfn4]

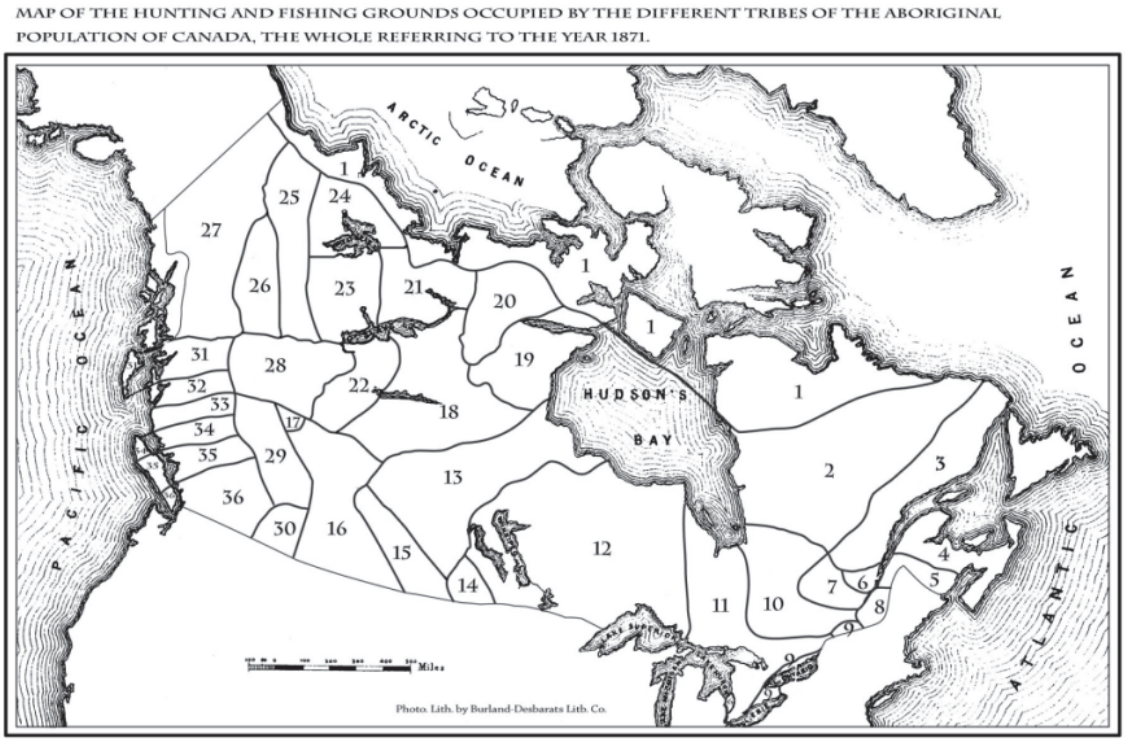


Figure 2: Map of Hunting & Fishing grounds of Aboriginal Population of Canada to the year 1871.
[https://www150.statcan.gc.ca/n1/en/pub/98-187-x/2000001/4227842-eng.pdf?st=QaH_njnV]

Clearly one can see from the above two figures that the evidence to meet the burden of proof has already been compiled and provided by Canada. The Aboriginal claimant need not provide any further evidence of their claim to their territory.

- *Conflict with International Law*

Furthermore, the placement of the Burden-of-Proof on the Aboriginal Claimant, appears to be in contradiction of the International Law doctrine of "Par in parem non habet imperium" (ie. Equals have No Sovereignty over Each Other). As identified in the Royal Proclamation of 1763, the Aboriginal peoples are identified as a Nation, a Nation on equal footing with respect to sovereignty as the Nation of England/British Crown. By extension, the Municipal, Provincial, and Federal Canadian governments as representatives of the Crown, cannot exercise **jurisdiction over** another sovereign state, in this case the Aboriginal peoples of Mi'kma'ki. If the two Nations have equal status, then by logical extension, the Burden-of-Proof to demonstrate a territorial claim cannot be shifted to solely one of the parties. The placement of the Burden-of-Proof on the Indigenous resident to provide evidence against the Occupier is quite simply an extension of common law requirement for a land owner to provide evidence against a squatter.

Consideration should be given to amending Call-to-Action 52, which places the Burden-of-Proof solely on the Aboriginal Claimant. The resolution of territorial claims must recognize the doctrine of equals have no sovereignty over each other.

- *Canadian Constitutional Claims to territory*

Additionally, the reader must consider the implications of placing the burden of proof on the Indigenous community. Burden of Proof on the Indigenous community implies that Canada, as a colonial power, has claim to a territory. This claim is written into the Canadian Constitution. The constitution claims the territory of Nova Scotia, and the constitution makes no provision for unceded territory in Nova Scotia. Call-to-Action 52, as it is written, puts the burden of proof on the indigenous community to show that a territory has been occupied and used. If the proof cannot be provided, then the territory is open to claim by Canada. The reader must consider what this implies; if the territory is not occupied or used then it is open to be claimed. In other words, if the territory is Terra Nullius, then Canada/Nova Scotia can claim title to that territory under a Doctrine of Discovery and occupation of Terra Nullius.

The Constitution does not provide a mechanism for dealing with unceded territory. No mechanism is provided to address both issues of Imperium (sovereignty) & Dominium (control of resources) by the Indigenous peoples & their unceded territory. As the reader will see in the following discussion, Canada & the SCC have touched only on Dominium.

The Constitution Act speaks of "affirming" Aboriginal Rights. As we go further in the discussion, we should keep in mind the legal meaning of "Affirmed":

> **Affirm:**
> [https://www.dictionary.com/browse/affirm#:~:text=definitions%20for%20affirm-,affirm,to%20uphold%2C%20confirm%2C%20or%20ratify]
> *verb (mainly tr)*
> - *(may take a clause as object)* to declare to be true; assert positively
> - to uphold, confirm, or **ratify**
>
> [https://www.law.cornell.edu/wex/affirm#:~:text=There%20are%20several%2C%20related%20usages,the%20subject%20of%20the%20appeal]
>
> There are several, related usages of the word "affirm" in a legal context; but generally, it means "to confirm or **ratify**."
>
> [https://legal-dictionary.thefreedictionary.com/affirm]
> 1. To **ratify** or confirm a former law or judgment, as
> when the supreme court affirms the judgment of the court of common pleas.

Use of this terminology means that these Aboriginal Rights are Ratified. The use of this terminology and its meaning to include "ratification" is important. The term as it is used in the Constitution Acts, in the legal sense, is more than a mere strong or public assertion, or offering of support or encouragement, with no legal impact. This terminology used is the language of a guarantee.

- *Supreme Court of Canada (SCC) Decision: R. v. Marshall, [1999]*

[https://scc-csc.lexum.com/scc-csc/scc-csc/en/1739/1/document.do]

At this stage of the discussion, I would like to direct the readers attention to how the Supreme Court of Canada has dealt with Aboriginal Rights to unceded territory. I will use the SCC decision for Tsilhqot'in Nation v BC [2014} as the basis for discussion as it seems to represent the most recent decision in this regard, and it appears to consolidate the decisions of several preceding decisions. Before, however, entering into that discussion, I would like to present some founding principles the court has set out for the interpretation of treaties. This is important to take note of in that it relates only to the interpretation of treaties, but does have some important principles that can be used for dealing with Aboriginal Rights to unceded territory.

- *Judge McLachlin principles for Interpretation of treaties*

Judge McLachlin, writing the dissenting opinion for Marshall (1) provides a good summary of these principles. I will extract some of the text from each of the principles from that dissenting opinion.

Para 78, pdf pg 56,

1. Aboriginal **treaties constitute a unique type of agreement** and attract special constituent principles of interpretation:
2. **Treaties should be liberally construed** &**ambiguities or doubtful** expressions should be **resolved in favour of the Aboriginal** signatories:
3. The **goal of treaty interpretation is to choose from among the various possible interpretations** of common intention the one which best reconciles the interests of both parties at the time the treaty was signed:
4. In searching for the common intention of the parties, the **integrity & honour of the Crown** is presumed:
5. In determining the signatories' respective understanding & intentions, the court must be **sensitive to the unique cultural & linguistic differences** between the parties:
6. The **words of the treaty** must be given the **sense** which they would naturally have held for the parties **at the time**:
7. A **technical or contractual interpretation** of treaty wording should be **avoided**:
8. While construing the language generously, courts **cannot alter the terms** of the treaty **by exceeding** what "is possible on the language" or realistic:
9. Treaty rights of aboriginal peoples must **not be interpreted in a static or rigid way.** They are **not frozen at the date of signature**. The interpreting court must **update treaty rights to provide for their modern exercise.** This involves determining what modern practices are **reasonably incidental to the core treaty right** in its modern context:

I would direct the reader's attention to the following bullets;

- 2, …ambiguities or doubt should be resolved in favour of the aboriginal signatories;
- 4, …**integrity, & honour of the Crown is presumed**; &
- 9, the rights are not frozen in time.

These principles come into play when considering Aboriginal Rights to unceded territory further in this discussion paper.

I submit here that the reader consider that, based on the earlier discussion in this paper, the principle of integrity, & honour of the Crown cannot be presumed. Without the presumption of Integrity, all Crown and Crown agency dealings with the Indigenous Peoples of Mi'kma'ki are called into question, and therefore by extension, must either be revoked or reviewed.

- *Supreme Court of Canada (SCC) Decision: Tsilhqot'in Nation v B.C. [2014]*

[https://decisions.scc-csc.ca/scc-csc/scc-csc/en/14246/1/document.do]

  - *Test for Aboriginal Title:*

At this point I direct the reader to the following paragraphs which capture the framework under which the Colonial Courts, & Canada are building their test for Aboriginal Rights to unceded Territory.

> pdf pg 3
> The Supreme Court of British Columbia held that occupation was established for the purpose of proving title by showing regular and exclusive use of sites or territory within the claim area, as well as to a small area outside that area. Applying a **narrower test based on site specific occupation** requiring proof that the Aboriginal group's ancestors **intensively used** a definite tract of land with reasonably defined boundaries at the time of European sovereignty, the British Columbia Court of Appeal held that the Tsilhqot'in claim to title had not been established.
>
> Pdf pg 4
> In finding that **Aboriginal title** had been established in this case, the trial judge **identified the correct legal test & applied** it **appropriately to the evidence.** While the population was small, he found evidence that the parts of the land to which he found title were **regularly used** by the Tsilhqot'in, which supports the conclusion of **sufficient occupation**. The geographic proximity between sites for which evidence of **recent occupation** was tendered and those for which direct evidence of **historic occupation** existed also supports an inference of continuous occupation. And from the evidence that prior to the **assertion of sovereignty** the Tsilhqot'in **repelled other people from their land and demanded permission** from outsiders who wished to pass over it, he concluded that the Tsilhqot'in treated the land as exclusively theirs. The Province's criticisms of the trial judge's findings on the facts are primarily rooted in the erroneous thesis that **only specific, intensively occupied areas can support Aboriginal title**. Moreover, it was the trial judge's task to sort out conflicting evidence and make findings of fact.
>
> Pdf pg 21
> **V. Is Aboriginal Title Established?**
> **A. The Test for Aboriginal Title**
>
> Pdf g 23
> **1. Sufficiency of Occupation**
> [33] The first requirement — and the one that lies at the heart of this appeal — is that the occupation be *sufficient* to ground Aboriginal title.
>
> Pdf pg 28
> **2. Continuity of Occupation**

> [45] Where present occupation is relied on as proof of occupation pre-sovereignty, a second requirement arises — continuity between present &pre-sovereignty occupation.
>
> Pdf pg 28
> **3. Exclusivity of Occupation**
> **[47]** The third requirement is *exclusive* occupation of the land at the time of sovereignty. The Aboriginal group must have had "the intention and capacity to retain exclusive control" over the lands

What the Courts, & Canada have done is frame the Aboriginal Rights to unceded territory in the context of a Test for Aboriginal Title. What should be happening more appropriately, is the framing of the Aboriginal Rights to unceded territory in the context of a test for Sovereignty; not Title.

What the reader will see is that the Courts have framed the Aboriginal Rights to Sovereignty over unceded territory in the context of a test for Title, with the test consisting of 3 elements; Sufficiency of Occupation, Continuity of Occupation, and Exclusivity of Occupation. For the purposes of this discussion paper, I will mainly focus on the Courts framing of the definition of Occupation.

I submit that the test for occupation that has been developed is no longer valid. This test is outdated. The test does not appropriately consider the issues of physical/existential survival of the individual, the physical/existential survival of the collective community, nor the survival of the collective community culture. Concepts and understanding of the amount of territory needed to ensure survival have evolved since the Courts had developed their tests. What needs to happen now is that the Colonial Courts, & Canada must revisit the issue of Aboriginal Rights as identified in the Constitution acts, with the specific purpose of addressing Aboriginal Rights to Sovereignty over unceded territory in the light of the more recent scientific evidence describing the territorial requirements of overall survival of the Aboriginal Peoples. The amount and quality of the territory needed for the survival of the people, the survival of the culture from pre-contact time, and into the future. It is this inherent right to survival into the future that has been completely neglected by the courts and Canada in their dealings with Aboriginal Rights to unceded territory.

I use the adjective Colonial to describe the Canadian Courts in order to make a distinction between the Crown and the institutions of the Canadian "Colony". This distinction is important in that the British Crown had given instructions regarding the treatment of aboriginal peoples, and direction to colonists to remove themselves from unceded territory. This "removal" did not occur. What we have here now, is that the colonial governments and its agencies are acting independently from Crown desires; from Crown perspective on rights of indigenous peoples. What the reader will see in the subsequent discussion is how the Doctrine of Discovery and occupation of Terra Nullius is being implemented by the colonial public agencies and private agencies, contrary to British Crown directions. Canada and its Courts are not acting in the Crown interests, but in Canada's Colonial interests. It is in this distinction that the "Integrity of the Crown" must be separated between the Crown per se, and Canada's own "colonial" interests.

- *Principles of Aboriginal Title consolidated in Tsilhqot'in Nation decision*

What I will do here is extract certain paragraphs from the Tsilhqot'in decision relevant to what I would like to present in the argument that Canada, Nova Scotia, and private contractors are engaging in

Systemic Anti-Indigenous sentiment. I will use the Tsilhqot'in decision to extract relevant information as it appears to be the decision that consolidates several other previous decisions relating to Aboriginal Rights to unceded territory. Para [14], extracted below, provides the reference for this consolidation.

> **[14]** The principles developed in **Calder, Guerin and Sparrow** were consolidated and applied in the context of a claim for **Aboriginal title** in **Delgamuukw** v. British Columbia, [1997] 3 S.C.R. 1010. This Court …

- *Aboriginal Title confers Use & Control = Dominium only*

In the next several paragraphs the reader will see how the Courts have framed Aboriginal Rights to unceded Territory in the context of "Aboriginal Title", & "British Sovereignty". In several paragraphs the term used is "Aboriginal Title", equating this to conferring of "use & control".

> pdf pg 13
> **[2]** These reasons conclude:
> • **Aboriginal title flows from occupation** in the sense of **regular and exclusive use** of land.
> • **…**
> • **Aboriginal title** confers the right to **use & control** the land & to reap the benefits flowing from it.
> • **…**
> • **Once Aboriginal title is established,** s. 35 of the *Constitution Act, 1982* **permits incursions on it only with the consent of the Aboriginal group or** if they are **justified by a compelling and substantial public purpose and are not inconsistent with the Crown's fiduciary duty** to the Aboriginal group; for purposes of determining the validity of provincial legislative incursions on lands held under Aboriginal title, this framework displaces the **doctrine of interjurisdictional immunity**.
> • **…**
>
> **[18]** The jurisprudence just reviewed establishes a number of propositions that touch on the issues that arise in this case, including:
>
> • ….
> • **Aboriginal title** gives the Aboriginal group the **right to use and control the land** and enjoy its benefits.
> • …

I would bring the readers attention to the meaning of "use and control". What "use and control" equates to is Dominium (control of resources). The courts have framed the issue of Aboriginal Rights in the context of Dominium only. The courts have used the term Aboriginal Title to equate to Aboriginal Rights to unceded Territory. This a legal error. Aboriginal Rights to unceded Territory include both Imperium (Sovereignty), and Dominium (control of resources). The courts have side-stepped dealing directly with the issue of Imperium (Sovereignty). Use of the term "Title" follows the principles of Common Law Title to a plot of land; where Title is Conveyed from a higher authority to a "lower subservient" entity. Whether this side-stepping was done knowingly or unknowingly is not clear at this time; further analysis would be needed. The issue here harkens back to the Integrity of the Crown in dealings of Aboriginal Rights to unceded Territory.

- *Courts frame Aboriginal Rights to Territory in context of Title & British Sovereignty*

At this point I would like to highlight the point the Courts make in relating the issue of Aboriginal Title to the issue of British Sovereignty.

> **[12]** In *Guerin v. The Queen*, [1984] 2 S.C.R. 335, this Court confirmed the potential for **Aboriginal title** in ancestral lands. The actual dispute concerned government conduct with respect to reserve lands.
> The Court held that the government had breached a fiduciary duty to the Musqueam Indian Band.
> In a concurring opinion, Justice Dickson (later Chief Justice) addressed the theory underlying Aboriginal title. He held that the **Crown acquired radical or underlying title to all the land in British Columbia at the time of sovereignty**.
> However, this title was **burdened by the "pre-existing legal right" of Aboriginal people based on their use & occupation of the land prior to European arriva**l (pp. 379-82).
> Dickson J. characterized this Aboriginal interest in the land as "an independent legal interest" (at p. 385), which gives rise to a *sui generis* fiduciary duty on the part of the Crown.
>
> **[14]** The principles developed in **Calder, Guerin and Sparrow** were consolidated and applied in the context of a claim for **Aboriginal title** in **Delgamuukw** v. British Columbia, [1997] 3 S.C.R. 1010. This Court confirmed the ***sui generis*** nature of the rights and obligations to which the Crown's relationship with Aboriginal peoples gives rise, and stated that what makes Aboriginal **title unique** is that it arises from possession **before the assertion of British sovereignty**, as distinguished from other estates such as **fee simple** that arise **afterward**. The **dual perspectives** of the common law and of the Aboriginal group bear equal weight in evaluating a claim for **Aboriginal title**.

In these two paragraphs, the reader will see how the framing is further developed. Aboriginal Title is related to possession before the assertion of British sovereignty. The question arises here, is how has the court substantiated the "assertion of British Sovereignty". No substantiation is provided. No reference to any document of territory being ceded is provided. The court now frames the argument under the concept of "sui generis" (a special case). What special case can this be? Two Nations, conducting Nation-to-Nation negotiations is not a special case. The court further indicates that this "possession prior to British Sovereignty is distinguished from other estates such as Fee Simple which arises afterward". The court is framing the issue of Aboriginal Rights to unceded territory in terms used by cases of "Fee simple"; that Title, confers only control, that title is conveyed by the authority of British Sovereignty, even though the court states that this is not the case (ie. fee simple arises afterward).

What the officious bystander would start to conclude is that the court has a bias. A bias which causes the shaping of Aboriginal Rights to unceded territory to included only Dominium, not both Imperium and Dominium.

The British Crown, through the 1763 proclamation, had no such bias. This bias has been developed through a Colonial perspective; through not accepting the directions/instructions of the 1763 proclamation. The question that must be addressed through Nova Scotia Bill 96, is whether this bias is a result of not respecting the rights of the Indigenous peoples of Nova Scotia.

- *Conveyance of Title by the Crown*

In the following paragraph, the reader will see the Court's and Canada's position on the issue of Aboriginal Rights to unceded Territory.

> Pdf pg 5
> The nature of Aboriginal title is that it confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by **future generations.** Prior to **establishment of title, the Crown** is **required to consult** in good faith with any Aboriginal groups asserting title to the land about proposed uses of the land and, if appropriate, accommodate the interests of such claimant groups. The level of **consultation** and accommodation required varies with the strength of the Aboriginal group's claim to the land and the seriousness of the potentially adverse effect upon the interest claimed.

The Courts, and Canada, are taking the position that Canada holds sovereignty, and therefore has authority to convey title to the territory. The Courts, & Canada are here using a common law principle of Fee Simple Title to a property, although they make representations that this is not the case. This is incorrect in law with respect to Aboriginal Rights to unceded Territory. The principle for Nation-to-Nation negotiations for unceded territory is defined in International Law. The two nations are separate entities and have no authority over each other – Par in parem non habet imperium.

- *Fiduciary Duty*

I would next like to review the issue of Fiduciary Duty of the Crown. The following paragraphs extracted from the decision relate to the issue of Fiduciary Duty of the Crown. The issue here is that the Crown has identified a fiduciary duty, a sui generis fiduciary duty, that it has towards the Indigenous Peoples. I submit that in the case of Aboriginal Rights to unceded Territory, the crown has not fulfilled its duty of care for the protection of the Indigenous heritage environment / territory.

> **[12]** In *Guerin v. The Queen*, [1984] 2 S.C.R. 335, this Court confirmed the potential for **Aboriginal title** in ancestral lands. The actual dispute concerned government conduct with respect to reserve lands.
> The Court held that the government had breached a **fiduciary duty** to the Musqueam Indian Band.
> In a concurring opinion, Justice Dickson (later Chief Justice) addressed the theory underlying Aboriginal title. He held that the **Crown acquired radical or underlying title to all the land in British Columbia at the time of sovereignty**.
> However, this title was **burdened by the "pre-existing legal right" of Aboriginal people based on their use & occupation of the land prior to European arriva**l (pp. 379-82). Dickson J. characterized this Aboriginal interest in the land as "an independent legal interest" (at p. 385), which gives rise to a ***sui generis* fiduciary duty** on the part of the Crown.
>
> **[13]** In 1990, this Court held that s. 35 of the *Constitution Act, 1982* constitutionally protected all Aboriginal rights that had not been extinguished prior to April 17, 1982, & imposed a **fiduciary duty on the Crown** with respect to those rights: ***R. v. Sparrow*, [1990] 1 S.C.R. 1075.** The Court held that under s. 35, **legislation can infringe rights protected by s. 35 only if it passes a two-step**

justification analysis: the legislation must further a "compelling and substantial" purpose and account for the "priority" of the infringed Aboriginal interest under the **fiduciary obligation** imposed on the Crown (pp. 1113-19).

[18] The jurisprudence just reviewed establishes a number of propositions that touch on the issues that arise in this case, including:

• Governments **can infringe Aboriginal rights** conferred by Aboriginal title but only where they can justify the infringements on the basis of a compelling and substantial purpose and establish that they are consistent with the Crown's **fiduciary duty** to the group.

Here the reader will note that, the Courts identifying the Crown's fiduciary duty to the indigenous peoples assumes it have Sovereignty over the territory. By further labelling this fiduciary duty as a "sui generis" fiduciary duty, the courts continue to shape the issue around the common law concept that the Crown holds sovereignty, and holds authority to convey title by a special way; convey title under special rules; a sui generis mechanism. The courts are again, shaping the issue in terms of Dominium (control) over the territory, and not in terms of both Imperium (sovereignty), and Dominium (control).

Additionally, the courts have not defined the process/mechanism by which this fiduciary duty has arisen. The courts identify this duty as arising from British Sovereignty, but do not provide the basis for this sovereignty.

Furthermore, the courts, by identifying that the Crown has a fiduciary duty, (executed through the Canadian Federal, Provincial, Municipal governments, and by extension, any of their contracted private parties to which they assume they have the authority to convey title and control over resources), must make the connection of this fiduciary duty to the survival of the Indigenous collective community through the community's access to the territory on which its survival depends. The fiduciary duty is to protect the Indigenous Heritage Natural Environment such that the Collective Community of Individuals of the indigenous community can continue to both physically survive, and preserve their culture into the future.

- *Aboriginal Title: Two Propositions & Future Generations*

The following extracts provide the reader with the Court's concept that future generations shall not be deprived.

Pdf pg 5
The nature of Aboriginal title is that it confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by **future generations.** Prior to establishment of title, the Crown is required to consult in good faith with any Aboriginal groups asserting title to the land about proposed uses of the land and, if appropriate, accommodate the interests of such claimant groups. The level of consultation and accommodation required varies with the strength of the Aboriginal group's claim to the land and the seriousness of the potentially adverse effect upon the interest claimed.

Pdf pg 5

> … This means the government must act in a way that respects the fact that Aboriginal title is a group interest that inheres in **present and future generations**, and the duty infuses an obligation of proportionality into the justification process: ...
>
> pdf pg 17
> **[15]** The Court in *Delgamuukw* summarized the content of **Aboriginal title** by two propositions, one positive and one negative.
> **Positively**, "[A]boriginal title encompasses the right to exclusive use & occupation of the land held pursuant to that title for a variety of purposes, which need not be aspects of those [A]boriginal practices, customs & traditions which are integral to distinctive [A]boriginal cultures" (para. 117).
> **Negatively**, the "protected uses must not be irreconcilable with the nature of the group's attachment to that land" (ibid.) —that is, it is group title and cannot be alienated in a way that deprives **future generations** of the control & benefit of the land.

The concept of future generation not being deprived is important in understanding the Court's defined tests for occupation. I offer to the reader that the Courts' decisions leading up to and including the Tsilhqot'in Nation decision have developed, what I call, an "occupation continuum" that flows along the lines of Perambulation (trespassing) – Adverse Possession (squatters rights) – Constructive Possession (control from a distance without physical presence on the land). The Courts have settled on considering Aboriginal Title as a Sui Generis (special case) that lies somewhere between Perambulation and Adverse Possession. The Courts of the time, have not had the benefit of more recent research relating to the amount/size of and quality of territory required to ensure survival of an Indigenous community, both at the time of the Court decisions, but more importantly, the territory required to ensure survival into the future; ie. the deprivation of future generations. This issue of size and quality/productivity of the territory will be discussed later in this paper. At this stage, the reader should note the importance of preservation of the territory for present and future generations.

Here, the reader should also note the comment that the Tsilhqot'in decision has been developed from a dual perspective; the colonial common law, with the Aboriginal universal view / communal worldview. The important issue to note here, is that the perspective described here relates only to "land title" (using the colonial terminology) & not the issue of Imperium (sovereignty). The Court is reducing the issue of Aboriginal Sovereignty over unceded territory to solely an issue of Dominium (control of resources). The Court is considering that the Government of Canada retains Sovereignty, & therefore can convey a Title to the territory.

Additionally, one could consider that the Courts have not given sufficient weight to the Aboriginal view of property; a view that could be somewhat inline with the concept of a Commune, or kibbutz, or Russian MIR community, or Kolkhoz, or Sovkhoz. The understanding or property and its possession is different between the two parties, and as a consequence, the Court is presented with the question of which concepts of property are to take precedence from a legal perspective. In the case of Aboriginal Rights to unceded Territory within the context of Canadian court decisions, one might feel that the more significant weight has been given to the British Common law system.

➢ *Language of Communication*

What the reader might consider is that the Courts may not have been constructed in such a manner as to be able to strike a true balance between the British Common Law/Roman Law and the Aboriginal

Universal View (term used in the decision; may not be the best term to use here but will continue to use it for convenience). Consideration must be given to the concept that reason / logic is not a disembodied entity. It cannot be treated as something that exists outside the human mind. Reason has a history that is shaped by the individual's language, cultural upbringings, & education of the time that the individual has developed. The British and the Aboriginal cultural upbringings & education are very different. This difference leads to a different development of the individual's reasoning process through their life and education. The reader should at this stage consider the make-up of the Courts leading up to the Tsilhqot'in decision. Consideration should be given to the level of inclusion within the Courts of Aboriginal "justices" with Aboriginal cultural upbringings and education. Without Aboriginal "justices" providing the balance against justices of non-aboriginal cultural background & education, the reasoning of the Courts would naturally be swayed away from the Aboriginal Universal view. Language is the embodiment of reason. Language is not pure across all cultures, and by extension, reason is not pure.

➢ *James Youngblood – verb centred language*

In the paper by James Youngblood Henderson 1995 First Nations Legal Inheritance in Canada: The Mi'kmaq model we read the following:
[https://www.canlii.org/en/commentary/doc/1995CanLIIDocs130#!fragment//BQCwhgziBcwMYgK4DsDWszIQewE4BUBTADwBdoByCgSgBpltTCIBFRQ3AT0otokLC4EbDtyp8BQkAGU8pAELcASgFEAMioBqAQQByAYRW1SYAEbRS2ONWpA]

> pdf pg 13
> In this worldview, European types of legal abstractions and fictions were rare. The Mi'kmaq worldview was not an expression of esoteric ideas and -isms but more of a cognitive realm created by a verb-centred language. This **verb-centred language** emphasised the flux of the world, encouraging harmony in all relationships. This was the centre of their legal institutions and heritage. It reflected their belief that the world was made according to an implicit design that could be at least partially apprehended and enforced by them, not simply as a matter of balancing rights and wrongs or of reducing conflict resolution to trial by battle, trial by ordeal or adversarial denunciations characteristic of medieval Anglo-French laws.

Here we see Henderson's view that language is an important consideration in assessing legal issues; that reason is based on language, and language differences between Indigenous and Colonists create a requirement to balance legal rights to unceded territory using both cultures in the reasoning process.

➢ *Language Shapes Thinking & Reasoning*

I offer to the reader to consider now the work of Langlois, 2020, Language & Cognitive science; How language affects reasoning & memory [https://www.researchgate.net/publication/345734866]

The following extracts from the work of Langlois in 2020, will provide the reader with some insight into recent developments in the understanding of how language & culture affect reasoning & thinking. The importance of this understanding of language relates to how we must position ourselves when interpreting the text of Treaties (such as the Peace & Friendship Treaties of xxx), current laws & policies relating to aboriginal / indigenous territorial & human rights. Although this relationship between language & thinking has been studied for some time, these recent advances in neuroscience & linguistics provide additional scientific evidence to the concept.

Pdf pg 9
People often speak the same language but they always do not mean the same precise things. This complexity of communication between people of the same language and culture is made even more difficult when the communication is between people with different cultural backgrounds. The cultural back ground informs our experiences and our cognitive functions, such as memory.

It is now impossible to ignore the impact of language & culture on cognitive processes. Research in neuroscience and cognitive science allows us to understand the psychological and physiological processes that underlie the cognitive tasks of individuals. Cognition is often viewed as a set of universal processes. However, it seems that this belief is largely unfounded.

Pdf pg 6
4.6. Neural evidence of the impact of culture on cognitive tasks
Markus and Kitayama (1991) tried to show that people have either an independent or an interdependent self-concept. Individuals with independent or individualistic self-concepts have a certain way of defining who they are that is based on individual uniqueness and how they compare to others.
In contrast, individuals who analyse their environment & social experiences with interdependent self-concepts define themselves through their membership and belongingness to the group.
The language they use to do this is different & susceptible to misunderstanding.

Pdf pg 6
According to several cognitive science researchers, the medial prefrontal cortex (mPFC) & the posterior cingulate cortex (PCC) are implicated in the self-referential network (Heatherton et al., 2006; Northoff et al., 2006). Cultural factors could have an impact on the modulation of activation in these areas of the brain.

Examine briefly here some of the work by Boroditsky 2011, How Language Shapes Thought, Scientific American vol 304.
[https://web.uvic.ca/~dbub/Cognition_Action/SpecialTopicsEssays_files/How%20Language%20Shapes%20Thought.pdf]

Pdf pg 3
The evidence over turns the long-standing dogma about universality &yields fascinating insights into the origins of knowledge & the construction of reality. The results have important ***implications for law,*** politics, & education.

People communicate using a multiple of languages that vary considerable in the information they convey.
Scholars have long wondered whether different languages might impart different cognitive skills.
In recent years empirical evidence for this causal relation has emerged, indicating that one's mother tongue does indeed mold the way one thinks about many aspects of the world, including space & time.
The latest findings also hint that language is part & parcel of many more aspect of thought than scientists had previously realized.

Consideration must now be given to the re-assessment of Court decisions relating to Aboriginal Rights to Sovereignty and Control over unceded territory with a view to assessing the balance of reasoning through a process that draws in Aboriginal language, cultural upbringings, & education. With this evidence in mind, we must now consider how culture & language have impacted past judicial decisions relating to both aboriginal rights to territory, & aboriginal individual & community human rights; decisions which, in our precedent based legal system, were based on the use of old long-standing precedents which may now be called into question. With this evidence we must also consider how this culture affects our current development of plans, policies, and laws. Reflecting back to an earlier part of this discussion, we recall the time of Charles II and the culture that developed the Common Law of Slavery. Over time slavery was abolished in law, but the repeal of the law did not immediately change the culture. Later in this discussion paper I will try to show the reader how the twisted legal rope, developed by a certain language & culture, still has threads in our current Nova Scotian society.

- *Crown Right to Infringe*

The reader's attention is next drawn to the Courts' shaping of Aboriginal Rights to unceded territory to include "incursions" and "infringements" by various levels of Canadian Governments.

> Pdf pg 5
> Where Aboriginal title has been established, the Crown must not only comply with its procedural duties, but must also justify any **incursions** on Aboriginal title lands by ensuring that the proposed government action is substantively consistent with the requirements of s. 35 of the Constitution Act, 1982….
>
> Pdf pg 5
> …and the duty infuses an obligation of proportionality into the justification process: the **incursion must be necessary** to achieve the government's goal (rational connection); the…
>
> **[13]** In 1990, this Court held that s. 35 of the *Constitution Act, 1982* constitutionally protected all Aboriginal rights that had not been extinguished prior to April 17, 1982, & imposed a **fiduciary duty on the Crown** with respect to those rights: ***R. v. Sparrow*, [1990] 1 S.C.R. 1075.** The Court held that under s. 35, **legislation can infringe rights protected by s. 35 only if it passes a two-step justification analysis:** the legislation must further a "compelling and substantial" purpose and account for the "priority" of the infringed Aboriginal interest under the fiduciary obligation imposed on the Crown (pp. 1113-19).
>
> **[16]** The Court in ***Delgamuukw* confirmed that infringements of Aboriginal title can be justified** under s. 35 of the *Constitution Act, 1982* pursuant to the *Sparrow* test & described this as a "**necessary part of the reconciliation** of Aboriginal societies with the **broader political community of which they are part**" (at para. 161), quoting *R. v. Gladstone*, [1996] 2 S.C.R. 723, at para. 73.
> While *Sparrow* had spoken of *priority* of **Aboriginal rights infringed** by regulations over non-aboriginal interests, *Delgamuukw* articulated the "different" (at para. 168) approach of

involvement of Aboriginal peoples — varying depending on the severity of the infringement — in decisions taken with respect to their lands.

[18] The jurisprudence just reviewed establishes a number of propositions that touch on the issues that arise in this case, including:

> • Governments **can infringe Aboriginal rights** conferred by Aboriginal title but only where they can justify the infringements on the basis of a compelling and substantial purpose and establish that they are consistent with the Crown's **fiduciary duty** to the group.

With respect to Aboriginal Rights to unceded territory, "incursions" and "infringements" are NOT permitted by International Law (par in parem non habet imperium). ***Infringements*** of another Nations territory are not permitted. ***Incursions*** of another Nation's territory are not permitted. The Courts and Canada have shaped their approach to Aboriginal Rights to unceded territory in the form of common law Aboriginal Title giving control of resources only. The consideration of Aboriginal Rights not only including Dominium (control of resources), but also including Imperium (Sovereignty) has been left to the side.

The reader should now consider the issue of incursions, infringements, exploitation of resources requires Aboriginal Permission, not just Consultation.

- * *Permission / Consent & Consultation*

The following extracts relating to a procedural duty to consult are provided here to the reader for awareness and background for a following discussion.

> pdf pg 42
> **[88]** In summary, Aboriginal title confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, **subject to one carve-out** — that the uses must be **consistent with the group nature** of the interest and the enjoyment of the land by **future generations**.
>
> Government **incursions not consented to** by the title-holding group must be undertaken in accordance with the **Crown's procedural duty to consult** and must also be justified on the basis of a compelling and substantial public interest, and must be consistent with the Crown's fiduciary duty to the Aboriginal group.
>
> pdf pg 42
> D. Remedies and Transition
> **[89] Prior to establishment of title** by court declaration or agreement, the **Crown is required to consult** in good faith with any Aboriginal groups asserting title to the land about proposed uses of the land and, **if appropriate, accommodate the interests** of such claimant groups.
>
> The **level of consultation and accommodation required varies with the strength of the Aboriginal group's claim** to the land and the seriousness of the potentially adverse effect upon the interest claimed.

pdf pg 43
[90] After Aboriginal title to land has been established by court declaration or agreement, the **Crown must seek the consent** of the title-holding Aboriginal group to developments on the land.

Absent consent, development of title land cannot proceed unless the Crown has discharged its duty to consult and can justify the intrusion on title under s. 35 of the Constitution Act, 1982.

Pdf pg 43
[91] The **practical result may be a spectrum of duties applicable over time** in a particular case.

At the claims stage, prior to establishment of Aboriginal title, the **Crown owes a good faith duty to consult** with the group concerned and, if appropriate, accommodate its interests.

As the claim strength increases, the required level of consultation and accommodation correspondingly increases.

Where a claim is particularly strong — for example, shortly before a court declaration of title — appropriate care must be taken to preserve the Aboriginal interest pending final resolution of the claim.

Finally, once title is established, the **Crown cannot proceed** with development of title land not consented to by the title-holding group **unless it has discharged its duty to consult and the development is justified** pursuant to s. 35 of the Constitution Act, 1982.

Pdf pg 44
[92] Once title is established, it may be necessary for the **Crown to reassess prior conduct** in light of the new reality in order to faithfully discharge its **fiduciary duty** to the title-holding group going forward.

For example, if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be unjustifiably infringing.

Similarly, if legislation was validly enacted before title was established, such legislation may be rendered inapplicable going forward to the extent that it unjustifiably infringes Aboriginal title.

In para 89 we see that the consultation is merely a form of chat; the colonial government holds the decision-making power to accommodate if appropriate. Who holds the upper hand in this Nation-to-Nation discussion regarding Aboriginal Rights to unceded Territory?

In para 89 we see that the level of consultation varies with the level of claim. The colonial government holds the decision regarding the level of claim; the burden of proof of the level of claim rests with the Aboriginal community. Who then has the upper hand in this Nation-to-Nation discussion? Clearly the colonial government.

In paras 90 & 91, we see that only after title has been established must the colonial government seek consent. What we see here is a convoluted mechanism favouring the colonial inhabitants. A

mechanism with various stages that supports their continued occupation and continued expansion of occupation until the Aboriginal claim is settled. By delaying the process of granting/conveying title (and this "Title" is only to limited form of Dominium, not full Imperium and full Dominium) in this stepwise manner, by creating a process that uses a variable input (ie. variable strength of Aboriginal claim) as its driver, the colonial occupation and expansion can be delayed, to the point where the expanded occupation becomes de facto. This amounts to a slow expansion of Adverse possession of the Aboriginal unceded territory. An expansion without limits it seems. An expansion that in the long run is totally unchecked and will eventually lead to the pushing out of the way of any Aboriginal claim, in that the territory is already de facto occupied and therefore no longer of cultural value to support the Aboriginal society in the present nor into the future.

In para 92 we see a bizarre mechanism created that only after the statement of claim must the colonial "crown" recognize a fiduciary duty to protect the territory for the future generations. This borders on the ridiculous. The colonial occupiers have permitted themselves to de facto expanded occupation and use resources, until an Aboriginal claim meets a standard set by the colonial occupiers, and only then must the colonial occupiers reflect back on a fiduciary duty to protect the territory for the future benefit of the Aboriginal culture.

I ask the reader to stop and reflect for a moment on the essence of para 92.

> "For example, if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be unjustifiably infringing."

I offer for consideration that this is in fact the definition of Adverse Possession. The Crown can occupy land (ie. adversely possess the territory) until a claim for Aboriginal title is established.

In a Nation-to-Nation discussion, the permission must be sought by the infringing agency prior to any incursion into another Nation's territory. Consideration must be given to reviewing and amending this discussion/consultation process such that Aboriginal Rights to full Imperium and full Dominium over unceded Territory are resolved prior to any incursions. Once these rights to the territory are resolved, then can begin the process of consultation, consent/permission for any incursion / exploitation of resources.

The mechanism that the colonial Courts, Governments have developed regarding Aboriginal Rights to unceded Territory is a mechanism that perpetuates anti-indigenous sentiment. A mechanism that pushes them out of the way, while the colonial occupation and expansion can continue to the colonial benefit, and the Indigenous detriment.

What has been developed by the colonial Courts and Government is an imbalanced system for the duty of care for the territory. The colonial side has the potential to only be required to engage in the duty of care once "Title" has been established; to reassess prior conduct; while the Aboriginal side only obtains the duty of care once the colonial power has shifted; once the territory has been already destroyed, with little potential for support the aboriginal culture into the future. Yet the Aboriginal duty is constrained by the colonial power to a collective community duty, that must be preserved for the future. The colonial duty does not require a duty of care for a collective community into the future,

prior to settlement of discussion relating to unceded territory. The colonial contract allows for free wheeling, push them out of the way, behaviour.

Additionally, I offer the reader to note that a Fiduciary Duty exists (para 92). This Fiduciary duty rests with all levels of Canadian colonial government; municipal, provincial, & federal. In part this fiduciary duty requires the preservation of the Indigenous Natural Heritage Environment; preservation in size and productivity such that it will provide for the Indigenous Peoples Individual survival, as well as the Collective Community's survival. Later in this discussion paper, I will provide metrics for consideration in assessing the size and productivity of the territory required.

Furthermore, within this Fiduciary duty to protect, & preserve, by extension, under English cultural logic & reasoning, one must conclude that all levels of government do not have the authority to convey territory (either terrestrial or aquatic) until such time a de jure acquisition of that territory has been achieved by Treaty or Purchase. Any additional colonization of the territory is by Canada's definition an action reflecting anti-indigenous "*sentiment*". Additional colonization is an expression of the doctrine/policy of occupation of terra nullius (a "*no man's land*"; "nobody's land; "unclaimed territory"); ie. occupation of the territory as if the Indigenous Peoples did not exist.

- *What Constitutes Occupation - Occupation Scale: Perambulation – Adverse Possession – Constructive Possession*

The following extracts are provided to the reader to consider how the Courts have shaped the treatment of Aboriginal Rights to unceded territory along a continuum of "occupation". The Courts define the "occupation" markers along this continuum as a) Perambulation (patrolling, trespassing) – b) Adverse Possession (squatters rights) – c) Constructive Possession (sovereignty & control from a distance; no physical occupation).

> pdf pg 26 (**perambulation** – trespassing)
> Further guidance on **what constitutes occupation** can be gained from **cases involving land to which title is uncertain**.
>
> Generally, any **acts on** or **in relation to land** that indicate an **intention to hold** or **use** it for one's own purposes are evidence of occupation.
>
> **Apart from the obvious**, such as enclosing, cultivating, mining, building upon, maintaining, and warning trespassers off land, any number of **other acts**, including cutting trees or grass, fishing in tracts of water, and even **perambulation,** may be relied upon.
>
> The **weight given to such acts** depends partly on the **nature of the land**, & the **purposes for which it can reasonably be used.** [Emphasis added.]
>
> pdf pg 24 (**adverse possession** – squatters rights)
> **[38] To sufficiently occupy the land** for purposes of title, the Aboriginal group in question must show that it has **historically acted in a way that would communicate to third parties** that it held the land for its own purposes. This standard **does not demand notorious or visible use akin to proving a claim for adverse possession,** but **neither can the occupation be purely subjective or internal.**

There must be **evidence of a strong presence** on or over the land claimed, manifesting itself in **acts of occupation** that could reasonably be interpreted as demonstrating that the land in question **belonged** to, was **controlled** by, or was under the **exclusive stewardship** of the claimant group.
As just discussed, the kinds of **acts** necessary to **indicate a permanent presence**& **intention to hold** & **use the land for the group's purposes** are dependent on the **manner of life of the people** & **the nature of the land**.

Cultivated fields, constructed dwelling houses, invested labour, and a consistent presence on parts of the land may be sufficient, but are not essential to establish occupation.

The notion of occupation must also **reflect the way of life of the Aboriginal people**, including those who were **nomadic or semi-nomadic**.

pdf pg 26 (**constructive possession** – sovereignty & control from a distance; no physical occupation)
[40] **Cromwell J.A. in *Marshall*** went on to state that this standard is different from the **doctrine of constructive possession**. The goal is not to *attribute* possession in the absence of physical acts of occupation, but to define the quality of the physical acts of occupation that demonstrate possession at law (para. 137). He concluded:

pdf pg 26
I would adopt, in general terms, Professor McNeil's analysis that the **appropriate standard of occupation**, from the **common law perspective**, is the **middle ground** between the **minimal occupation** which would permit a person to sue a wrong-doer in trespass & the **most onerous standard** required to ground title by **adverse possession** as against a true owner … Where, as here, we are dealing with a large expanse of territory which was not cultivated, acts such as continual, though changing, settlement and wide-ranging use for fishing, hunting and gathering should be given more weight than they would be if dealing with enclosed, cultivated land. Perhaps most significantly, . . . it is impossible to confine the evidence to the very precise spot on which the cutting was done: Pollock and Wright at p. 32. Instead, the **question must be whether the acts of occupation in particular areas show that the whole area was occupied by the claimant**. [para. 138]

What the Officious Indigenous bystander might observe here is that the Courts have shaped the meaning of Aboriginal Rights (from the Constitution Act article 35(1)) to unceded territory, into a form of common law Title that fits along the occupation continuum scale in a position just left of Adverse Possession. This Title is limited to control of resources only, with no right to sovereignty, and is a title that permits infringements and incursions. The Courts indicate that they have taken a "middle ground". This middle ground they define as a sui generis (special case) of Title; a kind of "soft" adverse possession.

I submit to the reader that the position of a Sovereign Nation, such as the Indigenous Peoples of Mi'kma'ki, is more to the right along the scale; something equivalent to Constructive Possession. What the Courts did not have before them at the time of decision making was the science behind the size and

quality of territory necessary to sustain the Indigenous Peoples in "historic" times, in the present day, and into the Future as is their inherent right. The size and quality of the territory required to support the survival of the collective community and its culture must now be an element for consideration in the "test" for occupation. The Indigenous Peoples need not to have walked every corner of Nova Scotia; the boundaries as clearly set by its coastline. They need not to have fished every bay and harbour in order to claim Aboriginal Rights to unceded territory. I will discuss further how the character and size of the territory must now be considered and its impact on the decisions made regarding Aboriginal Rights to unceded Territory.

The test for Occupation previously developed by the Courts is now outdated. The test must now be defined in terms of Survival of the Collective Community & its culture in three timeframes: in historical times, at the present time, and its survival into the future such that it preserves future generations.

- *Character of the Land:*

The following extracts relating to the issue of the character or the land; carrying capacity of the land; nature of the land; provide the reader some insight into the depth to which the Courts examined the issue of the Indigenous connection to the land and its relationship to the survival of the peoples and their culture.

> **[37] Sufficiency of occupation is a context specific inquiry**. "Occupation may be established in a variety of ways, ranging from the construction of dwellings through cultivation and enclosure of fields to regular use of definite tracts of land for hunting, fishing or otherwise exploiting its resources" (**Delgamuukw**, at para. 149).
>
> The **intensity & frequency of the use** may vary with the characteristics of the Aboriginal group asserting title **&the character of the land over which** title is asserted. Here, for example, **the land, while extensive, was harsh & was capable of supporting only 100 to 1,000 people**. The fact that the Aboriginal group was only about 400 people must be considered in the context of the **carrying capacity of the land** in determining whether regular use of definite tracts of land is made out.
>
> **[38] To sufficiently occupy the land** for purposes of title, the Aboriginal group in question must show that it has **historically acted in a way that would communicate to third parties** that it held the land for its own purposes. This standard **does not demand notorious or visible use akin to proving a claim for adverse possession,** but **neither can the occupation be purely subjective or internal.**
>
> There must be **evidence of a strong presence** on or over the land claimed, manifesting itself in **acts of occupation** that could reasonably be interpreted as demonstrating that the land in question **belonged** to, was **controlled** by, or was under the **exclusive stewardship** of the claimant group.
> As just discussed, the kinds of **acts** necessary to **indicate a permanent presence**& **intention to hold** & **use the land for the group's purposes** are dependent on the **manner of life of the people** & **the nature of the land**.
>
> Cultivated fields, constructed dwelling houses, invested labour, and a consistent presence on parts of the land may be sufficient, but are not essential to establish occupation.

> The notion of occupation must also **reflect the way of life of the Aboriginal people**, including those who were **nomadic or semi-nomadic**.
>
> **[41]** In summary, **what is required is a culturally sensitive approach** to sufficiency of occupation based on the **dual perspectives of the Aboriginal group in question:**
> **— its laws, practices, size, technological ability and the character of the land claimed; and**
> **— the common law notion of possession as a basis for title**.
>
> It is not possible to list every indicia of occupation that might apply in a particular case.
> The **common law test for possession** — which requires an intention to occupy or hold land for the purposes of the occupant — must be considered alongside the perspective of the Aboriginal group which, depending on its size and manner of living, **might conceive of possession of land in a somewhat different manner than did the common law**.
>
> **[44]** The Court in *Marshall; Bernard* confirmed that nomadic and semi-nomadic groups **could establish title to land, provided they establish sufficient physical possession**, which is a **question of fact**. While "[n]ot every nomadic passage or use will ground title to land", the Court confirmed that *Delgamuukw* contemplates that "regular use of definite tracts of land for hunting, fishing or otherwise exploiting its resources" could suffice (para. 66).
>
> While the issue was framed in terms of whether the common law test for possession was met, the Court did not resile from the need to consider the perspective of the Aboriginal group in question; sufficient occupation is a "question of fact, depending on all the circumstances, in particular the **nature of the land** and **the manner in which it is commonly used**" (*ibid.*).

What these extracts appear to indicate is that the Courts were not presented with in-depth information / science relating to the size and quality of the territory required to sustain the Aboriginal group of the past, nor the information relating to sustaining the Aboriginal group into the future.

As has been identified earlier, sustainment of the territory for the use and enjoyment of future generations is part of the test that the Courts have created to assess Title. (I use the term Title only to connect with what the Courts themselves have used; however, the consideration that I propose is that Aboriginal Rights to unceded territory is not a form of Title.)

Examine first some more recent sociological / scientific information relating to the size of territory required to sustain an Indigenous People.

As a simple example of the type of data that is now available, the reader can examine the following extract from National Geographic providing information relating to the size of territory needed for survival of an Indigenous community:
[https://education.nationalgeographic.org/resource/hunter-gatherer-culture]

> Because hunter-gatherers did not rely on agriculture, they used mobility as a survival strategy. Indeed, the hunter-gatherer lifestyle required access to large areas of land, **between seven and 500 square miles**, to find the food they needed to survive. This made establishing long-

> term settlements impractical, and most hunter-gatherers were nomadic. Hunter-gatherer groups tended to range in size from an extended family to a larger band of no more than about **100 people.**

Here the reader can see that between 7 and 500 square miles may be required to support 100 people. The range of territory size depends on the quality / productivity of the territory.

Consider for the moment the census data provided earlier in this discussion. The population of Mi'kma'ki was given as 3,459. This figure is given for the whole of Mi'kma'ki, made up of 5 geographic divisions, one of which is Nova Scotia. If we consider for example, that each of the five divisions had a population of approx 700 we could then develop a rough first order estimate for the territory required for the preservation of those indigenous peoples occupying Nova Scotia at the time. Using an estimated figure of 500 sq miles per 100 people, we see that for the 700 population of Nova Scotia, an area of 3,500 sq miles would be required to sustain survival. Wikipedia indicates Nova Scotia as having an area of 21,400 sq miles. To support the historical population into the future, additional sq miles of territory must be "added" "for future considerations". Knowing the boundaries of Nova Scotia as its coast line, the 21,400 sq miles would support the Indigenous culture well into the future.

If Canada is claiming any kind of sovereignty, then Canada & Nova Scotia are burdened with the fiduciary duty to preserve this amount of territory for the survival of the historical Indigenous population. Furthermore, Canada, & Nova Scotia have the duty of care / fiduciary duty to preserve this Indigenous Natural Heritage Environment for the use of future generations of Indigenous peoples. For the preservation of the collective community and their collective culture into the future as is their inherent right.

The Courts, in their shaping of the decisions regarding Aboriginal Rights to unceded Territory, have not been presented with the requirement to assess the issue of survival of the Indigenous collective community and culture. Equally significant as surviving is the issue of thriving; surviving and thriving into the future.

Additionally, data regarding the biodiversity requirement for survival was not likely available to the Courts when developing their past decisions. In the following extract the reader can see the newer research estimates for biodiversity protection required for survival.

In the following extract from a BioScience June 2017, we see the United Nations calling for protection of 50% global protected area targets.
[https://academic.oup.com/bioscience/article/67/6/534/3102935?login=false]

> pdf pg 9
> Nature Needs Half finds support in the United Nation's Sustainable Development Goals (SDGs). Among other items, the SDGs call on humanity to "take urgent and significant action to reduce degradation of natural habitats [and] … protect and prevent the extinction of threatened species" and to "halt deforestation" and "halt loss of biodiversity" by 2020. These internationally agreed-on conservation goals will be challenging to achieve without protecting in the realm of half. As such, we call on advocates and leaders around the world to set new global protected area targets accordingly: **50% of the terrestrial realm** by 2050.

The following extract from the CPAWS website reports that evidence exists indicating 70% or more of territory must be protected in a biodiverse state.
[https://cpaws.org/canadas-conservation-target-of-30-protection-by-2030-within-reach-cpaws-report/]

> Evidence shows that a minimum of **30% and up to 70% or more** of land and ocean ecosystems need to be protected to sustain a healthy planet and secure essential ecosystem services for people. CPAWS' long-standing goal of **protecting at least half** of Canada's land, freshwater, and ocean is **well-supported in the literature**.

In the document REVIEW OF EVIDENCE FOR AREA-BASED CONSERVATION TARGETS FOR THE POST-2020 (Journal PARKS VOL 25.2 NOVEMBER 2019) we see numbers as high as 80% territory preservation in biodiverse state for survival.
[https://parksjournal.com/wp-content/uploads/2019/12/PARKS-25.2-Woodley-et-al-10.2305-IUCN.CH_.2019.PARKS-25-2SW2.en_.pdf]

> pdf pg 1
> 3. There is no unequivocal answer for what percentage of the Earth should be protected. Estimates from studies considering a wide set of biodiversity values are very high; well over 50 per cent **and up to 80 per cent**. Studies that include a narrower subset of biodiversity values are lower, but rarely under 30 per cent, and always with caveats that they are incomplete estimates. Protected area conservation targets should be established based on the desired outcomes (e.g. halting biodiversity loss by 2030).
>
> 4. The global protection of a **minimum of 30 per cent and up to 70 per cent, or even higher**, of the land and sea on Earth is **well supported in the literature**. The call for 50 per cent of the Earth is a mid-point of these values and is supported by a range of studies.

The important piece of information to be extracted here is that a large proportion of a territory must be preserved in its natural biodiverse state in order to support survival. Additionally, this data is somewhat new, with the Parks Journal article written in 2019. This data or these ideas of biodiversity requirement to support survival would not have been available to the Courts as they shaped their thinking in making the decisions regarding Aboriginal Rights to unceded Territory.

With this knowledge of biodiversity requirements for survival, we can conclude that an Indigenous group need not have stepped foot in every area of the territory, or fished in every harbour and river. To do so had the potential to extract resources in excess of biodiversity sustainability, and by extension, to threaten their own survival.

With Nova Scotia's area of 21,400 sq miles, we can consider, using the 70% biodiversity preservation figure, that approx 15,000 sq miles of the territory must be preserved in its Indigenous Natural Biodiverse Heritage state in order to support a thriving Indigenous collective community and its culture.

The question to be raised to the reader is "Has Canada, its Courts, Nova Scotia, & HRM fulfilled their fiduciary duty (if sovereignty is claimed) to protect this 70%?" I would suggest that this has not happened. The follow-on question then is how restitution is to be calculated, and how return of territory to Indigenous Sovereignty & Control is to be effected.

Consideration might now be given to reviewing the Courts decisions regarding Aboriginal Rights to unceded Territory in the light of the requirement of a test to assess sustainment of survival, and to support of a thriving culture into the future.

- *Aboriginal Title: Doctrine of Discovery & Occupation of Terra Nullius*

In para 69, the SCC indicates that the Doctrine of Discovery & occupation of Terra Nullius has never applied to Canada, as confirmed by the Royal Proclamation of 1763.

> pdf pg 36
> **[69]** The starting point in characterizing the legal nature of Aboriginal title is **Dickson J.'s concurring judgment in Guerin**, discussed earlier. At the time of assertion of European sovereignty, the Crown acquired radical or underlying title to all the land in the province. This Crown title, however, was burdened by the pre-existing legal rights of Aboriginal people who occupied & used the land prior to European arrival. The doctrine of terra nullius (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the Royal Proclamation of 1763. The Aboriginal interest in land that burdens the Crown's underlying title is an independent legal interest, which gives rise to a fiduciary duty on the part of the Crown.

It is at this stage of the discussion that I bring the readers attention to the effective implementation of the Doctrine of Occupation of Terra Nullius in Nova Scotia. Even though the doctrine has not been officially implemented & applied in Canada by the Crown as reflected in the Proclamation of 1763, it continues effectively to be implemented & applied at the National, Provincial, Municipal, & corporate levels within the province of Nova Scotia. I will provide an example of how this doctrine is in fact implemented in practice using a Nova Scotian example further in this discussion.

The question that is now raised relates to the principles outlined earlier. The integrity of the Crown is in question at this point. At this stage we must distinguish between the Crown per se (King or Queen), & the various levels of government of Canada, & Canadian corporate agencies. The Crown itself has not implemented or applied the doctrine of occupation of Terra Nullius. It is, however, the Canadian entities that have done so.

The curious piece here is that Canada has labelled this activity as racist; even having labelled the activity racist, the various levels of Canadian government continue to engage in the activity. Land that is available for the taking for development is subsequently occupied without permission of the Indigenous peoples holding sovereignty. No duty of care is exercised for the protection & preservation of the Indigenous Natural Heritage Environment for the benefit of the Indigenous Peoples into the future.

- *Discussion & Considerations:*

For unceded territory, the underlying control is not retained by the Crown; Imperium (sovereignty) and Dominium (control of resources) is retained by the Indigenous peoples. For unceded territory, more than meaningful consultation is required for any agency to conduct activities in this territory; the holder of Imperium and Dominium must consent; must give permission. Any agency with intentions of

conducting activities in the unceded territory must seek consent; must seek permission prior to any incursions / intrusions.

The reader should also consider the issue of how the Courts are dealing with unceded territory. As noted earlier, the Court is tackling the issue from the perspective of Aboriginal Rights to Territory are to be handled as a conveyance of Title. The Courts are taking the position that Canada retains Sovereignty, and therefore can convey Title. When examined, this Title is in fact only referring to a partial Dominium (control of resources). Furthermore, Canada takes that position that by Canada having Sovereignty, Canada can intervene in the Aboriginal control of the resources of the territory.

Effectively, the Courts are using a strategy of adverse possession; where Canada retains Sovereignty, & some Dominium over unceded territory; issuing Title to some portion of Dominium, a shared Dominium. Whether this strategy is by design, or a result of the requirement for the Supreme Court to deal with laws as they are and only what is presented to them, is not clear to me. What is clear that Canada & the SCC have not appropriately dealt with the issue of Aboriginal Rights as they relate to Imperium (Sovereignty) & Dominium (control of resources) over unceded territory. This issue must be dealt with at a Nation-to-Nation level, which by International convention, means that Canada doesn't have the authority to Convey Title. The strategy being taken by Canada & the SCC is effectively perpetuating the Doctrine of Discovery & Occupation of Terra Nullius when dealing with Aboriginal Rights to unceded territory. A doctrine which Canada has identified as systemic racism. The knock-on effect is that lower levels of Government (provincial, municipal), along with corporate agencies are also able to follow these same doctrines.

One can at this stage consider the issue of Canada having defined this activity as racist in the preamble to Bill C-15. This Bill, was issued in 2021, several years after the Tsilqhot'in Nation decision in 2014. With this time difference, one can consider that the 2014 & earlier Aboriginal Rights decisions (as early as perhaps the Calder case 1973, & Sparrow case 1990) relating to Aboriginal Title were not quite aware of the negative nature of the strategy being taken by the Courts. Consideration may now need to be given to reviewing these previous decisions with the vision to correcting the decisions in this new light of Canada identifying the doctrine of Discovery, & occupation of Terra Nullius as racist.

- *Nova Scotia Example – Tufts Cove / Turtle Grove*

In the Nova Scotia context, the unceded territory of Mi'kma'ki is not a terra nullius. The continued expanded occupation into undeveloped natural heritage territory, without the permission of the Indigenous community at every step, is effectively a systemic racist activity which must be addressed by the Office of Equity & Anti-Racism, under its mandate provided by Nova Scotia Bill 96 Dismantling Racism, & Hate Act. Any agency conducting activities in this unceded territory must have consent; permission of the territory holder, and in the case of the unceded territory of Mi'kma'ki, that is the indigenous Hereditary Chiefs.

At this stage consider a "practical" example using Dartmouth, which I believe will help the reader to more clearly understand the issue of incremental dispossession of territory and the resulting incremental extinguishment of Indigenous culture. Take for example, the last Indigenous inhabited site in Dartmouth NS; that being Turtle Grove. Fig 3, shows the location. This site was inhabited up until 1917.

> "In his book, In the Wake of the Alderney, Harry Chapman states: "Dartmouth was virtually a ghost town and would remain so for another two decades before the whalers and Loyalists would arrive to breathe new life into the town" (pg 32). In 1790, Gersham Tufts, a carpenter by trade, received a grant of land from the British Crown of approximately 1,000 acres on the Dartmouth side of the harbour. From that point forward the area was known as Tufts Cove, or Nipame'katik (Cranberry Place). The land grant included Turtle Grove. Though the area was now considered private property, the Mi'kmaq continued to live on the land as they always had. In the eyes of the property owners and the government, this made the Mi'kmaq trespassers and Turtle Grove became a point of contention."
> [https://www.halifaxpubliclibraries.ca/blogs/post/turtle-grove-and-the-halifax-explosion-a-brief-and-not-at-all-definitive-history/]

What we can see here is that prior to the 1790 land grant to Tufts, the territory of Dartmouth was wilderness, occupied by the Mikmaq. Even though the Royal Proclamation has directed the occupants of this territory to remove themselves, the government, businesses, & population disregarded the directive. The Government held the position that they had authority to convey the territory to Tufts. The Mi'kmaq had become trespassers on their own territory. Over time, the territory became fully occupied by the non-indigenous population; the government continued to hold the position that they had authority to convey the territory. The government & non-indigenous population considered the territory open for the taking; a terra-nullius; and over time completely occupied the once open indigenous natural heritage environment. The Indigenous first peoples were treated & continue to be treated as trespassers with no rights to this territory. Figure 3 will give the reader a visual picture of the current day state of this incremental expansion of occupation. This approach of occupation of territory using the concept of open for the taking (terra nullius) is defined by Canada as racist.

Furthermore, & perhaps even more egregious, is the issue of Indigenous peoples right to cultural preservation. The Indigenous heritage environment is intimately connected to their culture. I offer the reader to consider this same example of the territory of Dartmouth to consider the issue of cultural preservation. As a method of providing some metrics to assist this analysis, I will use the work of Rideout, E., 2012 – HydroLogic Sys Group, Setbacks & Vegetated Buffers in Nova Scotia; A review and analysis of current practices and management options.
[https://diffusion.mern.gouv.qc.ca/public/Biblio/Dossiers/ArticlesBaretteJaballah/Rideout%20-%202012%20-%20Setbacks%20and%20vegetated%20buffers%20in%20Nova%20Scotia.pdf]

The Rideout paper provides a summary of scientific research regarding buffer zones around bodies of freshwater that are required to maintain a good aquatic environment, & a good terrestrial environment; ie. a high level of biodiversity. I will take one item from the Rideout work; that being the size of the zone required to maintain an excellent terrestrial wildlife habitat which will support a diverse community. The data that Rideout provides indicates that 600 m buffer/riparian zone is required around lakes, streams, ponds, marshes. In Figure 4, I have drawn some arrows. The white arrows are scaled to 600m, & are drawn around the edges of bodies of water to show the reader visually how far this 600m riparian buffer zone extends from the water's edge.

The reader will notice that the Dartmouth housing/developments occupy a substantial portion of the territory inside the 600 m zone. This occupation of the 600 m zone has destroyed the Indigenous Natural Heritage Environment, making it unusable by the Indigenous peoples for their cultural hunting, fishing, gathering activities required for both the survival of individuals and the survival of the collective

community. Their cultural use of this area has been extinguished. Slowly, incrementally, this process has occurred over time, resulting in the present situation where the cultural survival of the current population is jeopardized. With continued expansion of non-indigenous occupation under current plans for population growth of Nova Scotia to 2 million, the cultural survival of future generations is further jeopardized. This incremental expanded occupation resulting in destruction of their Natural Heritage Environment is cultural genocide.

Referring back to SCC decision for Tsilhqot'in Nation, para 15;

> …"the "protected uses must not be irreconcilable with the nature of the group's attachment to that land" (ibid.) —that is, it is group title and cannot be alienated in a way that deprives future generations of the control & benefit of the land."

What is happening with unrestricted abandon is that the future generations are dispossessed and deprived of their territory; the control & benefit of the land. The OEA has here an opportunity to address the violation of territorial rights, individual and collective community rights.



Fig 3: Map showing Dartmouth present day suburb footprint & Mi'kmaq community location at Turtle Grove

a) Inserted picture: Encampment at Turtle Grove, Nova Scotia Archives, Joseph S. Rogers Nova Scotia Archives 1992-412 Photographic Advertising Album, 1871, p. 18 neg. no. N-0418.; Turtle Grove approx location identified by Red Circle shape

DRAFT

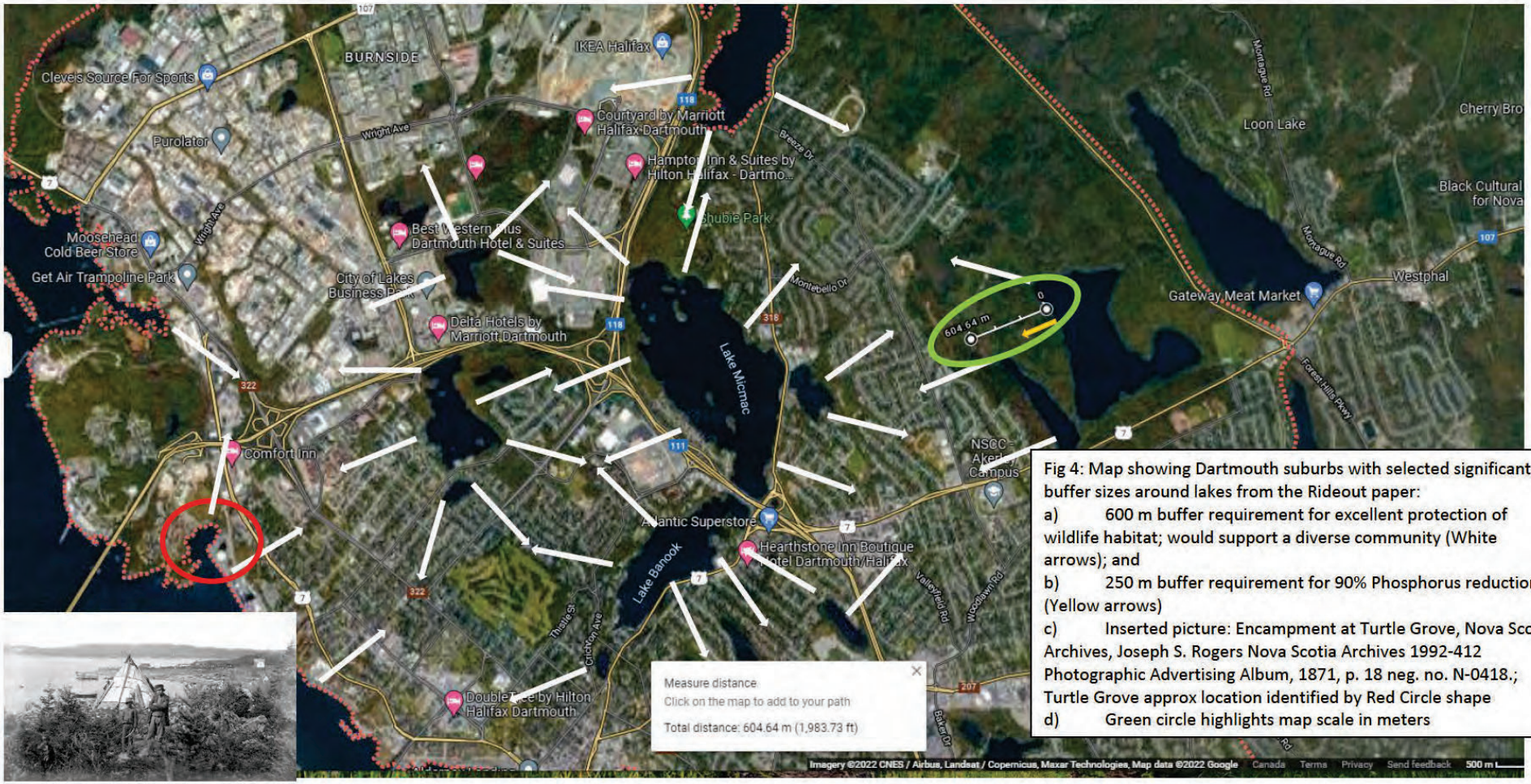


Fig 4: Map showing Dartmouth suburbs with selected significant buffer sizes around lakes from the Rideout paper:

a) 600 m buffer requirement for excellent protection of wildlife habitat; would support a diverse community (White arrows); and

b) 250 m buffer requirement for 90% Phosphorus reduction (Yellow arrows)

c) Inserted picture: Encampment at Turtle Grove, Nova Scotia Archives, Joseph S. Rogers Nova Scotia Archives 1992-412 Photographic Advertising Album, 1871, p. 18 neg. no. N-0418.; Turtle Grove approx location identified by Red Circle shape

d) Green circle highlights map scale in meters

- Call-to-Action 92: Corporate Sector & UNDRIP

[https://www.rcaanc-cirnac.gc.ca/eng/1524506030545/1557513309443]

With Canada's "What's happening", extracted below, the reader can see the lack of leadership the Government of Canada is taking regarding guiding the Corporate Sector in a unified approach to learning the issues of Aboriginal Rights, and understanding of the UN Declaration on the Rights of Indigenous Peoples.

> 92. We call upon the **corporate sector** in Canada to **adopt the United Nations Declaration on the Rights** of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:
>
> - Commit to **meaningful consultation**, building respectful relationships, and **obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects**.
> - Ensure that Aboriginal peoples have equitable access to jobs, training, and education opportunities in the corporate sector, and that Aboriginal communities gain long-term sustainable benefits from economic development projects.
> - Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.
>
> "What's happening?
> The corporate sector in Canada is responsible for the response to Call to Action 92."

With Call-to-Action 92, the questions arise regarding metrics of success of this item. With regard to Housing Supply in Nova Scotia, the question to ask here is how is the destruction of the Indigenous Heritage Natural Environment consistent with the adoption of articles of UNDRIP; to preserve territory, and indigenous culture. Preservation of Individual Human Rights, along with preservation of Collective Community Human rights are intimately linked to preservation of culture, with cultural preservation intimately linked to preservation of an Indigenous Heritage Natural Environment. Has the corporate sector conducted meaningful consultation? Has the corporate sector adopted UNDRIP?

Consideration, by Canada, Nova Scotia, & HRM, should be given to including in any contractual arrangement with the corporate sector, some measure of the corporation's engagement, and training in aboriginal affairs. In order for a company to be successful in a government contract bid, the company must have something like the Progressive Aboriginal Relations (PAR) Bronze, Silver, Gold certification.

- **2007 – UN Declaration of Rights of Indigenous Peoples (UNDRIP)**

(https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

At this point, the readers attention is drawn to certain articles of UNDRIP; articles relating to what I believe have relevance to rights violations expressed in occupation of unceded territory. The reader can

view these UNDRIP articles as sub-elements of Call-to-Action 43, 44, 45, & 92; essentially Calls-to-Action within these Calls-to-Action.

Consider next the following UNDRIP articles relating to Aboriginal Territorial Rights violations:

a) Article 8.2 – Right to not being dispossessed of territories, forced assimilation or integration; and Right to Redress;
b) Article 26 – Right to Territories, & Resources Traditionally owned;
c) Article 28.1 – Right to Redress, & Restitution;
d) Article 28.2 – Right to Compensation in land, territory, & resources of equal size, & legal status or appropriate monetary compensation;
e) Article 29 – Right to Conservation, & Protection of the Environment, & Productive capacity;
f) Article 43 – Recognized Rights herein constitute Minimum Standards.

Canada, through Bill C-15 acknowledges UNDRIP, and recognizes the requirements of these above articles relating to the preservation of the Indigenous Heritage Territory for the purposes of Indigenous peoples individual and collective **territorial** rights. Article 43 indicates that these articles in UNDRIP constitute the minimum standards to be achieved. Canada appears not to have achieved these minimum standards. In the case of Mi'kma'ki, and specifically for this discussion, the Province of Nova Scotia, and Canada have not fulfilled their duty of care for the preservation of the Indigenous Heritage Natural Environment for future generations.

Aboriginal Individual Human Rights, & Collective Community Human Rights violations

- **Indigenous Collective Community Rights**

I offer for consideration, that degradation / destruction of the Indigenous Heritage Natural Environment is a violation of Indigenous Human rights, both at the individual level, & the Collective Community level. The results / rulings coming from the Inter-American Court on Human Rights regarding the case of the Awas Tingni Indigenous peoples of Nicaragua vs the state of Nicaragua are enlightening in this regard.

I offer the reader the following extracts for consideration in developing an understanding of the relationship of Indigenous Communities and the Indigenous Heritage Natural Environment. In the Canadian, & Nova Scotian context, these indigenous collective community human rights must be read with the understanding & acknowledgement of the fiduciary responsibility of all levels of Canadian governments in the preservation of the Indigenous Heritage Natural Environment such that it preserves the indigenous peoples and their culture into the future.

The following extracts will provide the reader with some insight into the issues of Indigenous Peoples Human Rights relating to the preservation of their Heritage Natural Environment.

> [https://www.ciel.org/news/international-court-rules-in-favor-of-indigenous-community-land-rights/]
> Center for International Environmental Law; International Court Rules in Favor of Indigenous Community Land Rights – October 2001

> The Inter-American Court on Human Rights, in a precedent-setting ruling, recognized the property rights of indigenous community traditional lands. The international court, … the American hemisphere's most important human right tribunal, declared that the state of Nicaragua violated the human rights of the Mayagna Sumo Indigenous Community (the Awas Tingni) & ordered the state of Nicaragua to recognize & protect the legal rights of the community with respect to its traditional lands, natural resources, and environment.
>
> Romina Picolotti, Legal Program Director of the Center for Human Rights and Environment (CEDHA) in Argentina, & co-author of the legal brief (Amicus Curiae) filed in the case that laid out the links between the environmental degradation and human rights abuses caused by illegal private lumbering in the indigenous territories, stated, "This sentence sets an important precedent for indigenous communities throughout the world whose human rights are systematically violated by environmental degradation. This is a unique case in which the links between human rights and the environment have been duly defended using international human rights law and instruments."
>
> …the Court ruled in favor of the Awas Tingni, alleged violations of the right to property, the right to cultural integrity, and other rights that are affirmed in the American Convention on Human Rights and other international instruments, …
>
> …the Court sentenced the state of Nicaragua to pay for ***damages*** to the community as well as ***expenses***…

The Amicus Curiae brief filed by the International Human Rights Law Group (IHRLG) and The Center for International Environmental Law (CIEL) can be found at the following link. This Amicus Curiae brief provides a very good summation of the legal issues relating to the issues of environmental degradation as they affect the cultural integrity and the collective human rights of indigenous communities as a whole. The following extract provides a small insight into the still emerging, international law of Indigenous community collective rights.

I offer the reader, for consideration, this Amicus Curiae dealing with Indigenous Community Collective rights & Environmental degradation, as I believe it is of value in understanding some of the issues associated with systemic anti-indigenous racism existing in Canada today, and in particular within the territory of Mi'kma'ki.

> [https://center-hre.org/wp-content/uploads/2011/05/Awas-Tingni-Mayagna-Sumo-Indigenous-Community-vs.-The-Republic-of-Nicaragua.pdf]
> Amici Curiae; Awas Tingni Mayagna (Sumo) Indigenous Community v. The Republic of Nicaragua
> Presented by The International Human Rights Law Group (IHRLG) and The Center for International Environmental Law (CIEL)
>
> Pdf pg 12
> **Collective rights** can be found with every known indigenous community rights system, as is the case of the Awas Tingni community. The intrinsic nature of *collective rights* has *forced a change* in the language of international law since they could not be adequately addressed as *individual rights*. International human rights law has recognized collective rights, in both categories. A consensus has developed during the past decade that indigenous peoples have distinctive

> community-based collective rights. Agreements signed by the States at the Rio Conference explicitly recognized indigenous peoples' collective rights and provide strong evidence of this emerging consensus. Among these distinctive internationally recognized collective rights are the right to land and other natural resources, cultural integrity, environmental security, and control over their own development.

Further extracts of the Amicus Curiae brief dealing with Collective Rights is provided for the reader at Appendix 3.

Consideration must be given to recognizing that destruction of the Indigenous Heritage Natural Environment has the potential to result in court challenges with respect to violations of human rights; both individual, & collective community human rights.

One must also consider the potential consequences and outcomes from the newly emerging developments in collective community human rights violations dealing not just with Indigenous communities, but the Canadian, & Nova Scotian community in general.

Consideration must also be given to encoding/enshrining, in some legislative or even constitutional form, Indigenous Collective Human rights, in particular the right to a viable Indigenous Heritage Natural Environment that will allow the collective community and its culture to survive in the future. ...

- **Indigenous Right to Life; Right to a Healthy Environment; Right to Culture**

At this point we now consider the issue of two additional categories of Aboriginal Rights (as opposed to Treaty Rights) defined in the Canadian Constitution; those being Aboriginal Individual Human Rights and Aboriginal Collective Community Human Rights. These collective rights of the community and the individual's rights are intimately connected to the indigenous heritage natural environment as it is a major influence in the indigenous beliefs, customs, traditions, and culture. Without the indigenous heritage natural environment, the indigenous culture is lost. The heritage natural environment is the spirit or entity that holds the together the soul of the individual, and the collective community. It is basic to their existence. The collective survival, and by extension the individual right to survival (right to life) is intimately connected to the existence of a healthy indigenous heritage natural environment. The slow breakup of this heritage environment into small pockets, as is the case in Nova Scotia, results in the slow deterioration of the natural environment's ability to support a diverse population of species which support the Indigenous Peoples individual survival, and by extension their collective community culture. This slow spread / expansion & occupation by the "external non-aboriginal forces/agencies", and slow spread of external non-aboriginal population into indigenous territories has on occasion been referred to a cultural genocide. The healthy integration of the heritage natural environment and its sacred lands, and seas, are vital to the cultural integrity, and the economic livelihood supporting individual and collective community survival. Canada, Nova Scotia have dissected the indigenous heritage natural environment of Indigenous peoples of Mi'kma'ki to the point where its biodiversity will no longer support the vibrant survival of the Indigenous People's culture. A once self-reliant Indigenous collective community has now become reliant on outside support. The systematic "chopping" up of the Indigenous Heritage Natural Environment has resulted in a systematic chopping up of their inherent right to a vibrant culture into the future.

- **2007 - UN Declaration of Right of Indigenous Peoples (UNDRIP)**

[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf]

At this point I bring the readers attention to several UNDRIP Articles which should be considered when assessing anti-indigenous racism in the context of Human Rights Violations of the Indigenous Individual and the Indigenous Collective Community.

Consider the following UNDRIP articles relating to Aboriginal Individual Human Rights violations, and Aboriginal Collective Community Human Rights violations:

a) Article 8.1 – Right to not be subjected to forced assimilation or destruction of Culture;
b) Article 8.2 – Right to Mechanisms of protection, and mechanisms of Redress;
c) Article 11 –Right to Practise & Revitalize Cultural Traditions;
d) Article 20 – Right to Security in Enjoyment of Own Means of Subsistence;
e) Article 24 – Right to Traditional Medicines;
f) Article 26 – Right to Territories, & Resources Traditionally owned;
g) Article 28.1 – Right to Redress, & Restitution;
h) Article 28.2 – Right to Compensation in land, territory, & resources of equal size, & legal status or appropriate monetary compensation;
i) Article 29 – Duty of States to Conserve & Protect; Right to Conservation, & Protection of the Environment, & Productive Capacity;
j) Article 43 – Minimum Standards

Canada, through Bill C-15 acknowledges and creates a mechanism for implementing UNDRIP. Canada through its response to TRC Call-to-Action 45, commits to full implementation of UNDRIP. In so doing Canada recognizes the requirements of these above articles relating to the preservation of the Indigenous Heritage Natural Environment for the purposes of Indigenous peoples individual and collective **human** rights.

Article 43 indicates that these articles in UNDRIP constitute the minimum standards to be achieved. Canada, and Nova Scotia appear not to have achieved these minimum standards. In the case of Mi'kma'ki, and specifically for this discussion, the Province of Nova Scotia, and Canada have not fulfilled their duty of care.

- ***1948 – UN Universal Declaration of Human Rights (UDHR), & Right to a Standard of Living**

  [Ref A: https://en.wikipedia.org/wiki/Universal_Declaration_of_Human_Rights]

  [Ref B: website: UN Universal Declaration of Human Rights (UDHR): https://www.un.org/en/about-us/universal-declaration-of-human-rights]

  [Ref C: UDHR pdf link: https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf]

I offer next, for the reader to consider the text of the UDHR, Article 25.1, which notes an individual's basic right to a standard of living. For the Indigenous Peoples, this would include both Individual Right to a Standard of Living, & Collective Community Right to a Standard of Living.

Ref A: UDHR introduction

The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings. Drafted by a UN committee chaired by Eleanor Roosevelt, it was accepted … on 10 December 1948 …

A foundational text in the history of human and civil rights, the Declaration consists of 30 articles detailing an individual's "basic rights and fundamental freedoms" and affirming their universal character as inherent, inalienable, and applicable to all human beings.[1] Adopted as a "common standard of achievement for all peoples and all nations", the UDHR commits nations to recognize all humans as being "born free and equal in dignity and rights" regardless of "nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status".[3]

The Declaration is considered a "milestone document" for its "universalist language", … It directly inspired the development of international human rights law, and was the first step in the formulation of the International Bill of Human Rights, which was completed in 1966 and came into force in 1976. Although not legally binding, the contents of the UDHR have been elaborated and incorporated into subsequent international treaties, regional human rights instruments, and national constitutions and legal codes.[6][7][8] …

Ref B:
Article 25 – Right to a Standard of Living

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The question arises here regarding what are the metrics for measuring a Standard of Living for the Indigenous Individual, & the Collective Community? What one can see is the rising considerations for Indigenous Peoples developed by the Proclamation, Treaty of Paris, and Paris' renewal of Utrecht. These documents provide the basis for developing the metrics for an Indigenous Standard of Living. What is required is: Territory; not to be molested, hindered; and freedom of Trade. Individual & Collective rights enshrined in the Treaty of Paris 1763, through the renewal of Utrecht 1713, then reaffirmed in the Royal Proclamation of 1763. These are documents fundamental, and foundational documents of Canada; Fundamental and foundational to Canada's Constitution. These rights are later reaffirmed in several international conventions, declarations, forums of which Canada is a participant. These rights were recognized in Utrecht and the Proclamation as Aboriginal Rights, both individual and collective. These make up part of the Aboriginal Rights to a Standard of Living, and Rights to the Survival of the Collective Community. These are in part the Aboriginal Rights referred to in the Constitution of Canada.

Some of the potential metrics have been previously discussed in this paper. The right to Territory can be measured in size using science-based data indicating the size and productivity of the territory to sustain an Indigenous Culture. The right to be free from outside regulation, and right to control this territory,

the right to free trade, can be documented for clarity, & enshrined in Canadian law. The right to not be molested and right to territory require all levels of Canadian government (HRM, Nova Scotia, Canada), to limit further expansion & colonization, and to use science-based evidence revealing the limits to growth.

These foundational documents recognize Indigenous Peoples as a Nation; and with that recognition comes the associated rights. The rights to a defined territory over which they have Imperium (sovereignty) and Dominium (control of resources). The right to not be interfered with. As discussed at the beginning of this paper the right to "Par in parem non habet imperium".

- *** **UN Forum Indigenous Issues – Indigenous Peoples' Collective Rights to Lands, Territories, & Resources**

  [Ref A: UN Permanent Forum on Indigenous Issues, Backgrounder Indigenous Peoples' Collective Rights to Lands, Territories, & Resources; https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/04/Indigenous-Peoples-Collective-Rights-to-Lands-Territories-Resources.pdf]

  [Ref B: Olofsson, S., 2019; Indigenous Peoples' Collective Right to Land, Territories, & Resources – Where Do We Stand Today?; https://gppreview.com/2019/07/24/indigenous-peoples-collective-right-land-territories-resources-stand-today/]

  [Ref C: Corpuz, V.T., 2007; International Fund for Agricultural Development (IFAD), Indigenous Peoples' Collective Rights to Lands, Territories, & Natural Resources, Lessons from IFAD projects; https://www.ifad.org/documents/38714170/40272519/IPs_Land.pdf/ea85011b-7f67-4b02-9399-aaea99c414ba]

Ref A provides some background information relating the UN Permanent Forum on Indigenous Issues & its work regarding Indigenous Peoples' Collective Rights to Lands, Territories, & Resources.

> pdf pg 1
> Indigenous peoples have deep spiritual, cultural, social and economic connections with their lands, territories & resources, which are basic to their identity and existence itself. Their tradition of collective rights to lands & resources – through the community, the region or the state -- contrast with dominant models of individual ownership, privatization and development.
> There is growing recognition that advancing indigenous peoples' collective rights to lands, territories & resources not only contributes to their well-being but also to the greater good, by tackling problems such as climate change and the loss of biodiversity.

Ref A provides further information regarding International conventions, declarations that the reader should consider in understanding the issues of Anti-Indigenous Racism.

> pdf pg 2
> **International frameworks**
> The collective rights of indigenous peoples to lands, territories and resources are firmly embedded in the United Nations Declaration on the Rights of Indigenous Peoples (Articles 3 and 26) as well as in the International Labour Organization's Indigenous and Tribal Peoples Convention No. 169 and its predecessor Convention No. 107.

> Other international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination have implicit references to indigenous peoples' rights to lands, territories and resources.
>
> Regional human rights mechanisms in Africa and the Americas have also affirmed indigenous peoples' collective rights to lands, territories and resources. Similarly, the UN Guiding Principles on Business & Human Rights include the **responsibility of businesses** to respect the rights of indigenous peoples and remedy for any abuse.

Ref B provides the reader a short, updated summary of some of the international conventions, declarations relating to Indigenous Peoples' Collective Rights to Lands, Territories, & Resources. The following extracts are presented for the reader's consideration in developing their understanding of the definition of anti-indigenous racism.

> … indigenous peoples' land rights arguably comprise both individual and collective aspects. While indigenous peoples often have customary ways of recognizing land and resource rights of individual members or households, the collective aspects of their rights to lands derive from international conventions respecting the right of peoples to their property and United Nations declarations regarding indigenous peoples. …
>
> … In the eyes of the international community, indigenous land titles are collectively rather than individually held. Ancestral lands are connected to indigenous peoples' cultural, spiritual, and social identities, comprise a foundational aspect of their traditional knowledge systems, and inhere in their physical and financial well-being. Thus, the identity of indigenous peoples as distinct peoples depends on their rights to own, conserve, and manage their own lands, territories and resources. …
>
> … The United Nations Declaration on the Rights of Indigenous Peoples ("UNRIP") recognizes indigenous peoples' rights to self-determination (articles 3,4), participation in decision-making processes (articles 5, 18 and 27), free and informed consent in relation to any action or event that may impact their rights (articles 10, 11, 19, 28, 29 and 32), and to own and manage their lands and resources (articles 25, 26 and 27). Indigenous peoples' rights are further defined in the 1989 International Labor Organization convention for Indigenous and Tribal Peoples ("ILO") (No.169), which aims to protect their way of life and culture based on their own priorities. The ILO convention Part Two articles 13 to 19 contain provisions on land rights for indigenous peoples. …
>
> … In 2001, the Inter-American Court of Human Rights (IACtHR) became the first human rights body to interpret the right to property to be understood as a people's right to communal property, not merely private property. …
>
> … These violations are important because it is impossible to achieve the Sustainable Development Goals under the 2030 Agenda for Sustainable Development without fulfilling indigenous peoples' rights to lands, territories, and resources. To achieve ***Sustainable Development Goal ("SDG") 2.3***

on 'secure and equal access to land', states will need to include the customary rights of indigenous peoples to their lands and resources. …

Ref C provides further information regarding conventions, declarations, & goals for sustainable development. The following extract provides a short snapshot of the document for the reader's consideration:

a) Indigenous and Tribal Peoples Convention (No.169), ILO, 1989.
b) Convention on Biological Diversity (CBD), 1992.
c) United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007.
d) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries & Forests in the Context of National Food Security (VGGT).
e) 2030 Agenda for Sustainable Development, 2016.
f) 2018, the Green Climate Fund (GCF) Board approved the GCF's Indigenous Peoples Policy.

I submit the following for the reader's consideration: With the base consideration that the territory of Mi'kma'ki is unceded territory, the indigenous peoples therefore, by extension retain Imperium, & Dominium. Given the current understanding of Indigenous Peoples' Collective Rights to Territory, & Rights to the territory's Natural Resources as defined by the numerous International Conventions, Declarations, & Global Goals, combined with North American, & Canadian declarations regarding Indigenous Collective Rights, all levels of Canadian Government (in the case of Nova Scotia for example, HRM, Nova Scotia, & Canada), must re-consider all plans for future development, and reconsider plans for expanded occupation that intrude on the Indigenous Peoples of Mi'kma'ki's collective sovereignty, and right to control the territorial resources. The Indigenous Peoples are to not be molested; not molested in their physical person, nor by external agency controls. They have under Treaty agreements (not to be molested, & permitted to Trade), & International law (states not interfering with/molesting other states), free & full rights of control over the natural resources in their Indigenous Natural Heritage Environment.

- * **Government Inaction/Slow Action on Climate Change a Violation of Human Rights?**

  - 2023 – ECOCIDE as Environmental Crime
    [https://www.euractiv.com/section/energy-environment/news/parliament-adds-ecocide-to-eus-draft-list-of-environmental-crimes/]
    Valentina Romano V., 2023; Parliament adds Ecocide to EU's draft list of environmental crimes; EURACTIV.com Mar 30, 2023

    After a unanimous vote in the legal affairs committee last week, the European Parliament adopted on Wednesday (29 March) its position on the protection of the environment through criminal law, including a definition of ecocide backed by stricter penalties.

    According to the Parliament's draft, "Member States shall ensure that any conduct causing severe and either widespread or long-term or irreversible damage shall be treated as an offence of particular gravity and sanctioned as such in accordance with the legal systems of the Member States."

- Three Landmark Cases

Is insufficient action on climate change a violation of human rights? Europe's top human rights court to consider landmark cases

[https://rmx.news/switzerland/is-insufficient-action-on-climate-change-a-violation-of-human-rights-europes-top-human-rights-court-to-consider-landmark-cases/]
Brooke T., March 29, 2023, editor: REMIX NEWS

A group of Swiss retirees took their government to a top European court Wednesday over what they claim is its failure to take stronger action on climate change. (AP Photo/Jean-Francois Badias)

One is that brought by French MEP Damien Carême, who claims that the French government's inadequate response to rising sea levels impacts on his private and family life due to the location of his coastal home, while another has been brought by a group of Portuguese youths who claim their quality of life has been impacted by frequent forest fires occurring in Portugal in recent years.

All *three cases* have been *referred to the Grand Chamber*, which means a total panel of 17 judges will hear the case, instead of the usual chamber of seven judges. The panel will include both the president and vice presidents of the Strasbourg court, in addition to a judge from the country of which the claim has been brought.

As we in North America often notice, Europe is several years ahead of us in many fields. Of interest for this discussion paper and the issues of Indigenous Individual Human Rights & Collective Community Human Rights, is the criminal law developments in Europe where the failure to preserve, and protect the environment is leading to litigation of Human Rights violations.

All levels of Canadian government, Federal, Provincial, & Municipal, must give consideration to the risk that the loss of Indigenous Heritage Natural environment will likely be challenged in Canadian courts as Human Rights violations. The reader can see a precedent being set in Europe, a precedent likely to wind its legal rope to North America.

I have provided some extracts from the press releases relating to the cases in Appendix 4.

Modern Day Bills & Reports – Threads of Rope from a previous time

At this point, I would like to take the reader through a quick review of some more recent government reports on the economy, forestry, and environment. I will make reference to the Ivany Report of 2014, the Lahey report of 2021, the Federal Bill C-226, the Senate committee Peace on the Water report of 2022, and finally NS Bill 222 of 2022 relating to the current NS housing initiative.

- **2014 – Ivany Report – Now or Never – Report of Nova Scotia Commission on Building Our New Economy**

[https://www.onens.ca/sites/default/files/editor-uploads/now-or-never.pdf]
(note: -no reference to unceded territory, sovereignty, truth & reconciliation)

Consider for a moment, the report of the Nova Scotia Commission on Building Our New Economy (also referred to as The Ivany Report). The Commission makes no Land Acknowledgement regarding the territory of Mi'kma'ki being unceded territory.

> Pdf pg 7
> The Commission shaped its report around three core messages:
> 1. A crisis exists;
> 2. We are not doomed to "have-not" status; and
> 3. The single most significant impediment to change & renewal is the lack of a share vision & commitment to economic growth….

The core messages do not recognize the Nation-to-Nation relationship between the Federal, Provincial, & Municipal Government, and the Indigenous Nation.

In the Provincial Government's mandates, again we see no recognition of the Nation-to-Nation relationship between various levels of government of Canada and the Nation of Indigenous Peoples of Mi'kma'ki.

> Pdf pg 13
> Mandate:
> - To engage & mobilize communities…
> - To raise awareness & deepen public understanding…
> - To promote practical understandings of .. growth
> - To enhance understanding of unique circumstances of different regions…
> - To develop advice to government, business, & community leaders on new directions to realize growth.

Recognizing now in 2023 the incomplete nature of the Commission's report, we must now reconsider the value of the recommendations. Had the Commission been mandated to build its review, analysis and report based on the recognition that the territory of Mi'kma'ki is unceded, then the outcome of the work would have been completely different. As it stands now, the report must be relegated to the library shelves for historical interest only.

- 2016 – The Ivany Tower

[https://scholar.acadiau.ca/islandora/object/theses%3A1480]
Power-Grimm, R., 2016: The Ivany tower, whose One Nova Scotia?: a critical discourse analysis of "The Ivany Report"; Acadia University

In Power-Grimm's thesis of 2016, [The Ivany Tower, a critical discourse analysis (CDA)] makes the conclusion that the Ivany Report serves three main functions.

> Pdf pg 10
> …what .. ideological practices are employed in the report, & who benefits from them? …I have come to the conclusion that "The Ivany Report" serves three main functions:
> - Maintenance of a specific hegemonic order,
> - The downloading of economic responsibility onto the working people, &
> - The furthering of neoliberal policies within the provincial government.

Of interest to this discussion paper is the conclusion relating to the "maintenance of a specific hegemonic order"; that is the dominance of one group over others. This hegemonic relationship; this dominance of the Provincial Government over the Indigenous peoples of Nova Scotia is, I submit, a result of the anti-indigenous sentiment that threads its way back in time as far back as Charles II, & the English Common Law of the time. The English Common Law of Slavery was non-Catholic England's equivalent to the papal bulls of discovery and permission to occupy terra nullius. Additionally, this present-day hegemonic relationship of the Colonist over the Indigenous has roots in the Canadian Indigenous Residential School System discussed earlier. This school system sought to assimilate the indigenous peoples, and in so doing eliminate the Indian problem. With the Indian problem eliminated, the territory of Mi'kma'ki is then to be considered as uninhabited/unclaimed territory, and thereby open for occupation. Here in the Nova Scotia's Commission on Building Our New Economy (ie., the Ivany Report), we see the elements of anti-indigenous sentiment; the failure to recognize the territory of Mi'kma'ki is unceded; the failure to develop the plan on the basis of this Nation-to-Nation relationship. The failure to preserve the Indigenous Natural Heritage Environment such that the culture of the people could be maintained, and restored.

The timing of the Ivany Report, & the membership of the commission is interesting to note. The Nova Scotia Commission on Building our New Economy (2014) was in progress as the same time as the Truth & Reconciliation Commission (2007-2015) was doing its work. The Nova Scotia commission membership included First Nation, & Ecology Action Centre representation. One can perhaps forgive the Nova Scotia commission, & the Provincial Government of the day for not including in the commission's mandate the requirement to recognize the territory of Mi'kma'ki as unceded, with the indigenous peoples retaining Imperium (sovereignty) and Dominium (control of resources). What follows from this is the logical legal requirement of dealings between Nations is the requirement for the Nova Scotia Government & agencies to seek permission of the Indigenous nation in the development of the new economy; not just mere consultation, but actual permission. One must not forgive the subsequent governments in revisiting and revising the commissions work in light of the TRC Calls-to-Action and many subsequent new insights into the reconciliation and restitution process.

Failure to address Indigenous Territorial Rights: The Ivan Report has failed to appropriately address the issues of Indigenous Sovereignty and Dominion over resources over Nova Scotia. The new economy must be developed with a Nation-to-Nation premise, not with the framework of maintaining the current hegemonic order of colonial dominance over the Indigenous Nation.

Failure to address Indigenous Individual & Collective Human Rights: The Ivany report has failed to appropriately address the issues of Indigenous Individual & Collective Human Rights. These rights include the government fiduciary duties to protect the Indigenous culture now and into the future. The protection of this culture requires the protection of the Indigenous Heritage Natural Environment. In that this Heritage environment has been segmented and destroyed over time, causing a once self-sufficient society to now become dependent on government support is a failure of the Federal, Provincial, and Municipal governments. The colonial governments have exceeded their limits to growth. Each level of government has the duty now to restore that old self-sufficiency, and furthermore to develop and economy that ensures its protection into the future.

Considerations: Consideration should now be given to a rework of Nova Scotia's path to a New Economy. This work must include at the basic level, the following mandates:

a) *Indigenous Territorial Rights*: Development of the new economy must account for Indigenous Sovereignty and Dominion over resources.
b) *Indigenous Individual & Collective Human Rights*: Development of the new economy must account for the restoration, and subsequent preservation of Indigenous Heritage Natural Environment that supports the Indigenous Culture to the level of self sufficiency, seen in the past. Government's fiduciary duty requires preservation of the Heritage environment in order to preserve the indigenous culture into the future. Emerging science is indicating that 50% - 70% of the territory must be preserved in order to preserve biodiversity. Some existing science indicates for an indigenous community of 100 persons, 500 square miles of productive territory is required. The New Economy mandates must be constructed such that they account for **survival**; survival of the indigenous culture into the future. Both Biodiversity, and the Territorial Area required to support survival must be considered in the mandate of the revised new economy.
c) *Limits to Growth*: Development of the new economy must account for Limits to Growth. Indigenous Heritage Natural Environment must be preserved to levels identified by recent science; that being 50 % - 70% of natural environment preserved to restore & maintain natural biodiversity, and 500 square miles of productive territory per 100 individuals are required. In order to achieve these metrics for indigenous cultural survival, colonial expansion in this unceded territory must be limited or even reversed.
d) *Retooling to Resilience, Self-Reliance, & Survival*: Retooling of the new economy must be built on the basis for self-reliance first, before expanding to a global economic connection. The New Economy must be designed for both Indigenous self-reliance, as it once was before colonial interference, and additionally for resilience, & survival into the future. Disruptions caused by global events such as the COVID pandemic must now be accounted for. Retooling of a New Economy that supports both Indigenous self-reliance, and resilience, constitute part of Canada's fiduciary duty to support.
e) *Priorities*: Development of the new economy must establish priorities for Indigenous Survival, a survival which is dependent on and integrated with the heritage environment. Their requirements for food, water, shelter, and cultural preservation can only be achieved with a diverse and stable heritage environment. Maslow, in his 1943 Hierarchy of Needs, placed physiological needs at the base level; these are required for survival. In the original paper, he described these as "air, food, drink, shelter, warmth, sleep". In this base level we see Air, Food, Drink, & Warmth, all directly associated with the natural environment. At the time Maslow developed his hierarchy of needs in 1943, he & no one else ever conceived that humans would come to destroy or severely alter their natural environment to such an extent that their very existence would be threatened. Maslow's hierarchy must now be reconsidered putting environmental preservation at the base level. Canadian governments at all levels must retool their economic approaches with this concept entrenched in any plans for the future. Nova Scotia in particular, must retool its economy with this as the most basic mandate/objective, ahead of any other approaches to economic growth. In the Nova Scotian context, the governments and people of Canada, Nova Scotia, & HRM all have a fiduciary duty to develop a New Economy based on preservation of the Indigenous Natural Heritage Environment such that it restores indigenous culture to a state of self-reliance, and rebuilds this indigenous culture to a structure of resilience against disruptions from external global forces.

- **2021 – Lahey Report - Independent Evaluation of Implementation of the Forest Practices Report for Nova Scotia (2018) & Attachments**

Ref A
[https://novascotia.ca/natr/forestry/forest_review/Lahey_FP_Review_Report_ExecSummary.pdf]
Lahey, W., **2018**: Independent Review of Forest Practices in Nova Scotia, **Executive Summary**, Conclusions, & Recommendations.

Ref B
[https://novascotia.ca/natr/forestry/Forest_Review/ForestPracticesReviewTOR.pdf]
Review of Nova Scotia Forest Practices **Terms of Reference [TOR]**

Ref C
[https://novascotia.ca/natr/forestry/Forest_Review/Report_FPR_Evaluation_2021.pdf&
Lahey, W., **2021**: Independent **Evaluation** of Implementation of the Forest Practices Report for NS (2018) [without attachments]

Ref D
https://novascotia.ca/natr/forestry/Forest_Review/Attachments_FPR_Evaluation_2021_.pdf]
Lahey, W., **2021**; **Attachments** to Independent Evaluation of Implementation of Forest Practices Report for NS (2018)

- Territory Acknowledgement:

Examination of Ref B, Terms of Reference for the Review of NS Forest Practices, as well as Ref D, Attachment A; Mandate; Evaluation of Forest Practices Review Implementation Statement of Work, reveals that the NS Government has not provided Mr. Lahey any guidance with respect to conducting the review of NS Forest Practices with consideration for Indigenous territorial acknowledgement. No acknowledgement has been made regarding the territory of Mi'kma'ki and specifically, the territory of the Province of Nova Scotia, as being territory that is unceded. No acknowledgement is made that the Indigenous Peoples of this territory retain Sovereignty AND Dominion (authority to control resources).

Without this acknowledgement as the foundation from which the work is to build upon, the results of the work will be flawed. Conclusions and recommendations made as a result of an approach that fails to acknowledge Indigenous Sovereignty and Dominion will perpetuate the hegemonic relationship of the colonists over the indigenous peoples.

Without this acknowledgement, the territorial rights and individual human rights and collective community human rights will not be appropriately addressed.

Consideration must also be given to recognizing that without this acknowledgement, the fiduciary duty of all levels of Canadian Government will likely be overlooked. This fiduciary duty requires the Indigenous Heritage Natural Environment to be preserved in a state such that the indigenous peoples and their culture can survive into the future. Additionally, recognition of this fiduciary duty requires recognition that much of the Indigenous Heritage Natural Environment has been removed from Indigenous control, and access. The governments have failed in their fiduciary duty. Some recognition of restitution for this loss must be addressed in any review of NS Forestry practices. In addition to restitution for lost Heritage Natural Environment, consideration must be given to restoration of this lost heritage environment.

Consideration must therefore be given, by the NS Government, to reviewing and reworking the Nova Scotia Forest Practices Review from a perspective that is founded on the acknowledgement of the territory of Mi'kma'ki as being unceded territory.

- Triad Model:

(Ref A: Conclusion 3.1, 3.2, 3.5, 3.8, 3.10, ; Recommendations 4, 9, 27, 30, 31,42, 45)
(Ref D: pdf pg 20)

The Forest Practices Report offers the Triad Model for Ecological Forestry. Some extracts are provided below.

> Ref D, Pdf pg 20
> Nova Scotia should explicitly and strongly embrace and robustly implement the triad model of ecological forestry and seriously develop each of its three legs: the conservation leg, the high-production leg, and the intervening landscape (or matrix) where conservation and production objectives are both applicable and combined.
>
> Nova Scotia government is committed to implementing the triad model. As noted above in the year 1-progress update from the Department, work is underway on the matrix (draft SGEM) and high production zone of the triad.
>
> With respect to the conservation zone, in September 2019, the Government designated 17 new or expanded areas https://novascotia.ca/nse/protectedareas/map.asp.
>
> These 17 new areas bring us to about 12.6% (697,000 hectares) of Nova Scotia under legal protection. Government continues to remain committed to reaching 13% protection.
>
> Dr. Graham Forbes produced a paper on the Triad in the Nova Scotian context that has been shared on the Department's website on ecological forestry. (https://novascotia.ca/ecological-forestry/Triad-A-New-Vision-for-NS-Forests.pdf)

The Triad Model proposed by Lahey has been reviewed in a recent paper by Himes et al 2022. I will discuss further below some issues relating to this triad model brought forward by Himes.

At this point, however, I direct the readers attention to the issue of recognition of the territory of Mi'kma'ki being unceded territory. As unceded territory, the Indigenous peoples retain Sovereignty & Dominion (authority over control of resources). With the current Canadian government not recognizing the Nation status, those Governments retain a fiduciary duty to preserve the Indigenous Heritage Natural Environment in such a manner that it continues to support the Indigenous peoples and their culture into the future.

The Governments of Canada & Nova Scotia have not provided the Forestry Practices Review committee any guidance regarding this fiduciary duty, nor any guidance to consider the territory of Mi'kma'ki as unceded territory when developing their conclusions, & recommendations. As a result, the Triad model, as proposed, is flawed.

What is missing is a Capstone over the Triad pillars. This Capstone consists, in part, of;

a. the recognition of the Sovereignty & Dominion held by the Indigenous peoples over the territory of Mi'kma'ki, specifically in this discussion, the territory of the province of Nova Scotia; and

b. the recognition of the fiduciary duty of all levels of Canadian government to preserve the Indigenous Heritage Natural Environment in such a manner that it continues to support the Indigenous peoples, and their culture into the future. (metrics with respect to how to determine the preservation have been provided earlier with some provided for consideration later in this document)

With this flaw in the Triad model, the conclusions, & recommendations of the Forest Practices Review must be reconsidered, & reworked.

- Mi'kmaq Forestry Initiative [MFI]:

(Ref A: Conclusion 133, 134, 136, 137, 139, 140, 148, Recommendation 37):

The Forest Practices Review makes several references to the Mi'kmaw Forestry Initiative (MFI). The following extract is a sample discussion.

> Ref D, pdf pg 36
> ***Medway Community Forest and Mi'kmaq Forestry Initiative***
> The community forest should be given a licence with a term & for an area of Crown land that will provide the community forest the opportunity to be viable and self-sustaining. The Mi'kmaq Forestry Initiative should proceed as quickly as possible.
>
> Mi'kmaq Forestry Initiative
> Government & the Mi'kmaq of Nova Scotia launched the Mi'kmaq Forestry Initiative (MFI) on March 15, 2019. MFI is a three-year forestry pilot project that is intended to form the basis of a long-term agreement. The Mi'kmaq have begun management planning & intend to apply Mi'kmaq stewardship principles that will provide an example how forestry can be conducted in the ecological forestry zone (matrix) of the triad. The MFI gives the Mi'kmaq forest planning & management responsibility on two blocks of Crown totalling about 20,000 hectares. The province has committed $600,000 to the initiative over the three years. The Mi'kmaq have secured $873,600 from the Government of Canada to support forest planning for the initiative.
> Copies of the MFI agreement can be made available on request.

(At the time of writing, I was unable to find a copy of the MFI agreement online, nor did I have success with requests to the NS Government, &to Mi'kmawey Forestry. The request for a copy has been outstanding for several weeks now.)

The question that remains relates to whether the NS Government acknowledged in the MFI agreement the Indigenous Sovereignty & Dominion of the territory of Mi'kma'ki. Without doing so, the appearance is presented that the Government is perpetuating the hegemonic anti-indigenous relationship between the colonists and the indigenous peoples.

When one reads the above extract from the Forest Practices Review, one can note the statement "…apply Mi'kmaq stewardship principles that will provide an example how forestry can be conducted in the ecological forestry zone (matrix) of the triad." What appears to have happened with respect to the MFI, is that the Indigenous peoples are given only partial control of the forestry resource; ie. partial Dominion. They have been relegated to a small corner of the triad; essentially pushed aside. This arrangement perpetuates the hegemonic relationship between the colonists and the indigenous peoples.

Consideration must be given to a review and rework of the MFI such that it addresses the same capstone issues identified above in the discussion of the Triad Model. This Capstone must consist, in part, of;

a. the recognition of the Sovereignty & Dominion held by the Indigenous peoples over the territory of Mi'kma'ki, specifically in this discussion, the territory of the province of Nova Scotia; and

b. the recognition of the fiduciary duty of all levels of Canadian government to preserve the Indigenous Heritage Natural Environment in such a manner that it continues to support the Indigenous peoples, and their culture into the future.

- 2022 – Triad Forestry Theory

[https://www.sciencedirect.com/science/article/pii/S0378112722000974]
Himes et al, 2022, Thirty years of Triad Forestry, a critical clarification of Theory & Recommendations for Implementation

Himes et al, in their work of 2022, provide some valuable insights into the theory of triad forestry that are of importance in understanding the impact of the Lahey study on indigenous sovereignty and dominion over the territory of Nova Scotia; the unceded territory of Mi'kma'ki.

> Pdf pg 1
> The term "triad" in forestry refers to a landscape management regime composed of three parts:
> (1) intensive plantation management,
> (2) ecological forest reserves, and
> (3) a matrix of forests managed for multiple uses following the principles of ecological forestry.
>
> …real-world example of triad adoption from Nova Scotia, Canada. While the triad concept has many promising qualities, there are many challenges to its wider adoption; we summarize four significant challenges (multiple ownerships, saturation of high productivity plantations, reserves under global change, and shifting wood demand and production) and offer ways to potentially overcome come them.
>
> The triad is an auspicious landscape approach, but to date there is very little empirical evidence supporting triad over alternatives, thus experimental & observation studies are needed to compare the efficacy of the triad over other forest landscape management schemes.
>
> …Bob Seymour and Mac Hunter's presentation where they introduced the "triad" approach to forest management at the 1991 Society of American Foresters national convention.

> …triad was developed as a supply solution to meet global demand for timber products while minimizing negative impacts on non-timber forest values such as biodiversity….
>
> Pdf pg 2
> …Importantly, we recognize that while the triad approach has many attractive features, it may not be appropriate everywhere and that there is a critical need for research to challenge, validate and modify the triad and alternative large-scale approaches to forest management.

What we see here then, is the triad approach, first presented in 1991, has, as of 2022, still very little empirical evidence supporting it over other alternatives. Essentially, Nova Scotia is embarking on a biodiversity experiment in adopting the Lahey report's recommendation for the use of the triad approach to forestry management.

Interestingly, "*reduced consumption*" is one of the concepts that Himes et al suggest as an imperative.

> Pdf pg 1
> Demand for timber has steadily increased since the triad was introduced, emphasizing the imperative for sustainable timber supply solutions and heightening awareness that demand solutions that reduce consumption may also be necessary (Balmford, 2021).

The reduction in demand/consumption has significance in this discussion of indigenous sovereignty and dominion over their unceded territory. Over colonization, occupation, beyond the limits to growth, have caused this over consumption in Nova Scotia. Increasing the population by an additional million people will only lead to even greater demand and over consumption. A consumption level that can only be detrimental to the stability and suitability of the triad forest management model. An over consumption level that can only be detrimental to biodiversity; and by extension detrimental to Indigenous Heritage Natural Environment; when then is detrimental to the Indigenous Collective Community survival. The survival of which is a fiduciary duty of all levels of Canadian Government. Failure in that fiduciary duty will result in failure of the Reconciliation process, and requirements for Restitution.

The following extract is the text supporting a figure providing a visual representation of the triad implementation concept. (the reader is directed to pdf pg 5 to view the Figure in conjunction with this text)

> Pdf pg 5
> **Fig. 2. Guidelines for triad implementation.**
> A) **Reserves** are generally determined **first**hand are selected to represent all major forest ecosystem types with the size of reserves ideally larger than the extent of major disturbances typical of each ecosystem and able to support the habitat needs of critical species.
>
> B) Area dedicated to **production plantations** is determined next based on sustainably meeting wood demand to offset lost production from reserves and ecological forestry. Plantations are sited on areas of high productivity (red), near sawmills or roads and separated from reserves.
>
> C) The remaining forest area, referred to as the **matrix** (hashed areas), is **typically the largest area** and is managed under the principles of ecological forestry with a wide range of practices that vary

in intensity to provide multiple benefits. Parts of the matrix can be managed specifically to increase connectively between reserves (double arrows).

4.1. Determining reserve zones

There is no set percentage for each of the three zones of the triad. The percentages should be determined based on the best available science, and a broad consensus among regional stakeholders. Ideally percentages should be sufficiently flexible to enable change over time. In areas where reserves are low and clearly need to be increased, reserves should be established first. They should be based on an evaluation of the important ecosystem types present in the area and the area requirements of key species. Reserves should be larger, if possible, than the largest disturbance known to occur in the area (Pickett & Thompson, 1978; Leroux).

This figure 2 depicts the Reserve components as disconnected "bubbles" within the overall territory. This type of disconnection of Reserve areas is detrimental to the preservation of biodiversity; what is needed is a connection between the allocated areas to allow animals to move between the areas, to migrate as needed. No estimate of Reserve zone size is presented; nor any mechanism or science to be used to determine the size.

I would offer for consideration that in the determination of the reserve zone percentage, the emerging science relating to preservation of territory for the purpose of preserving biodiversity for survival is evolving to the need to preserve 50% - 70% of the territory. The following sub-paragraph discussion provides the reader some insight into these developing biodiversity preservation requirements.

- *50% - 70 % target – Half Earth target*

The following extracts provide some insight into the newer developing science related to biodiversity protection requirements.

[https://cpaws.org/canadas-conservation-target-of-30-protection-by-2030-within-reach-cpaws-report/]
Evidence shows that a minimum of **30% and up to 70% or more** of land and ocean ecosystems need to be protected to sustain a healthy planet and secure essential ecosystem services for people. CPAWS' long-standing goal of **protecting at least hal**f of Canada's land, freshwater, and ocean is **well-supported in the literature**.

[https://www.science.org/doi/10.1126/sciadv.aaw2869]
…Research since then suggests that efforts to stabilize the climate and avoid the undesirable outcomes of >1.5°C warming will require a **rapid reduction in land conversion** and a moratorium by about 2035 (2). The **most logical path** to avoid the approaching crisis is maintaining and restoring at least **50% of the Earth's land area as intact natural ecosystems**, in combination with energy transition measures

[https://www.optimistdaily.com/2019/04/to-save-the-earth-science-says-we-must-keep-half-of-all-land-in-a-natural-state/]
…According to a **comprehensive new study**, countries should double their protected zone to 30 percent of Earth's land area, and add 20 percent more as climate stabilization areas, for a **total of 50 percent** of all land kept in a natural state.

> All of this needs to be done **by 2030 to have a real hope** of keeping climate change under the "danger zone" target of 2.7 degrees Fahrenheit (1.5 degrees Celsius) …

Clearly, as indicated by Himes et al, scientific data is now becoming available regarding the percentage of territory to be considered for the Preservation component of the triad. As Himes et al. suggest, the percentages must be somewhat flexible. Considering that this triad management model is very much experimental, in that very little evidence exists for its benefits over other alternative, Nova Scotia, in developing the actual percentage to be placed in Reserve, must place weight toward the larger percentage of the scale; Nova Scotia must err on the side of caution. The loss of Reserve will be difficult to recover if the experiment determines a larger Reserve percentage is required than was allocated.

Now, I bring the readers attention to the second consideration identified by Himes et al. Where Himes et al suggest that the second consideration is the determination of production plantation percentage, I would submit that this is incorrect. The next step, I suggest, requires the establishment of the Matrix area, not the production plantation. It is this matrix area that the triad supports experimentation as they indicate in para 3.3; (see following extract):

> *3.3. The matrix: a place for ecological forestry experiments*
> The rest of the forest land base, rather than being managed under a single regime, is open to a plethora of silvicultural approaches that fall in the wide spectrum of ecological forest management. In these areas, maintenance of ecosystem structures, processes, and diversity are emphasized but experimentation in specific treatments is encouraged (Palik et al., 2020; Seymour & Hunter, 1999). Monitoring performance of different silvicultural approaches against the benchmarks of plantation management and ecological reserves allows managers to identify effective strategies and adjust accordingly.

Without an appropriately sized matrix reserved for experimentation, the data gathered and analysis of that data may not be valid. Here again, given the experimental nature of the triad management model, Nova Scotia must err on the side of caution, and allocate a matrix reserved area greater than what might intuitively seem to be needed.

This then leaves the remaining area reserved for production plantation. Considering the emphasis that Himes et al, place on "heightening awareness that demand solutions that reduce consumption may also be necessary"; an officious observer would come to the conclusion that sustainable timber supply in the remaining area reserved for production plantation, places limits on the growth of the province. That is to say, production plantation can only supply a certain quantity of product. Excessive demand could not be sustained, and therefore continued growth (of the economy and the population) cannot be sustained.

The triad model requires the user of this model to define an economic model (as in the Building a New Economy Ivany type study), that defines a limit to growth; that defines a limit to growth that permits self-reliance, resilience, and survival of the indigenous peoples and their culture. This is the fiduciary duty of each of the Canadian levels of government; Federal, Provincial, and Municipal.

Consider then, that Nova Scotia places in reserve, erring on the side of caution, 70% of the "landscape" (terminology used by Himes et al.) what remains is 30%. Himes et al. suggest the following for plantation size:

Pdf pg 6

If **plantations occupy relatively low proportions of the landscape (e.g., <10%)** it is *unlikely that they will exert strong negative effects on landscape* connectivity or induce pervasive negative edge effects on reserved areas (Root & Betts, 2016). However, as plantation area increases, these risks amplify. The intensive zones should be strategically placed to maximize productivity,

What we now have are some metrics for percentages of landscape to be preserved, matrixed for experimentation, & finally production plantation; Preserved 70%, Matrixed 20%, Production Plantation 10%. However, Nova Scotia, in considering the triad experimental model must again err on the side of caution in designating the size of the area to be placed under plantation. I would suggest that a figure of 2.5% of the "landscape" would be a safe starting point.

Additionally, when setting the plans for plantation management, consideration must also be given to biodiversity preservation within this plantation management; specifically, regarding riparian zones; buffer zones around water bodies.

As we saw earlier in the work of Rideout, E., 2012 (HydroLogic Sys Group, Setbacks & Vegetated Buffers in Nova Scotia; A review and analysis of current practices and management options. [https://diffusion.mern.gouv.qc.ca/public/Biblio/Dossiers/ArticlesBaretteJaballah/Rideout%20-%202012%20-%20Setbacks%20and%20vegetated%20buffers%20in%20Nova%20Scotia.pdf]), we see that this work provides a summary of scientific research regarding buffer/riparian zones around bodies of freshwater that are required to maintain a good aquatic environment, & a good terrestrial environment; ie. a high level of biodiversity. The data that Rideout provides indicates that 600 m buffer/riparian zone is required around lakes, streams, ponds, marshes. We can conclude then, that Nova Scotia, in developing the management plan for the plantation portion of the triad must err on the side of caution and set a 600 m riparian zone around bodies of water that are within the plantation.

What we see of the Lahey work is that the underlying triad forestry management theory is very much experimental. The Lahey work is not elegantly interconnected with the work of Ivany and a New Economy; the Ivany work, in itself needing a rework. We see that neither the Triad Theory work of Himes et al, nor the work of Lahey provide the necessary metrics from which to build a rigorous "experiment" specific for the needs of Nova Scotia; specific for the needs of various levels of Canadian Government to fulfill their fiduciary duties to protect the future survival of the Indigenous Peoples and their Heritage Natural Environment.

I offer for consideration that both the Ivany and Lahey work need to be reworked, and the two efforts must be integrated. Both, in their present form, take an approach that maintains the hegemonic and anti-indigenous relationship of the colonizers over the indigenous peoples. The rework must be reconsidered from the perspective of the territory of Mi'kma'ki being unceded territory, and as such, the rework must be developed from the perspective that the indigenous peoples maintain sovereignty and dominion (control of resources).

Additionally, the rework must include metrics for limits to growth. We now have from the scientific analyses the percentages to be allocated for the Triad forestry management; Preserved 70%, Matrixed 20%, Production Plantation 10%. Furthermore, the rework of the New Integrated Economy must include mandates for development of self-reliance, resilience, and survival of the indigenous peoples of

Mi'kma'ki and their culture. This rework must be designed to restore the heritage of self-reliance, and create a resilience that restores the Indigenous Peoples survival into the future.

- **2022 – Canada Bill C-226 – National Strategy to Address Environmental Racism 2022 02 02**

[https://www.parl.ca/Content/Bills/441/Private/C-226/C-226_1/C-226_1.PDF]

This private members bill, introduced by Elizabeth May, was presented in an effort to address environmental harms that affect Indigenous communities & communities of colour across Canada. This bill has passed second reading and is before the Standing Committee on Environment & Sustainable Development.

The bill will require the Minister of the Environment "to develop a national strategy to promote efforts across Canada to address the harm caused by environmental racism."

> pdf pg 2
> SUMMARY
> This enactment requires the Minister of the Environment, in consultation or cooperation with any interested persons, bodies, organizations or communities, to **develop a national strategy** to promote efforts across Canada to **address the harm caused by environmental racism**. It also provides for reporting requirements in relation to the strategy.

Canada has recognized the need to work toward eliminating racism and racial discrimination in all their forms and manifestations.

> pdf pg 3
> Preamble
> Whereas the Government of Canada recognizes the need to advance environmental justice across Canada and the importance of continuing to work towards **eliminating racism and racial discrimination in all their forms and manifestations**;

A national strategy must be developed to advance environmental justice and environmental racism.

> pdf pg 4
> National strategy
> 3 (1) The Minister must develop a national strategy to promote efforts across Canada to advance environmental justice and to assess, prevent and address environmental racism.

I offer to the OEA, for consideration, that the destruction of the Indigenous Natural Heritage Environment of Nova Scotia must be considered as a form and manifestation of racial discrimination, in that the Indigenous Natural Heritage Environment is an integral mechanism that not only historically supported the survival of the indigenous individual, the indigenous collective community, and their culture, but also their survival into the future.

The whittling away of the Indigenous Natural Heritage Environment, it's sectioning and division into non-contiguous clumps which cannot support the required vibrant biodiversity that supports the

Indigenous Peoples survival, is manifestly a form or racism and perhaps could be labelled as cultural genocide.

- **2022 – Peace on the Water– Senate Committee on Indigenous Rights-Based Fisheries**

[https://sencanada.ca/media/kikbt2do/2022-07-12_pofo_report_ss-2_peace-on-the-water_tabled-version_e.pdf]
[https://sencanada.ca/en/info-page/parl-44-1/pofo-peace-on-the-water-advancing-the-full-implementation-of-mi-kmaq-wolastoqiyik-and-peskotomuhkati-rights-based-fisheries/]
Report of the Standing Senate Committee on Fisheries & Oceans, 2022; Peace on the Water

In July 2022 the Senate Committee on Fisheries & Oceans delivered their report investigating indigenous "**Right-Based Fisheries**". The Committee reviewed the history of how rights-based fisheries have been implemented and how rights-based fisheries might be implemented going forward.

The following extracts from the report provide some insight into the findings of systemic racism and violence relating to the Indigenous peoples exercising their Rights-Based fishing.

> pdf pg 8
> The committee learned that the rights-based fisheries that were affirmed in the *Marshall* decision have yet to be fully implemented by the Government of Canada and the lack of implementation has led to rising tensions and **even violence** (see Appendix 2).
>
> The committee heard testimony about **systemic racism** within Government of Canada departments, policies, and regulations. In addition, witnesses explained that First Nation fishers are concerned for their safety and security while exercising their rights to fish, which the committee finds unacceptable.
>
> The committee makes recommendations to
> a) help **address systemic racism** (*Recommendation 4*);
> b) integrate Indigenous laws, principles, and knowledge into decision-making processes (*Recommendation 5*) and
> c) promote ongoing education and dialogue (*Recommendations 8 and 9*), all of which can help **address systemic racism** and safety concerns.

The following extracts provide a short insight into each of the above recommendations; which will be of importance in later discussion.

> pdf pg 10
> **Recommendation 4 (All agencies address systemic racism)**
> The committee recommends that all federal government departments and agencies immediately take effective actions to address and eliminate institutional and systemic racism in their laws, regulations, policies, and practices….
>
> pdf p 11
> **Recommendation 5 (Govt Canada incorporate Indigenous knowledge)**

The committee recommends that the Government of Canada in general, and Fisheries and Oceans Canada in particular, **respect and truly integrate Indigenous** laws, principles and knowledge with other scientific information and data into fisheries decision-making processes, …

pdf pg 11
Recommendation 8 (dialogue)
The committee strongly recommends that the Government of Canada endorse and fully implement the actions and recommendations of the Federal Special Representative, **Allister Surette's report entitled Implementing the right to fish in pursuit of a moderate livelihood**: Rebuilding trust and establishing a constructive path forward, and more **specifically, the third recommendation** of his report.
(item 3 relates to establishing dialogue)

pdf pg 12
Recommendation 9 (education)
In order to move forward and ensure everyone has a strong understanding of rights-based fisheries: …
(recommendation 9 deals with implementation of education programs)

What the Officious Indigenous observer might conclude from the above is that the Senate committee, although unknowingly, is itself perpetuating the Anti-Indigenous sentiment. In framing the Aboriginal Rights of the Constitution Act 35(1), in the manner that they have done, which is in the distorted shape of Aboriginal Title, conveyed by the Canadian Government, to a Limited/Restricted Dominium, ie. limited control of their Nation's resources, is to miss the essence of Aboriginal Rights to unceded Territory as including both Imperium AND Dominium. The Senate committee has failed to address the full range of Aboriginal Rights ratified by the Constitution Acts. Aboriginal Rights to unceded Territory, guarantees, under International Law doctrines, the rights to Full Imperium (Sovereignty), AND, Full Dominium (Control over resources).

The Senate committee should have been addressing the issue of systemic racism from the perspective of Nation-to-Nation discussions. For each of the recommendations that are proposed; ie. #4 (agencies to address systemic racism in rules, regulations, & practices; #5 (Govt incorporate Indigenous knowledge); #8 (improve dialogue; and #9 (improve education); actions must each be tackled from the perspective of Aboriginal Rights to unceded Territory. In the case of Nova Scotia, this must include recognition of Full Imperium and Full Dominium. Rights Based Indigenous fisheries must be viewed from the perspective of Aboriginal Rights meaning full Imperium, and full Dominium.

Consideration must now be given to reconsidering the Court decisions relating to Rights Based Fisheries and the Treaties currently existing between Indigenous Peoples and Non-Indigenous colonial governments. The history of these treaties must be re-examined under the perspective of colonial agencies, governments, peoples having disregarded Crown directives in their attempt to gain control over Indigenous territory by claiming sovereignty and control of resources. It is not the question of the integrity of the British Crown per se that is in question, but the integrity of the colonial agencies over the last several hundred years, up to and including 2022 that must be questioned.

Without addressing the issues of Full Imperium, and Full Dominium under the Aboriginal rights ratified in the Constitution Acts, the prevalence of violence will more likely continue.

- **2022 – Nova Scotia Act to Dismantle Racism & Hate**

[https://nslegislature.ca/sites/default//files/legc/statutes/dismantling%20racism%20and%20hate.pdf]
[https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-96]

As presented earlier in this discussion paper, Nova Scotia Act to Dismantle Racism & Hate establishes a commitment by the government of Nova Scotia to the development & implementation of a provincial strategy to address systemic racism, hate, & inequity by July 2023. The Nova Scotia Office of Equity & Anti-Racism (OEA) Initiatives, has been made responsible for the implementation of this Act on behalf of the Minister.

Thirty-one (31) years after Canada's Federal Race Relations Foundation Act of 1991 (C-21.8) came into force, and Fifty-seven (57) years after the United Nations Convention for the Elimination of Racial Discrimination (CERD) of 1965, we see Nova Scotia establishing the Officer of Equity & Anti-Racism in 2022. This isn't however, too different from other provinces, with Ontario enacting its Anti-Racism Act in 2017, British Columbia enacting an Anti-Racism data collection act 2022, and New Brunswick producing a Commissioner's Report in 2022.

The following table (slightly amplified version of table provided by OEA) provides the reader some information regarding jurisdictions with some sort of anti-racism mandate. From a short quick review of each, Nova Scotia would appear to be ahead of the curve in its approach by its development of specific mandates/goals and timelines.

Jurisdiction	Office/Legislation	Website
Canada		
Federal Government	Federal Anti-Racism Secretariat	Federal Anti-Racism Secretariat - Canada.ca
British Columbia	Anti-Racism Data Act	Home - Anti-racism (gov.bc.ca)
Alberta	Alberta Anti-Racism Advisory Council	Taking action against racism | Alberta.ca
Saskatchewan	Human Rights Commission	https://saskatchewanhumanrights.ca/education-resources/information-sheets/erasing-racism/
Manitoba	Provincial Anti-Racism Action Plan	https://www.unifor.org/resources/our-resources/creating-provincial-anti-racism-action-plan-manitoba
Ontario	Anti-Racism Directorate	Anti-Racism Directorate | ontario.ca
Quebec	Lutte Contre le Racisme	https://www.quebec.ca/gouvernement/politiques-orientations/lutte-contre-le-racisme
New Brunswick	NB Commissioner on Systemic Racism	https://www2.gnb.ca/content/gnb/csr-crs/en.html

Nova Scotia	Office of Equity & Anti-Racism (OEA) Initiatives	https://beta.novascotia.ca/government/equity-and-anti-racism-initiatives
Prince Edward Island	Anti-racism Table	https://www.princeedwardisland.ca/en/information/executive-council-office/anti-racism-table
Newfoundland & Labrador	Ministerial Committee on Anti-Racism	https://www.gov.nl.ca/releases/2022/exec/0406n01/
Northwest Territories	Govt NWT Response to Motion 29-19(2): Systemic Racism	https://www.ntassembly.ca/sites/assembly/files/td_442-192.pdf
Nunavut	Journey Through Indigenous Canada & Intercultural Intelligence Building Relations Through Reconciliation: Indigenous Cultural Competency	https://www.gov.nu.ca/human-resourcescourses/path-your-journey-through-indigenous-canada-and-intercultural-intelligence-1 https://www.gov.nu.ca/in/node/31129
Yukon	Statement of Premier for Elimination of Racial Discrimination	https://yukon.ca/en/news/statement-premier-pillai-international-day-elimination-racial-discrimination
United States		
Washington	Office of Equity Washington State	Home | Office of Equity (wa.gov)
California	Commission on the State of Hate	Commission on the State of Hate | CRD (ca.gov)
City of Baltimore	Baltimore City Office of Equity and Civil Rights	About Us | Office of Equity and Civil Rights (baltimorecity.gov)
City of Chicago	Office of Equity and Racial Justice	Home (chicago.gov)
City of Denver	Denver Office of Social Equity & Innovation	Office of Social Equity & Innovation - City and County of Denver (opencities.com)
City of Seattle	Seattle Race and Social Justice Initiative	Race and Social Justice Initiative - RSJI | seattle.gov

In a short review of the Canadian efforts, one could come to the conclusion that efforts to address racism are not coordinated between provinces, nor with the federal government. I would offer for consideration, that as each province continues its work relating to anti-indigenous racism, they will

come to the conclusion that constitutional amendments will be necessary, particularly the requirement to address issues of unceded territory.

- **2022 – Nova Scotia Example - Bill 222 – Housing Supply & Services Act; 1st Reading**

[https://nslegislature.ca/legc/bills/64th_1st/1st_read/b222.htm]

Demonstrating the continued current day implementation of a doctrine of Discovery, & occupation of Terra Nullius is Nova Scotia's Bill 222 Housing Supply & Services act. This act consolidates power &decision making within the Cabinet of Nova Scotia. The act makes no consideration for engaging Indigenous peoples regarding authority to occupy unceded territory. In fact, the Act assumes Sovereignty of the Province & authority to convey title of land (Part II, para 17.d, & para 55.3.a.).

The Minister's mandate letter makes no mention of a mechanism to deal with Indigenous Aboriginal Rights to unceded Territory of Nova Scotia. The mandate letter instructs the minister to conduct the following:
[https://novascotia.ca/exec_council/letters-2021/ministerial-mandate-letter-2021-MAH-EMO-MR.pdf]

> pdf pg 2
> ● Develop a full inventory of lands owned and identify areas that could be used for housing. The inventory must be prepared within three months of coming into government so that the province can manage and keep track of the land it owns in a comprehensive accounting manner. This will also allow work to get underway immediately in determining best uses of those lands.
> ● Consider where land is available and where there is a need for housing stock: both affordable housing and general residential purchases.
> ● Within the first six months of your mandate, undertake a review of the Municipal Act, Municipal Charters including their size and scope, the concept of shared services and regional service authorities, with a goal of refining the delivery and governance model for all municipalities in the province.

Here we see the current day implementation of a Doctrine of discovery, & occupation of Terra Nullius. The instructions are to find the open territory & develop a plan for occupation. No guidance or recognition is given regarding the Indigenous Aboriginal Rights to unceded territory. By this process, the Indigenous Heritage Natural Environment is of no concern; it is open for the taking. In so occupying the territory & the subsequent destruction of the Heritage Environment, the Minister is slowly, incrementally committing to the cultural destruction of the Indigenous peoples.

In an interview conducted with the Minister by Nicole Munro 2022 05 31, the Minister makes no mention of requesting permission to occupy unceded territory, the sovereignty of which is held by the Indigenous peoples of Mi'kma'ki.
[https://www.saltwire.com/atlantic-canada/news/nova-scotia-government-identifies-37-sites-for-housing-developments-100738865/]

> "This inventory represents the long game," Lohr acknowledged. "This work will take time."
>
> Lohr said the 37 sites identified are the first of many sections of land the province hopes to make available for affordable housing.

> "There's **approximately 100,000 parcels of land in the province. It's obvious you don't quickly evaluate** 100,000 pieces of land. That takes time. … We intend to keep going on this," he said.

Here we see that 100,000 parcels are up for consideration. The reader should note that the Minister provides no mechanism or guidance for restitution; restitution which the Indigenous Peoples are entitled to for the loss of / dispossession of their territory; for the loss of / dispossession of their Indigenous Heritage Natural Environment.

I offer for consideration, as a starting point, a made in Nova Scotia restitution in the form of an offset. For every acre of Heritage Natural Environment removed, the Province, Canada, Municipalities, & Corporate section provide a 10 to 1 offset; for every acre taken out of service/production in the support of the Indigenous Peoples survival, 10 acres are restored to an equal of higher level of productivity. Assuming each of the 100,000 parcels is at least 1 acre in size, this 10:1 offset would provide for 1,000,000 acres of territory.

(aside: Nova Scotia land area approximately 14 million acres)

What the Officious Bystander might be drawn to conclude then is that Nova Scotia is being engaged, although unknowingly, in acts of Anti-Indigenous sentiment. The Officious Indigenous Bystander might consider that a system wide approach to Anti-Indigenous sentiment is being constructed.

- Hansard – Pushed Out of the Way

[https://nslegislature.ca/sites/default/files/pdfs/proceedings/hansard/64-1/h59nov09.pdf]
HANSARD 59, House of Assembly Nova Scotia, Debates & Proceedings, Wed, Nov 09, 2022

The approach that disregards Indigenous Peoples Aboriginal Rights to unceded territory, that disregards citizens & scientists presenting evidence of environmental protection required to sustain the biodiversity necessary for the preservation of sufficient Indigenous Natural Heritage Environment; to support the preservation of Indigenous peoples & their culture, as well as for our collective existence; is demonstrated by the comments of the Premier made during question period of 2022 11 09, recorded in Hansard 59.

> pdf pg 38
> We are doing things to support Nova Scotians. The members might not want to acknowledge that, but we are doing things. We **will also take extraordinary steps** to get things like housing built. When people try to get in the way and *slow it down*, **we'll push them out of the way**, and we'll get housing built, because we're interested in making sure that we do everything we can to support Nova Scotians. We will not be distracted. We will do everything we can to support Nova Scotians.

The words documented in Hansard 59 do not reflect the intensity of emotion associated with the words "we'll push them out of the way". No thing; no person; no proclamation will distract from taking our defined extraordinary steps. The intensity of the enthusiasm, & determination for this vision of the future can only be seen through direct hearing of the words and sensing the feelings of emotion. The reader is directed to minute 3:41-4:05 of the following video recording of the comments made in the NS Legislature; [https://youtu.be/JEJ2WLlqhJM]. The calm questioning of the opposition triggers a very heated emotional response which uncovers the depth of desire to take extraordinary steps.

No logic or common sense shall divert from taking extraordinary steps that include disregarding Indigenous Rights of Imperium (sovereignty) & Dominium (control of resources) over their unceded territory; they will be ***Pushed Out of the Way***. The indigenous Natural Heritage Environment that supports their existence and cultural preservation shall not impede these extraordinary steps; they will be pushed out of the way. No permission shall be sought, not even consultation shall be considered. Even a Royal Proclamation directing Indigenous unceded territory to be vacated by colonists shall not impede these extraordinary steps; Royal Proclamations shall be pushed out of the way.

Thousands of acres now identified as open for the taking. Bulldozers will rumble in to clear the path for the hungry following formations of developers. No tree, no frog will "slow it down". Our people need living room. A million more are coming.

> "There's approximately **100,000 parcels** of land in the province. It's obvious you don't quickly evaluate 100,000 pieces of land. That takes time. … We intend to keep going on this," he said. [https://www.saltwire.com/atlantic-canada/news/nova-scotia-government-identifies-37-sites-for-housing-developments-100738865/]
>
> "Nova Scotia is facing **growth we haven't seen** in decades," he said, adding that resolving the issue will take time.
> [https://globalnews.ca/news/8882191/nova-scotia-37-sites-provincial-land-housing/]
>
> Premier Tim Houston's mandate letter to Minister of Labour, Skills and Immigration Jill Balser instructs her to:
> - "Set a goal of a **population of 2,000,000** by 2060 by attracting on average 25,000 people per year working with partners across the province in pursuit of this goal.
>
> [https://www.saltwire.com/atlantic-canada/opinion/bill-black-2-million-nova-scotians-by-2060-then-we-must-prepare-better-100642778/]
>
> The criteria for the 37 sites across the province included a basic understanding of housing need in a community and **at least 10,000 square feet** of land.
> [https://globalnews.ca/news/8882191/nova-scotia-37-sites-provincial-land-housing/]

10,000 sq ft = .23 acres; 100,000 parcels x .23 = 23,000 acres identified as open for the taking; a terra nullius. These 23,000 acres are a minimum; the full total acreage estimation for the 100,000 parcels is not readily found through internet search. These 23,000 acres of Indigenous Natural Heritage Environment are being Annexed; intrusions and incursions are occurring and are planned for the future. Territory is being taken where permission has not been obtained from the Indigenous community which holds the Sovereignty and Control over this unceded territory of Nova Scotia.

Rather than building a community of self-sufficiency, self-reliance, resilience, as the Indigenous peoples originally had, the plan is to destroy all hope of self-sufficiency and rely on outside funding and support. A culture of dependence is being constructed. Dependence on Federal funds; dependence on foreign sources of food. Soon, the supply of water will have dried up (see appendix 1) with increasing demand that cannot be supported by the natural environment of Nova Scotia. What is being constructed for the future is a province requiring constant handouts. The future of the Indigenous peoples is not a consideration.

In developing this authoritarian approach to the housing crisis, Nova Scotia has failed in its duty to consult, failed in its duty to obtain consent, failed in its fiduciary duty to not intrude on the territory such that the intrusion deprives future generations of the benefit of the territory. In parallel, Canada has failed in its fiduciary duty to protect the Indigenous Heritage Natural Environment such that it preserves the environment integral to the individual and community survival of the indigenous peoples; survival of the people, the community, the culture.

This authoritarian approach is a somewhat reborn trend in our society; but in the case of Aboriginal Rights to unceded territory in Nova Scotia, has been smoldering for several hundred years. In our currently divided society, with its economic struggles, this approach may result in the stimulation of greater anti-indigenous sentiment and violence.

The Officious Indigenous Observer might view what they are seeing and hearing as a continuation of the centuries old colonist's approach to the doctrine of discovery and occupation of terra nullius.

The Officious Indigenous Observer would perhaps offer to the OEA, that consideration might need to be given to addressing the issue of anti-indigenous sentiment as it relates to Indigenous Sovereignty over its Unceded Territory; specifically for this discussion, the unceded territory of present-day colonial Nova Scotia.

Consideration might need to be given to channelling this aggressive gut emotion not towards pushing individuals, & communities out of the way, but more appropriately towards warming the embers of community to a spirit flame of unity. A unity of effort by each individual needed to build that community such that ensures our collective survival, and well being. The big picture is made up of little details.

* Restitution considerations:

In this section, I discuss some issues relating to the topic of restitution. Restitution for the violations of Indigenous Individual, and Indigenous Collective Community Human Rights.

- **Restitution by return of Territory:**

Consider, as a first effort to understand the issues of restitution, the following UNDRIP articles:

a) Article 8.2 – Right to Mechanisms of Redress
States shall provide effective mechanisms for prevention of, and redress for:
(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
(d) Any form of forced assimilation or integration;
(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

b) Article 28 – Right to Redress, Including Restitution, & compensation.
1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories, and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Here, in these two articles mentioned above, we see that one of the elements of restitution is the consideration for the return of "territory, and resources equal in **quality, size, and legal status"**. In order to assess the level or restitution of territory, one must explore the metrics associated with quality, size, and legal status.

As a start for this discussion, consider first the item of **size** of territory required for restitution. Social scientists have developed various estimates of territory required for Hunter / Gatherer / Agricultural societies such as that of the aboriginal peoples of Mi'kma'ki. The size of the territory that is needed for Individual and Community survival greatly depends on the quality of the territory; the productivity. Some estimates place the territorial requirements for this type of cultural activity to range from seven (7) sq miles to 500 sq miles per 100 people (5:1). This variation is intimately connected to the productivity of the territory. Consider now the case of the Aboriginal peoples of Mi'kma'ki. Over the course of time, colonization has fragmented the Indigenous Heritage Environment to the point of being of much lower productivity for Hunting & Gathering, than it was at time of first contact. With this understanding of the productivity loss, lets make the assumption that a territorial requirement of 500 sq miles would be suitable in todays context. Estimating, in today's context, Nova Scotia's indigenous people numbering approximately 50,000, the land requirement for their cultural activities would be in the region of 1 million square miles (259 million hectares). The colonial agencies & Governments of Nova Scotia and Canada have claimed and controlled Crown Land which occupies approximately 3.8 million hectares of Nova Scotia's total land area (total NS land area approximately 5.3 million hectares); approximately 29% of the province. Even including Nova Scotia protected areas of 12.83%, the area required to support the Aboriginal Rights requirements could not be met. Clearly this Indigenous Heritage Environmental land deficit cannot be met by redesignation of Crown Land and Protected areas to Indigenous Heritage Environment territory. Some additional mechanism of restitution must be developed.

- **Restitution by return of Crown Land & Preserves:**

Consideration might be given to turning over sovereignty and control of Nova Scotia Crown Lands, and Protected Areas to the Indigenous peoples of Nova Scotia. In so doing, a start is made to restitution in the form of Land Transfer.

- **Restitution by Equalization Payments:**

Consideration might need to be given to some type of financial restitution in the form of both a one-time payment for historical restitution. Considering Nation-to-Nation status of Mi'kma'ki to the Crown, consideration may need to be given to ongoing "Equalization Payments" similar to those provided to Provinces and Territories of Canada.

At time of writing, no effective mechanism for addressing restitution IAW UNDRIP Article 8.2 has yet been considered by Canada or Nova Scotia.

Further “equalization” mechanisms might include Offsets. For each acre of Indigenous Natural Heritage Environment that is taken out of service for the Indigenous Peoples and rendered into Housing for the colonists, 12 acres would be restored to Indigenous sovereignty and control; a 12:1 Offset might be considered in restitution.

- *** **Restitution by Legal Personhood Status for Indigenous Natural Heritage Environment of Mi’kma’ki:**

The reader may recall an earlier discussion in this paper a point raised regarding the different interpretations of how the natural environment is considered. In the English context, the environment is property, a commodity, with no soul or spirit. Something that could be indifferently manipulated as one wishes. In the Indigenous context, the environment was an ecosystem, a mother protector; a living being with a soul and spirit, that could not be treated with indifference. Earlier in the discussion the issue as left hanging with a note that further research was required. Here now is the resolution of that research.

> **2019 - Should Rivers Have Same Legal Rights As Humans?**
> [Westerman, A., 2019, Should Rivers Have Same Legal Rights as Humans? https://www.npr.org/2019/08/03/740604142/should-rivers-have-same-legal-rights-as-humans-a-growing-number-of-voices-say-ye]
>
> In early July, Bangladesh became the first country to grant all of its rivers the same legal status as humans. From now on, its rivers will be treated as living entities in a court of law. The landmark ruling by the Bangladeshi Supreme Court is meant to protect the world's largest delta from further degradation from pollution, illegal dredging and human intrusion.
> "In Bangladesh, the river is considered as our mother,"…
>
> Following the ruling, anyone accused of harming the rivers can be taken to court by the new, government-appointed National River Conservation Commission. They may be tried and delivered a verdict as if they had harmed their own mother, Matin says.
> "The river is now considered by law, by code, a living entity, so you'll have to face the consequence by law if you do anything that kills the river," Matin says.
>
> Bangladesh follows a handful of countries that have subscribed to an idea known as environmental personhood. It was first highlighted in essays by University of Southern California law professor Christopher D. Stone, collected into a 1974 book titled Should Trees Have Standing? Toward Legal Rights for Natural Objects. Stone argued that if an environmental entity is given "legal personality," it cannot be owned and has the right to appear in court.
>
> Traditionally, nature has been subject to a Western-conceived legal regime of property-based ownership, says Monti Aguirre with the environmental group International Rivers.

"That means ... an owner has the right to modify their features, their natural features, or to destroy them all at will," Aguirre says.
The idea of environmental personhood turns that paradigm on its head by recognizing that nature has rights and that those rights should be enforced by a court of law. It's a philosophical idea, says Aguirre, with indigenous communities leading the charge.

"Many indigenous communities recognize nature as a subject with personhood deserving of protection and respect, rather than looking at it as a merchandise or commodity over which are property rights should be exercised," she says.

In 2008, Ecuador became the first country to enshrine the legal rights of nature in its constitution. Bolivia passed a similar law in 2011. Meanwhile, New Zealand in 2017 became the first country to grant a specific river legal rights, followed by the Indian state of Uttarakhand.

When New Zealand granted the Te Awa Tupua, a river on the North Island, the same legal status as a person, the government did so by recognizing it as an ancestor of the local Māori tribes, the Whanganui.

The Whanganui "have a famous saying which says in English, 'The river flows from the mountain to the sea. I am the river. The river is me,' " says Chris Finlayson, a former New Zealand attorney general who was in charge of negotiating with indigenous groups from 2008 to 2017.

As the law appoints two *guardians to act on behalf of the river* — one from the New Zealand government, the other from the Whanganui iwi, or Māori group — it is unique in that it legally binds the river to the tribe, Finlayson says.

Finlayson says the most difficult part in passing the legislation was getting New Zealand's European-descendant majority "to see the world through Māori eyes."
"Māori make up 15% of the population," Finlayson says. "And so the presence of the various stakeholders who have legitimate interests in the [Whanganui] river need to also be recognized."

An understanding of how Chris Finlayson effected the paradigm shift in New Zealand referred to in the above extract would be interesting. Without that insight, I offer the following for consideration, which may be of assistance in enhancing a mutual understanding of the concept of legal personhood status for an ecosystem.

Consider firstly, the English concept of a registered business, a company, or even a government such as HRM, Nova Scotia, or Canada. In the English context, each of these are established using a concept of treating them as persons. Companies are given rights which parallel those of rights of persons. Consider that a registered company is a concept held in the human imagination. It is given certain rights & responsibilities. It is represented by guardians; by humans. This entity, this registered company has no soul, or spirit; it is not alive; it is merely an imaginary conjuring. An imaginary conjuring, with no life or soul, yet given the status of legal personhood. If any kind of soul or spirit exists within this company/agency, it is in the form of money; hard currency.

I now offer to the reader to consider the Indigenous relationship with their Natural Heritage Environment. This Indigenous Natural Heritage Environment is an ecosystem; a living entity; an entity with not just a single soul and spirit, but with a myriad net of souls and spirits, of which the Indigenous humans form a part. In the indigenous context, this ecosystem of individual souls & spirits are given rights & responsibilities in the manner of persons; the Indigenous Natural Heritage Environment has been designated, given the legal status of person. This Ecosystem is represented by guardians, the indigenous peoples.

The reader can now consider a logical connection where, in the English context, a registered company, which is an imaginary conjuring of humans, with no soul or spirit, a non-living entity, can be given legal personhood status, then in the Indigenous context, an ecosystem, which is an integration of souls & spirits, a living entity, must clearly, by the most basic English logical extension, be permitted to have legal personhood status.

We have here, however, to recognize a clear conundrum in the English flow of logic/reasoning. As the reader may recall, the English flow of logic/reasoning, reasoned that humans could be property; humans could be slaves. This twisted rope of logic weaves its way into our English system of laws. With this inconsistent application of logic/reasoning, one begins to question the integrity of this system of logic/reasoning.

Consider now this concept of Personhood status for natural entities in the Canadian context. Recently the Magpie River has been recognized as having legal personhood status. The following extract from the Ecojurisprudence website provides a summary, along with the two resolutions.

- 2021 – Minganie Canada Recognition of Legal Personality and Rights of The Magpie River
  [Ref A; Ecojurisprudence main page: https://ecojurisprudence.org/initiatives/recognition-of-legal-personality-and-rights-of-the-magpie-river/

  Ref B: Innu Resolution on rights of the Magpie River [PDF] https://ecojurisprudence.org/wp-content/uploads/2022/02/CA_Quebec_Second-Resolution-Document_245.pdf

  Ref C: Minganie County Resolution on rights of the Magpie River [PDF]]https://ecojurisprudence.org/wp-content/uploads/2022/02/CA_Quebec_Recognition-of-legal-personality-and-rights-of-the-Magpie-River_245.pdf]

Ref A provides the following summary of the process of recognizing legal personhood for the Magpie River:

> **Summary:** In February 2021, the Muteshekau-shipu Alliance announced the adoption of **two parallel resolutions** recognizing the Magpie River (Muteshekau-shipu in the Innu language) as a legal person with rights.
>
> The first resolution was adopted by the Innu Council of Ekuanitshit in January 2021, followed by the Minganie Regional County Municipality (RCM) resolution in February. The resolutions recognize the **river as possessing nine rights**, including the right to evolve naturally and be protected, to be free of pollution, and to have standing in court.

The members of the Innu Council of Ekuanitshit were named as the **river's legal guardians**, holding the primary responsibility for ensuring that these rights are respected.

This is the first such case in Canada. The founding members of the Muteshekau-shipu Alliance are the Innu Council of Ekuanitshit, the Minganie RCM, CPAWS Quebec and the Association Eaux-Vives Minganie.

References B, & C provide the following information regarding rights of the river, & responsibilities of the Guardians. The two resolutions are in French. They have not been officially translated into English. The following "Google Translation" is provided:

- *9 Rights of the Magpie River:*

Innu Resolution text: The Innu Council of Ekuanitshit declares that as as legal entity, the Mutehekau Shipu/Rivière Magpie and its watershed own the rights following fundamentals, in accordance with the beliefs, customs and practices of the Innu of Ekuanitshit:

Minganie County Resolution Text: That the MRC of Minganie declares that as a legal entity, the Magpie River and its watershed have the following fundamental rights:

- the right to live, exist and flow,
- the right to respect its natural cycles,
- the right to evolve naturally, to be preserved and to be protected,
- the right to maintain its natural biodiversity,
- the right to perform essential functions within its ecosystem,
- the right to maintain one's integrity,
- the right to be free from pollution, the right to regeneration and restoration,
- the right to go to court.

- *14 Responsibilities of the Guardians:*

Innu Resolution text: The responsibilities and functions of the Guardians will aim at protection of river rights and will include notably:

Minganie County Resolution Text: That the responsibilities and functions of the Guardians will aim to protect the rights of the river and will include in particular:

- the research;
- inventories, surveying and monitoring;
- the application and compilation of traditional Innu knowledge;
- conservation planning;
- awareness and education;
- protection, management and recovery of species;
- reducing threats to species and their habitat;
- habitat improvement;
- habitat management for the conservation and improvement of ecosystem services;
- monitoring and involvement in development projects that may affect the river;
- welcoming visitors to traditional territories;

- participation in any consultation concerning the authorization of projects that may affect the rights of the river to assert its best interests, as well as its rights;
- maintenance of cultural sites;
- the management of funds derived from government (or other) funding as well as the management of funds that are recovered in the event of harm to the Magpie River – on a fiduciary basis.

- 2021 – This wild river in Quebec is now considered a person.
  [Balsam, J., 2021 12 19, Globe & Mail; https://www.theglobeandmail.com/canada/article-this-wild-river-in-quebec-is-now-considered-a-person-how-will-it-help/]

  First theorized by legal philosophy professor Christopher Stone in the 1972 paper "Should Trees Have Standing," legal personhood gives natural features rights akin to those of corporations and municipalities though not of people. It has been used for a handful – yet growing – number of natural features from New Zealand's Whanganui River to Ecuador's Alpayacu River, and now the Magpie.

I offer for consideration the recognition of Legal Personhood status of the Indigenous Natural Heritage Environment of Nova Scotian Mi'kma'ki as an additional mechanism of Restitution for the anti-indigenous treatment of the Indigenous Peoples of Mi'kma'ki. The anti-indigenous treatment through the following violations:

a) violations of territorial rights;
b) violations of individual human rights; &
c) violations of collective community human rights.

- *** **Restitution by Transition of Indigenous Government**
  [Ref A: Haley Ryan, CBC News, 2023; Halifax council to consider designated Mi'kmaw seat - https://www.cbc.ca/news/canada/nova-scotia/halifax-council-to-consider-idea-of-designated-mi-kmaw-seat-1.7005643]

  [Ref B: HRM Report, Electoral Reforms, 2023; 2022 District Boundary Review Phase One: Electoral Reforms requiring Legislative Amendments https://cdn.halifax.ca/sites/default/files/documents/city-hall/standing-committees/231023esc1311.pdf]

  [Ref C: HRM Sharing Our Stories, Culture & Heritage Plan (undated; properties indicate 2023 07 20); https://cdn.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/sharingourstoriesplan_final_july2023-web.pdf]

Haley Ryan of CBC News has provided an interesting update regarding developments made for the consideration of a designated Mi'kmaw seat on HRM Council (Ref A).

In that news article, the reader might note Councillor Wayne Mason's reference to HRM's new Culture & Heritage Priorities Plan.

> Ref A: Reference made to HRM new Culture & Heritage Plan
> … Coun. Waye Mason of Halifax South Downtown said the timing is right, because a common theme emerged from Mi'kmaw groups during consultation on Halifax's new culture and heritage priorities plan. …

I would offer the reader the following extract from the HRM new culture & heritage priorities plan, a review of which does not appear to reveal that the plan's authors considered that the territory of Mi'kma'ki is unceded territory.

> Ref C: pdf pg 52: First Nations as Independent level of Government.
> • provincial and federal governments have set a precedent in recognizing First Nations as an independent level of government. First Nations groups must be consulted when proposed activities have the potential to impact Aboriginal rights. Three First Nations groups hold reserve lands within the Halifax region and are therefore impacted by municipal policy and planning initiatives; reserve lands within the Halifax region and are therefore impacted by municipal policy and planning initiatives; …

This statement above is not exactly correct when speaking of the unceded Territory of Mi'kma'ki. Yes, that recognition must be given as a Nation as an independent level of government, but the recognition must be given as a separate Nation, with its own government. As unceded territory, the sovereignty and dominium of Mi'kma'ki is held solely by the Indigenous Peoples. They are a separate and independent government, not within Nova Scotia but over Nova Scotian Mi'kma'ki.

Further in Haley Ryan's report one finds the following comment regarding Indigenous Peoples as a special interest group.

> Ref A: Special Interest Group
> … supported the idea, but had concerns about choosing one special interest group over others. …

I offer for consideration that this statement appears to indicate a misunderstanding of the Indigenous Peoples' sovereignty and dominium over the unceded territory of Mi'kma'ki. The Indigenous Peoples are not a "special interest group". They are a community to be recognized as a separate independent Nation, and as such must, by International law, be given the rights of a separate Nation.

Regarding the HRM Electoral Reforms report at Ref B, the following extracts and comments for discussion are provided.

> Ref B, pdf pg 2: Designated seats for specific groups
> … Halifax Regional Council directed that the Chief Administrative Officer prepare a report on the necessary legislative amendments required to enable the following:
> • The inclusion of designated or protected seats for specific groups (African Nova Scotian, Francophonie, Indigenous representation)
> • Reducing the voting age to 16 years of age
>
> … The Municipality does not have the authority to establish protected or designated districts for African Nova Scotian, Acadian, and indigenous representation. The Municipality can consider communities of interest when proposing district boundaries to the NSUARB, but these

> communities of interest must be considered in tandem with number of electors, relative parity of voting power, population density, and geographic size, and the final decision on municipal polling districts and boundaries in the municipality rests with the NSUARB. …

What one can see from the Electoral Reforms report submitted to HRM Council is that the authors have not considered the issue of Indigenous Peoples Sovereignty and Dominium over the unceded territory of Mi'kma'ki. The Indigenous Peoples are not a special interest group.

Additionally, Councillor Mason notes that a designated seat is already available in the Nova Scotia Legislature.

> Ref A: Designated Mi'kmaw seat available in legislature
> Mason pointed out that there is "tremendous precedent" on the issue in Nova Scotia already, because the provincial legislature has had a seat for a Mi'kmaw representative since 1992 that has never been filled.

Councillor Mason's note indicates this seat has been available for many years now. The question arises regarding why this seat remains unfilled? What issues must be addressed?

I offer to the reader, as a restitution measure, consideration must be given to transitioning the governing of Nova Scotia (including all its municipalities) to the rightful "owners" of this territory; ie. the Indigenous Peoples. The recommendation for one seat on HRM council, as highlighted in Hayley Ryan's article at Ref A, is just a start. The proposed Indigenous seat must have a veto power over any proposals, as would be their right as the keepers of the sovereign Nation of Mi'kma'ki. Consideration must be given to addressing the reasons the designated seat in the Nova Scotia legislature has remained unfilled for so many years.

*Summary

*** In summary the reader will recall that Canada has identified the Doctrines of Discovery, & Occupation of Terra Nullius as Systemic Racism. The reader will recall that England, & Canada engaged in Doctrines of Discovery, & Occupation of Terra Nullius through the legal manipulations that deprived the Indigenous Peoples of their territory, and in the case of Canada, through the attempts at Indigenous Culture extinguishment by the use of Residential Schools.

*** The reader will recall that Colonists have not fulfilled their treaty promises, to;

a) provide dedicated territory for the Indigenous peoples, the Indigenous occupation of which would not be interfered with; with the territory of Mi'kma'ki having been occupied by colonists, with Indigenous peoples placed on small plot reserves; and

b) resolve any Indigenous grievances through the English legal system; with 3 petitions for redress of grievance still remaining unaddressed.

*** I submit that as a result of the Colonial actions above, the Treaties have been Materially Breached, and therefore by extension, are not in effect.

I submit that consideration must be given to, but not limited to, the following:

a. Consider that the aboriginal peoples of Mi'kma'ki have been wrongly dispossessed of their Sovereign territory;

b. Consider that Canada, Nova Scotia, and HRM wrongly give the impression that they have the sole authority to manage & convey territory to themselves or other parties;

c. Consider that Canada, Nova Scotia, and HRM have failed in their fiduciary duty of care to protect the Indigenous Territorial Rights to the territory of Mi'kma'ki;

d. Consider that Canada, Nova Scotia, and HRM have failed in their duty of care to protect Indigenous Individual Human Rights, & Collective Human Rights through its failure to protect the Indigenous Heritage Natural Environment of Mi'kma'ki (land, internal waters, flora, fauna, geological resources, and marine environment) which is an intimate part of the Indigenous culture. In failing to protect this environment, Canada, Nova Scotia, and HRM have failed to protect, and preserve the territory for the use of the Indigenous peoples of Mi'kma'ki for their long-term existence, and cultural preservation;

e. Consider that Canada, and Nova Scotia must develop a mechanism of restitution for Aboriginal Rights violations;

f. Consider that Canada, as a partial element of Restitution, under UNDRIP article 28, designate and protect all Nova Scotia Crown Lands & Protected Areas as Indigenous Heritage Natural Environment, under the control of the Indigenous People's of Mi'kma'ki;

g. Consider that Nova Scotia, as a partial element of Restitution, through its Bill 96, Dismantling of Racism & Hate Act, must consider the changes needed to societal culture, and law, in order to address the Territorial and Human Rights violations that have resulted from actions towards indigenous peoples of Mi'kma'ki;

h. Consider that Nova Scotia, as an element of Restitution, through its Land Titles Clarification Act, must consider that as the territory of Mi'kma'ki is unceded territory, the primary Imperium (sovereignty) and Dominium (rights to resources) rests with the peoples of Mi'kma'ki;

i. Consider that Canada, Nova Scotia, & HRM must develop a mechanism to ensure contracted parties have incorporated practices supporting the minimum goals of UNDRIP; for contractors to recognize the Nation-to-Nation relationship between Aboriginal peoples and the Crown, as identified in Call-to-Action 45;

j. Consider that Canada, Nova Scotia, & HRM recognize the Nation-to-Nation relationship between Aboriginal peoples and the Crown, as identified in Call-to-Action 45; and

k. Consider that unoccupied areas of Indigenous Heritage Natural Environment are not open for the taking; they are NOT a "terra nullius".

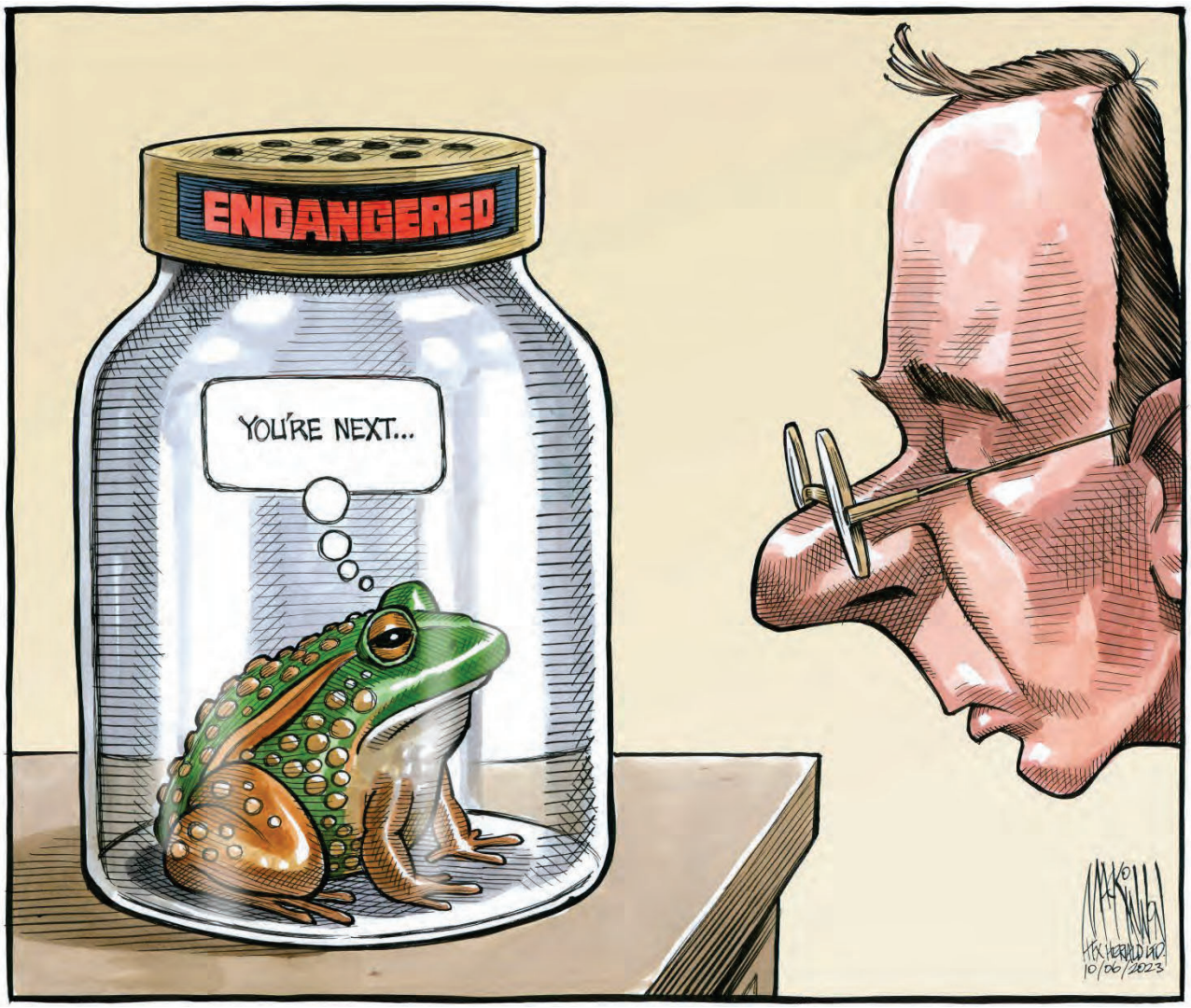
Conclusion

In conclusion I submit that various levels of Canadian government acknowledge Mi'kma'ki as unceded territory; that the aboriginal peoples retain Full Imperium and Full Dominium over this territory of Mi'kma'ki; that under the doctrine of International Law the Crown does not have authority over the unceded territory of Mi'kma'ki, and by consequence this territory shall not be developed without free, prior, and informed consent, & permission of the Hereditary Chiefs of Mi'kma'ki, who are entitled to restitution and compensation in accordance with UNDRIP article 28.1 and 28.2.

Furthermore, I submit that the Crown Planning processes must be modified to include Consultation with the Hereditary Chiefs of Mi'kma'ki, addressing Aboriginal Territorial Rights violations, Aboriginal Individual Human Rights violations, and Aboriginal Collective Community Human Rights violations. The Crown process must respect preservation of the peoples of Mi'kma'ki territorial right of Imperium and Dominium, and respect the Cultural preservation through the maintenance and restoration of the indigenous peoples Natural Environmental Heritage for future generations; and that no incursions or intrusions are permitted until all Aboriginal Rights to unceded Territory have been addressed.

Furthermore, consideration must be given to now limiting expanded occupation of the Aboriginal territory resulting from the systemic pushing aside of the indigenous Aboriginal Rights of the peoples of Mi'kma'ki as identified by Canada Constitution Act 1867, & 1982, and UNDRIP; as endorsed by Canada in its response to TRC Call-to-Action 45. Land and water use application and review processes must account for methods of restitution, and compensation for territory inappropriately occupied, and resources inappropriately exploited.

Bruce MacKinnon's cartoon 2023 10 06



Bruce MacKinnon's cartoon 2023 10 06
[https://www.saltwire.com/halifax/opinion/editorial-cartoons/bruce-mackinnon-cartoon-preserve-the-observer-100898814/]

Appendix 1 – Water supply observations Nova Scotia & abroad

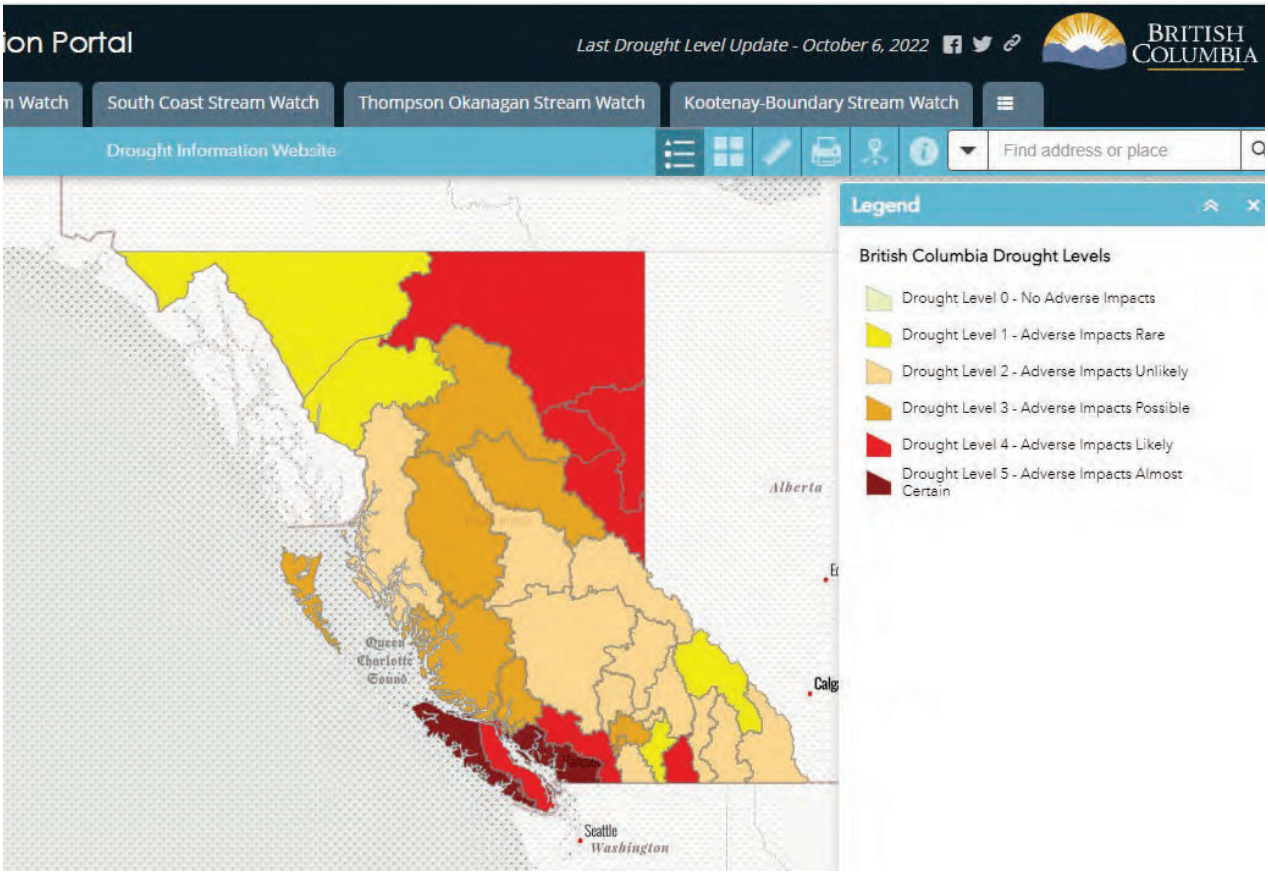
- **Introduction:**

I offer for consideration, that all levels of leadership, in government as well as the private sector consider re-evaluation of priorities regarding the Indigenous Natural Heritage Environment; that the Natural Heritage Environment has the highest priority; a priority for survival over all others. Our society is greatly divided; the Covid 19 crisis has clearly demonstrated this divide. The climate warming crisis will require restrictions, and mandates in a similar manner to those applied in Covid 19. As we see in California now, restrictions are being placed on the use of the electric power grid; EVs charging is to be restricted. Freshwater has, for some time now become a limited resource with the severe loss of ground water and the drying up of the Colorado River. Here at home, we see wells drying in Yarmouth, Lunenberg, & Antigonish. We see ponds drastically dried out along the Shubenacadie Canal. Our community leaders will need to unite our society by creating a unified cultural mindset with respect to Natural Heritage Environmental protection.

- **Outside Nova Scotia water revelations**

    - 2022 - B.C. drought map

BC Drought Map 2022



[https://governmentofbc.maps.arcgis.com/apps/MapSeries/index.html?appid=838d533d8062411c820eef50b08f7ebc]

[https://governmentofbc.maps.arcgis.com/apps/MapSeries/index.html?appid=838d533d8062411c820eef50b08f7ebc]

- 2022 - B.C. drought leads to thousands of dead salmon

NANCY MACDONALD, PUBLISHED OCTOBER 4, 2022



[https://www.theglobeandmail.com/canada/british-columbia/article-bc-drought-leads-to-thousands-of-dead-salmon/]

- 2022 - Barges grounded by low water halt Mississippi River traffic

by: JIM SALTER, Associated Press
Posted: Oct 5, 2022 / 07:40 PM CDT



[https://wreg.com/news/ap-top-headlines/ap-barges-grounded-by-low-water-halt-mississippi-river-traffic/]

- Barges grounded by low water halt Mississippi River traffic

By The Associated Press
Published: Oct. 5, 2022 at 4:56 PM ADT



[https://www.keyc.com/2022/10/05/barges-grounded-by-low-water-halt-mississippi-river-traffic/]

- 2013 - As Lake Mead shrinks, California uses more than its share of water

By HENRY BREAN SPECIAL TO BOULDER CITY REVIEW
June 26, 2013 - 3:26 pm



[https://bouldercityreview.com/news/lake-mead-hoover-dam/as-lake-mead-shrinks-california-uses-more-than-its-share-of-water/]

- 2021 - California, Arizona, and Nevada agree to take less water from ailing Colorado River

BY JAWEED KALEEM, IAN JAMES
DEC. 15, 2021 UPDATED 6:07 PM PT



[https://www.latimes.com/world-nation/story/2021-12-15/drought-colorado-river-water-agreement]

- 2022 - Amid Heat Wave, California Asks Electric Vehicle Owners to Limit Charging

By Livia Albeck-Ripka, Sept. 1, 2022

LOS ANGELES — Heading into one of the busiest holiday travel weekends in the United States, and just a week after approving a bold plan to ban the sale of new gasoline cars, California asked electric vehicle owners this week to limit when they plugged in to charge.

Temperatures were expected to soar into the triple digits in many parts of the state. High temperatures push up the demand for energy as people crank up their air-conditioners…. The state operator also urged residents to conserve power by setting their thermostats to 78 degrees or higher, avoiding the use of major appliances and turning off unnecessary lights.

It is not the first time extreme heat has affected drivers of electric vehicles. Last month, a heat wave in China created havoc for drivers, according to reporting by MIT Technology Review. During a Texas heat wave in July, Tesla also asked its customers to avoid charging their cars at peak times.

Experts acknowledge that moving to more electric vehicles in the coming years will present a challenge, and part of that challenge is building a grid that is up to the task.

“Nobody charges during those times anyway,” said Elaine Borseth, the president of the Electric Vehicle Association, an advocacy group. “It costs more.”

Even outside of a heat wave, those hours tend to be the most expensive to plug in an electric vehicle, because there is the most demand on the grid around that time, as people arrive home and many businesses remain open. It is also when renewable sources of energy, such as solar, are dropping off the grid for the day.

The current heat wave that led to the Flex Alert is part of a pattern linked by scientists to climate change. Periods of extreme heat are becoming more frequent, hotter and longer lasting than in previous decades. The federal National Climate Assessment noted in 2018 that their frequency had jumped from

an average of two per year in the 1960s to six per year by the 2010s. The season has stretched 45 days longer than it was in the 1960s, according to the report.

…Temperatures in the mid to upper 90s and lower 100s, the service said, would likely beat records in many places. Many places from Nevada to Washington have already set records. That will make it harder for California to import power from neighboring grids, the state operator said.

"We have been trying to outrun Mother Nature," Mr. Newsom added. "But it's pretty clear that Mother Nature has outrun us."

[https://www.nytimes.com/2022/09/01/us/california-heat-wave-flex-alert-ac-ev-charging.html]

- 2023 – Amazon River falls to lowest in over a century amid Brazil drought

By Bruno Kelly, Jake Spring - MANAUS, Brazil (Reuters)

The Amazon River fell to its lowest level in over a century on Monday at the heart of the Brazilian rainforest as a record drought upends the lives of hundreds of thousands of people and damages the jungle ecosystem.

Rapidly drying tributaries to the mighty Amazon have left boats stranded, cutting off food and water supplies to remote villages, while high water temperatures are suspected of killing more than 100 endangered river dolphins.

The port of Manaus, the region's most populous city, at the meeting of the Rio Negro and the Amazon River, recorded 13.59 meters (44.6 ft) of water on Monday compared to 17.60 a year ago, according to its website. That is the lowest level since records began in 1902, passing a previous all-time low set in 2010.

After months without rain, rainforest villager Pedro Mendonca was relieved when a Brazilian NGO delivered supplies to his riverside community near Manaus late last week.

"We have gone three months without rain here in our community," said Mendonca, ... "It is much hotter than past droughts."

Late last week, workers from Brazilian NGO Fundacao Amazonia Sustentavel (FAS) fanned out across the parched region near Manaus to deliver food and supplies to vulnerable villages. The drought has threatened their access to food, drinking water and medicines, which are usually transported by river. … some areas are still reachable by canoe, but many boats have not been able to bring supplies along the river, so most goods are arriving by tractors or on foot. …

"Our children are getting diarrhea, vomiting, and often having fever because of the water," she said.

https://www.reuters.com/article/brazil-amazon-drought-river-idAFKBN31G0XK

- 2023 – Amazon water levels hit lowest point in over a century

The Amazon River fell to its lowest level in over a century this week as a severe drought continues to upend life in the Brazilian rainforest.

25 PhotosOctober 17, 202310:47 AM ADT



[3/25] Boats and houseboats are seen stranded at David's Marina, as the water level at a major river port in Brazil's Amazon rainforest hit its lowest point in at least 121 years, at the Rio Negro river in Manaus, Brazil, October 16. REUTERS/Bruno Kelly



[14/25] Boats and houseboats are seen stranded at David's Marina, as the water level at a major river port in Brazil's Amazon rainforest hit its lowest point in at least 121 years, at the Rio Negro river in Manaus, Brazil October 16. REUTERS/Bruno Kelly



[12/25] Sebastiao Brito de Mendonca walks in a dry area of an affluent of Rio Negro river, as the region is hit by a severe drought, in Santa Helena do Ingles community in Iranduba, Brazil, October 13. REUTERS/Bruno Kelly

- **Nova Scotia water revelations**

  - 2016 - Nova Scotians struggle with dried-up wells

Steve Silva, **Global News**, Posted August 11, 2016 6:22 pm, Updated August 11, 2016 6:27 pm

Months of dry weather conditions have unsurprisingly resulted in dried up wells in Nova Scotia.

"This has never happened in the, I think it's about 15 years that we've been on the property," said Chelsea McKendrick, owner of Owls Ridge Farm, which is a boarding and lesson facility for horses. **"It sucks, really."**
She estimates the waterline in her dug well is about 6 to 9 metres lower than normal. Subsequently, showers for horses at the farm have stopped, among other water-saving measures.

[https://globalnews.ca/news/2878197/nova-scotians-struggle-with-dried-up-wells/]

- 2020 - People seeking water access options as wells in Yarmouth County start drying up

Tina Comeau | Posted: July 6, 2020, 8:53 a.m. | Updated: July 13, 2020, 10:05 a.m.

YARMOUTH, N.S. — It's only early July and already there is concern over low and dry wells in Yarmouth County. So far, the problem isn't only a lack of rain, but also fewer available options to access bulk water.

A water dispensary site owned by the Town of Yarmouth from its Lake George water reservoir in Breton, Yarmouth County, is closed.

Although in the past Yarmouth County residents could **purchase tokens to access water** here, the town says logistically the small physical layout of the site was never designed for lineups of traffic that can get backed up onto the main road during times of drought conditions.

[https://www.saltwire.com/nova-scotia/news/people-seeking-water-access-options-as-wells-in-yarmouth-county-start-drying-up-469929/]

- 2020 - Water Woes Here, There and Everywhere

When did the province start having water shortages or has this always been a problem?
The most severe recent water shortage problem in the province occurred in 2016. In Southwest Nova Scotia, 2016 was the driest summer (i.e., June/July/August) on record since 1880. However, there have been similar dry summers in the past. For example, if we look at the precipitation data for Yarmouth, after the summer of 2016 (87 mm total rainfall), the next three driest summers on record happened in 1934 (111 mm), 1882 (117 mm) and 1894 (130 mm).
Has it become a chronic problem or more severe lately?
If we look at the rainfall record for Yarmouth again, it shows that three of the top 10 driest summers on record happened in the last 20 years (2016, 2008 and 2018). It also shows that two of the wettest summers on record happened in the last 20 years (2006 and 2009). This suggests that we may be seeing more extreme weather events (droughts and floods) due to climate change, as predicted by climate scientists.

[https://www.robinhoodies.ca/post/water-woes-here-there-and-everywhere]

- 2022 - Shubenacadie Canal Lock 3 Pond (2022 09 17) – personal observation

The summer drought has resulted in the drying up of the canal overflow pond. Blue green algae is prolific in the main canal.





- 2022 - Ongoing drought is drying up wells in Nova Scotia district, prompting need for bottled water

Dry well relief program launched in Lunenburg
September 14, 2022; By Ground Water Canada

Lunenburg, N.S. – A dry well relief program has been launched in the district to allow residents with dry wells to get water for drinking and cooking purposes. Through the use of a coupon system, affected residents can get four-litre jugs of bottled water each day with a maximum of four per household. Near drought conditions have impacted water levels in the district.

[https://www.groundwatercanada.com/ongoing-drought-is-drying-up-wells-in-nova-scotia-district-prompting-need-for-bottled-water/?utm_source=rss&utm_medium=rss&utm_campaign=ongoing-drought-is-drying-up-wells-in-nova-scotia-district-prompting-need-for-bottled-water]

- 2022 - Dry conditions cause well and water level concerns in Nova Scotia

Paul Hollingsworth, CTV News Atlantic Reporter
Published Sept. 13, 2022 5:12 p.m. ADT

Geoff MacDonald lives in the Mahone Bay area and says near-drought conditions effecting water levels are a routine problem in these parts.
"25 years ago, our well was going dry every year," said MacDonald who attempted to solve the problem by adding a well.
He now has two wells -- one dug and one drilled and the water from the drilled well is salty at times and needs a conditioner.

[https://atlantic.ctvnews.ca/dry-conditions-cause-well-and-water-level-concerns-in-nova-scotia-1.6066905]

- 2022 - Town of Antigonish orders residents to stop watering lawns, gardens

The mandatory order to remain in place until water levels at James River Dam return to normal
Anjuli Patil · CBC News · Posted: Sep 13, 2022 6:22 PM AT | Last Updated: September 13

The Town of Antigonish, N.S., is ordering all town and area water utility customers to begin conserving water.
The order came into effect Wednesday at 4:30 p.m. and will remain until water levels at the James River Dam return to normal. The town's chief administrative officer Jeff Lawrence told CBC's *Maritime Noon* the water behind the dam is one metre below spilling.

"We've been in this position, mandatory water conservation, for two out of the past five years. It isn't completely uncommon," Lawrence said.

[https://www.cbc.ca/news/canada/nova-scotia/town-of-antigonish-initiates-water-conservation-order-1.6581726]

- 2023 - Nova Scotia Provincial website - Important information for well owners

After a water shortage, well water levels may take weeks or months to return to normal. Dug wells are the most likely to be affected. The following information applies to both dug and drilled wells.

[https://novascotia.ca/watershortage/well-owners.asp]

Appendix 2 – Nova Scotia Anti-Indigenous violence

- **2020 - Vehicle torched, lobster pounds storing Mi'kmaw catches**

Taryn Grant · CBC News · Posted: Oct 14, 2020 7:14 PM ADT | Last Updated: October 14, 2020



A van belonging to a Mi'kmaw fisherman was set ablaze Tuesday night in New Edinburgh, N.S., during violent protests. (Riley Howe/Facebook)

[https://www.cbc.ca/news/canada/nova-scotia/mi-kmaw-lobster-fishery-unrest-1.5761468]

- **2020 - RCMP investigating another lobster pound burned to the ground**

By Staff; The Canadian Press; Posted November 26, 2021 3:40 pm



Debris from a burnt-out fish plant is scattered along the shore in Middle West Pubnico, N.S. on Saturday, Oct. 17, 2020. **THE CANADIAN PRESS /Andrew Vaughan**

[https://globalnews.ca/news/8404856/lobster-pound-burned-to-the-ground-in-southwestern-n-s/]

- **2020 - Mi'kmaw fishing vessel destroyed**

Haley Ryan · CBC News · Posted: Oct 05, 2020 1:20 PM ADT | Last Updated: October 5, 2020



The remains of Robert Syliboy's commercial fishing boat at the Comeauville Wharf on Oct. 5, 2020 (Olivier Lefebvre/CBC)

[https://www.cbc.ca/news/canada/nova-scotia/mi-kmaw-fishing-vessel-damaged-in-suspicious-fire-1.5750640]

- **2021 - Eel heist outside Halifax got nasty: Thieves 'began yelling and threatening to kill' fishermen**

Chris Lambie | Posted: July 2, 2021, 2:40 p.m. | Updated: July 2, 2021, 3:59 p.m.

Their intended target was slippery, but the payout for the heist could have been as high as $120,000.
It was 9:40 p.m. on May 16 when eight men confronted elver eel fishermen Freddy McVicar and Sean Laronde while the pair checked their nets off MacDonald’s Drive in Blind Bay, near Bayside, about 20 kilometres from Halifax.
“The group of males were all armed with knives, crowbar, rebar and a hatchet,” Det.-Const. Shawn Arsenault of the Halifax Regional Police says in documents he filed in Halifax provincial court to get a search warrant.

“…During the incident, Mr. Young was carrying a piece of steel rebar as a weapon and threatening physical harm to the group of four fishermen.”

One of the robbers assaulted McVicar, striking him in the hand with a hatchet and “head butting him on the top of his head and nose,” says Arsenault.

Young, 34, is charged with two counts of robbery, two counts of hostage taking with threats, two counts of unlawful confinement, four counts of uttering threats to cause death or bodily harm, possession of a weapon for dangerous purposes, and theft under $5,000. All those charges stem from May 16.
Young also faces a theft over $5,000 charge, where the offence date ranges from April 24 until May 16.

- **2023 - Assembly of Nova Scotia Mi'kmaw Chiefs links shooting to lucrative elver fishery**

Paul Withers · CBC News · Posted: Apr 06, 2023 5:15 PM ADT | Last Updated: April 6

Mannette, 29, has been charged with multiple offences including discharge of a firearm with intent and reckless discharge of a firearm.
RCMP said Mannette and the victim are known to each other.
Investigators believe that the victim was targeted and this was not a random incident.

Chief Gerald Toney, fisheries co-lead for the Assembly of Nova Scotia Mi'kmaw Chiefs, said the assembly has previously expressed concerns to DFO about the safety of its harvesters in this region, "but we certainly did not anticipate things going this bad, this quickly."

https://www.cbc.ca/news/canada/nova-scotia/mikmaw-link-shooting-to-lucrative-elver-fishery-1.6804109

Appendix 3 – Indigenous Collective Community Rights

Ref: Amici Curiae; Awas Tingni Mayagna (Sumo) Indigenous Community v. The Republic of Nicaragua
Presented by The International Human Rights Law Group (IHRLG) and The Center for International Environmental Law (CIEL)
[https://center-hre.org/wp-content/uploads/2011/05/Awas-Tingni-Mayagna-Sumo-Indigenous-Community-vs.-The-Republic-of-Nicaragua.pdf]

The following has been extracted from the above referenced Amici Curiae brief submitted in the case of the Awas Tingni Mayagna Indigenous Community v the Republic of Nicaragua. I have extracted the following sections for the readers awareness of the issues relating to aboriginal collective rights. These same principles of Collective Community human rights are applicable to the case of the Unceded Territory of Mi'kma'ki, and the Indigenous Peoples rights to Sovereignty and Dominion over their unceded territory.

These extracts from the Amici Curiae brief for the Awas Tingni indigenous Community v the Republic of Nicaragua will give the reader a sense of the potential litigation that could be brought against Canada, and Nova Scotia with respect to the Indigenous Collective Community of Mi'kma'ki and their rights of Sovereignty, and Dominion over that territory.

Pdf pg 11
Accordingly, Article 29—which, as expressed *ut supra,* is mandatory in this case—requires the adoption of the trends in effect in international law concerning indigenous peoples. The relevant trend in effect concerning the Awas Tingni case is the concept of collective rights.

- **III. Collective Rights**

Collective rights are thought of as *rights that cannot be exercised but in-groups* or *rights where right holders are collective agents*. Their collective characteristic is what constitutes their value. Therefore, the deprivation of its collectiveness will imply the emptiness of the content of the right, and subsequently, its non-existence.
The first "category" of collective rights are rights that can only be exercised in a group, as is the case with the right to freedom of expression. An individual in isolation cannot realize his or her right to freedom of expression; rather an individual must be able to share ideas with others to fully enjoy this right.

The second "category" are rights in which the rights holders are collective agents. These rights are by nature collective. Therefore, the right can only be enjoyed if the group as a whole realizes the right. The right to culture and to community-based property provide an example. These rights cannot be understood absent their presence within a group in which these rights have meaning and through which they are exercised and enjoyed.
Collective rights can be found with every known indigenous community rights system, as is the case of the Awas Tingni community. The intrinsic nature of collective rights has forced a change in the language of international law since they could not be adequately addressed as individual rights. International human rights law has recognized collective rights, in both categories. A consensus has developed during the past decade that indigenous peoples have distinctive community-based collective rights. Agreements signed by the States at the Rio Conference explicitly recognized indigenous peoples'

collective rights and provide strong evidence of this emerging consensus. Among these distinctive internationally recognized collective rights are the right to land and other natural resources, cultural integrity, environmental security, and control over their own development.

Even though the American Convention does not expressly use the word "collective," some of the rights that it enshrines are indeed collective. The IACHR in its report on Ecuador recognizes:
Certain individual rights guaranteed by the American Convention on Human Rights must be enjoyed in community with others, as is the case with the rights to freedom of expression, religion, association and assembly... The ability of the individual to realize his or her right both contributes to and is contingent upon the ability of individuals to act as a group. For indigenous peoples, the free exercise of such rights is essential to the enjoyment and perpetuation of their culture.

For the sake of brevity, we will only focus, in this case, on the collective characteristic of the right to property and its implications concerning: the right to life, the right to a healthy environment, the right to culture and the right to participate in government.

- i. The collective perspective of the right to property - Article 21 of the American Convention -

Specifically concerning indigenous peoples, the right to property has a collective perspective. As the U.N. Special Rapporteur on human rights of indigenous peoples affirmed:

"...In summary, each of these examples underscores a number of elements that are unique to indigenous peoples: (1) a profound relationship between indigenous peoples and their lands, territories and resources exists; (2) that this relationship has various social, cultural, spiritual, economic, and political dimensions and responsibilities; (3) that the collective dimension of this relationship is significant; and (4) that the inter-generational aspect of such a relationship is also crucial to indigenous peoples identity, survival and cultural viability."

The indigenous right to property is a community-based right that derives from long-term relationships between indigenous peoples and the natural resources that sustain them. In the case of Awas Tingni, the Mayagna Sumo community has a system of communal property in which the land belongs collectively to the community.

Particularly in the case of Nicaragua, it must be noted that the collective right of the Mayagna Sumo peoples, to own on a community basis the rights to land they have traditionally occupied, is expressly recognized in Articles 5 and 89 of the Nicaraguan Constitution.

Article 5 of the Nicaragua Constitution reads:

The State recognizes the existence of indigenous peoples, who enjoy the rights, obligations and guarantees recognized in the Constitution, especially those that maintain and develop their identity and culture...so as to maintain the communal forms, enjoyment, use and benefit of their lands, all in conformity with the law... [emphasis added]

Article 89 of the Nicaragua Constitution reads:

...The State recognizes the communal forms of property of the Atlantic Coast Communities' lands; it also recognizes the enjoyment, use and benefit of the waters and forests of their communal lands ... [emphasis added]
The definition of communal land is provided by article 36 of the Autonomy Statute of Nicaraguan Atlantic Coast Autonomous Region:

Article 36: Communal property is the land, water and forest that have traditionally pertained to the [indigenous] communities of the Atlantic Coast.
As noted ut supra, Nicaragua's internal laws in this case expand the concept of right to property express in Article 21 of the American Convention. Article 29 of the American Convention in this case requires that this Honorable Court integrate Nicaragua's domestic legislation in the interpretation of Article 21. This Honorable Court, therefore, should recognize the collective right to property of the indigenous peoples of Awas Tingni.

A sentence by this Honorable Court mandating the legal demarcation and documentation of indigenous community-based rights in Awas Tingni will not only establish an important legal precedent on the collective rights of indigenous peoples in Nicaragua; it would also provide a legal foundation for fostering goodwill between indigenous communities and governments throughout the Americas. It would provide indigenous communities with state-sanctioned authority to prevent migration and unsustainable commercial activities within their ancestral domains. Technical assistance to improve and develop organizational capacities and support sustainable management would, along with expanded credit programs, complement such a move.

- ii. The Collective Perspective of the Right to Life - Article 4 of the American Convention -

Understanding the contextual complexities of indigenous peoples and their relationships to their land and other natural resources is essential for promoting their legal interests and well being. This requires an appreciation of the collective relationship between life and land.
The basis of all substantive legal rights is the right to life. This right is not limited to individual human beings. The United Nations in several resolutions, where it affirmed that not only all individuals but all peoples have an inherent right to life, has recognized the collective dimension of the right to life. Safeguarding this fundamental right is an essential condition for enjoying the entire range of civil and political rights.

Wisely, the President of this Honorable Court affirmed:
"This brings to the fore the safeguard of the right to life of all persons as well as human collective communities, with special attention to the requirement of survival (as a component of the right to life) of vulnerable groups (e.g., the dispossessed and deprived, disabled or handicapped persons, children and the elderly, ethnic minorities, indigenous populations, migrant workers...)"

Actions taken by indigenous leaders to defend their cultural patrimony and heritage have focused on the need to protect traditional territories. Displacement from ancestral domains and damage to the local environment invariably harms the cultural integrity and well being of indigenous peoples, and often leads to physical harm and the loss of life. Therefore, any analysis of Awas Tingni community-based property right pursuant to Article 21 requires consideration of the right to life - Article 4.

In the case of Bernard Ominayak & The Lubicon Lake Band v. Canada, the applicants alleged that the government of the province of Alberta had deprived the Lake Lubicon Indians of their means of subsistence and their right to self-determination by selling oil and gas concessions on their lands. The H.R. Committee found that historical inequities and certain more recent developments, including oil and gas exploration, were threatening the way of life (emphasis added) of the Lake Lubicon Band and were thus violating minority rights, contrary to Article 27 of the ICCPR.

The threat to the right to life in its collective and individual dimension of the Mayagna Sumo peoples is real and concrete. This threat remains permanent, like Damocles' sword, if the State fails to take positive, adequate and effective measures to protect indigenous territories and rights. Experience repeatedly shows that the failure of States to protect indigenous rights, including the authorization of incursions by external forces into indigenous territories, has hastened the extinction of the indigenous peoples and communities. The overwhelming evidence of these hostile state-sanctioned incursions, and the consequent extinction of indigenous peoples, has driven scholars of indigenous communities and other concerned parties to refer to the problem as being genocidal in nature.

As incursions into indigenous territories increase, the symbiotic tie between culture, land and life for the Awas Tingni community becomes more and more self-evident. Consequently, a violation of the community-based property rights of Awas Tingni will necessarily imply a violation of the right to life consecrated in Article 4 of the American Convention.

- i. The Right to a Healthy Environment as Corollary of the Right to Life

The right to life entails negative as well as positive obligations. Thus, the right to life implies the negative obligation not to practice any act that will result in the arbitrary deprivation of human life and the positive obligations to take all appropriate measures to protect and preserve human life. The European Commission of Human Rights recognizes that Article 2 of the European Convention of Human Rights imposed on states the positive obligation de prendre des mesures adéquate pour protéger la vie. Further, the Human Rights Committee stated regarding Article 6 of the UN Covenant on Civil and Political Rights that states are required "to take positive measures to ensure the right to life, including steps to reduce the infant mortality rate, prevent industrial accidents, and protect the environment". [emphasis added]. From this perspective, the right to a healthy environment appears as a corollary to the right to life. In the realm of international law, the right to a healthy environment is found in several environmental agreements as well as in human rights instruments. Hence, the ICESCR includes a right to a clean environment. The term "healthy environment" was also incorporated in the 1988 Additional Protocol to the American Convention on Human Rights. The Hague Declaration of 1989 was one of the most important international statements before the United Nations Conference on Environment and Sustainable Development (UNCED) that connected environmental degradation to human rights issues. It declared that environmental harm threatens "the right to live in dignity in a viable global environment." Interest in and support for recognizing a right to healthy environment has continued to develop momentum since the UNCED. A major development was publication of the 1994 Final Report on Human Rights and the Environment, of the Commission on Human Rights Sub-commission on Prevention of Discrimination and Protection of Minorities, more generally known as the "Ksentini 1994 Report." That document discussed the legal foundations of a right to a satisfactory environment.

A right to a healthy environment is also included in the United Nations Environment Programme's 1993 Proposal for a Basic Law on Environmental Protection and the Promotion of Sustainable Development. It

includes within its "Governing Principles" the ".... right of present and future generations to enjoy a healthy environment and decent quality of life..." The Draft Principles on Human Rights and the Environment (which is attached to the 1994 Ksenti Report states that " [a]ll persons have the right to a safe and healthy working environment." The IUCN draft Covenant on Environment and Development requires that "Parties undertake to achieve progressively the full realization of the right of everyone to an environment and a level of development adequate for their health, well-being and dignity." The IUCN draft also avers that "[a]ll persons have a duty to protect and preserve the environment...," thus recognizing that the right to good environment entails both a right for everyone to benefit from the environment as well as obligation for all to manage it sustainably. It is also noteworthy that a right to environment has been included in many national constitutions around the world.

The distinctive nature of indigenous peoples' relationship to the environment within their ancestral domains is captured in the proposed American Declaration on the Rights of Indigenous Peoples, which in its preamble, recognizes "the respect for the environment accorded by the cultures of indigenous peoples of the Americas." It explicitly acknowledges "the special relationship" between indigenous peoples and the environment, lands, resources, and territories on which they live. The preamble also recognizes "that in many indigenous cultures, traditional collective systems for control and use of land and territory and resources, including bodies of water and coastal areas, are a necessary condition for their survival, social organization, development and their individual and collective well-being ..." In the same vein, the draft United Nations Declaration on the Rights of Indigenous Peoples, provides in Article 25 that: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.

As the president of this honorable Court noted,
The right to a healthy environment has individual and a collective dimension - being at a time an "individual" and a "collective" right - in so far as its subjects or beneficiaries are concerned. Its "social" dimension becomes manifest in so far as its implementation is concerned (given the complexity of the legal relations involved). And it clearly appears in its "collective" dimension in so far as object of protection is concerned (a bien commun, the human environment).

Despite stylistic variations, each articulation contains an identifiable core: that the human right to a healthy environment concerns affording each person as well as a given human collectivity a right to an environment that supports physical and spiritual well being and development. The type of environment suggested in several of the instruments is one which is ecologically sound, an imprecise term, but which would likely proscribe the degradation of forests and the depletion of biodiversity which would coincide with externally controlled timber extraction activities within the ancestral domain of Mayagna (Sumo) people.

In sum, the right to life, which has a corollary the right to a healthy environment, imposes the positive obligation to Nicaragua, in this case, to take adequate measures to protect the environment of the Awas Tingni community. The degradation of forest and the depletion of bio-diversity, by timber companies with the acquiescence of the Nicaraguan state, is in direct conflict with the international legal obligations of the state.

- The Right to a Healthy Environment and the Right to Equal Protection - Article 24 of the American Convention

The right to a healthy environment is intimately connected with the notion of juridical equality that contains within it, the principle of non-discrimination. As Kiss noted,

> Le droit à l'environnement complète les autres droits garantis à toute personne humaine à un autre point de vue aussi : il contribue à établir une égalité entre citoyens ou, du moins, à atténuer les inégalités dans leurs conditions matérielles. On sait que les inégalités entre hommes de conditions sociales différentes sont accentuées par la dégradation de l'environnement: les moyens matériels dont disposent les mieux nantis leur permettent d'échapper à l'air pollué, aux milieux dégradés et de se créer un cadre de vie sain et équilibré, alors que les plus démunis n'ont guère de telles possibilités et doivent accepter de vivre dans des agglomérations devenues inhumaines, voire des bidonvilles, de supporter les pollutions. L'exigence d'un environnement sain et équilibré devient ainsi, en même temps, un moyen de mettre en oeuvre d'autres droits reconnus à la personne humaine.
>
> Mais, par ses objectifs mêmes, le droit à l'environnement apporte aussi une dimension supplémentaire aux droits de l'homme dans leur ensemble.
>
> [from Kromarek, Kiss, et al, Environnement et droits de l'homme, 1987, https://unesdoc.unesco.org/ark:/48223/pf0000079839]

In the case of indigenous peoples, the concept of environmental discrimination takes on special relevance. While governments approve the activities of industries that conduct oil exploration, mining operations, timber exploitation, in communities that are predominantly indigenous, without regards of their proximity to or impact on areas that are populated exclusively or predominantly by indigenous peoples. Specifically in the case of Awas Tingni, the Nicaraguan government has proven to be resistant to enforcing laws and unwilling to protect indigenous communities from environmental degradation. As explained in this brief the symbiotic tie between life, land, environment and culture, of indigenous peoples, implicates that the degradation of the environment threatens the very survival and culture of indigenous peoples. Indigenous peoples suffer disproportionately the failure of the state to act to protect the environment adversely affected as a result of unregulated or uncontrolled industrial exploitation of indigenous natural resources.

The recognition by this honorable Court, of the obligation of the Nicaraguan state to protect the environment of the Awas Tingni community and its correlative right to a healthy environment, will provide the minimal legal guaranties for the enjoyment of their basic human rights, assuring the applicability or juridical equality.

- Applicability of Environmental Economics - Internalizing Environmental Costs

Economic activities that preserve the regenerative capacities of renewable resources contribute to sustainable development. Economists treat environmental costs in two ways. The first, and most widespread, view sees costs flowing from environmental destruction as external to short-term economic calculations. Individual natural resource extractors do not face the full negative impacts of that ecological decay when no meaningful regulation or procedure forces them to confront it. Ecological

costs are difficult to measure for those who do not have to cope directly with them, and they are typically left out of cost-benefit calculations. The long-term effect of externalizing ecological costs is that commercial transactions do not reflect their true ecological costs, impoverishing natural resource sellers who receive too little benefit to offset the ecological costs.

The opposite approach, internalization, incorporates ecological costs into economic decision-making through appropriate social, economic and regulatory mechanisms. With perfect internalization, economic decisions keep more of the value of ecological resources in the country that enjoys them. The challenge is to find and nurture appropriate social and legal systems that recognize and protect the true value of natural resources. Absent such systems, entrepreneurs have strong incentives to rig economic transactions so that they benefit while society pays in externalized ecological (and later economic) costs. In analyzing sustainability, four types of capital can be identified: human-made capital (e.g., factories, cash), natural capital (forests, water, air, soil, etc.), human capital (education, skills. etc.), and social capital (churches, schools, NGOs, private business, government agencies, etc. Without appropriate ways of valuing ecological costs (appropriate uses of social capital), commerce that depletes natural capital will not lead to sustainable development.

Economists have long identified secure property rights as important. Such rights are disrupted when "significant externalities (such as environmental impacts) from resource extraction that have not been internalized through established property rights."

Appropriate property rights protection is an important tool for internalizing environmental costs and promoting sustainable development, providing individuals and groups incentives to manage resources for maximum long-term social and economic benefit. As to the present controversy, this requires the identification and invocation of social and legal rules that help internalize the costs of deforestation before timber concessions are granted.

An essential problem for developing nations is that they are susceptible to short-term economic coercion in the form of pressures to grant concessions to extract and destroy valuable natural resources, like forests. Governments need to build into their natural resource planning systems checks on this vulnerability.

Local forest-dependent people, such as the Mayagna (Sumo) of Awas Tingni, are best positioned to identify the environmental and social costs of deforestation within their ancestral domains. In this light, demarcation and legal recognition of the territorial rights of the Mayagna (Sumo) of Awas Tingni represents an obligation of the Nicaraguan government and an opportunity. Recognition of ancestral domain rights at Awas Tingni will provide the Mayagna (Sumo) with state-sanctioned incentives for long-term sustainable management and can help Nicaragua capitalize on indigenous peoples' social, cultural and economic attachment to their natural resource base.

Without meaningful cultural and institutional checks on overexploitation, Nicaragua and other nations in the Americas are likely to find their natural resources mined at prices that represent only a fraction of the real long-term costs for sustaining economic, ecological and demographic stability. Without meaningful social structures that encourage responsible commerce (commerce that accounts for environmental costs), commerce will lead to systematic environmental decay and long-term impoverishment. In other words, "humans and a diversity of biological organisms can live together in relative harmony when the appropriate system is used."

What is good for Awas Tingni can be good for Nicaragua, if Nicaragua finds ways to accommodate indigenous values and social structures in government policy on the one hand, and the people of Awas Tingni remain stewards of the forest and other natural resources within their indigenous territory on the other.

Sustainable development requires that economic choices take place within social and legal environments that encourage full environmental cost accounting. These social and legal environments can and should operate at the level of the village or town, the nation, and the international arena (including the Inter-American system of nations). This is consistent with the principle of subsidiarity that promotes a preference for the lowest level of decision-making where a decision can best be managed. Recognizing the territorial rights of the Mayagna (Sumo) people of Awas Tingni will help ensure that economic choices will be made in the context of meaningful and culturally appropriate social structures that more fully value and steward natural resources.

- ii. The Collective Perspective and the Right to Culture

The Declaration of the Principles of International Cultural Cooperation provides in Article 1 that: each culture has a dignity and value which must be respected and preserved... all cultures form part of the common heritage belonging to mankind

The right to culture is protected in a range of international instruments that Nicaragua has signed and ratified. Hence, the American Declaration of the Rights and Duties of Man, the Universal Declaration on Human Rights and the International Covenant on Economic Social, and Cultural Rights, recognize the right of every human being to take part in cultural life. In addition, the International Covenant on Civil and Political Rights recognizes the rights of minorities to enjoy their own culture. The International Convention on the Rights of the Child, expressly recognizes this same right- for children.

The International Labour Organization (ILO) Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries requires governments to guarantee respect for the integrity of indigenous peoples, including "the full realization of the social, economic and cultural rights of these peoples with respect for their social and cultural identity…." Further Nicaragua has signed the Additional Protocol to the American Convention on Economic, Social and Cultural Rights, which establishes similar guarantees, but has yet to enter into effect.

In addition, the Inter-American Commission on Human Rights Draft Inter-American Declaration on the Rights of Indigenous Peoples ("IADRIP") identifies *"property" as an aspect of cultural integrity. Property in this context is understood to include traditional lands, including sacred forests and other sites, which are recognized as vital to the maintenance of cultural integrity, as well as lands required by communities to promote their livelihood and development.*

Recognition, respect, and conservation of indigenous territorial rights is essential to the cultural survival of indigenous peoples, including the Awas Tingni. Land, forests and other natural resources provide a geo-spatial habitat where indigenous peoples develop their cultures, their relations with nature, their arts, their beliefs, their histories, and their own perspective of history. Indigenous peoples maintain special ties with the natural resources within their traditional areas, and manifest an intricate dependence upon these resources.

- The Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities concludes:

It is essential to know and understand the deeply spiritual special relationship between indigenous peoples and their land as basic to their existence as such and to all their beliefs, customs, traditions and culture.

For such peoples, the land is not merely a possession and a means of production. The entire relationship between the spiritual life of indigenous peoples and Mother Earth, and their land, has a great many deep-seated implications. Their land is not a commodity that can be acquired, but a material element to be enjoyed freely.

The United Nations Human Rights Committee recognizes that in the context of indigenous communities, "traditional land tenure is an aspect of the enjoyment of culture protected under Article 27 of the ICCPR."

Further the Inter-American Commission in its report on Ecuador reflects:
The principle efforts in the struggles carried forward by the Indigenous Nationalities have concentrated on the recuperation and defense of their territories. Historically defended, we consider that these constitute the material sustenance which makes possible our present and future development, and which is additionally the foundation of our historical evolution and the permanent reference of our wisdom and our system of knowledge.

In its General Comment on minority rights, the United Nations Human Rights Committee observed that "culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous people…." [emphasis added] In the case of Bernard Ominayak & The Lubicon Lake Band v. Canada, the H.R. Committee found that historical inequities and certain more recent developments, including oil and gas exploration, were threatening the culture (emphasis added) of the Lake Lubicon Band and were thus violating minority rights, contrary to Article 27 of the ICCPR.

As the foregoing excerpts from various international laws demonstrate, Nicaragua has an affirmative obligation to protect the cultural survival of indigenous peoples. Accordingly, the Awas Tingni community has a right to culture. This Honorable Court in light of Article 29 of the American Convention must recognize this right and its correlative international obligation. The symbiotic relationship between land and culture in the case of indigenous peoples requires that, to guarantee the right to culture of the Awas Tingni community, the State of Nicaragua shall take positive measures to identify, recognize and ensure the enjoyment of the Mayagna Sumo ancestral domains. Failure to do so could imply a violation of the right to culture of the Awas Tingni and, consequently, that Nicaragua has incurred an international responsibility.

- v. The Collective Perspective and the Right to Participate in Government - Article 23 of the American Convention -

Article 23 of the American Convention articulates the right to participate in government. More recent international instruments, including ones focused more on environmental and developmental issues,

such as Agenda 21, the Desertification Convention and the Beijing Declaration, make clear that participatory partnerships involving both state and non-state actors, including indigenous communities such as the Awas Tingni, are developing rapidly as a means for facilitating more equitable access and sustainable use of natural resources. One of the first major international documents to make public participation a central developmental objective, including the achievement of equitable socio-economic development, was the 1986 United Nations General Assembly "Declaration on the Right to Development." Its preamble states, inter alia:

Recognizing that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits arising therefrom.…

Article 1 of the Declaration, which defines the "right to development," recognizes universal public participation as essential for the expression of the right. It asserts that

The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.
The role of public participation as a necessary means for achieving sustainable development was first clearly identified in 1987 in Our Common Future, which is also known as the Brundtland Commission Report. It found that:

In the specific context of the development and environment crisis of the 1980s, which current national and international political and economic institutions have not and perhaps cannot overcome, the pursuit of sustainable development requires: [inter alia] ...a political system that secures effective citizen participation in decision making.

The Brundtland Commission identified "effective participation" as a sine qua non for achieving sustainable development. It refers particularly to the significance of participation in promoting sustainable development by specific groups of the public, including indigenous peoples and NGOs. Although the UNCED and related instruments do not refer to "participation" as a right, they indicate that it is vital for achieving sustainable development. They also acknowledge that international laws regarding sustainable development have a central role to play in promoting participation on all levels.

Principle 27 of the Rio Declaration, for example, provides that:
States and people shall cooperate in good faith in a spirit of partnership in the fulfillment of the Principles embodied in this Declaration and in the further development of international law in the field of sustainable development.

The preamble to the Rio Declaration recognizes a right to participation by establishing a "new and equitable global partnership" which will be realized through new levels of co-operation among states and with non-state actors, namely "...key sectors of societies and people." This new form of co-operation is the right to participation.

In light of the application of Article 29 of the American Convention to this case, the right to participate in government- consecrated in Article 23 - should be integrated with the evolution of international law in

this matter. As such the Awas Tingni community has a right to participate in decisions concerning the exploitation of their natural resources. The right to participate, however, was not complied with by the Government of Nicaragua when it granted a timber concession that overlapped with the indigenous territory of Awas Tingni. The timber concession was granted without consulting the indigenous community and without assuring that the local people would be able to continue benefiting from natural resources within their ancestral domain. In light of the failure to comply with international laws on participation, there is an urgent need to ensure that the Government of Nicaragua is officially informed of where the indigenous territory of the Awas Tingni is located and to recognize the community-based property rights of the Awas Tingni. No other remedy will ensure that the mistakes of the recent past will not be perpetrated anew.

- Conclusion

The basic human rights of indigenous peoples in the Americas have long been neglected. This case presents an unprecedented opportunity for the Inter-American Court to establish an important legal precedent by which the human rights of indigenous peoples can be recognized and protected.
The Inter-American Human Rights System can adequately and effectively protect indigenous peoples by a meaningful interpretation of the American Convention. In the case at hand, a proper analysis of the American Convention on Indigenous Peoples rights should consider the "symbiotic tie" between the life-land-culture-environment of the Awas Tingni community. It does not suffice that the Court understand that the non-demarcation of indigenous land by the State constitutes a violation of Article 21 of the Convention. The Court must go further considering among others violations to the right to life, to a healthy environment, to culture, to identity, to participate in government, and to freedom of religion.
.
Historically, indigenous peoples have demanded the recognition by non-indigenous societies of the spiritual, social, cultural, economic and political significance of their lands, territories and other natural resources. This is necessary for the continued survival and vitality of their societies. Addressing the circumstances of indigenous peoples in a different conceptual framework, due to their deeply rooted relationships to lands, territories and resources is essential. Indigenous peoples have urged the world community to assign a clear positive value to these distinct relationships, and they have long awaited an appropriate and just response.

This Court has a unique opportunity to begin to address indigenous peoples' human and environmental rights, recognizing the special relationship indigenous peoples have with their land and resources, and in so doing protecting and promoting the basic human rights of indigenous peoples in an adequate and effective manner.

This brief has identified an array of international human rights and environmental laws, as well as legal and economic concepts, that support the petition of the Inter-American Commission on behalf of the people of Awas Tingni. The Inter-American Court in its wisdom will use this information in ways that it deems most appropriate. The international human rights and environmental communities trust that the final decision will equitably balance the interests at stake and render a decision that promote the well-being of Nicaragua and all of its citizens, especially those who have long endured discrimination and injustice.

Appendix 4 – European Court of Human Rights (ECHR) – Hearings Concerning Climate change

The following extracts are taken from press releases relating to hearings by the European Court of Human Rights regarding the issues of Human Rights violations by governments' lack of action to fight climate change.

These extracts from the press releases for the cases will give the reader a sense of the potential litigation that could be brought against Canada, & Nova Scotia with respect to the Indigenous Collective Community of Mi'kma'ki and their rights of survival. These rights to survival being compromised as a result of the various levels of governments failing in their duty of care for / their fiduciary duty to maintain the Indigenous Heritage Natural Environment of the territory of Mi'kma'ki.

- **ECHR 095 (2023) – case of Carême v. France**

[https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7610561-10471513&filename=Grand%20Chamber%20hearing%20Car%C3%AAme%20v.%20France.pdf]
Press Release 29.03.2023

pdf pg 1
Grand Chamber hearing concerning combat against climate change

The European Court of Human Rights is holding a Grand Chamber1 hearing today Wednesday 29 March 2023 at 14.15 p.m. in the case of Carême v. France (application no. 7189/21).

The case concerns a complaint by an inhabitant and former mayor of the municipality of Grande-Synthe, who submits that France has taken insufficient steps to prevent climate change and that this failure entails a violation of the right to life and the right to respect for private and family life.

On 19 November 2018 Mr Carême, in his own name and in his capacity as mayor of the municipality of Grande-Synthe, sent various requests to the French President, the Prime Minister and the Minister for ecological transition and solidarity, asking them: to take any appropriate steps for the purpose of reversing the rise in greenhouse gases produced on French territory, so as to comply with the State's undertakings; to take any legislative or regulatory initiatives to make it compulsory to give priority to climate-related considerations and prohibit any measures that might increase greenhouse gases; and lastly to take immediate steps to ensure France's adaptation to climate change.

On 1 July 2021 the Conseil d'État annulled the government's tacit refusal, observing that the drop in emissions in 2019 and 2020 was minimal and that it did not appear feasible, unless new measures were adopted rapidly, to meet the objectives that had been set for the reduction of emissions, with a view in particular to a 12% reduction over the period 2024-28. The Conseil d'État ordered the Government to take additional measures by 31 March 2022 to attain the target – pursuant to the Paris Agreement – of a 40% reduction in greenhouse gas emissions by 2030.

The applicant submits that the failure of the authorities to take all appropriate measures to enable France to comply with the maximum levels of greenhouse gas emissions that it has set itself

constitutes a violation of the obligation to guarantee the right to life, enshrined in Article 2 of the Convention, and to guarantee the "right to a normal private and family life", under Article 8 of the Convention. In particular, the applicant argues that Article 2 imposes an obligation on States to take the necessary measures to protect the lives of persons under their jurisdiction, including in relation to environmental hazards that might cause harm to life. Under Article 8 he argues that by dismissing his action on the grounds that he had no interest in bringing proceedings, the Conseil d'État disregarded his "right to a normal private and family life". He submits that he is directly affected by the Government's failure to take sufficient steps in the combat against climate change, since this failure increases the risk that his home might be affected in the years to come, and in any event by 2030, and that it is already affecting the conditions in which he occupies his property, in particular by not allowing him to plan his life peacefully there. He adds that the extent of the risks to his home will depend in particular on the results obtained by the French Government in the prevention of climate change.

- **ECHR 094 (2023) – case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland**

[https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7610087-10470692&filename=Grand%20Chamber%20hearing%20Verein%20KlimaSeniorinnen%20Schweiz%20and%20Others%20v.%20Switzerland.pdf]
Press Release 29.03.2023

pdf pg 1
Grand Chamber hearing on consequences of global warming on living conditions and health

The European Court of Human Rights is holding a Grand Chamber1 hearing today Wednesday 29 March 2023 at 9.15 a.m. in the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland (application no. 53600/20).

The case concerns a complaint by a Swiss association and its members, a group of older women concerned about the consequences of global warming on their living conditions and health.

The applicants submit that the respondent State has failed to do its duty under the Convention to protect life effectively (Article 2) and to ensure respect for their private and family life, including their home (Article 8). They allege in particular that its duties under those Convention provisions should be considered in the light of the principles of precaution and intergenerational fairness contained in international environmental law. In this context they complain that the State has failed to introduce suitable legislation and to put appropriate and sufficient measures in place to attain the targets for combating climate change.

- *** **ECHR 269 (2023) case of Duarte Agostinho & Others v. Portugal& 32 Others**

[https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7756998-10741219&filename=Grand%20Chamber%20hearing%20in%20the%20case%20Duarte%20Agostinho%20and%20Others%20v.%20Portugal%20and%2032%20Others.pdf]
Press Release 27.09.2023

pdf pg 1
Grand Chamber hearing in the case of Duarte Agostinho & Others v. Portugal & 32 Others

The European Court of Human Rights is holding a Grand Chamber1 hearing today Wednesday 27 September 2023 at 9.15 a.m. in the case of Duarte Agostinho and Others v. Portugal and 32 Others (application no. 39371/20).

The applicants claim that the forest fires that have occurred in Portugal each year since 2017 are a direct result of global warming. They allege a risk to their health on account of these fires, and assert that they have already experienced disrupted sleep patterns, allergies and respiratory problems, which are aggravated by the hot weather. The fifth and sixth applicants stress that climate disruption is causing very powerful storms in winter and maintain that their house, which is situated near the sea in Lisbon, is potentially at risk of damage from the storms.

The applicants also assert that they experience anxiety caused by these natural disasters and by the prospect of spending their whole lives in an increasingly warm environment, affecting them and any future families they might have.

The applicants complain that the 33 States concerned are failing to comply with their positive obligations under Articles 2 (right to life) and 8 (right to respect for private and family life) of the Convention, read in the light of their undertakings under the 2015 Paris Agreement on climate change **(COP 21)**. They also raised an issue under Article 3 (prohibition of ill-treatment) of the Convention.

The applicants further allege a violation of Article 14 (prohibition of discrimination) taken in conjunction with Article 2 and/or Article 8 of the Convention, arguing that global warming affects their generation particularly and that, given their age, the interference with their rights is greater than in the case of older generations.

They claim that the above-mentioned provisions of the Convention should be read in the light of **Article 3 (1) of the United Nations Convention on the Rights of the Child**. They also rely on the principle of **intergenerational equity** referred to in a number of international instruments including the 1992 Rio Declaration on Environment and Development, the Preamble to the Paris Agreement and the 1992 United Nations Framework Convention on Climate Change.

C799 (1)

TO: Jacqueline Hamilton –Executive Director, HRM Planning and Development

Shannon Miedema – HRM Director Environment and Climate Change

Richard Harvey – HRM Manager Policy and Planning, Parks and Recreation

October 26, 2023.

Hello,

I have been contracted by Environment and Climate Change Canada (ECCC) to work closely with Nova Scotia Environment and Climate Change (NSECC) on the Pathway to Canada Target 1 initiative- to protect and conserve 25% of Canada lands and oceans by 2025. As you would be aware Nova Scotia has committed, in legislation, to protecting 20% of its lands and waters by 20230.

These protected and conserved area targets are a response to the global climate change and biodiversity crises recognizing that nature based solutions are key components in mitigating and adapting to climate change and are critical for the conservation of biodiversity. The federal government is collaborating with provincial and municipal governments on a wide variety of initiatives which will help contribute to the protected and conserved area targets. One such initiative, and purpose of this correspondence, is to encourage land management authorities to protect and conserve land at a standard which meets international and national criteria allowing properties under their management regimes to be included in the Canadian Protected and Conserved Area Database. (CPCAD)

Municipalities like HRM, play an important role in conserving land through nature-based municipal parks, open space, and undeveloped municipal water supply lands. These lands provide important ecological services, enhance community quality of life, and help define and shape the character of HRM as an attractive place to live, work, and invest in. Strengthening conservation measures on municipal land helps ensure these important values are sustained into the future and can allow the properties to be included in the CPCAD. Municipalities across Canada have met the conservation standard with properties included in CPCAD including Kitchener, London, Winnipeg and others.

A clear benefit for a municipality in strengthening its land conservation management regimes for land which it owns is that it makes the municipality a full partner in land conservation opening the door to collaboration, funding and management support with Private Land Trusts, and the Federal and Provincial governments. HRM has already realized some of the partnership benefits of adopting a land conservation focus at Shaw Wilderness Park with the Nature Conservancy of Canada and Blue Mountain/ Birch Cove Lakes with the Nova Scotia Nature Trust, and the provincial and federal governments.

The Draft Regional Plan for HRM includes tools to help achieve the conservation of biodiversity under HRM's management regime including the application of Land Use By Laws - *Protected Area Zone* and *Regional Park Zone* for existing parks and protected areas and conservation related properties owned by governments. The Draft Regional Plan identifies a protection oriented class of park for HRM – *Nature Parks* – parks to be retained primarily in their natural state while offering passive access to nature. As

well the draft plan directs the municipality to establish a *Nature Park Network* in coordination with other partners in land conservation.

Our review of HRM conservation oriented properties and their associated management regimes suggest the conservation regime has a solid foundation with multi layered tools in place. In Appendix A to this letter we offer several suggestions for your consideration including strengthening the wording in section 4.2.1 Nature Parks of the plan to more closely match national conservation criteria for protected and conserved areas. We also provide suggestions and comments on specific HRM properties with high conservation values and potential to contribute to the conservation of biodiversity and the mitigation of climate change.

For further reference - the attached report *Options for Municipalities to Strengthen Biodiversity Conservation on Municipal Lands* provides information and examples of how a municipality can strengthen its management regimes to be included in the CPCAD.

In closing we (myself and NSECC staff) would like to follow up with a phone call or meeting with you, or appropriate staff, to discuss this subject further.The purpose of the meeting would be: to review this letter and answer any questions you may have; to receive an update from you on the status of various HRM properties with known conservation values, and discuss any future steps that may be helpful to you..

Yours sincerely,

John Leduc
Conservation Planner
[redacted]

CC. Clare Robinson, NSECC: Samara Eaton, Cara Gillis ECCC.

Appendix A- Specific Suggestions

1. Suggested Addition to current wording in the Draft Regional Plan. (Yellow highlight)

Page 53-54 - 4.2.1 NATURE PARKS

The municipality is home to municipally, provincially, federally and non-profit owned parks and open spaces that provide wilderness protection and recreation opportunities. The Municipality currently has direct involvement in land ownership and park management for three areas that are being developed as Nature Parks. **The primary goal of park planning and management for these publicly held lands is to retain them in a natural state over the long term with mechanism that are not easily reversed while offering passive access to nature. Conservation planning and management will clearly prohibit incompatible activities, will adopt mechanisms for managing compatible activities, and will collaborate with other levels of governments to improve conservation outcomes.** *An overview of these areas is provided in Table CI-1 below. Lands that the Municipality currently owns, or provincially or federally owned lands will be subject to future park planning processes. As development proceeds in close proximity to park areas, attention should be placed on ensuring land use is of a suitable use and scale.*

2. Comments/Suggestions on specific HRM owned properties with high conservation values and potential for inclusion in CPCAD.

A. Existing Properties Classified in HRM Draft Regional Plan as Nature Park.

1. Blue Mountain Birch Cove Lakes - Most of the area under consideration as a National Urban Park is currently included in the CPCAD including BMBCL Wilderness Area and lands owned by Nova Scotia Nature Trust. As well lands within the area recently acquired by HRM through federal funding are committed through agreement to be added to the CPCAD. All lands in the final National Urban Park boundary are intended to be included in the CPCAD.

2. Shaw Wilderness Park – The Park land base is owned by HRM and is also under a Conservation Easement with Nature Conservancy of Canada. The park and its management regime have been screened against the criteria for inclusion in the CPCAD and the property has qualified for inclusion in the national database. Currently final authorization from HRM and NCC for inclusion in the CPCAD is being sought.

3. Sandy Lake Regional Park – The park has potential for inclusion in the CPCAD based on its well documented high conservation values and importance for protecting biodiversity; its status as a Regional Park, and its identification as a Nature park in the Draft Regional Plan; HRM commitments to continue to acquire land to expand the Park potentially adding additional protections to critical ecosystems; HRM commitments to undertake management planning within the context of its Nature Park classification; and the level of citizen and citizen science involved in the inventory and monitoring

of the parks resources and values. Even though management planning has not been initiated for the Regional Park screening of the existing management regime under criteria for inclusion in the CPCAD, would identify any gaps in the management regime and inform the management planning process.

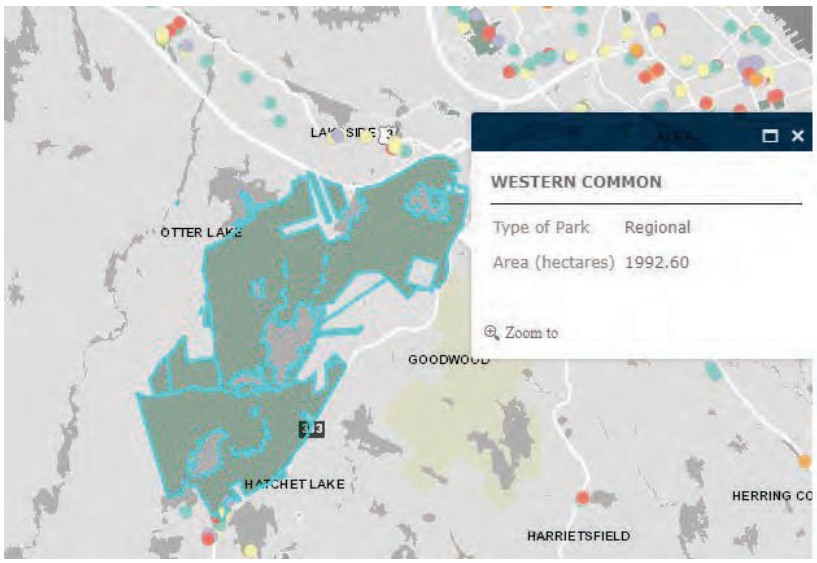
B. Areas that could be considered potential HRM Nature Parks.

It is suggested that consideration be given to including the following HRM properties (with potential for inclusion in the CPCAD) as Potential Nature Parks based on their high conservation values and potential to conserve biodiversity. One option would be to include them in The Regional Plan as potential Nature Parks with the plan providing direction to conduct an assessment of these areas as potential Nature Parks.

Western Commons Regional Park

The regional park is a large area (1993 ha) of mostly intact forest with several large lakes and sections of Prospect River and Nine Mile River. The Regional Park includes habitat for endangered Mainland Moose and endangered Boreal Felt Lichen. The Park provides important connectivity between Five Bridges Lake Wilderness Area and Long Lake PP. The area is dominated by barrens, coniferous forests, intolerant hardwoods, and wetlands.

Existing planning documents for the area including Western Common Wilderness Common Master Plan (2010) the Western Common Conceptual Land Use Plan (2016) establish the policy intent to maintain most of the regional park in a natural state while providing for a wide range of recreation, mostly trail, uses. The size of the area and the management intention suggest there is potential for all or a portion of the area to qualify for inclusion in the CPCAD.



Macintosh Run Regional Park

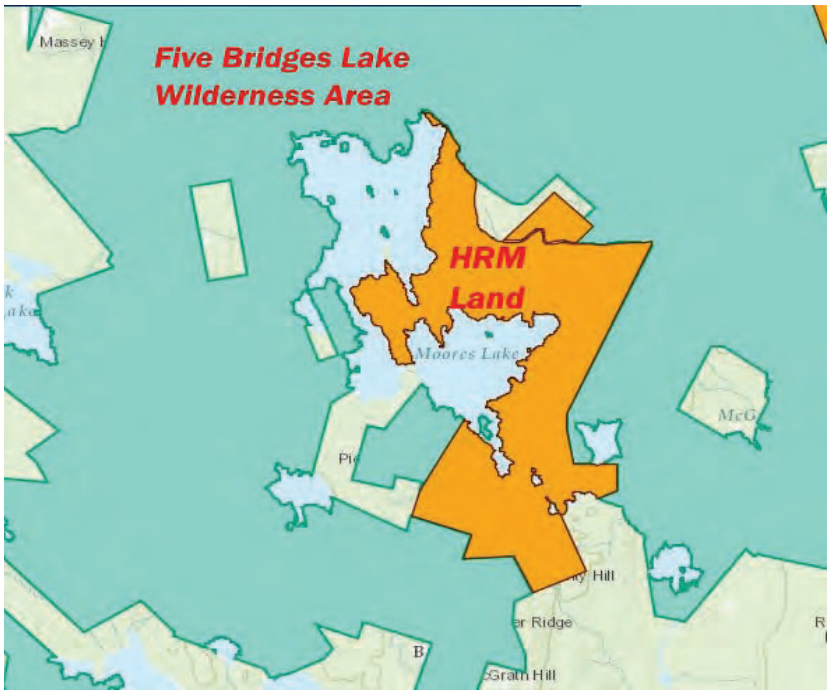
The Regional Park provides important connectivity between Shaw Wilderness Area and Purcell's Cove Conservation Lands protected by Nova Scotia Nature Trust. The area also shares a common boundary with Herring Cove backlands provincial crown block creating a potential conservation corridor from the urban area of HRM to Herring Cove on the Atlantic Ocean. The Park protects a potion of a small river – Macintosh Run, dense coniferous forests with pockets of intolerant hardwoods, barrens and wetlands. The Regional Park includes habitat for endangered Mainland Moose. Site management for Macintosh Run Regional Park is guided by By Law P 600 – Municipal Parks By-Law. Management planning process has not been established at this time.



Five Bridges Lake HRM Land

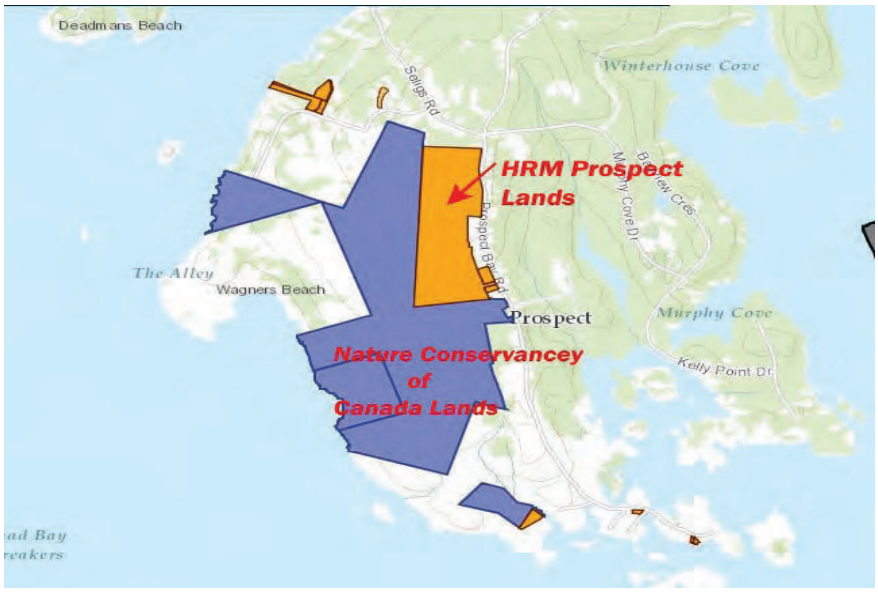
The HRM owned Five Bridges Lake property (572 ha) is located in the center of the larger provincially designated Five Bridges Lake Wilderness Area and plays a significant role in improving the ecological integrity of the designated wilderness area. The property provides important habitat for the endangered Mainland Moose. The property is mostly intact forest with some barrens and wetlands. It protects a large portion of the shorelines of Big Five Bridges and Moores Lake. The forest is dominated by dense Black Spruce conifer stands. Scattered hills are more diverse with Red Oak, Sugar Maple, Red Maple, Red Spruce, and White Pine. The HRM property is currently zoned as PA - Protected Area Zone.

A planning assessment could consider protection of the property as a HRM Nature Park solely under HRM management regime or the option of designating the property under the provinces Wilderness Act while retaining the land in HRM ownership. Under either option the HRM property has potential for inclusion in the CPCAD. A joint management planning process could be conducted through collaboration between HRM and the province for both the existing Provincial Wilderness Area and the HRM owned lands.



Prospect HRM Lands

The Prospect property (30 ha) abuts directly to the Dr. Bill Freeman Nature Reserve owned by the Nature Conservancy of Canada. The property is dominated by coastal barrens with small patches of stunted coastal Black Spruce and Red Maple. The coastal barrens are classified as a unique small patch ecosystem in Nova Scotia. The property is habitat for the endangered Mainland Moose and is within a region classified as a mainland moose concentration area. The property is largely in a natural condition with unstructured recreation occurring associated with footpaths. The property is currently zoned as PA - Protected Area Zone. If protected by HRM the property has potential to be included in the CPCAD.



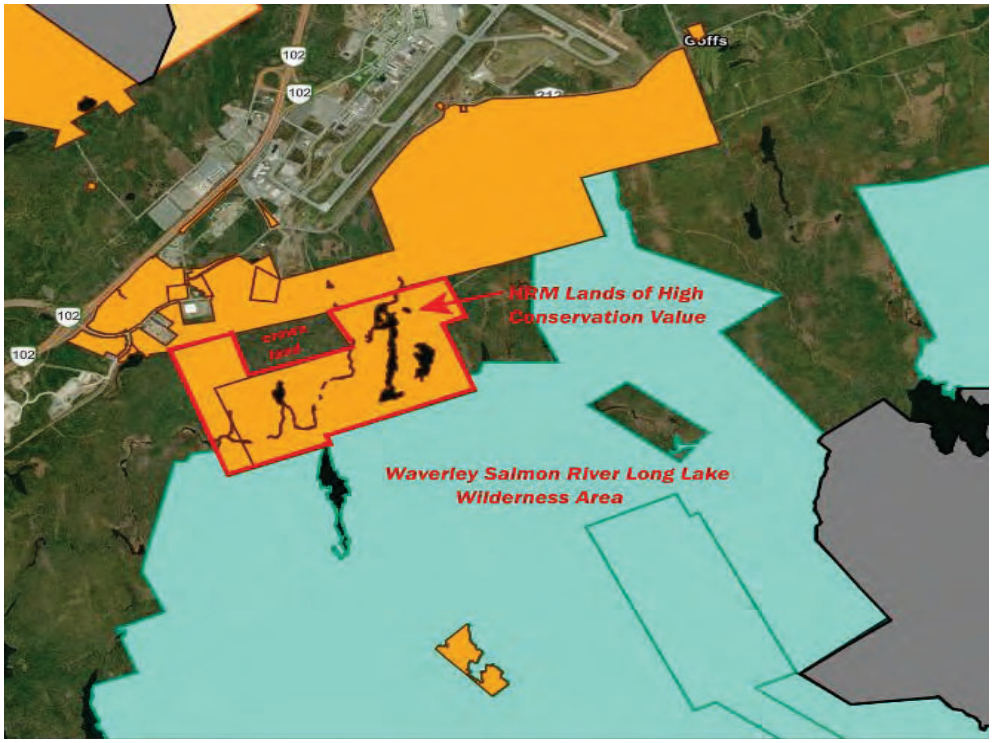
Aero Tech HRM Lands

Two HRM properties (PID-40149213 and 40149239) currently allocated for the Aero Tech industrial park south of Stanfield International Airport have high conservation values and are currently still in a natural state. These two properties (304 ha) abut directly on Waverley Salmon River Long Lake Wilderness Area and include a large wetland complex, 3 lakes –King, Queen and Juniper lakes, several kilometers of the Johnson River, and late succession conifer and mixed forests.

If protected the properties would improve the ecological integrity of the existing Wilderness area by increasing its size and protecting the wetlands, lakes, and streams which flow into the western side of the Wilderness area. The lakes and streams within these HRM properties are part of a traditional canoe route connecting the interior country through the Wilderness Area to the Atlantic Ocean at Lake Echo – part of which is published and promoted By Canoe/Kayak Nova Scotia.

The two HRM properties are currently zoned AE-H which is a Holding Zone with development uses restricted to government facilities, education and training centers, and utilities. HRM Planning and Development is currently working to update the zoning for Aerotech Business Park potentially providing an opportunity to widen the land use/zoning review to include conservation options.

As with the Five Bridges HRM property a planning assessment could consider protection of the property as a HRM Nature Park solely under HRM management regime or the option of designating the property under the provinces Wilderness Act while retaining the land in HRM ownership. Based on the properties high conservation values and if protected under either option - the HRM property has potential for inclusion in the CPCAD.



C799 (2)

Options for Municipalities to Strengthen Biodiversity Conservation on Municipal Lands

DRAFT – October 11, 2023

This document was prepared by the Protected Areas and Ecosystems Branch of Nova Scotia Environment and Climate Change. To find out more contact:

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Nature-based municipal parks and greenspace, and undeveloped municipal water supply lands are important for biodiversity, provide important ecological services, contribute to a region's natural character, and benefit community quality of life. Adding or strengthening conservation measures on municipal land helps ensure these important values are sustained into the future.

Land protected for biodiversity can be part of a system of ecological and wildlife corridors that can also support trail connectivity for recreation. Protected land can sequester carbon and play an important role in climate change mitigation plans. It delivers ecosystem services, including flood mitigation and can be part of a municipality's formal system of parks and open spaces. Open spaces are highly valued by residents and contribute to quality of life and 'livability'. These areas can be promoted locally for nature tourism, bringing socioeconomic benefits to a region.

Protected land can also help contribute to provincial, national, and international biodiversity conservation targets. This includes a national goal to conserve a quarter of Canada's lands and a quarter of its oceans by 2025 and working toward conserving 30% by 2030. Nova Scotia has committed to protect at least 20% of total land and water mass by 2030.

The Canadian Protected and Conserved Areas Database (CPCAD) is the national database for protected areas and other effective area-based conservation measures (OECM) in Canada. Progress towards achieving provincial and national conservation targets (percent of land or water conserved) is reported using CPCAD.

This document provides a summary of options municipalities could consider to strengthen biodiversity conservation measures on municipally owned lands. Measures outlined below are excellent ways for a municipality to help express the conservation intent and value of a site to land managers, staff, and the public. The ideal option for each site will depend on the municipality's objectives for the property. Layering several mechanisms may be needed to address conservation and municipal needs for a site. Municipalities may wish to maintain a reserved use of land or require flexibility in management but still express conservation intent. It is important to note that while all options listed below help express intent and conservation

objectives for the land, they may or may not meet criteria for the provincial government to report these lands to CPCAD.

Descriptions of each option include a brief summary of how the conservation mechanism works, management and enforcement responsibilities, land use flexibility, tax implications, and strength of the particular mechanism in achieving biodiversity conservation. The summary also includes information about the option's likelihood to meet criteria for inclusion in CPCAD. Strong conservation mechanisms have the long-term ability to effectively conserve biodiversity as a whole.

Table 1 - Conservation Options for Municipally Owned Lands					
What is the mechanism?	Who will own the land?	Who has primary enforcement responsibility?	Can the municipality apply mechanism to private land?	Is there management flexibility?	Are land/resource development interests restricted?
Consent to Wilderness Area or Nature Reserve Designation	Municipal	Province	no	some	yes
Land Donation/ Sale to Land Trust	Land Trust	Land Trust	no	no	some
Land Donation/ Sale to Province	Province	Province	no	no	Yes – if formally protected by the Province
Indigenous Protected and Conserved Area[1]	TBD	TBD	TBD	yes	TBD
Conservation Easement	Municipal	Municipality/ Easement holder	no	some	some
Municipal Planning and Bylaws	Municipal	Municipality	yes	yes	some
Protected Water Area Designation	Municipal	Municipality	yes	some	some
Source Water Protection Plan	Municipal	Municipality	yes	yes	some
Municipal Policy	Municipal	Municipality	yes	yes	some
Property Management Plan	Municipal	Municipality	no	yes	some

[1] IPCAs will vary depending on the Mi'kmaw community vision and conservation mechanism(s) applied to the property.

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Appendix A - The Conservation of Municipally Owned Land under the Authority and Management of the Municipality with Examples

Consent to Designation – Wilderness Area (WA) or Nature Reserve (NR)

How it works: A municipality can maintain ownership and consent to designate land under the provincial *Special Places Protection Act* (SPPA) or the *Wilderness Areas Protection Act* (WAPA) as a Nature Reserve or Wilderness Area respectively. Both Wilderness Areas and Nature Reserves restrict land and resource development to conserve important ecological features.

Nature Reserve designation provides a high level of protection and restricts activities that may alter any part of the terrain or vegetation or disturb plants and animals (e.g. mining, forestry, new roads/development, hunting/sportfishing), and can be applied to land covered in water. Nature Reserves are generally smaller areas of land with significant ecological value requiring a high level of conservation. Nature Reserves allow access for scientific research and education and may support low impact forms of recreation depending on the site.

Wilderness Areas are generally large areas of land that protect representative examples of Nova Scotia's natural landscapes, native biodiversity, and outstanding natural features. Wilderness Areas allow scientific research, education and a variety of wilderness recreation and nature-tourism activities (e.g., hiking, canoeing, sea-kayaking, sportfishing, and hunting). A Wilderness Area designation on municipal lands can allow the landowner to reserve some rights and uses as part of the designation process (e.g., some source water supply management activities).

Wilderness Area or Nature Reserve designations would only apply to the municipal lands being designated (not surrounding private land without landowner consent within a source water supply area for example). In addition, the Province of Nova Scotia may also choose to designate adjoining Crown lands as Wilderness Area or Nature Reserve.

Management and enforcement: Ownership of the municipal property stays with the municipality, while management must be consistent with the applicable provincial legislation (SPPA/WAPA). Enforcement responsibility associated with the applicable provincial legislation lies with the province. The protected area designation stays with the property if the ownership changes.

Flexibility: There is some flexibility in permitted uses when consenting to Wilderness Area designation. For example, some activities related to source water supply management may be allowed through an agreement between the municipality and the province.

Inclusion in CPCAD: Land with a wilderness area or nature reserve designation would likely meet all CPCAD criteria (depending on agreed to permitted activities).

Example: The Town of Antigonish consented to add their water supply lands (town-owned), to Eigg Mountain – James River Wilderness Area. The Town of Amherst also consented to their water supply lands at Chignecto Isthmus becoming a Wilderness Area. In both cases certain activities relevant to water supply management are permitted through terms of the consent to designation that specifies conditions. Schedule C of the Chignecto Isthmus Wilderness Area Designation details the Terms and Conditions of Consent by the Town of Amherst for the

municipal owned lands and can be found here:
https://novascotia.ca/just/regulations/regs/wapchignecto.htm

Land Donation or Sale to the Province

How it works: Municipalities can donate or sell land to the Province of Nova Scotia through Nova Scotia Environment and Climate Change (ECC) for designation and inclusion in the Provincial protected areas network as a Wilderness Area or Nature Reserve.

Management and enforcement: Ownership of land is transferred to the province. Land donated or sold to the province and designated as a protected area becomes provincial responsibility, governed under the *Wilderness Areas Protection Act* (Wilderness Areas) or *Special Places Protection Act* (Nature Reserves).

Flexibility: Land use is governed by the province according to program directives, legislation, and policies.

Inclusion in CPCAD: Land donated or sold to the province for conservation as a Nature Reserve or Wilderness Area would likely meet all CPCAD criteria.

Land Donation or Sale to a Conservation Land Trust

How it works: Land can also be donated or sold to a conservation organization or land trust. Options in Nova Scotia are listed at the end of this document.

Management and enforcement: Land donated or sold to a land trust is managed in accordance with standards and practices outlined in the individual land trust's bylaws and include standards for stewardship, monitoring and enforcement.

Flexibility: Land use is determined by the land trust according to program directives and policies.

Inclusion in CPCAD: Land donated or sold to a conservation land trust would likely meet all CPCAD criteria.

Indigenous Protected and Conserved Area (IPCA)

How it works: IPCAs are recognized in Canada as lands and waters where Indigenous Peoples have the primary role in protecting and conserving ecosystems through the use of Indigenous laws, governance and knowledge systems. Approaches to establishing and managing IPCAs will vary, but typically have three common elements: they are Indigenous-led, show a long term commitment to conservation, and elevate Indigenous rights and responsibilities[2].

[2] More information on IPCAs can be found at: https://www.conservation2020canada.ca/ipcas, and https://conservation-reconciliation.ca/ and the references therein.

The Province of Nova Scotia and Assembly of Nova Scotia Mi'kmaw Chiefs have established a collaborative approach for advancing IPCAs. Mi'kmaw leadership on IPCAs is coordinated through the Confederacy of Mainland Mi'kmaq (CMM), Unama'ki Institute of Natural Resources (UINR), Eskasoni Fish and Wildlife Commission (EFWC), and Sespite'tmnej Kmitkinu Conservancy with support from Kwilmu'kw Maw-klusuaqn (KMK). A municipality could partner with a Mi'kmaw community or organization to explore the potential for designation of lands and waters as an IPCA where areas of interest identified by Mi'kmaw communities/organisations and municipalities overlap.

Management and enforcement: There are a range of governance models that can apply to IPCAs. Some IPCAs may employ a shared governance or cooperative model where Nova Scotia Mi'kmaq, federal, provincial, or municipal governments and others adopt shared decision-making, joint governance or advisory mechanisms. In some cases, areas governed solely by the Mi'kmaq may be established as IPCAs.

Flexibility: Not all IPCAs will be "protected areas". However, an essential element or primary intention of an IPCA is that it represent a long-term commitment to conserve lands and waters for future generations. IPCA conservation mechanisms will vary depending on the Mi'kmaw community vision and conservation mechanism(s) applied to the property.

Nova Scotia Mi'kmaq take a multi-generational approach to caring for the land, which is rooted in guiding principles including:

> *Sespɨte'tmnej Kmitkinu* – Let us care for the land.
>
> *Netukulimk* – The right to access and use resources in a way that these gifts from the Creator survive for future generations.
>
> *Wetaqnewssu'ti'k msit kistaqn* – We are relatives and connected to all parts of creation and we must consider consequences of our actions to ensure that all life continues.
>
> *Etuaptmumk* – Using both Indigenous knowledge and science to encourage co-learning between Mi'kmaq and settlers.
>
> *Mukk Maliksua'law Mijuwa'ji'j* – Never underestimate the ability of a child and/or the knowledge they possess.

Inclusion in CPCAD: IPCAs may count towards protected and conserved area targets if they meet national biodiversity reporting criteria.

Conservation Easement with the Province or a Land Trust

How it works: A municipality can work with an "eligible body" identified under the provincial Conservation Easements Act (e.g. land trust, the Province) to place a conservation easement on municipal land. A conservation easement is a written agreement between a landowner and an authorized easement holder, created to protect the property's conservation value by restricting some land uses and types of development that may occur on the property. In this case the municipality still retains ownership of the land. Any development restrictions specified in the easement are tied to the deed and apply in perpetuity should ownership of the land change. A list of conservation organizations including organizations who can hold conservation easements is included at the end of this document.

Management and enforcement: Terms of easements are monitored and enforced by the easement holder (e.g. land trust or the Province). The easement stays with the land should ownership change.

Flexibility: Restrictions set out in the easement are determined by the municipality and the easement holder. Conservation easements can include areas for development and conservation reflecting mutual management objectives for the site. Conservation easements apply only to activities related to property ownership. They do not restrict development or usage licenses administered by other parties including the provincial or federal government (e.g. subsurface resources, fish and game rights, water resources, etc.). There are often property tax benefits to a conservation easement for private landowners.

Inclusion in CPCAD: Biodiversity oriented conservation easements are likely meet most CPCAD criteria (depending on allowed uses).

Example: The Town of Wolfville signed a conservation easement with the Nova Scotia Nature Trust to protect the Wolfville Watershed lands in Gaspereau. The Halifax Regional Municipality signed a conservation easement with the Nature Conservancy of Canada for the Shaw Wilderness Park.

Regional Landscape Municipal Planning

Municipal Planning Strategies (MPS), Secondary Planning Strategies (SPS), and Land Use Bylaws (LUB) - Zoning

A Municipal Planning Strategy (MPS) and Land Use Bylaws (LUB) offer communities, council and residents an effective tool for identifying and reconciling competing land uses through spatial planning. Land use and land-use change through agriculture, infrastructure, industry and residential and commercial development, are contributing factors to biodiversity loss. Because land-use decisions in urbanizing areas are mainly made at the local level, land-use planning by municipal planning departments has an important role in conserving biodiversity.

A Municipal Planning Strategy allows a municipality to identify regional values and landscape planning visions, including land conservation objectives. In addition to managing the development of land, the MPS can be used to define and zone open spaces and/or conservation areas and restrict development and other activities within those zones. The vision of the MPS and its development controls are regulated through land use bylaws and zoning and must address Statements of Provincial Interest (guiding principles for land use decision-making related to drinking water, flood risk areas, agriculture, infrastructure, and housing). Municipal Planning Strategies can be amended by council and are reviewed regularly (e.g. every 2/5/10 years).

A municipality can develop Secondary Planning Strategies (SPS) for a specific region within a municipality (e.g. community, district etc.) or for a specific planning category (e.g. park, green space, etc.). SPS must align with the MPS and LUBs but can provide more detail on an area or topic.

How it works: LUBs detail the rules and regulations required to implement the MPS and SPS. LUBs specify activities that may occur within municipal zones established to match the land use vision of the MPS. Lands within the municipality can be zoned for general or specific use. Lands can be rezoned by the municipality either within a zoning category or to another category – these changes may or may not involve public consultation. Bylaws can be amended by council and are reviewed with the MPS.

Management and enforcement: Bylaws and zoning restrictions apply to municipal and private land. Bylaws and zoning are limited in their ability to restrict licencing of resources but can set out where industrial resource extraction activities can occur. Municipal planning strategies, bylaws and zoning do not usually restrict forestry activities. Restrictions set out through municipal planning and bylaws are enforced by the municipality.

Flexibility: Incorporating conservation planning into municipal planning and zoning can provide high level intent and guidance toward achieving conservation objectives for a site, including measures that restrict development. Municipalities have the ability to change MPS, SPS, and LUBs.

Inclusion in CPCAD: Including biodiversity conservation objectives in municipal planning and zoning may not be sufficient to meet CPCAD criteria on their own. However, incrementally and collectively these measures do help demonstrate conservation intent for a site or region.

Examples: HRM's Halifax Green Network Plan identifies municipal parkland sites. The Riverport and District Secondary Planning Strategy within the Municipality of the District of Lunenburg (MODL) includes Environmentally Sensitive zoning that applies to certain lands within that SPS area.

Protected Water Area (PWA)

How it works: Protected Water Area is a provincial designation that municipalities can apply for under the *Environment Act*. Regulations within a PWA restrict activities that could impair water quality in source water supply areas. PWAs are informed by Source Water Protection Plans.

Management and enforcement: Municipalities are responsible for enforcing the regulations set out in the PWA. PWAs can apply to land owned by various levels of government as well as private land in the water supply area, including water courses and lakes. A PWA designation does not change land ownership.

A PWA designation does not remove resource and development rights but allows a municipality or water utility to regulate activities related to forestry, mining, agriculture, aquaculture, recreation, and construction that could impact the quality of the source water supply within the PWA (e.g. pesticide use, motorized vehicle and vessel activities, waste and dangerous goods management). A municipality can also develop a directed approach to acquiring (purchasing) land located within water supply areas and protecting it with conservation status or easements. This approach protects both biodiversity and water quality.

Flexibility: Regulated and prohibited activities are not the same for every PWA, rather each PWA has regulations that are site specific. PWA regulations may be updated and revised at the request of the municipality.

Inclusion in CPCAD: A PWA could meet most CPCAD criteria depending on the restricted and permitted activities set out in the designation.

Examples: A summary of PWAs and the activities that are regulated within PWAs as of September 2013 can be found here: https://novascotia.ca/nse/water/docs/ProtectedWaterAreasRegulations.pdf.

A current list of PWAs and regulations can be found here: https://novascotia.ca/just/regulations/rxaa-l.htm#env.

Source Water Protection Plan (SWPP)

How it works: Municipalities are required to develop Source Water Protection Plans for municipal water supply areas through approval to operate a municipal water utility. A municipal water supply area may include land owned by private individuals and organizations, as well as various levels of government. An SWPP is developed and managed by a stakeholder committee and is reviewed annually.

Management and enforcement: A SWPP is not a regulation that can be enforced, rather a planning tool that informs municipal planning and other regulatory measures. However, it may include the above mentioned municipal LUBs and PWA, which are enforced by the municipality.

Flexibility: SWPPs are drafted by the municipality or water authority with input from the SWPP stakeholder committee. They are tailored to each area.

Inclusion in CPCAD: SWPPs on their own are unlikely to meet CPCAD criteria but can help establish management intent and conservation values for an area.

Municipal Policy

How it works: A municipal policy statement for a property is a formal document passed by the municipal council expressing a vision and intent to guide management decisions and site planning. The council may adopt policies on any matter that the council considers conducive to the effective management of the municipality. Policies do not regulate activities and are not enforceable. Policies are drafted and approved by the municipal council and require council approval to be amended or revoked.

Management and enforcement: A policy statement would apply only to land managed by the municipality and does not provide regulated authority to enforce restrictions or uses.

Flexibility: Policies are drafted by the municipality to express their objectives and intention for a site and are amended with council approval. They are tailored to each area or issue.

Inclusion in CPCAD: Municipal policies can help establish the management intent for a site and guide management decisions. In relation to helping a municipal property meet CPCAD criteria, municipal policies should clearly express conservation intentions and ensure the conservation of biodiversity is either prioritized over or not in conflict with other site objectives. The long-term intention for sites should be maintained during any updates or reviews of the policy. A policy alone is unlikely to meet all CPCAD criteria but can add to other conservation mechanisms for a site.

Management Plan for a Property

How it works: A municipality can develop a management plan for a municipal property to guide its management. Management plans can outline the vision for the site as well as specify restrictions for how all or part of a property will be managed. Management plans can be drafted and amended at a staff level and may or may not require council approval and or public consultation.

Management and enforcement: Property management would be done by the municipality as guided by the management plan. Management plans are not regulations that can be enforced but help establish the intent and detail the vision for a property.

Flexibility: Management plans are drafted by the municipality to express their objectives and intention for the property. They are tailored to each property.

Inclusion in CPCAD: Management plans alone may not meet all CPCAD criteria but can add to other conservation mechanisms for a site.

See Appendix A for examples illustrating how selected municipalities in Canada have protected high conservation value lands under municipal ownership and management regimes utilizing a multi–layered approach within their own authority. The standard achieved permitted the inclusion of their properties in the Canadian Protected and Conserved Area Database (CPCAD).

Links/Resources

NS Provincial – Protecting Natural Values on Your Property brochure:

https://novascotia.ca/nse/protectedareas/docs/PrivateLandBrochur.pdf

NSNT Conservation Options Booklet:

https://nsnt.ca/wp-content/uploads/17-11-24-ConservationOptionsBooklet_web.pdf

Protected Water Area Designation:

https://novascotia.ca/nse/water/docs/ProtectedWaterAreaDesignation.pdf

Wilderness Area Designation:

https://novascotia.ca/nse/protectedareas/wildernessareas.asp

Nature Reserves:

https://novascotia.ca/nse/protectedareas/naturereserves.asp

Developing a Municipal Source Water Protection Plan:

https://novascotia.ca/nse/water/sourcewater.asp

Canadian Protected and Conserved Areas Database:

https://www.canada.ca/en/environment-climate-change/services/national-wildlife-areas/protected-conserved-areas-database.html#toc0

Pathway to Target 1 Accounting – Decision Support Tool (DST):

https://www.conservation2020canada.ca/accounting

https://static1.squarespace.com/static/57e007452e69cf9a7af0a033/t/60816801b14b3261522b0442/1619093506784/EN_Session+1_One_Pager_Screening.pdf

Land Conservation Organizations and Land Trusts in NS

Nova Scotia Nature Trust https://nsnt.ca/

Nature Conservancy of Canada https://www.natureconservancy.ca/en/where-we-work/nova-scotia/

Ducks Unlimited Canada https://www.ducks.ca/

Kingsburg Coastal Conservancy https://www.kccns.org/

American Friends of Canadian Land Trusts https://conservecanada.org/

Sespite'tmnej Kmitkinu Conservancy http://cmmns.com/contact/

Five Bridges Heritage Trust http://fivebridgestrust.ca/wp/ (cannot hold easements, can accept land donations)

Tusket River Environmental Protection Association http://www.trepa.com/ (cannot hold easements, can accept land donations)

Appendix A - The Conservation of Municipally Owned Land under the Authority and Management of the Municipality with Examples

Introduction

The following examples illustrate how selected municipalities have protected high conservation value lands under their ownership and management. The standard achieved permitted the inclusion of their properties in the Canadian Protected and Conserved Area Database (CPCAD).

Nationally agreed to criteria and standards for inclusion of a property in the CPCAD is based on international standards designed by the International Union of the Conservation of Nature (IUCN). The conservation standard includes key criteria such as:

- Biodiversity and high conservation values are identified.
- Activities incompatible with the in-situ conservation of biodiversity do not occur and compatible activities are effectively managed.
- The area is permanently protected or conserved over the long term and not easily reversed.
- Management objectives and plans have sufficient scope to result in the in-situ conservation of biodiversity.

Municipal management regimes for conservation of municipally owned land should be designed to achieve national and international criteria for the conservation of biodiversity. Municipalities across Canada utilize a multi layered management regime for the protection and management of lands dedicated to conservation over the long term with conservation mechanisms not easily reversed.

Context for Nova Scotia

In Nova Scotia a multi layered management regime for municipal owned conservation land under the authority of the municipality (as provided through the *Municipal Government Act)* could include:

1) A high level policy statement of intent committing to the conservation of biodiversity over the long term that is not easily reversed for a specific area or for several areas owned by the municipality.

2) Inclusion in the Municipal Planning Strategy (MPS) and Land Use By Law to provide the high level priority and context for the municipality to conserve land which it owns. The MPS could also provide complimentary/appropriate zoning control that supports the conservation of selected lands owned by the municipality.

3) A specific management plan which spatially sorts out land protection and appropriate uses at the site level with provisions for minimizing human use impacts on the conservation of biodiversity (ie: conservation, recreation, education, cultural appreciation)

4) Site management including site planning and development in the context of the management plan and the conservation of biodiversity, authority in a by-law to post signs, permit or exclude uses as required, and the enforcement of the by-laws.

5) Collaboration and communication with other levels of government and interests to insure they are aware of the conservation of selected municipal owned lands and to encourage their support including

any actions they can take to enhance the conservation of the selected lands over the long term with mechanisms that are not easily reversed.

Example: Annapolis County, Nova Scotia

The following is an example from the Municipality of Annapolis County Nova Scotia where a high level Policy Statement for a Municipal Park was adopted by municipal council in 2020 as part of a multi-layered approach to conserving the area. The Policy states the municipality's intention to provide for appropriate outdoor recreation/education use in the context of protecting the parkland and conserving biodiversity over the long term. The property, Delaps and Youngs Cove Municipal Park, has been included in the CPCAD as an Interim OECM. Other elements of the management regime for Delaps Cove include the documentation of biodiversity values, established ongoing site management, and the active participation of citizens in monitoring the park and its conservation values. Reversal of an approved policy requires approval by municipal council.

Annapolis County, along with other municipalities in Nova Scotia, is currently reviewing or developing Municipal Planning Strategies (MPS) and Land Use By Laws. This work can provide the high-level priority and context for a municipality to conserve land which it owns (e.g. conserving natural areas is a key strategy to help address climate change and biodiversity crises). The MPS could also provide appropriate Land Use By Laws that support the conservation of selected lands owned by the municipality.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL

AM – 1.4.16 Section MUNICIPAL SERVICES Subject Delaps Cove & Young's Cove Coastal Properties Policy

1.0 Policy Intent

The intention of the policy is to ensure that the coastal properties at Delaps Cove and Young's Cove owned by the County of Annapolis are continued to be managed in a manner that provides outdoor recreation, tourism, educational and cultural opportunities while protecting biodiversity and natural features of the property now and in the future. The County of Annapolis has been managing the property at the Delaps Cove Wilderness Trail System with an informal conservation management approach and has expanded the land holdings in the region through land assembly for its ongoing protection. The Young's Cove property is in its natural state and was purchased as a coastal park for the future.

2.0 Policy Objectives

- *To provide high quality outdoor recreation, tourism, cultural, historical and educational opportunities and experiences based on the natural environment of the properties*
- *To protect the natural features and ecosystems of the properties over the long term in support of the permanent conservation of biodiversity*
- *To support the promotion of Annapolis County as a clean, green place to live, work, and invest while reinforcing community values for healthy lifestyles, conservation, and sustainable land use*

4.0 Policy Provisions

4.1 Activities permitted on the properties include low impact outdoor recreation including education, culture, natural history, environment, tourism opportunities, archeological investigations and research related activities which are compatible with the conservation of biodiversity.

4.2 Major land disturbing activities and those which would alter natural ecosystems (e.g., commercial forest harvesting, mineral development, development of major facilities, etc.) will be prohibited on the properties.

4.3 Land disturbance activities related to walking, hiking trail development, directional, educational signage placement, scientific research, and promotion/protection of visitor safety will be permitted in the context of minimizing impacts on natural features and biodiversity.

4.4 Planning, management, communication, and marketing activities for these municipal parklands will promote the management intent specified in this policy statement. This will help to ensure the public, other relevant governing authorities and organizations are aware of the management intent for the properties.

It is important to note that the above example focuses on the conservation of biodiversity in municipal parkland utilizing tools under the authority of the municipality. Similarly, in Nova Scotia, municipal policy statements and the use of MPS and Land Use Bylaws can also be applied, as part of a multi-layered management regime, to conserving biodiversity on municipally owned land within Municipal Water Supply Areas with the subsequent conservation direction incorporated into Source Water Protection Plans etc.

Example: Kitchener, Ontario

The city of Kitchener, Ontario currently has over a dozen municipally owned properties listed in the Canadian Protected and Conserved Area Database (CPCAD). These properties are municipal parklands classified as *Natural Areas* under the city's park classification system. The Natural Area classification brings focus to conservation as the prime priority for these lands and differentiates them from other more recreation oriented parklands. Kitcheners Natural Areas capture important forest patches, wetlands, ravines, waterways, and wildlife habitats some with species at risk.

The multi -layered management regime consists of:(a) recognition and inclusion in the city wide land use plan – *City of Kitchener Official Plan 2014*; (b) policy direction for conservation of Natural Areas provided through an approved city wide *Parks Strategic Plan*; (c) site management direction provided through individual Natural Area Management Plans; and (d) ongoing site management including educational programming. Legislative authority for acquiring, protecting, and managing parkland including Natural Areas is through Ontario's *Municipal Act 2001.* Reversal of these conservation mechanisms requires approval by municipal council.

Example: Winnipeg, Manitoba

The City of Winnipeg currently has three municipally owned properties included in the CPCAD. These lands have been designated by the City of Winnipeg as *Ecological Significant Natural Lands.* This approach differentiates these special areas from Winnipeg's recreation oriented municipal parks while

emphasizing their basic natural values and management intent. Ecological Significant Natural Lands have high conservation values including native prairie grasslands, remnant forest patch in a prairie setting, and prairie wetlands.

The multi layered management regime consists of: (a) recognition and inclusion in the cities' land use plan- *Plan Winnipeg 2020 Vision:* (b)protection under the approved policy- *Ecological Significant Natural Area Strategy* and *Park By Law:* and (c) site plans and educational programs for the protected areas to direct outdoor recreation and education activities within the prime conservation objectives. Reversal of these conservation mechanisms requires approval by municipal council.

Legislative authority for acquiring, protecting, and managing parkland including Ecological Significant Natural Lands is through the *City of Winnipeg Charter.* These three municipally owned protected areas are also included as official contributions to the *Province of Manitoba's Network of Protected and Conserved Areas.*

C800

Issues of Critical Importance in the HRM Draft Regional Plan



Submitted by the Backlands Coalition

October 2023

#KeepTheBacklandsWILD

www.backlandscoalition.ca

Prepared by The Backlands Coalition

Our website is backlandscoalition.ca

Our email is backlands.coalition@gmail.com

BacklandsCoalition

@backlandscoalition

@HfxBacklands

Halifax/Kjipuktuk and the Backlands are located on Mi'kmaw territory, the ancestral and unceded territory of the Mi'kmaq people. The people of the Mi'kmaw Nation have lived on this territory for millennia, and we acknowledge them as the past, present and future caretakers of this land. We also acknowledge the Peace & Friendship Treaties signed in this Territory and recognize that we are all Treaty People.

Cover image by Jennifer Escott

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Introduction

The process of reviewing the draft Halifax Regional Plan this year has been a learning experience for many in the Backlands Coalition. The active participation of the community and the hard work of HRM Planning staff has resulted in a draft Plan that meets our expectations in many areas. We support several of the major changes proposed. The ecological language is heartening and reflects a respect for the lands. As well, we agree that it is most appropriate for the Regional Plan to address the development of complete, connected communities with a commitment to Diversity, Equity and Inclusion (DEI) in municipal planning policies and programs.

We appreciate the recognition in the draft that our city takes the official Statements of Reconciliation to "*act as a commitment to learning from the lessons of the Truth and Reconciliation Commission, and to taking action to ensure the needs and aspirations of Indigenous peoples are fully recognized*."[1] As thousands of new residents move to the municipality, the Mi'kmaq concept of Netukulimk provides a guide for sustainability that allows future generations to always be able to connect with the source of life: the forest, the water, and the natural world.[2]

The Backlands Coalition (BC) is a coalition of 11 non-governmental groups. Our mission is to ensure no loss of wildlife habitat in the Backlands and to preserve them for natural, historical, cultural, conservation, educational, recreational and common use. Because we are a coalition, our influences come from many parts of HRM. Our member organizations share a keen interest in preserving the Backlands as an important part of HRM's urban wild lands. Members agree to the goals and values of the Coalition.[3]

Detailed information and important resources on the Backlands, including its location, ecology, cultural landscapes, recreational use and vulnerabilities to further development are available on our website[4] and in the BC document *Backlands Wilderness Balance Sheet,* provided to HRM planners at a meeting on January 24, 2023.

As a part of the BC preparation for providing feedback to you on the draft Plan, we distributed relevant information on our social media feeds and to our Coalition members who, in turn distributed the information to their members. We encouraged each member to consider the draft and submit their feedback on your Shape the City page and at one of the Pop Up or workshop sessions you scheduled for Community Consultation. We thank you for providing a variety of ways for people to have their say in Regional Plan development. As well, our members and friends attended a working session with us at the Purcells Cove Social Club

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1 Draft Regional Planning Strategy - P10

2 Netukulimk (In progress document, October 2020), Nova Scotia Curriculum https://curriculum.novascotia.ca/sites/default/files/documents/resource-files/Netukulimk_ENG.pdf

3 The Backlands http://backlandscoalition.ca/?page_id=21

4 Backlands Coalition history http://backlandscoalition.ca/?page_id=416

where they reviewed documents and maps and spoke to each other about their hopes and concerns for the Regional Plan. The session helped our members to make their submissions to you.

In this report, the Backlands Coalition highlights issues of special importance to HRM, the nearby communities of Spryfield, Williams Lake, Purcells Cove, Fergusons Cove and parts of Herring Cove that surround the Backlands. The overriding theme is the maintenance and viability of the Backlands as essential natural infrastructure, habitat for a diversity of wildlife and recreation space for Haligonians.

We are experiencing a dual crisis in our city: extreme climate and a severe shortage of shelter for our people. We believe the Regional Plan presents an opportunity to protect a significant asset that will tremendously benefit the municipality. Preserving the Backlands as an expanse of green space so close to our growing metropolitan centre should be a priority and not a lost opportunity.

Environmentally, the Backlands support our climate improvement and ameliorate some of the consequences of the climate crisis. The Backlands has already seen significant development. Please see **Appendix A** for detail of existing residential areas within the Backlands. As well, many parts of the Backlands are unserviced and unsuitable for development of any kind. Further residential development in the Backlands would harm the environment and offer no contribution to solving the current housing crisis.

We value the opportunity to discuss these issues with you directly on November 2, 2023 at your offices.

Issues of critical importance in the draft HRM Regional Plan

A) Incorporate the Halifax Green Network Plan and HalifACT into all aspects of the Regional Plan

In 2019, Halifax Regional Council declared that the city was experiencing a climate emergency. We believe it is necessary to provide specific instructions on amendments to the Municipality's various planning documents which are: Regional Plan, Regional Subdivision By-Law, and the various secondary plans and land use By-Laws. It is necessary to continue to move forward in implementing the action items of these important policy documents.
We are encouraged by the language used in RP-1 which states "***The Municipality shall protect and conserve ecosystem health and natural open spaces by using the green network to shape where new development is located.***" In other words, land of special significance, such as the Backlands and other parts of the Green Network, must be identified immediately to ensure that these areas are conserved and existing connectivity is available.

B) Protection for ALL wetlands: big and small

We need accurate wetland mapping that includes the small systems as well as the large, to understand how they work together. All wetlands are important, and each one becomes more important as yet another wetland is lost. Losing them to development leads to loss of wildlife habitat and control of water flow toward streams that flow through the landscape often to the ocean. Wetlands have historically been undervalued as they provide flood mitigation, contribute to carbon sequestration, clean the water and recharge water supplies. We offer to planners this link to a CBC broadcast that highlights the value of wetlands, *The Marrow of Nature*[5]

Wetlands are essential elements of the intricate hydrology of the watersheds that make up the region, including Colpitt Lake-Williams Lake, Purcells Pond, Flat Lake-McIntosh Run-West & East Pine Island Ponds-Powers Pond in the Backlands. Wetlands in the Backlands are typically small and mostly undocumented. Most do not show up on wetland inventories and the smallest wetlands (smaller than 100 square metres in area), have no recognition in wetland policy and regulation in NS or HRM.

Wetlands are particularly vulnerable to development at the west end of Williams Lake, in the area draining to Colpitt Lake and Williams Lake and Governors Brook. This area of the watershed, and above Governors Brook have borne the burden of development, and remaining wetlands have to work harder to make up for the losses. Small wetlands are critical habitat for creatures such as frogs, dragonflies and salamanders and support the diverse bird life.

In summary, we believe that the attention paid to wetlands in the draft is incomplete and insufficient. The recognition of wetlands as critical natural infrastructure assets needs to be clearly stated and incorporated into policy. In **Appendix B** we have included two maps of the

[5] The Marrow of Nature CBC Radio Ideas, Oct 17, 2022 https://www.cbc.ca/radio/ideas/saving-wetlands-ecology-1.6617277

Backlands showing water flow, underground water and wetlands. These maps are resourced through NS Provincial Landscape Viewer.

C) Taking a watershed approach by both Halifax Water and HRM

The draft Regional Plan is moving in a very positive direction by taking a watershed approach to land planning and management. The draft notes that "*Understanding how natural processes occur within watersheds can provide a robust framework for planning and land use decisions*."[6] Researchers, planners and scientists from across Canada have recommended a watershed-based approach to sustainable development noting the interrelationship between the health of the watershed and the health, social resilience and equitable distribution of resources for the people living there.[7]

The Backlands have two major, separate watersheds and several smaller ones leading to the ocean. Large portions of these watersheds lie outside of the Backlands and are experiencing significant development pressures. The two largest watersheds are Williams Lake[8] and McIntosh Run[9]. We are beginning to understand that the change to watershed-based planning may change the focus of our advocacy efforts. Water knows no boundaries.

D) An environmental approach to setbacks on Purcells Cove Road

The draft Regional Plan proposes a setback of 250m from Purcells Cove Road. Specifically, the draft advises: "*re-designate privately owned Urban Reserve lands to Rural Commuter within 250m of the Purcells Cove Road and apply the Open Space and Natural Resource Designation to the remainder of the properties.*"[10] While the intention of this setback may be to create an area of privately owned, undeveloped Open Space land adjacent to the Backlands, the distance of 250 m from Purcells Cove Road is arbitrary.

The proposed setback would allow development into the environmentally vulnerable and fire prone areas of the Backlands. The Backlands are a Fire Ecology[11] where recurrent wildfires pre-date European settlement. The map in **Appendix C** illustrates the extent of some of the fires in the recent past, one of which burned as many as ten homes to the ground. The Backlands Coalition website contains further information from the literature on fire risks and safety including the need for fire breaks and shaded fuel breaks. Please see the Backlands Coalition website post on "*Fires, Conservation and Fire Management in the Backlands*".[12]

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6 Draft Regional Planning Strategy - p84, 2023

7 Bunch, Morrison, Parkes, and Venema. 2011. Promoting health and well-being by managing for social–ecological resilience: the potential of integrating ecohealth and water resources management approaches. Ecology and Society 16(1): 6. [online] URL: http://www.ecologyandsociety.org/vol16/iss1/art6/

8 Williams Lake watershed https://williamslakecc.org/2021/04/05/impact-of-developments-on-the-williams-lake-watershed/

9 McIntosh Run watershed https://mcintoshrun.ca/the-watershed/

10 Draft Regional Plan, June 2023 - Attachment D: Site-Specific Amendment Requests for Consideration through the Regional Plan Review Process Table 2 - Urban Reserve

11 Nick Hill and David Patriquin. 2014. A Rare, Fire-Dependent Pine Barrens at the Wildland-Urban Interface of Halifax, Nova Scotia. http://backlandscoalition.ca/?page_id=3910

12 "Fires, Conservation and Fire Management in the Halifax Backlands," http://backlandscoalition.ca/?p=5961

We recommend that the replacement of the Urban Reserve Zone on Purcells Cove Road take an environmental approach to determining appropriate setbacks. This is consistent with current HRM Mainland South By-laws[13] which recognize the unsuitability of certain lands for development in HRM, including:

- lands that are hazard prone such as a fire prone ecology and flood plains which may necessitate the need for a buffer or fire break between existing habitation and wildland, barrens and forest;
- aspects of the geology of the land such as exposed bedrock and terrain with slopes greater than 16%;
- protection of the local water supply as the residents are reliant on wells;
- protection of the intricate hydrology of watersheds including watercourses, wetlands and riparian buffers;
- protection of the delicate lands consisting of bedrock and intricate hydrology dictate that any blasting will have unpredictable and deleterious results and cannot take place;
- protection of tree cover of 40% density and 30 feet in height on privately owned lands in non-serviced areas which would include a ban on clear-cuts.

Appendix C also contains a map that illustrates an example of the extent of these features of the land for an area along Purcells Cove Road.

In summary, the 250-metre setback is inappropriate for the reasons stated above. It is obvious that when the environmental constraints are compounded the effects of any disruption of the land are profound. The recent example of a single home at 35 Oceanview Drive underlines that any new development would have serious negative consequences. The map of setbacks on Purcells Cove Road in **Appendix C** shows current properties and their setback from the road. We recommend that the Rural Commuter Zone mirror the predominate setback of existing properties and limit setback to **100 metres.**

E) Nature Parks as Community Infrastructure

We were extremely encouraged to read policy 4.2.1 CI-5 which states: "*The Municipality shall study lands in close proximity to nature park areas and ensure land use is of a suitable use and scale to support the creation and ongoing use of the nature park.*" This policy mandates the study of the lands contiguous with the Shaw Wilderness Park, the Nova Scotia Nature Trust Lands, and McIntosh Run Park. The policy also mandates that the Municipality ensure that the land use is of a suitable use and scale to support the creation or expansion of the existing parks. In other words, this policy dictates that the Open Space and Natural Resource zone should cover all of the lands which are currently zoned Urban Reserve.

The opportunity currently available to create one contiguous park in the middle of the Backlands bordering on the three parks named above should not be lost. The suggestion in the draft plan that a new Purcells Cove Backlands Designation and Zone within the Halifax Mainland Secondary Municipal Planning Strategy and Land Use By-law be created would accomplish this goal.

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13 Halifax Mainland Land Use By-law, Mainland South https://www.halifax.ca/sites/default/files/documents/business/planning-development/applications/HalifaxMainland_LUB.pdf

F) Protection for Endangered, Threatened and Vulnerable Species

There are 3 pieces of legislation, provincially and federally, that pertain directly to the conservation, recovery, protection and sustainable use of wildlife species and their habitats in Nova Scotia.[14] Please see **Appendix D** for the list of species at risk found in the Backlands. The draft Regional Plan is an opportunity for our city to initiate policy that protects these species and promotes the importance of biodiversity in land use planning. We recommend this inclusion in the final Regional Plan.

G) Protection for wildlife corridors

Protection and reinforcement or remediation of the corridors and pinch points that remain in the Backlands must be a conservation priority including those at the west end of Williams Lake/Colpitt Lake and Governors Brook, connecting to the Shaw Wilderness Park, and those connecting the Shaw Wilderness Park to Purcells Pond, Flat Lake and Pine Island Lakes. Most of the important wildlife corridors leading out of the Backlands to large areas of Crown Lands such as Terrance Bay Wilderness Area have already been blocked and require remediation, including at Old Sambro Road and Dunbrack and along the Herring Cove Road especially near Long Pond. Please see **Appendix E** for a look at wildlife corridors formerly mapped which are now blocked and no longer available.

H) Fire management and conservation strategy

HRM Emergency Management has initiated hazard, risk and vulnerability assessments in the municipality. The Backlands include the fire-adapted Jack Pine-Crowberry Barrens ecosystem that is of high conservation value as these Barrens are nationally unique and globally rare.[15] As well, the Backlands are very susceptible to fire[16] because of exposed bedrock and shallow soils over more than 80% of the area and exposure to coastal winds. With these innate conditions, the presence of an important rare ecosystem, the close proximity to large residential areas and a lengthy history of recurrent fires, the Backlands requires a combined fire management/conservation strategy. Key components of such a strategy might include for example (a) minimizing any further intrusions into the undeveloped lands (b) facilitating FireSmart practices around the settled perimeter (c) mapping of the aging of Jack Pine-Crowberry communities and the past occurrence of fires in order to develop predictive models and (d) as appropriate, construction of fire breaks and use of controlled burns.[17] A summary of the issues around a combined fire management and conservation strategy by David Patriquin can be found in a recent post on the BC website.[18]

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14 Protection of Endangered, Threatened and Vulnerable Species https://novascotia.ca/natr/wildlife/biodiversity/legislation.asp Endangered Species Act, Wildlife Act, Federal Species at Risk Act

15 Draft Regional Municipal Planning Strategy - p55, 2023

16 Mapping Forest Fire Risk in the Eastern Chebucto Peninsula Backlands, Mosky, S, April 6, 2021, https://storymaps.arcgis.com/stories/e0c0d198a6ac4556ae1f6562dce8d5ec

17 "Reducing Fire Risk on Your Forest Property." Bennett, Fitzgerald, Parker, Main, Perleberg, Schnepf and Mahoney, October, 2010. Oregon State University Extension Service https://catalog.extension.oregonstate.edu/pnw618

18 Towards a combined Conservation/Fire Management Strategy for the Backlands 26Oct2023" http://backlandscoalition.ca/?p=6025

I) Recognize the urgent need for accurate environmental mapping

The Backlands area is under extreme development pressure from all sides. Many of the maps that currently exist are incomplete, vague, and date back to before amalgamation in 1996[19]. There is a need for accurate, complete, environmental mapping of the land that includes:

- small and large wetland areas with a goal to understand how they work together;
- storm water routes, engineered water systems and the detailed hydrology of the watersheds;
- updated wildlife corridors especially before new subdivisions are initiated along Herring Cove Road;
- other features of environmental sensitivity such as steep slopes, tree cover, bedrock, flood plains, and;
- areas highly susceptible to fires where there should be increased fire safety concerns.

J) Plain language for a clear expression of a requirement

Throughout the draft plan, the use of directive language is an issue which we would like addressed. For example, in section 10.3.2 Policy I-8 of the draft, we read "*In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, the Municipality shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014.*"

There has been a change in the use of the word 'shall' to 'must' in drafting legislation in three Canadian Provinces in order to aid in interpretation.[20] The word 'shall' is ambiguous and the word 'consider' is permissive rather than imperative. In other words, the drafter of any new by-law will not be obliged to insert an imperative action. At this time, we urge a replacement of the phrase 'shall consider' with the phrase 'must apply' throughout the Regional Plan.

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19 As an example of outdated mapping: Planning District 5 (Chebucto Peninsula) Plan Area https://www.halifax.ca/about-halifax/regional-community-planning/community-plan-areas/planning-district-5-chebucto

20 Plain Language Guidelines https://www.plainlanguage.gov/guidelines/conversational/shall-and-must/

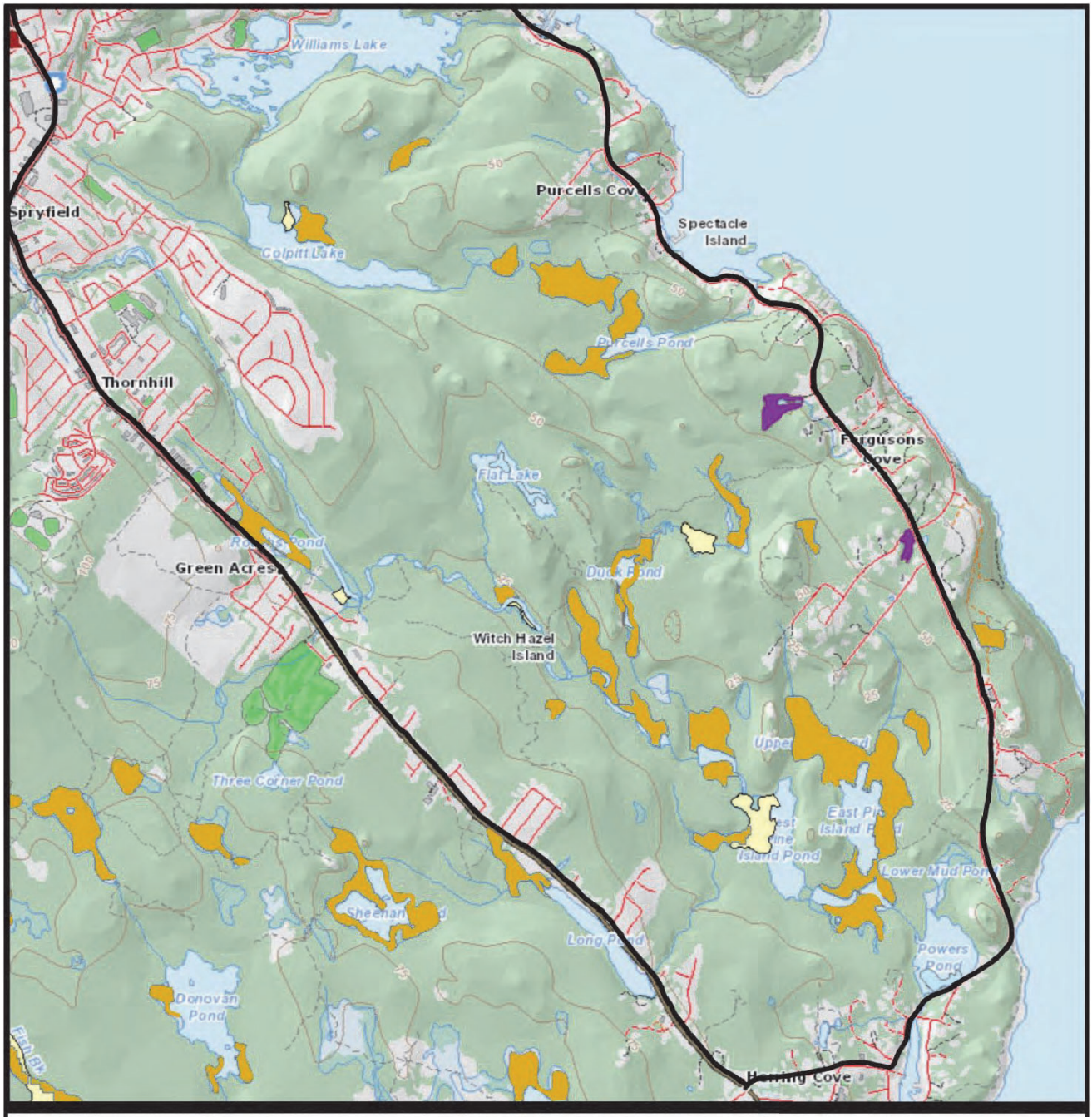
APPENDIX A

Developed Areas in the Backlands



APPENDIX B

Wetlands



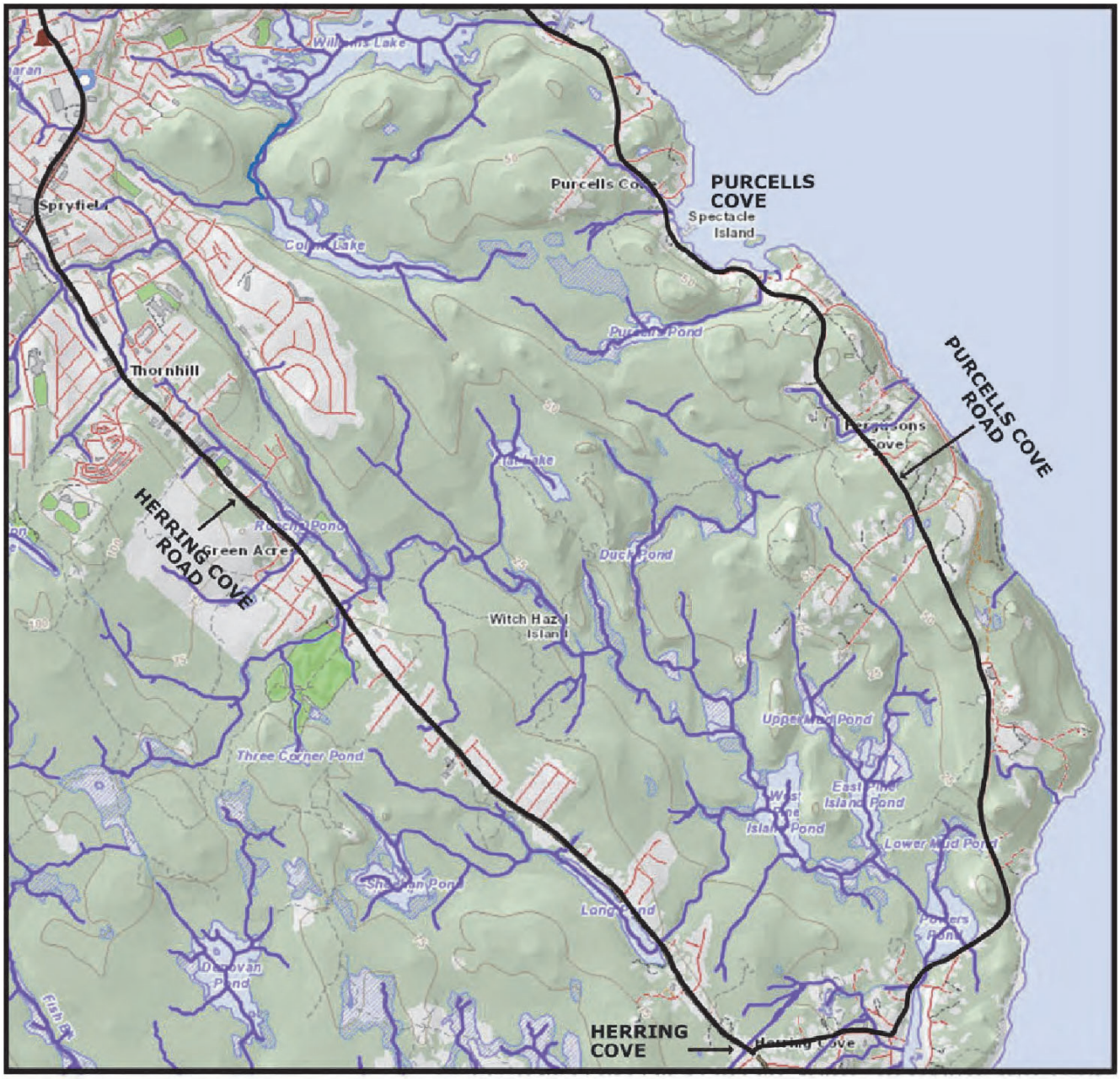
WETLANDS

Bog or Fen | Marsh | Swamp | Water

Note that all wetlands in the Backlands are NOT shown here. Hundreds of small wetlands, vernal pools, intermittent streams and other lesser wetlands are not mapped. Micro-hydrology is generally not recognized or protected by Provincial or Municipal policy for the role it plays in providing habitat and in supporting the larger systems of streams, lakes and wetlands in the landscape.

Mapping and data obtained from NS Provincial Landscape Viewer

Wet Areas Mapping Predicted Flow



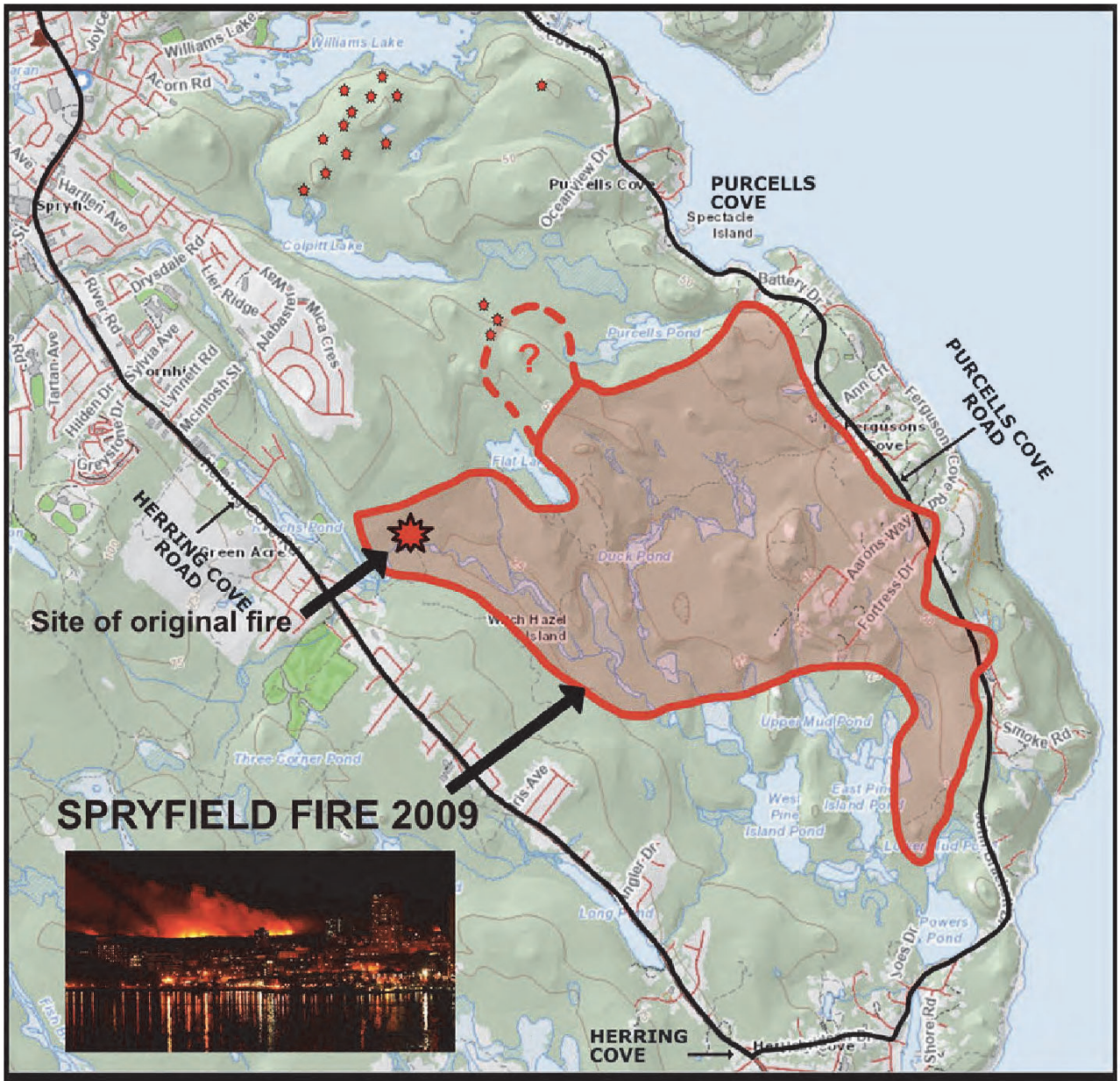
WET AREAS MAPPING (WAM) PREDICTED FLOW

This map shows the predicted/unmapped/ephemeral streams (surface and subsurface drainage) in Nova Scotia, as created through the flow accumulation sub-process of the Wet Areas Mapping (WAM) project. The predicted polyline features mimic mapped stream paths, and extend beyond the mapped endpoints to include unmapped channels. A minimum threshold drainage area of four (4) hectares was used. The project was completed under contract by the Nexfor/Bowater Forest Watershed Research Centre at the University of New Brunswick.

Mapping and data obtained from NS Provincial Landscape Viewer - October 2023

APPENDIX C

Fire in the Backlands



FIRE IN THE BACKLANDS

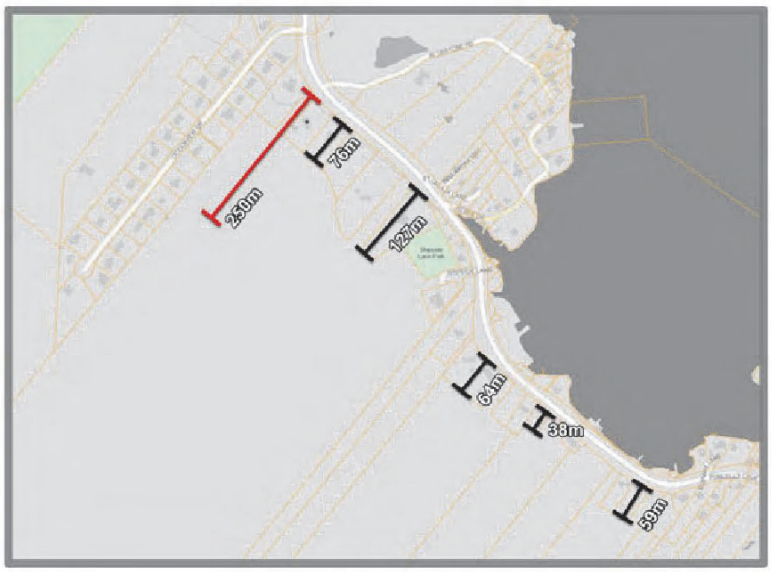
Fire icons are placed where there have been fires in the Williams Lake Backlands from 2007 to 2014. These fire locations are only those found within a surveyed area for a report titled Ecological Assessment of the *Plant Communities of the Williams Lake Backlands* report by D. Patriquin and N. Hill.

SPRYFIELD FIRE - 2009*
This fire started in a campfire pit on the west bank of McIntosh Run, north of Roaches Pond in Spryfield. It quickly spread through the woods to Purcells Cove Road. 1,100 residents were evacuated, eight homes were distroyed and 16 others damaged.

*Fire documentation by Richard Beazley and David Patriquin for the Halifax Field Naturalists (HFN) on September 2, 2010

A Closer Look - Environmental Sensitivities

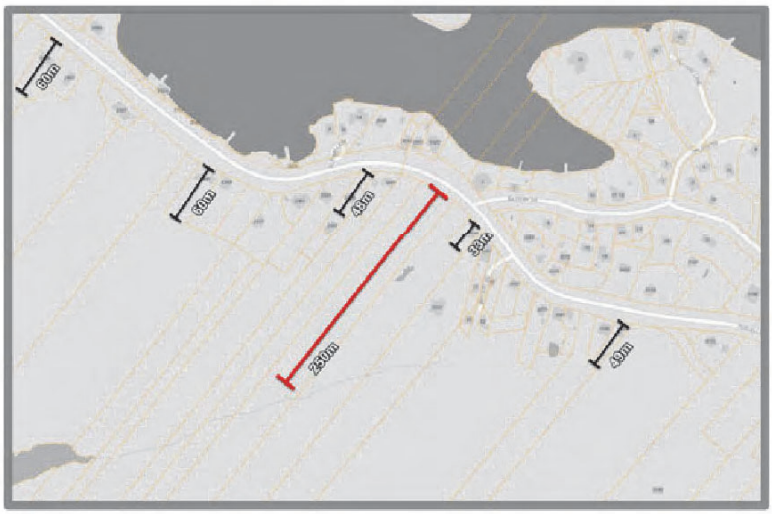
250 metre Examples along Purcells Cove Road



How does 250m compare to existing property sizes?

Will development be allowed in the Backlands, behind existing homes?

⟺ **Purcells Cove Road-Oceanview Drive to Slipway Lane**



⟺ **2899 Purcells Cove Rd to 3142 Purcells Cove Rd**



⟺ **3291 Purcells Cove Rd to 3550 Purcells Cove Rd**

APPENDIX D

Endangered, Threatened, Vulnerable Species in the Backlands

October 2023

Endangered Bird Species
Barn Swallow (2022)
Rusty Blackbird (2023)
Chimney Swift (2023)
Canada Warbler (2015)
Bank Swallow (historical)

Threatened Bird Species
Common Nighthawk (2023)
Olive-sided Flycatcher (2023)
Eastern Whip-poor-will (historical)

Vulnerable Bird Species
Eastern Wood-Pewee (2021)
Bobolink (2021)
Evening Grosbeak (2023)
Peregrine Falcon (2017)

Other Species at Risk
Snapping Turtle - Vulnerable (2023)
American eel - Threatened in Canada (2023)
Monarch butterfly - Endangered in NS (2023)
Little Brown Myotis (myotis lucifugus) - endangered (2023)

Flora
Golden Heather (Hudsonia ericoides) S2 Imperiled (2023)
Mountain Sandwort (Minuartia groenlandica) S2 Imperiled (2023)
Burnt Sedge (Carex adusta) S3/S2 Vulnerable/Imperiled (2023)
Broom Crowberry S4 Jack Pine S4: The plant communities in which they both occur are Nationally unique and globally rare (2023)

APPENDIX E

Wildlife Corridors

In November 25, 2020, the Nova Scotia Crown Share Legacy Trust hosted a virtual charrette to bring together scientists, planning experts, and community advocacy groups with specific local area knowledge to create a conceptual map for wildlife corridors extending from the Backlands to the Ingram River Wilderness Area and the Sandy Lake-Sackville River Area. HRM Regional Planning staff attended this session. The report was submitted to HRM as an input to the ongoing Regional Plan Review 3 project on April 7, 2021.

The Charrette Report examined four core areas within and connecting to the Chebucto Peninsula, identifying additional primary corridors, secondary corridors, aquatic corridors, and pinch points that were not included within the HGNP mapping. In addition, parcels of land or larger areas of land made up of multiple parcels are also identified as areas to consider for conservation. These corridors paint a more detailed picture of overall landscape connectivity in this area of HRM than what is included in the HGNP.

The intention of the Charette Report was to identify wildlife corridors that would increase landscape connectivity and proposes that these corridors **be considered for addition into the HGNP and the Regional Plan** as part of the current review process.



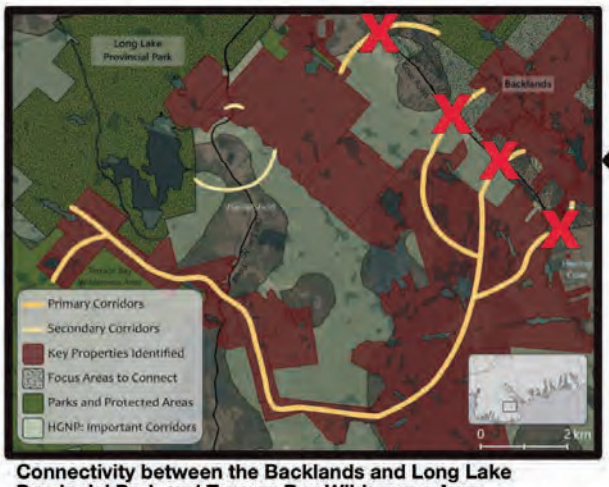
Connectivity witin the Backlands

The group looked at connectivity within the Backlands and identified several properties that should remain undeveloped to maintain conductivity. The primary corridor identified connects Frog Pond Park and the Nova Scotia Nature Trust's Backlands property. The corridor first crosses Williams Lake Road and then goes through several key undeveloped properties before reaching Shaw Wilderness Park and Colpitt Lake.

The group also identified a key pinch point along this corridor, where it crosses Williams Lake Road. On the other side of the Wilderness Park, key properties were identified to ensure a connection to the Nova Scotia Nature Trust's lands.



Pinchpoints identified around Williams Lake Road on the corridor, connecting Frog Pond Park, and the Backlands



Connectivity between the Backlands and Long Lake Provincial Park and Terrace Bay Wilderness Area

Moving out of the Backlands towards the Terrence Bay Wilderness Area, and the Long Lake Provincial Park, the first major barrier to connectivity is Herring Cove Road. The group identified several places along the road where the development on either side is relatively thin or nonexistent between the communities of Herring Cove and Spryfield for potential wildlife crossings.

Beyond Herring Cove Road, a large parcel of ground land was identified as critical to the conservation strategy of the area. If left undeveloped, the crown land will continue to act as a core habitat and provide contiguity with Long Lake Provincial Park and Terrace Bay Wilderness Area. The group also identified two opportunities for connectivity across Old Sombro Road at locations of large parcels of undeveloped land, currently owned by a development company, which provide natural habitat on both sides of the road in gaps between subdivisions.

X These corridors have been lost in the past 2 years! Let HRM know that you want critical wildlife corridors protected.

SOURCE - Nova Scotia Crown Share Land Legacy Trust. 2021. Wildlife Corridor Landscape Design Charrette: Chebucto – Timberlea – Sandy Lake area of Halifax, NS.

C806



Montague Road Rural Estate Lands

HRM Suburban Plan Review Submission

Prepared on behalf of
George Cooper

10/27/23

Prepared by KWR Approvals Inc

KWR APPROVALS INC.

Kathleen Fralic, Principal Planner, Community Planning Suburban Plan
Halifax Regional Municipality, Planning and Development
fralick@halifax.ca

Re: George Cooper's Montague Road Property Suburban Plan Proposal

Dear Kathleen:

Thank you for the opportunity for KWR Approvals Inc. (KWRA) to prepare this application of development proposals for consideration into the Suburban Plan Review process.

KWR Approvals (KWRA) has been retained by our client George Cooper to review, analysis and evaluate his property which lies just outside the Suburban Plan Review (SBR) study area to determine how highest/best use can be achieved by creating reasonable increases in density and flexibility of uses. This proposed densification is intended to address the current housing crisis and challenges that is seeing historically low vacancy rate for apartment units and available lots for ground level housing.

The goal of this report is to submit for consideration, the proposed zoning amendments that KWR Approvals believes would be the highest and best use for the subject property and the surrounding properties. You will find a detailed overview of the property, the general concept and vision of the proposed LUB amendments and the planning rationale for those changes.

Overall, this report will highlight some areas to update zoning regulations within the Suburban Plan Study Area and is a prime example of an area that could contribute to mitigating the growing housing shortage in HRM. It is our hope that HRM Planning and Development staff will take these proposed changes into consideration when administering policies within the Suburban Plan.

Thank you for your consideration and looking forward to working with you in the future.

[redacted]
Planner 1 and GIS/Real Estate Co-ordinator

CC: Kevin W. Riles, President & CEO (KWRA)
Client
Local Councillor

Contents

Executive Summary 1
Introduction 2
Property Background 3
Planning Rationale 4
Regulatory Environment 4
Current Planning Environment 5
Recommendation 6

List of Appendices:

Appendix A Supplemental Maps

Executive Summary

KWR Approvals Inc. (KWRA) was retained by George Cooper to complete review and recommendations for the highest and best use of three of his property in the Montague Gold Mines area ahead of the upcoming Suburban Plan Review. The findings of this report highlight the proposed by-law amendments to be considered in the Suburban Plan Review process in order to facilitate complete communities in the rapidly changing planning environment.

- The 39-acre parcel (PID:00249680) is located in the Cole Harbour/Westphal Community Planning Area and zoned R-1 for Single Unit Dwelling on the road and R-7 for Rural Estate on the back portion of the property.

- The R-7 zoning is restrictive for as-of-right subdivision and will impede higher density residential development.

- The property falls within the Port Wallace Urban District Growth Centre in the Halifax Regional Planning Strategy Settlement and Transportation Map.

- The property is in a rapidly changing planning environment with a rezoning approved for the Conrad Quarry to the West for Commercial Industrial Use and the Port Wallace Special Planning Area development directly to the South of the property.

- The Suburban Planning Study Area does not include the property but is directly adjacent to the property line on the West and North sides.

- The highest and best use of the property has changed since the applicable policy and by-laws were implemented. There is opportunity to incorporate the area into a more complete community using the Suburban Plan Review to update policies to reflect the surrounding context.

- KWR Approvals is proposing that the Suburban Plan Study area boundary be changed to incorporate the lands adjacent to the Port Wallace Special Planning Area, including the subject property, in order to amend the by-law to reflect the changing community context.

- In the opinion of KWR Approvals, changing the restrictive R-7 zoning will allow for more appropriate subdivision and development as of right to help create more housing in the HRM.

Introduction

On behalf of George Cooper, KWRA wishes to submit this request for Land Use By-Law changes to be included in the Phase 4 Regional Plan Review and Suburban Plan. The draft Regional Plan outlines the vision and guiding principles for the Suburban Plan, one of the four pillars being complete communities. The Regional Plan Review and Suburban Plan is providing an opportunity for infill development and for higher density housing around existing infrastructure and services. This will result in both an increase of housing options in strategic areas and ensure the success of human based design in response to the unprecedented population growth and the current housing crisis the municipality is facing today.

George Cooper's property as described within this report consist of a 39-acre property, located on Montague Road in the community of Montague Gold Mines. The property falls within the Cole Harbour Planning Area, just outside of the boundary of the Suburban Plan Study Area. The property is adjacent to the Port Wallace Special Planning Area to the South and the Conrad Quarry lands to the West.

The property is zoned R-1 for single family use along Montague Road and R-7 for Rural Estate use on the Southern side of the property. The surrounding area consists of single-family homes in R-1 zoning, while the Conrad Quary was recently rezoned to Highway Commercial. Additionally, the pending development of the Port Wallace Special Planning Area makes this area an ideal place to add R-1 style single family homes to building on the existing community of single-family homes along Montague Road, as well as take advantage of the incoming amenities and services that will be developed in the Conrad Quarry and Port Wallace areas.

To this end, the R-7 zoning boundary is restrictive to the development of the lands South of Montague Road, including the subject property. By changing the designation from R-7 to R-1, the minimum lot size would go from 80,000 ft² to 20,000 ft² and the minimum road frontage will go from 200 feet to 100 feet. Additionally, if municipal services are brought to the area due to the Port Wallace Planning Area, these requirements will be reduced even further.

KWR Approvals Inc is recommending and proposing that the Suburban Plan Study Area be expanded by roughly 1 km² in order to include this area and update the zoning by-law. The recommendation for the zoning is simply to replace the R-7 zone with R-1 single family home development which would both match the existing character of the area and allow for increased density in this rapidly developing environment.

It is our hope that HRM Planning and Development staff will take these factors into consideration when implementing the upcoming Suburban Plan.

Property Background

The subject property located on Montague Road (PID: 00249680) is a 39-acre property owned by George Cooper. The property is currently zoned R-1 (front) and R-7(back) in the Cole Harbour/Westphal Land-Use By-Law. The R-7 zone is much more restrictive to as-of-right subdivision due to the larger minimum lot size and required road frontage for new lots. The R-7 zone requires 80,000 feet² minimum area for new lots and a minimum 200 feet of road frontage. The R-1 zone requires 6,000 feet² minimum area for new lots that are serviced and 20,000 feet² for lots that are unserviced. R-1 requires 60 feet of road frontage for serviced and 100 feet of frontage for unserviced. These restrictions mean that the back portion of the subject property can only yield 25% of the number of new lots that the same area could yield if it were zoned R-1

As shown in Figure 1, the property falls just outside of the boundary of the Suburban Plan Study Area. Additionally, the property falls just outside of the boundary of the Urban Settlement Area in the Regional Plan Generalized Future Land Use Map (Appendix A), it is instead designated as a Rural Commuter Area. The surrounding area on Montague Road is made of up single-family homes on R-1 lots. This includes the properties directly on Montague Road as well as just Noeth of the property on Adelchi Court and Burnhope Drive.

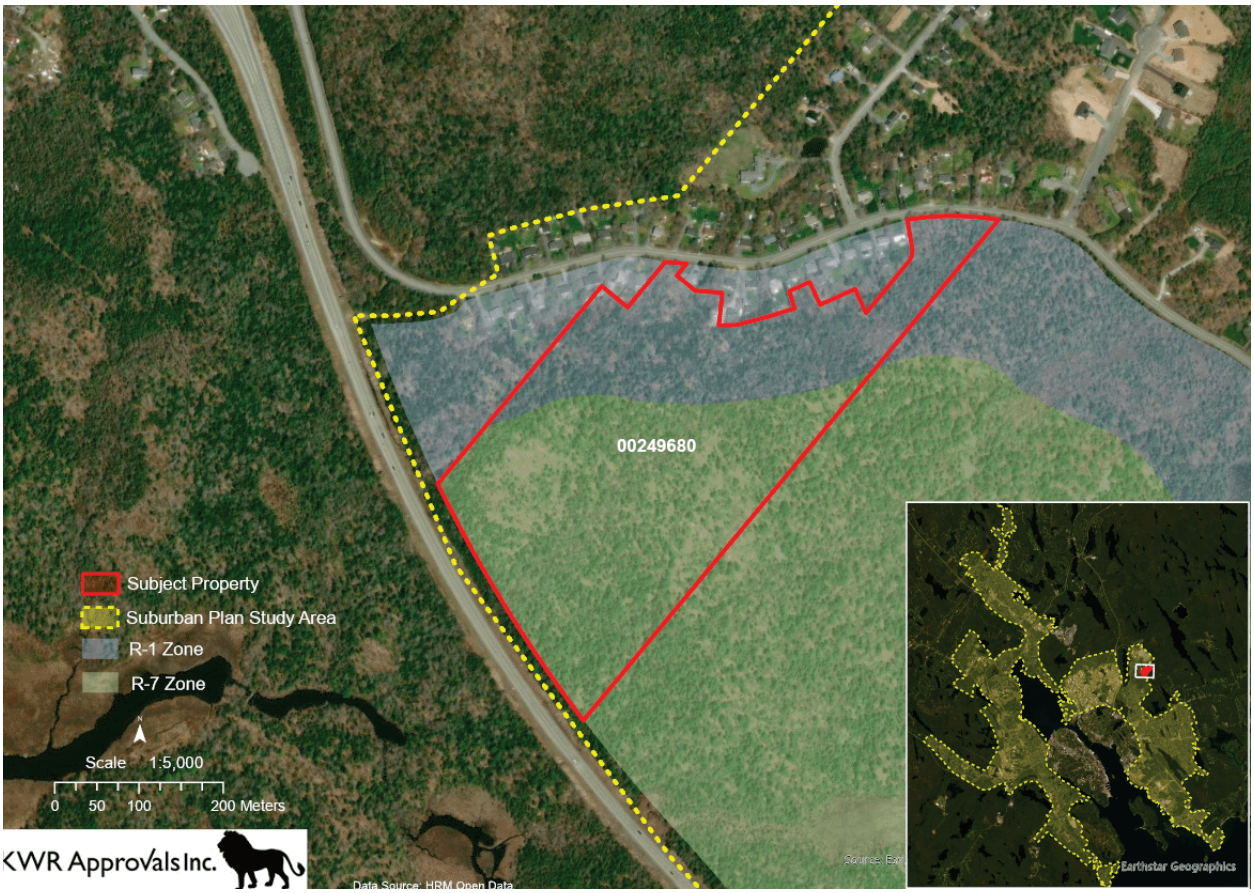


Figure 1: Overview of Montague Road Property

Planning Rationale

Regulatory Environment

The subject property falls directly in the Port Wallce Urban District Growth Centre in the Halifax Regional Plan Settlement and Transportation Map (Figure 2) which designates it as an area for a mix of low, medium and high density residential, commercial, institutional and recreation uses.

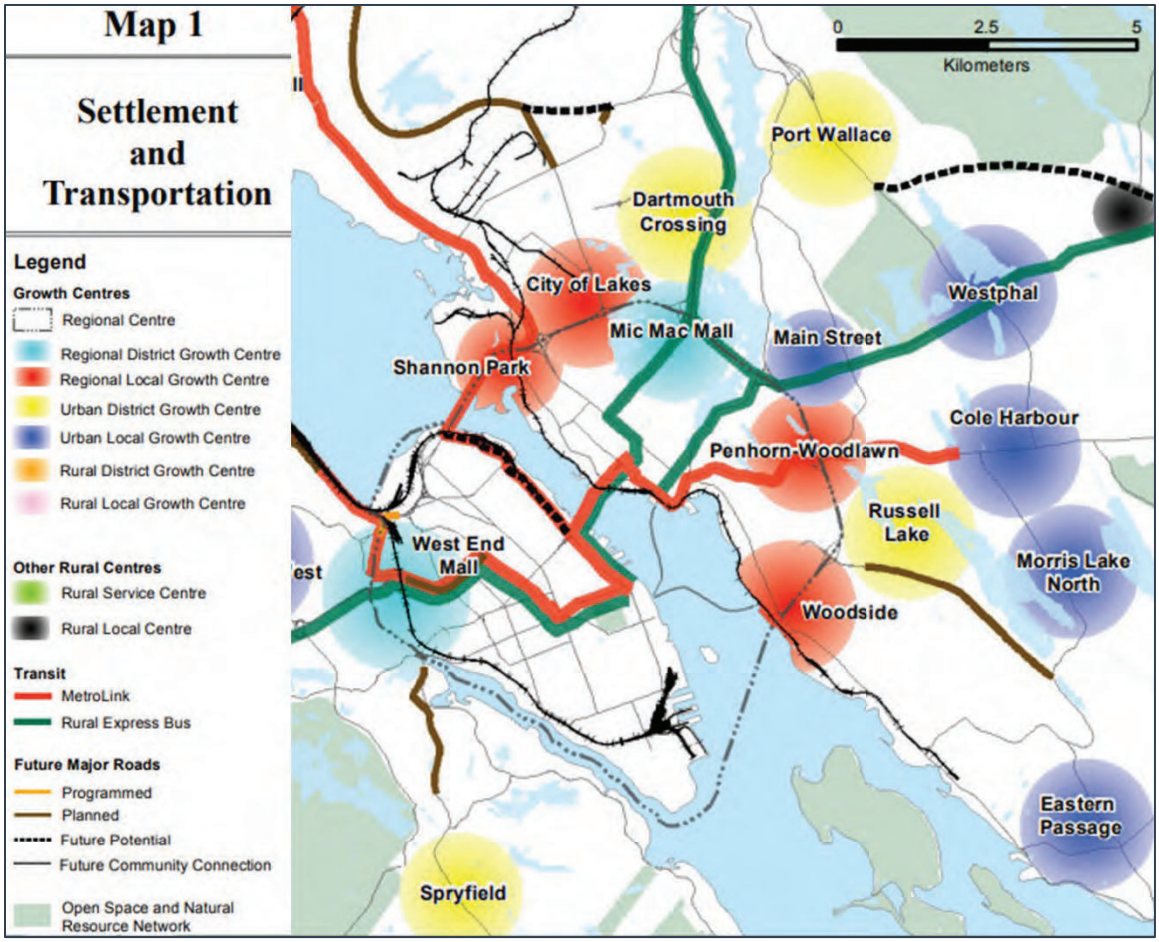


Figure 2: HRM Regional Plan Settlement and Transportation Map - Zoomed

In the Cole Harbour/Westphal Municipal Planning Strategy, the Generalized Future Land Use Map has the R-7 zoned sections of the property designated as Rural Residential, while the roadside section is designated as Urban Residential. The Cole Harbour/Westphal Municipal Planning Strategy references "…concern regarding development in these areas relates to the potential demand for central water and sewer services and to the influence of larger new developments upon existing community form." (Cole Harbour/Westphal MPS P.87) when designating the use of Rural Residential lands. The planning environment and existing community form have changed since these plans were written and the Suburban Plan Review is an opportunity to adjust accordingly.

Current Planning Environment

The subject property is in an area with a rapidly changing planning environment. The property is adjacent to the Port Wallace Special Planning Area to the South and the Conrad Quarry to the West. The Conrad Quarry was approved to have portions of the site rezoned to Commercial Industrial Zone in February 2022 to allow for highway commercial uses. The Port Wallace site was designated as a Special Planning Area in March 2022 and will be developed into a complete community with both high, medium and low density residential as well as commercial and mixed-use areas.

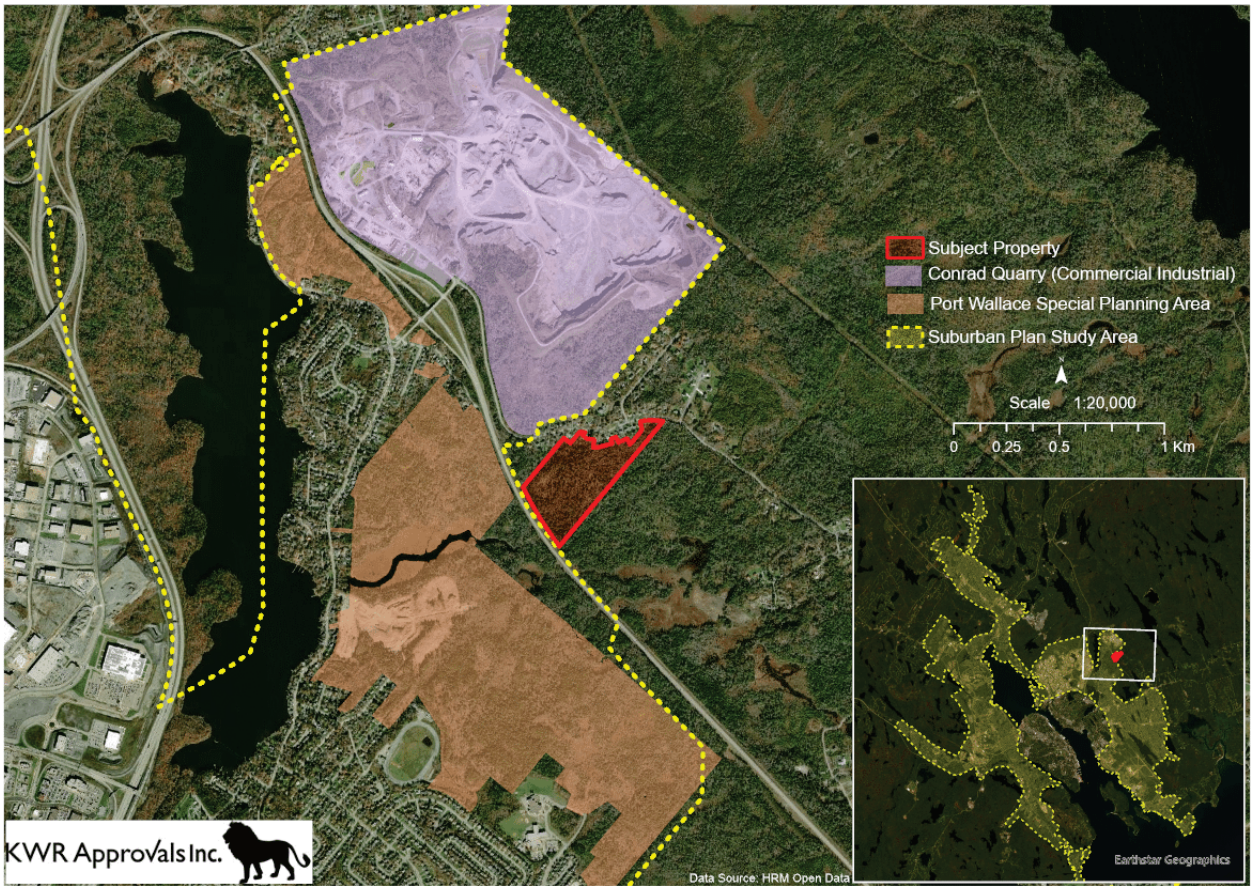


Figure 3: Map Showing Changes to Planning Environment in Surrounding Area

These recent planning developments will have an impact on the development potential and the highest and best use of the subject property. While the Conrad Quarry and Port Wallace Special Planning Area are both in different Community Plan Areas, the rapidly changing planning environment and development of areas directly adjacent to the subject property must be considered when determining the highest and best use for development.

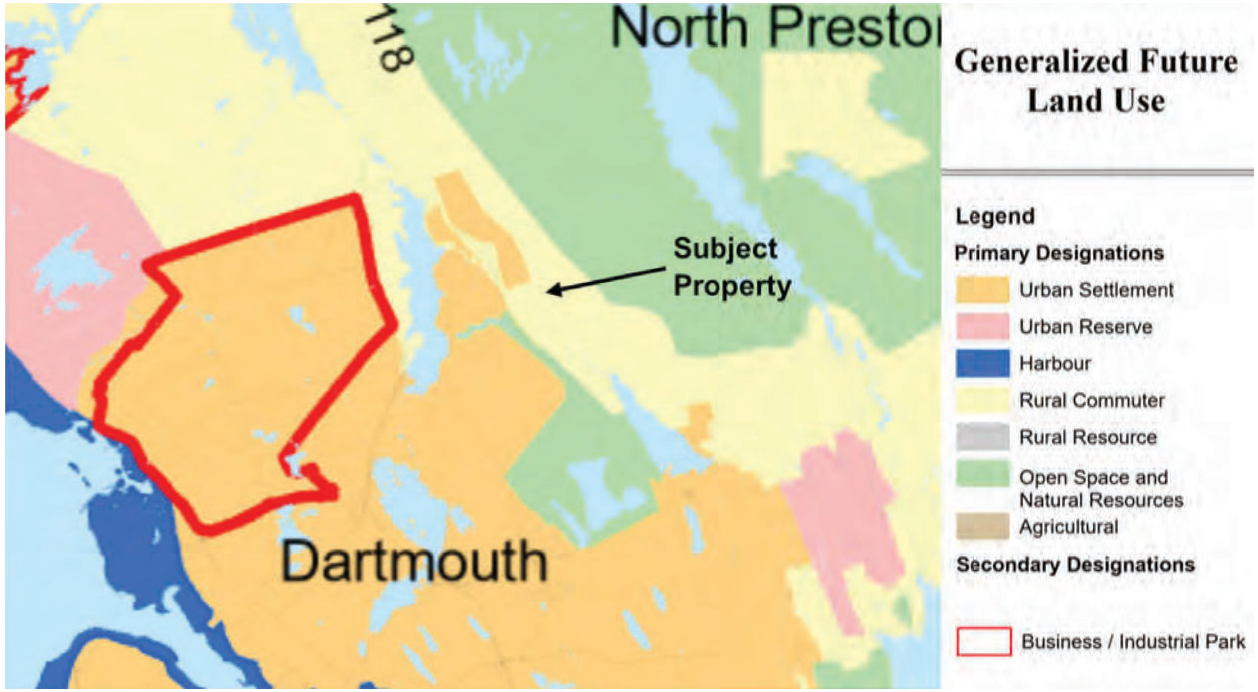
Recommendation

The MPS and LUB for Cole Harbour/Westphal were passed in November 1992. The changes that have taken place in the HRM since then have gone far beyond the scope of these planning documents. The current housing crisis in HRM and the introduction of new services and amenities in the surrounding neighbourhood are not accounted for in the planning framework and regulations that the property is currently subject to. Figure 4 shows the master planned community for Port Wallace (Full plan in Appendix A) superimposed on a map of the subject property and surrounding area. The masterplan includes tall midrise buildings 150m from the R-7 zoned portion of the property and high-rise buildings 250m from the R-7 zoned portion of the property, which is designated Rural Residential. This represents a substantial change to the character of the neighborhood and to build complete communities, changes in the regulations of the surrounding area are warranted.



It is the opinion of KWR approvals that the subject property and the surrounding area should be included by in the Suburban Plan Review Process by expanding the study area to include the lands directly adjacent the Special Planning area. This would enable the amendments to the existing Land-Use By-Law to allow higher density single family home subdivision in an area that will be developing rapidly in the next decade. One of the stated goals of the Suburban Plan is to build complete communities and by including the area surrounding the Port Wallace Special Planning Area in the Suburban Plan Review, there is an opportunity to update regulations based on the current planning environment and build a more complete community in the Port Wallace Urban District Growth Centre.

Appendix A: Supplemental Maps


118
North Presto
Subject Property
Dartmouth
Generalized Future Land Use
Legend
Primary Designations
Urban Settlement
Urban Reserve
Harbour
Rural Commuter
Rural Resource
Open Space and Natural Resources
Agricultural
Secondary Designations
Business / Industrial Park



THE PARKS OF PORT WALLACE

A CLAYTON • CRESCO COMMUNITY

PORT WALLACE

PORT WALLACE, NOVA SCOTIA
SEPTEMBER 2022

MASTER CONCEPT PLAN

LEGEND

- Low Rise (Up to 11m)
- Mid Rise (Up to 20m)
- Tall Mid Rise (Up to 32m)
- High Rise (Up to 50m)
- Mixed Use/ Commercial (Up to 20m)
- Institutional (Up to 20m)
- Parkland
- PWHL Boundary
- Conrad Boundary
- KDL Boundary
- Whebby Boundary
- Trail/ Walkway
- Existing/ Planted Vegetation
- Wetland
- Signalized Intersection

KEY PLAN



NOTE: This conceptual plan is used for illustrative purposes and is intended to convey the concept and vision for the development/ buildings. Site details are subject to change.



Crane Hill Road

Letter of Intent

Suburban Plan Review

Prepared for:
Kathleen Fralic
Principal Planner

Prepared by:
KWR Approvals



KWRAPPROVALS INC.

October 26, 2023

Kathleen Fralic
Principal Planner | Community Planning – Suburban Plan
Planning & Development | Halifax Regional Municipality
fralick@halifax.ca

Re: Submission for Crane Hill Road (PID No. 41058439), East Preston Property to have designated RCDD for a mixed-use Development as part of Suburban Plan Review.

Dear Kathleen,

KWRA was retained by the Colley Family (Spencer, William, Angela, Ernesta & Sheldon Colley) to submit a Letter of Intent (LOI) for their land assembly at Crane Hill Road (PID 41058439) in East Preston, HRM, Nova Scotia.

This letter is to ask for your consideration of these lands specifically, to be included in the Suburban Plan Review and its proposed Urban Area Boundary. East Preston is currently outside the municipal servicing boundaries, approximately 1.5km from the edge of municipal water servicing and approximately 5km for sewer servicing. East Preston is a historic African Nova Scotian community, this area is currently seen as rural, however there is a desire from the community to provide a greater spectrum of housing that serves community members throughout various stages of life. This includes affordable homes for young people and new families, transitional and accessible housing for seniors looking to downsize, and an overall wider diversity of housing types, outside of the existing single-family homes in the community. This Letter of Intent was commissioned by the Colley family, who are long-standing and involved members of the East Preston community. The vision is to develop their lands to uplift this area and transform it into a thriving, dynamic, and inclusive community hub. While there is intention from the Regional Plan review to concentrate development on existing serviced areas, this has not included East Preston.

Thank you for your consideration, please do not hesitate to reach out with any questions, comments, or concerns.



Isabelle Choumiline
Development Planner & Environmental Coordinator

CC: Jane Rideout (KWRA Planning & Approvals Coordinator)
Kevin Riles (KWRA President & CEO)
The Colley Family
Heather Murray
Miles Agar (HRM Director of Regional Planning)
David Hendsbee (Councillor, District 2)

Property Background

The subject property (PID 41058439) is 67.2-acres of undeveloped raw land at Crane Hill Road in the community of East Preston. The property has frontage on Crane Hill Road, Glasgow Road, Highway 7, and Upper Governor Street. This property is governed by the North Preston/Lake Major/Lake Loon/Cherry Brook/East Preston Planning Strategy and Land Use By-Law. The LRIS mapping of the property is attached as Appendix A. It is zoned Rural Settlement (RS) under the Land Use By-Law. The Rural Settlement designation permits a variety of different uses, including residential, commercial, community, and resource/agricultural uses.

A complete list of accepted uses for this zone is provided in the Land Use By-Law (Appendix B). The property is outside the urban serviceable boundary; therefore, water and sewer would be required to be extended or developed on-site. The property is zoned Mixed Use (MU) on the generalized future land use map (GFLUM). This indicates that future developments of this land would allow for a mix of rural uses including residential, commercial, resource, and community. The 401 bus route along Highway 7 services this area.



Image: Aerial photography of the property, to the rear of low-density residential housing along Glasgow Road.



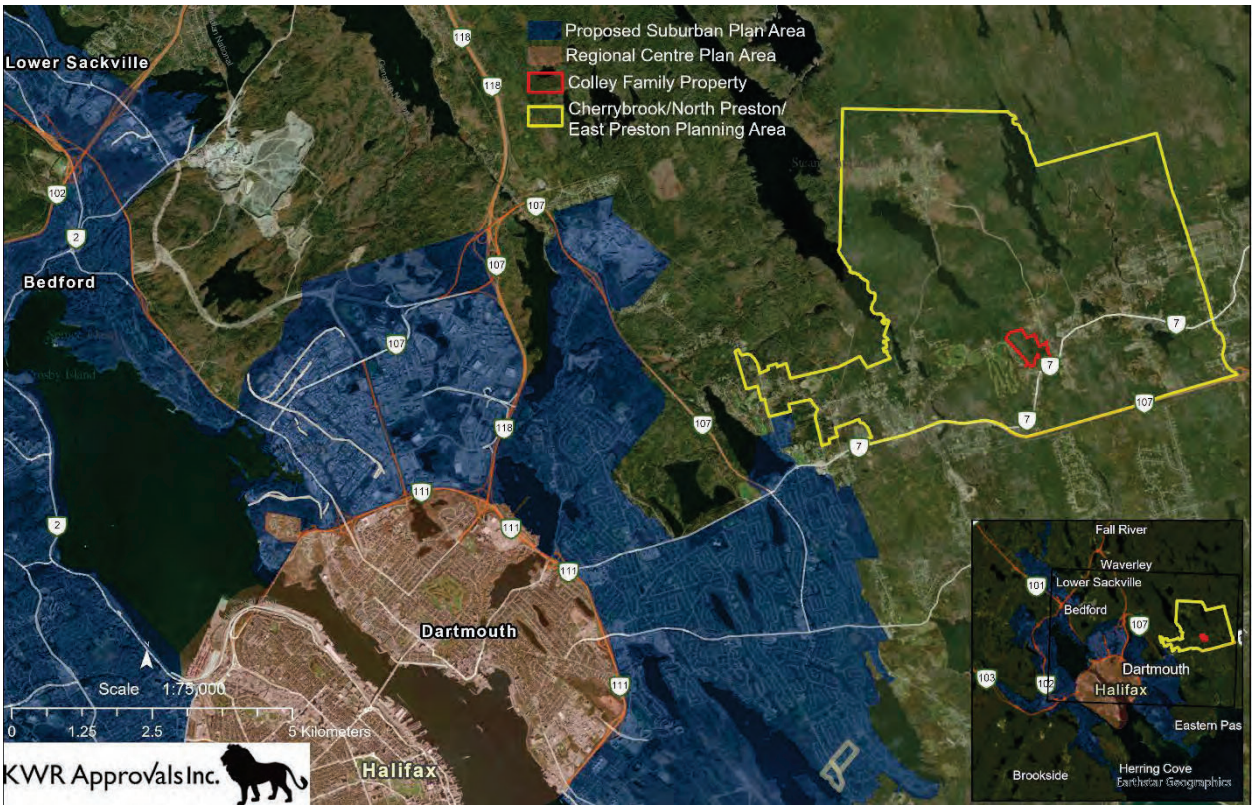
Image: The property is across from the Grandview Golf & Country Club

McCallum Environmental undertook a wetlands analysis and environmental assessment of the entire property in order to understand how the land typology may be affected by development. McCallum's initial assessment found four wetlands and two watercourses on the property. A map of the wetlands and watercourses is attached as Appendix C.

No species at risk were found in the wetlands or watercourses. From Data on the Nova Scotia Provincial Landscape viewer, the lands are within Deer habitat, but are not within a Protected Area, Species Management Practice Zone, or Significant Habitat Area. The ecological land classification of the area is tolerant Hardwood Drumlins and Hummocks. Development would not be possible on the western portion of the property due to the presence of a large wetland and a watercourse, however there are development opportunities and a variety of options to be considered for site plan designs on this large parcel that would not interfere with the wetlands on the property.

Proposal & Planning Rationale

This letter is to indicate the intention for the subject property and possible a larger area of East Preston to become part of the Suburban Plan's Urban Area Boundary. The Colley family has a substantial amount of land that they would like to develop to bring investment and activity to this community, yet the current lack of municipal services significantly limits the development potential of the 67.2-acre Crane Hill Road site. The development envisioned for the subject property would be community oriented and primarily residential, as the need for housing of all forms is present in East Preston. However, recognizing that healthy and complete communities require a mix of supported uses, other commercial, institutional, and parkland designations would be included. East Preston has been considered a rural settlement and as a result, has not had sewer or water infrastructure extended to the community. Without this, the growth of the area is very limited. Given the limited housing options in the community beyond single-family homes, community members seeking other housing types cannot remain in the community.



Map: KWRA GIS Analysis showing the Centre Plan and Suburban Plan Area in relation to the subject property.

It is important to note that East Preston is not considered as a Rural Growth Node by the Draft Regional Plan. As shown through KWRA's GIS analysis the proposed Suburban Plan Area Boundary stops at the Cherrybrook/North Preston/East Preston Planning Area boundary, despite the Suburban Plan Area Boundary extending into various other Community Plan Areas.

The Colley Family property is located in the middle of the Cherrybrook/North Preston/East Preston Planning Area and the subject property is located only 4km away from the current proposed Suburban Plan Boundary. Additional GIS mapping can be found within Appendix D. The community is between the burgeoning Suburban Area and the Lake Echo Rural Growth Node. East Preston has been historically underserved for development and infrastructure improvements and the community has voiced their concern for better bus routes since 2021 (Halifax Examiner, 2021). Only in recent years were sidewalks and road shoulders developed in the community to allow pedestrians safer travel. Extending the Suburban Plan Boundary 4 to 5 kilometres into the Cherrybrook/North Preston/East Preston Planning Area along the Highway 7 to include our client's property and a larger area, could provide the community with the opportunity for mindful development. With this letter of intent, the Colley family is demonstrating that there is community desire invest in the future of East Preston.

Conclusion

The intention of this letter is to ask that the Halifax Regional Municipality consider including the 67.2-acre subject property and surrounding area in the Suburban Plan Review and extending the proposed Urban Area Boundary. The Colley family's Crane Hill Road property has the potential to be developed into a thriving community hub, but without municipal services the development potential is significantly limited.

Appendix A

PROPERTY Online NOVA SCOTIA

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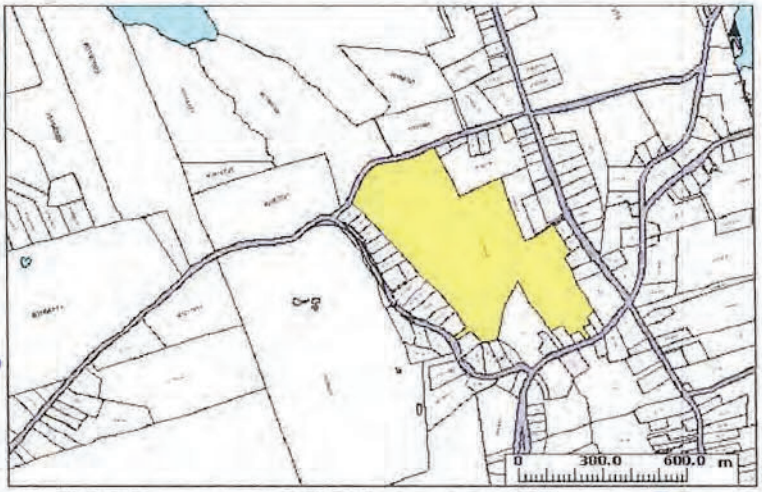
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Clear Selection
Center Selection

Properties
LR Parcel Shading
Topo
Monuments
Place Names
Refresh Map

NS Overview
Locator Map
Print Map



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Location: Search

PID: 41058439 Details
AAN: 09419527
Value: $62,700 (2022 RESIDENTIAL TAXABLE)
$7,600 (2022 RESOURCE TAXABLE)
Address: CRANE HILL ROAD
PRESTON

County: HALIFAX COUNTY
Owner: COLLEY PHILLIP DEVEL INC

LR: LAND REGISTRATION

1

The Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration and location of parcels. Care has been taken to ensure the best possible quality, however, this map is not a land survey and is not intended to be used for legal descriptions or to calculate exact dimensions or area. The Provincial mapping is not conclusive as to the location, boundaries or extent of a parcel [*Land Registration Act* subsection 21(2)]. THIS IS NOT AN OFFICIAL RECORD.

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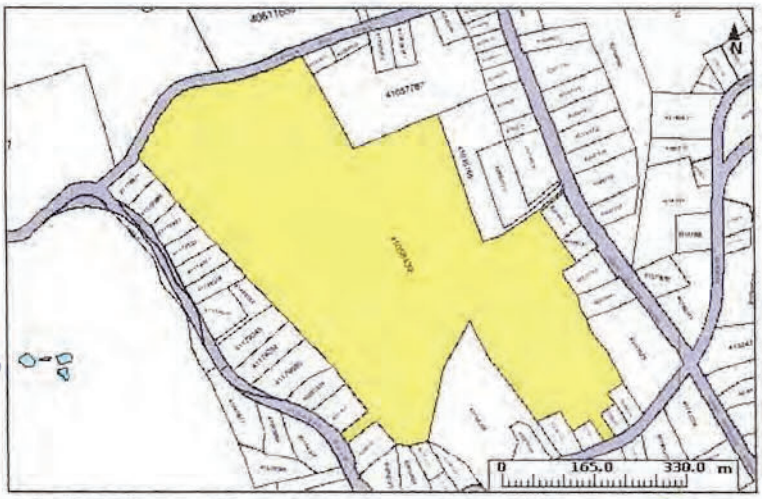
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Center Selection

Properties
LR Parcel Shading
Topo
Monuments
Place Names
Refresh Map

NS Overview
Locator Map
Print Map



Lat: 44-43-08N Long: 63-26-01W Scale: 8277 Zoom: 2

Location: Search

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Property Search Results

1 Property found 1

PID:	41058439	Owner:	COLLEY PHILLIP DEVEL INC	Civic Address:	CRANE HILL ROAD PRESTON	AAN:	09419527
Type:	STANDARD PARCEL	Mailing Address:	2180 NO. 7 HWY EAST PRESTON NS CA B2Z 1G3			Value:	$62,700 (2022 RESIDENTIAL TAXABLE) $7,600 (2022 RESOURCE TAXABLE)
Status:	ACTIVE			County:	HALIFAX COUNTY		
LR Status:	LAND REGISTRATION			Area:	27.2 HECTARE(S)		

Details Map

1 Property found 1

Ownership and all information in this report pertaining to Non-Land Registration Parcels is believed to be an accurate reflection of registered documents affecting the lot, parcel or area of land to which it relates, however, it is not intended to be relied upon by the reader as advice on the current state of any title to land. A search of the records at the appropriate Registry of Deeds office may be required to determine the current owner(s) of the lot, parcel or area of land under consideration. THIS IS NOT AN OFFICIAL RECORD.

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Appendix B

HALIFAX

LAND USE BY-LAW

NORTH PRESTON / LAKE MAJOR / LAKE LOON / CHERRY BROOK / EAST PRESTON

PART 6: RS (RURAL SETTLEMENT) ZONE

6.1 RS USES PERMITTED

No development permit shall be issued in any RS (Rural Settlement) Zone except for the following:

(a) Residential Uses
Bed and breakfast establishments
Boarding and rooming houses
Business uses in conjunction with permitted dwellings
Day care facilities for not more than fourteen (14) children and in conjunction with permitted dwellings
Mobile dwellings, skirted
Multi-unit dwellings containing up to four (4) dwelling units
Senior citizen housing
Single unit dwellings
Two unit dwellings

(b) Community Uses
Day care facilities
Government offices and public works
Hospitals and medical clinics
Institutional uses

(c) Commercial Uses
Automotive repair outlets, except within the Lake Major Watershed
Bakeries
Banks and financial institutions
Commercial schools and gyms
Funeral establishments
Offices
Parking lots
Printing establishments
Recycling depots
Restaurants, except drive-in and take-out restaurants
Retail and food stores, including video rental outlets
Service and personal service shops
Service stations, except within the Lake Major Watershed
Veterinary clinics
Welding, plumbing and heating, electrical and other special trade contracting services and shops

(d) Resource Uses
Agricultural uses
Agricultural uses - intensive, except within the Lake Major Watershed or within areas serviced by central water and sewer systems
Agricultural related buildings, including single unit or mobile dwellings used in conjunction with an agricultural use
Nurseries and greenhouses
Retail uses in conjunction with permitted agricultural uses

6.2 RS ZONE REQUIREMENTS: RESIDENTIAL USES

In any RS Zone, where residential uses are permitted, no development permit shall be issued except in conformity with the following requirements:

(a)	Minimum Lot Area:	
	Single unit and mobile dwellings	6,000 square feet (557.4 m^2) where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
	Two unit dwellings	7,000 square feet (650.3 m^2) or 3,500 square feet (325.2 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available; 20,000 square feet (1858.1 m^2) where central services are not available
	Multi-unit dwellings, group care, boarding and rooming houses	7,500 square feet (696.8 m^2) where central services are available 30,000 square feet (2787.1 m^2) where central services are not available
	Senior citizen housing	6,000 square feet (557.4 m^2) plus 1,500 square feet (139.4 m^2) per unit in excess of three (3) where central services are available; 20,000 square feet (1858.1 m^2) plus 5,000 square feet (464.5 m^2) per unit in excess of three (3) where central services are not available
	Row/Townhouse dwellings	2,000 square feet (185.8 m^2) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available
(b)	Minimum Frontage:	
	Two unit dwellings	25 feet (7.6 m) or 25 feet (7.6 m) per dwelling unit where each dwelling unit is located on a separate lot
	Row/Townhouse dwellings	20 feet (6.1 m) per dwelling unit where each dwelling unit is located on a separate lot and where central services are available
	All other residential uses	25 feet (7.6 m)
(c)	Minimum Front or Flankage Yard	20 feet (6.1 m)
(d)	Minimum Rear or Side Yard:	
	Multi-unit dwellings, boarding houses and senior citizen housing	15 feet (4.6 m)
	Row/Townhouse dwellings	8 feet (2.4 m), or 0.0 from the side being common with another dwelling unit
	All other residential uses	8 feet (2.4 m), or 0.0 from the side being common with another dwelling unit
(e)	Maximum Lot Coverage:	

	All residential uses	35 per cent
(f)	Maximum Height of Main Building:	
	All residential uses	35 feet (10.7 m)

6.3 RS ZONE REQUIREMENTS: COMMUNITY USES

In any RS Zone, where community uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 12 as are applicable.

6 4 RS ZONE REQUIREMENTS: COMMERCIAL USES

(a) In any RS Zone, where commercial uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 9 as are applicable.
(b) The gross floor area devoted to all commercial uses located on any lot shall not exceed two thousand (2,000) square feet (185.8 m^2).

6.5 RS ZONE REQUIREMENTS: RESOURCE USES

(a) In any RS Zone, where resource uses are permitted, no development permit shall be issued except in conformity with the requirements of Part 14 as are applicable.
(b) No more than two thousand (2,000) square feet (185.8 m^2) of floor area of all structures on any lot shall be used for a retail use accessory to an agricultural use.

6.6 OTHER REQUIREMENTS: BUSINESS USES

Where business uses are permitted in conjunction with a dwelling within an RS Zone, the following requirements shall apply:

(a) No more than one thousand (1,000) square feet (92.9 m^2) of the combined gross floor area of any dwelling or accessory building shall be devoted to any business use, and in any case, the gross floor area of any business use within a permitted dwelling shall not exceed seven hundred and fifty (750) square feet (69.7 m^2).
(b) No open storage or outdoor display shall be permitted, except where a fence or other visual and physical barrier is erected.
(c) No material or equipment which is obnoxious or creates a nuisance by virtue of noise, vibration, glare, odour or dust shall be used on the lot.
(d) Not more than one (1) business sign shall be permitted and no such sign shall exceed ten (10) square feet (.93 m^2) in area or exceed five (5) feet (1.5 m) in any one dimension, and in the case of a ground sign, five (5) feet (1.5 m) in height.
(e) One off-street parking space, in addition to that required for the dwelling, shall be provided.

6.7 OTHER REQUIREMENTS: SERVICE STATIONS AND VEHICLE HOLDING AREAS

In any RS Zone, where vehicle holding areas and service stations are permitted, no development permit shall be issued except in conformity with Sections 9.6 and 9.7 as are applicable.

HALIFAX

MUNICIPAL PLANNING STRATEGY FOR NORTH PRESTON / LAKE MAJOR LAKE LOON / CHERRY BROOK AND EAST PRESTON

MIXED USE DESIGNATION

The communities of North Preston and East Preston are situated beyond the urbanizing metropolitan area. Consequently, the pattern of land uses within these two communities exhibits semi-rural characteristics. Although the predominant form of land use is the single unit dwelling, many residents of these communities are also engaged in small-scale commercial and resource related activities on their properties. Livestock production, construction contracting, forestry, automotive repair and small-scale service and retail outlets are prevalent throughout these two communities.

The Mixed Use Designation has been applied to the communities of North Preston and East Preston and includes portions of these communities which are located within the Lake Major Watershed. The designation is intended to retain the mixture of residential, community, commercial and resource uses which are traditionally found within rural communities and permits most uses that might occur within residential, commercial, institutional or resource designations. Specific limitations relative to the size and nature of each land use will be established in addition to site specific evaluation of certain development proposals within the Lake Major Watershed.

In order to provide a degree of flexibility, while allowing discretion to be exercised, certain uses such as commercial developments having in excess of 2,000 square feet of floor area, multiple unit dwellings and light industrial developments shall be accommodated through the development agreement provisions of the Planning Act. In addition, the development of new livestock production facilities and auto related industries within the Lake Major Watershed will be subject to more site specific evaluations afforded through the development agreement process.

It is recognized that, within the Mixed Use Designation, there may be areas which may desire or benefit from a rezoning to a more restrictive residential zone. The designation, therefore, provides for rezoning to a more restrictive residential zone in order to reflect a transition from a mixed land use pattern to a predominantly residential environment.

MU-1 It shall be the intention of Council to establish a Mixed Use Designation, as shown on Map 1 - Generalized Future Land Use. Within this designation, those uses which are traditionally found in rural communities and which may be accepted into the Plan Area without adversely affecting the character and attractiveness of this environment will be permitted.

MU-2 Within the Mixed Use Designation, it shall be the intention of Council to establish a rural settlement zone which permits single and two unit dwellings, multiple unit dwellings containing up to four (4) units, mobile homes skirted and on individual lots, residential care facilities and institutional uses. The zone shall also permit limited home business activities, as well as general commercial activities of up to two thousand (2,000) square feet of floor area, except for auto service outlets within the Lake Major Watershed, and shall permit resource related activities except new or expanded facilities associated with existing intensive resource uses. In addition, the zone shall establish controls on open storage, outdoor display, parking and signage in order to address compatibility concerns with surrounding development.

The Department of Housing subdivision in North Preston, the Preston and Area Housing Fund subdivision in East Preston, and an area along Bell Street, between Highway No. 107 and Highway

There is a need for a detailed level of Planning to be carried out for the land assembly lands located between the communities of North Preston and East Preston. A majority of the land assembly lands is comprised of Crown land and land owned by the City of Dartmouth. These lands were assembled Partly in order to provide Protection to water quality within the Lake Major Watershed and Partly in order to provide direction for future community growth outside the boundary of the watershed. A large tract of land which is located west of Eagle Lake and the Loch Lorien subdivision is currently under loan term lease to WADE.

In November of 1982, a detailed land use plan was prepared by Porter-Dillon and Associates Ltd. in order to assist in the implementation of the land assembly program. The recommendations of the detailed plan were never invoked, however, primarily because no decision was reached relative to the final disposition of the assembled lands to the community development corporation for eventual private ownership by residents.

In order to provide support to the land assembly program, while providing a developmental framework within which this program may be implemented, comprehensive development districts will enable detailed secondary planning to be carried out and provide flexibility such that the assembled lands may be developed for community-based residential, recreational, resource and industrial activities.

Priority should be given to resolving the issue of private ownership of public lands, particularly those lands which are located outside the watershed boundary. Consideration should also be given to conveying part of the lands which are located along the west side of Upper Governor Street within the watershed boundary for use as private building lots, subject to appropriate measures for protecting water quality in Long Lake.

RE-12 It shall be the intention of Council to support the implementation of the land assembly project between the communities of North Preston and East Preston by establishing comprehensive development districts which permit low density residential development and the development of local industrial, commercial, recreational, community facility and resource uses. In considering amendments to the land use by-law to establish a comprehensive development district zone, Council shall have regard to the following:

(a) that the development includes a minimum area of three (3) acres and is capable of being serviced by on-site sewage disposal systems;
(b) that provision is made to co-ordinate the development in relation to the existing transportation network, existing and future land uses, and an overall land use plan;
(c) that provision is made for storm drainage and methods to protect the Eagle Lake and Lake Major Watershed water systems based on reports from the appropriate Provincial, Federal and Municipal government authorities;
(d) that, where resource and industrial uses are to be developed, the provisions of Policies MU-10 and MU-12 shall apply respectively;
(e) that the development is consistent with the general policies of this strategy and furthers its intent; and
(f) the provisions of Policy IM-9.

RE-13 Pursuant to Policy RE-12, and as provided for by the Planning Act, the development of any district shall only be considered by Council through a development agreement or agreements which shall specify:

(a) the types of land uses to be included in the development;
(b) the general phasing of the development;
(c) the distribution and function of proposed public lands;
(d) any specific land use elements which characterize the development;
(e) any other matter relating to the development's impact upon surrounding uses or upon the general community, as contained in Policy IM-9.

RE-14 It shall be the intention of Council that any agreement made pursuant to Policies RE-12 and RE-13 may be discharged upon completion of the development or upon completion of particular phases of the development. Upon discharging part or all of any agreement, Council shall zone the lands to reflect the intent of the agreement.

(a) amendments within a designation to provide for the development of uses which are uses permitted within the abutting designation; or
(b) amendments within a designation to provide for the development of uses which are uses permitted by the zone on the abutting property within the abutting designation.

IM-6 It is not intended that all land shall be prezoned for specific uses. Rather, in order to give Council a greater degree of control, the strategy provides that certain land uses shall be considered only as amendments to the land use by-law or, in certain instances, by development agreements, as provided for in the Planning Act. Such amendments and agreements shall be considered only if they meet the policies found within this planning strategy.

IM-7 The following uses shall only be considered by amendment to the land use by-law.

(a) Within the Mixed Use Designation:
  (i) more restrictive residential uses according to Policy MU-3;
  (ii) general commercial uses according to Policy MU-5.
(b) Within the Residential Designation:
  (i) local convenience uses according to Policy RES-4.
(c) Within the Resource Designation:
  (i) residential uses according to Policy RE-8;
  (ii) comprehensive development districts according to Policy RE-12.

IM-8 The following uses shall only be considered subject to the entering into of a development agreement, according to the provisions of the Planning Act.

(a) Within the Mixed Use Designation:
  (i) multiple unit dwellings containing more than four (4) dwelling units according to Policy MU-4;
  (ii) general commercial activities in excess of five thousand (5,000) square feet, according to Policy MU-6;
  (iii) general commercial uses in excess of two thousand (2,000) square feet of floor area according to Policy MU-7;
  (iv) new or expanded facilities related to service stations, car washes and auto repair outlets within the Lake Major Watershed, according to Policy MU-8;
  (v) commercial recreation uses, according to Policy MU-9;
  (vi) new or expanded facilities related to intensive resource uses, according to Policy MU-10;
  (vi) light manufacturing, service and resource industries according to Policy MU-12,
  (vii) expansion of an existing salvage yard in North Preston, according to Policy MU-15,
  (viii) expansion of an existing salvage yard in East Preston, according to Policy MU-16.
(b) Within the Residential Designation:
  (i) multiple unit dwellings containing more than four (4) units according to Policy RES-3,

Appendix C



Prepared For:

Colley Phillip Devel Inc.

22-702 Crane Hill Wetland and Watercourse Delineation Results

PID 41058439

East Preston, NS

- Wetland or Watercourse Continues Beyond Study Area
- Approximate Boundary of PID 41058439
- Field Delineated Watercourse
- Field Delineated Wetland



Coordinate System: NAD 1983 CSRS UTM Zone 20N
Projection: Transverse Mercator
Datum: North American 1983 CSRS
Units: Meter

0 25 50 100 m

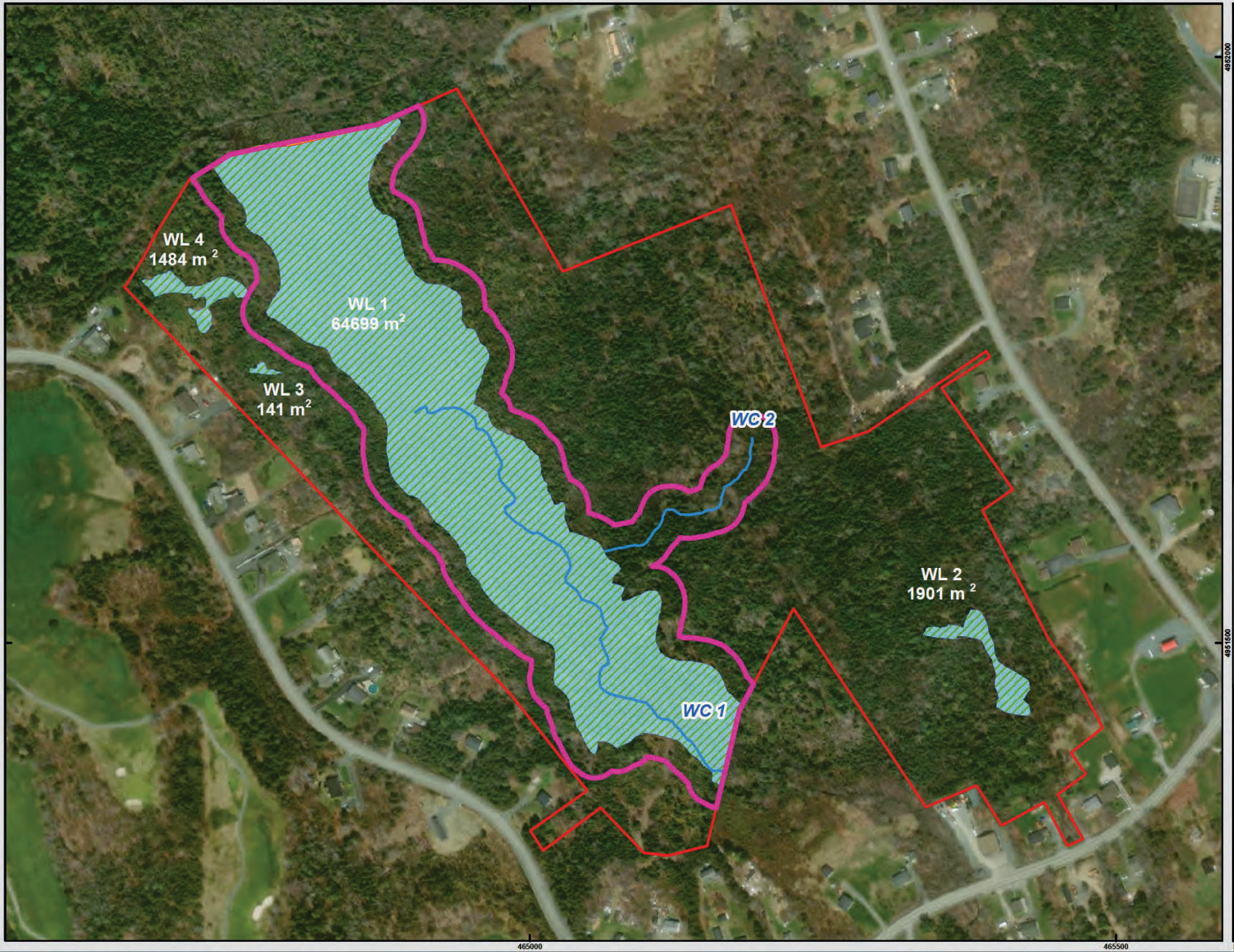
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Drawn By: B. Thomas

Date: 2022-10-03

McCallum Environmental Ltd.

Document Name: 221003_FieldResults_BT



Prepared For:

Colley Phillip Devel Inc.

22-702 Crane Hill Wetland and Watercourse Delineation Results

PID 41058439

East Preston, NS

- 20 HRM Buffer
- Wetland or Watercourse Continues Beyond Study Area
- Approximate Boundary of PID 41058439
- Field Delineated Watercourse
- Field Delineated Wetland



Coordinate System: NAD 1983 CSRS UTM Zone 20N
Projection: Transverse Mercator
Datum: North American 1983 CSRS
Units: Meter

0 25 50 100 m

1:3,000 Scale when printed @ 11" x 17"

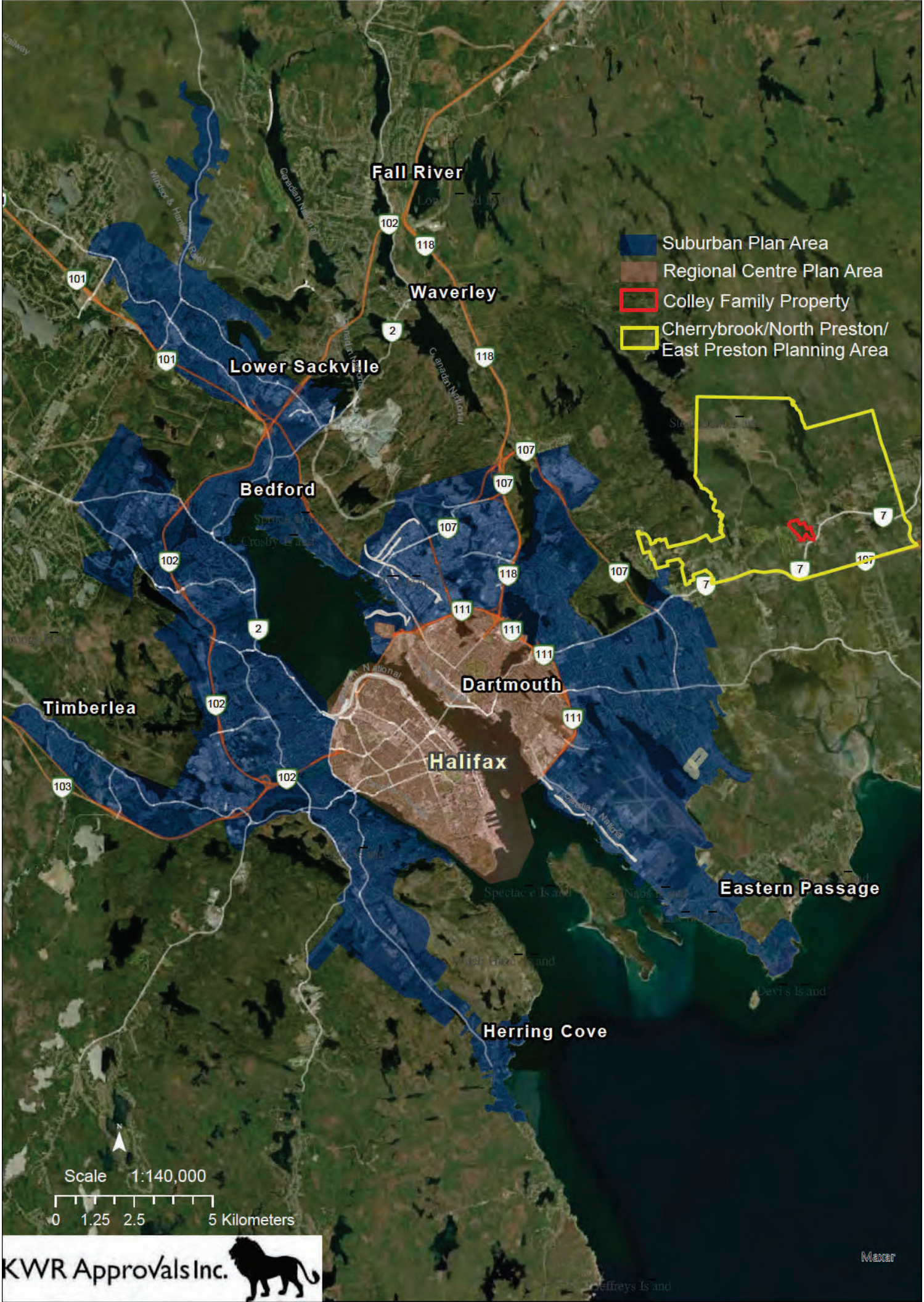
Drawn By: B. Thomas

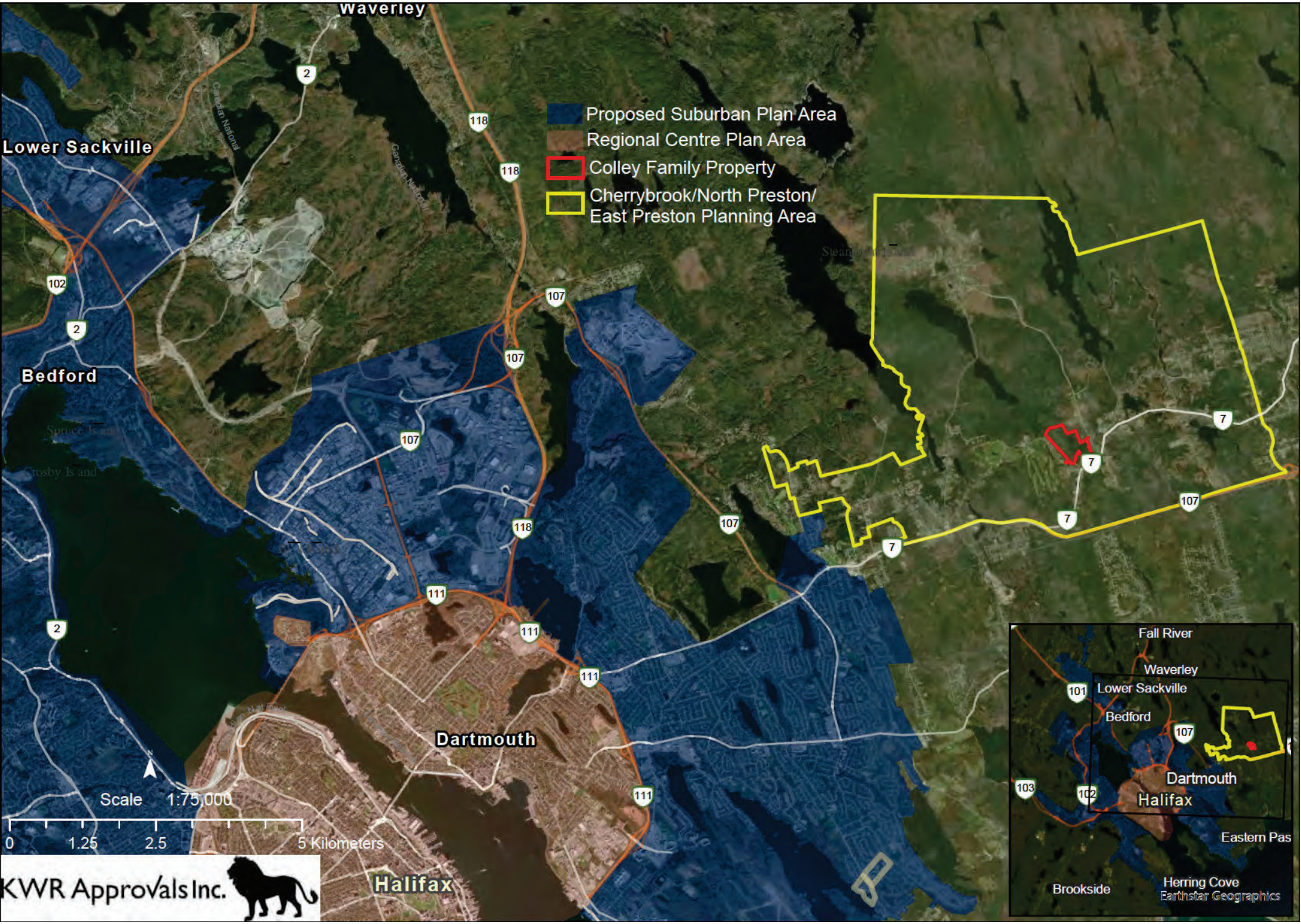
Date: 2023-02-27

McCallum Environmental Ltd.

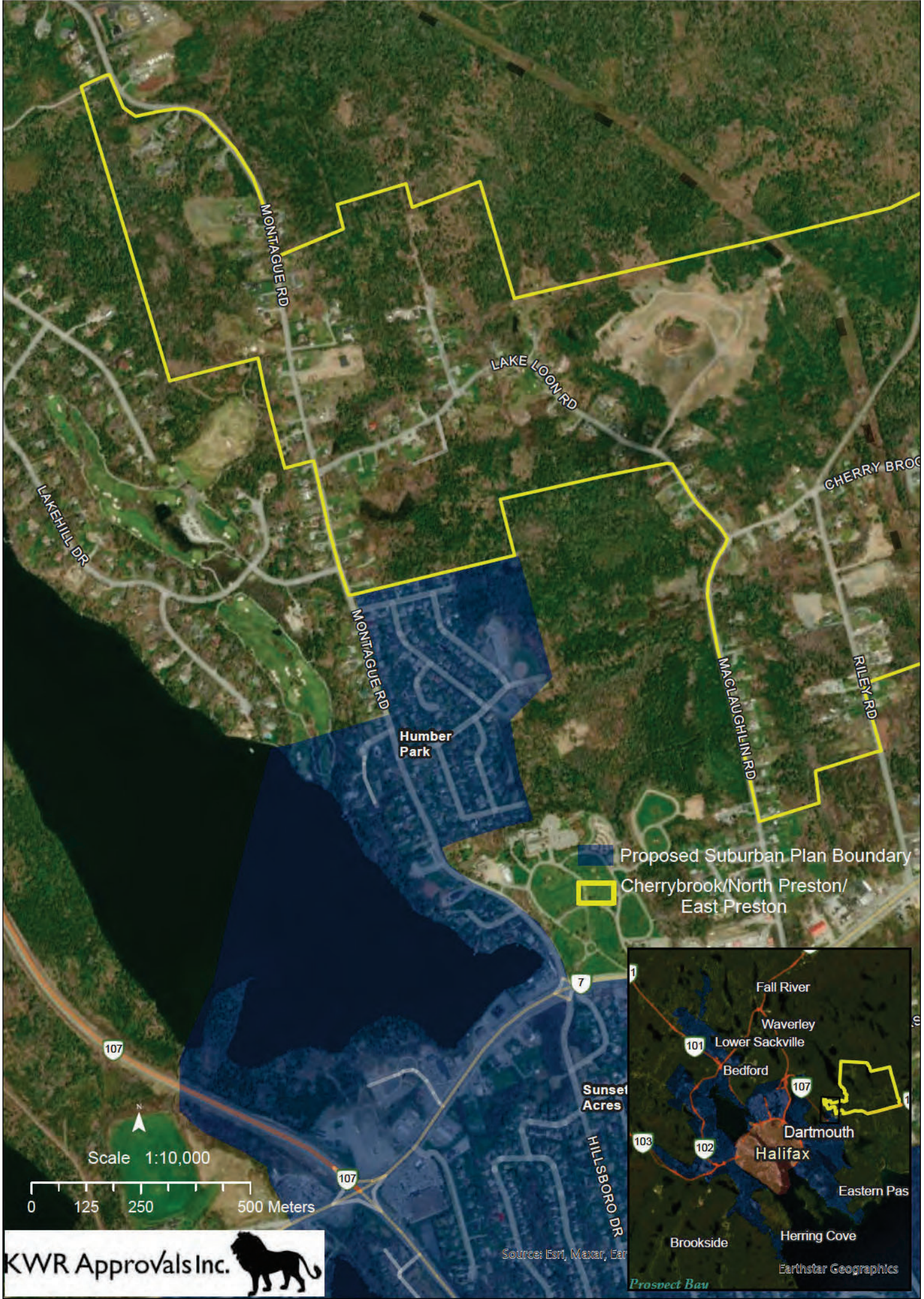
Document Name: 221003_FieldResults_BT

Appendix D


Fall River
Waverley
Lower Sackville
Bedford
Timberlea
Dartmouth
Halifax
Eastern Passage
Herring Cove
Suburban Plan Area
Regional Centre Plan Area
Colley Family Property
Cherrybrook/North Preston/
East Preston Planning Area
Scale 1:140,000
0 1.25 2.5 5 Kilometers
KWR Approvals Inc.


Waverley
Lower Sackville
Bedford
Dartmouth
Halifax
Proposed Suburban Plan Area
Regional Centre Plan Area
Colley Family Property
Cherrybrook/North Preston/
East Preston Planning Area
Scale 1:75,000
0 1.25 2.5 5 Kilometers
KWR Approvals Inc.
Fall River
Waverley
Lower Sackville
Bedford
Dartmouth
Halifax
Eastern Pas
Brookside
Herring Cove
Earthstar Geographics


Lake Major
Echo Pool
Preston
4km
Cherry Brook
LAKE MAJOR RD
CRANEHILL RD
RILEY RD
ROSS RD
BROOM RD
Humber Park
Sunset Acres
7
101
102
103
107
Fall River
Waverley
Lower Sackville
Bedford
Dartmouth
Halifax
Eastern Pas
Brookside
Herring Cove
Earthstar Geographics
Scale 1:20,000
0 0.25 0.5 1 Kilometers
Proposed Suburban Plan Area
Regional Centre Plan Area
Colley Family Property
KWR Approvals Inc.


MONTAGUE RD
LAKE LOON RD
CHERRY BROO
LAKEHILL DR
MONTAGUE RD
MACLAUGHLIN RD
RILEY RD
Humber Park
Proposed Suburban Plan Boundary
Cherrybrook/North Preston/ East Preston
Fall River
Waverley
Lower Sackville
Bedford
Dartmouth
Halifax
Eastern Pas
Brookside
Herring Cove
Earthstar Geographics
Prospect Bay
Sunset Acres
HILLSBORO DR
Scale 1:10,000
0 125 250 500 Meters
Source: Esri, Maxar, Ear
KWR Approvals Inc.

C808

FD

October 27, 2023

Fenerty Developments LTD.

Regional Plan Review

RE: PID 40326217 (19.1 acres) addendum

Please find this letter of request to re-designate the following lands to the "*Urban Settlement*" and inclusion in the "*Urban Service Area*" for the "*Regional Plan*", as an addendum to previous letter for PID's; **40418824, 40662777, 4066973, 40676215, 40829657, 41018763, 41060435, 41070921, 41070939, 40162943, 40573446, 40705154, 40788713, 41294463, 41294471, 41346099. Addendum to add PID 40326217 (19.1 acres).**

In consideration of the above PID's; Fenerty Developments remaining lands are surrounding the Springfield Lake sewage treatment plant that is severely stressed as well as bordering developments who have not provided the necessary connectivity for community safety and evacuations.

Fenerty Developments Ltd, as an original land grant owner in NS, is a family owned legacy land development company. We take great pride in our strong history of consistent, ethical, sustainable developments. We look forward to continued development in alignment with the Regional Plan, as we strive to meet the needs of our growing community.

Regards,

[redacted]

Lynne Fenerty, RN, BN, DO (MP) Can

432 Springfei d Lake Road 902 222-4218 ynnefenerty@gmai .com


Suburban Plan Study Area
Subject Property
Fall River
Waverley
Lower Sackville
Bedford
Dartmouth
Halifax
Eastern Passage
Herring Cove
Brookside
Prospect Bay
Earthstar Geographics
102
101
107
111
103
PATTON RD
Springfield Lake
RHODORA DR
FENERTY RD
SACKVILLE DR
ROSEMARY DR
LIVELY RD
WILSON LAKE DR
Upper Sackville
Maroon Hill
BAMBRICK RD
CASPEREAU RUN
AZURE CRT
MIDNIGHT RUN
MARGESON DR
Scale 1:60,000
0 0.2 0.4 0.8 Km
KWR Approvals Inc.
Maxar
Data Source: HRM Open Data

C809

October 27, 2023

Re: Suburban Plan - Informal Request re 35 GIllis Lane / 474 Cobequid Road

---

Dear Dave, Telina, Leah, Kate, and Shilo,

On behalf of Stanley Gordon and Vera Gillis (Developer) and Lynn Woolliscroft Gillis and Andrew Jennings-Lindsay (Applicant) we are submitting our informal request with respect to the future land use bylaws that will be considered for the Suburban Plan, specifically Lower Sackville. Please note, this redevelopment is in its infancy stage.

The intention of this informal request is two part:

- To consider the Service Boundary extension of wastewater along Cobequid Road from Glendale to Sucker Brook
- To allow for mixed use development on C2 zoned property

The subject property is 35 Gillis Lane (PID 40094443) and 474 Cobequid Road (PID 40094450), current zoning is C-2 community commercial. The property currently houses a 5 bay garage, an office, and a storage yard for vehicles, construction equipment, and other materials. The use dates back to the 1950's and has changed over time. We are looking for the future land use to allow mixed use of Community Commercial and Residential units. This aligns with the goal of "complete communities", as stated in the regional plan, for people to be able to live, work, shop, learn and play within the community.

As a guideline, using nearby mixed use developments and proposals on First Lake and Cobequid, we are looking to increase the density of the subject property to roughly 96 people per acre. This will allow for the highest and best use of the land and help combat the current housing crisis. The combined land mass, just over 5.34 acres, could allow for a conservative 512 units between 1, 2, and 3 bedroom apartments, at a density of 96 people per acre. The zoning change would provide needed commercial space to assist with the population growth and the creation of complete communities as outlined in the guiding principles of the suburban plan review.

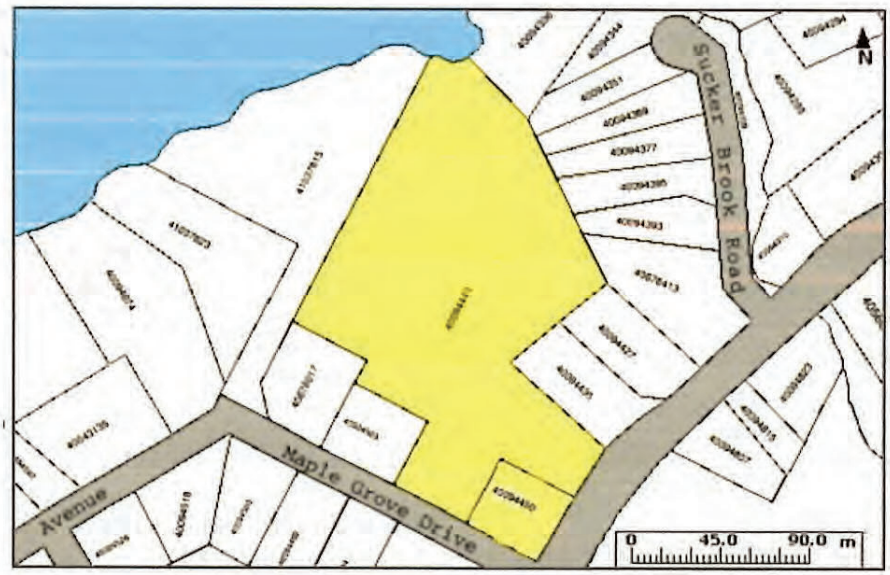


Figure 1: The Land assembly

Property Background

The subject property is located at 35 Gillis Lane (PID 40094443) and 474 Cobequid Road (40094450) as shown in Figure 1. The large land parcel is 4.99 Acres and the smaller parcel is 15,600 sq feet. The subject property is located off the major connector, Cobequid Road by MAP 3 Transportation, with additional road frontage on the public road, Maple Grove Drive, and private lane, Gillis Lane. 35 Gillis Lane has 96.49 feet of road frontage on Cobequid Road and 125 feet of road frontage on Maple Grove Drive. 474 Cobequid Road has 120 feet of road frontage on Cobequid Road and 140 feet of road frontage on Maple Grove Drive. This is a combined total of 216 feet of road frontage on Cobequid Road and 265 feet road frontage on Maple Grove Drive. It currently has a 5 bay garage, office, and a storage yard for vehicles, construction equipment, and materials.

Cobequid Road is a major connector, connecting Waverley and Windsor Junction to Lower Sackville. With existing highways 102, 101, and with highway 107 nearing completion, there will be easy access to all surrounding areas. The 82 and 182 bus routes are 100m and 120m away from the subject property, allowing easy access to public transit and amenities not located on the subject property. The Cobequid Community Health Center is 1.7 km away, providing easy access to health care.

The surrounding area has a variety of different zoning and uses including R1, R6, P1, and P2. The area is supported by various businesses from pet stores to heating, to fitness centers, and the Beacon House food bank. The subject property is located 1.3 km away from the newly announced tiny home community, being built in Lower Sackville for affordable housing.

Green Spaces nearby and within walking distance are the First and Second Lake trail systems. Other nearby Green Spaces include the Eddie LeBlanc Memorial Ball Park, Sackville Lake Provincial Park, Chandler Drive Community Park, and the Stone Mount Drive Park.
The subject property has a variety of different education options for PP to grade 12 as outlined in the table below.

Table 1: Education school

	Halifax Regional School Board	**Early French Immersion**	**Late French Immersion**
PP-5	Caudle Park Elementary School	Cavalier Drive School	
6-8	A.J. Smeltzer Junior High School	Leslie Thomas Junior High School	Leslie Thomas Junior High School
9-12	Sackville High School	Sackville High School	Sackville High School

This aligns with previous planning ideas of widening Cobequid Road from Glendale to First Lake Drive, with an extension of existing sewer services east along the Cobequid Road to the intersections of Cobequid Road and Sucker Brook. This would allow for the addition of more residential units in the current housing crisis, as well as access for existing residents along the extension to municipal sewer and the elimination of septic systems, which have historically caused issues.

The current Municipal Planning Strategy identifies the subject property and its current use as non-conforming to the Urban Residential Designation and states that it is not the intent of the planning strategy to encourage the current use. Currently, with the existing urban residential designation, proposals for the subject property can include new commercial use beyond the maximum floor area permitted by current zoning. Allowing mixed use development on C2 zoned property in this area would be in accordance with the Municipal Planning Strategy and would encourage needed residential development.

Sincerely,

[redacted]

S. Gordon Gillis

Primary point of contact for Questions, Concerns or communication:
Andrew Jennings-Lindsay

[redacted]

C810

Sandy Lake - Sackville River Regional Park Coalition
115 Farmers Dairy Lane, Bedford, Nova Scotia, B4B 2C9
www.sandylakecoalition.ca, sandylakecampaign@gmail.com

Sandy Lake-Sackville River Regional Park Coalition

RESPONSE to the DRAFT REGIONAL MUNICIPAL PLANING STRATEGY of JUNE 2023

October 24, 2023

Thank you for the invitation to comment on the Draft HRM Regional Plan, 2023. And thank you for your work to make our city all it can be.

We write this document with two main goals in mind. One is to further assist the city in its creation of plans and documents that chart the path to serve the city and its people well. The other is the main focus of our organization. That is, to preserve the valuable suite of ecosystems that is the Sandy Lake-Sackville Regional Park area, with the knowledge that doing so will also serve the first goal to benefit the welfare of our city and its citizens.

In this document you will find:

A. Our Coalition's top 3, high-level recommendations that should be reflected in the final Regional Plan

B. Further elaboration on our top 3 recommendations including detail around how the recommendations would be implemented in the Regional Plan

C. Detailed comments on specific wording (present or lacking) in the draft Regional Plan

A. The Coalition's Recommendations

1. Expand Sandy Lake Regional Park to fully protect the area, and stop the plan to fast-track sprawl development next to Sandy Lake.

2. Implement the actions in the Halifax Green Network Plan, which would benefit the Sandy Lake – Sackville River area and beyond.

3. Incorporate recommendations the Coalition submitted previously, which will help put the health of the environment and people as top priority in planning in HRM.

B. Recommendations – Further Detail

1. 1.1 Expand Sandy Lake Regional Park towards the 1971 vision for the area (co-created by the City of Halifax), including through acquisition or other form of protection of an additional ~1800 acres of land by HRM and through other forms of land conservation. This work should be guided by the McCallum Environmental Consulting report about the conservation values of the area, and the substantial body of work about the environmental features of the area. These support the fact that the headwaters on the west side and the south side of Sandy Lake must be protected in order to reduce the risk of damage to the lake that would be caused by development in the area. For a multitude of reasons, we are all better off with an expanded park that includes these sides of Sandy Lake instead of housing development in that sensitive area.

   1.2 Stop advancing the west side of Sandy Lake as suitable for development. Remove it from the list of Future Serviced Communities Growth Centre in the draft Regional Plan. There was never any rationale provided by HRM for why the area should be a Growth Centre, and the new draft Regional Plan articulates a different vision for HRM than the old plan. The land west of Sandy Lake can provide much more benefit to Haligonians as a park than it can as a suburban sprawl development. Development in this area risks damaging the good qualities Sandy Lake Regional Park already provides.

2. Implement all of the 79 actions in the Halifax Green Network Plan (HGNP). The HGNP (passed in 2018) is an HRM Priority Plan that has been very slow to be implemented. Of the 79 actions in the Plan, 33 state that they will be implemented through changes to the Regional Plan during this Regional Plan review (other tools, like bylaw changes, are needed to implement some of the actions). The time is now to implement these actions, which HRM committed to, and which if implemented would better care for areas like Sandy Lake Regional Park and its surrounding lands and waters.

3. Incorporate the rationale, justified recommendations submitted by our Coalition during previous engagement periods for the Regional Plan Review. Our Coalition has submitted multiple, detailed, well-researched recommendations for changes to the Regional Plan. We see that some of them have not been addressed in the draft Plan. In many cases, our recommendations benefit people, wildlife, and water beyond the Sandy Lake – Sackville River area. We strongly encourage you to examine how all of our recommendations could be acted upon in the Regional Plan or related tools like bylaws and include what has been missed in this Regional Plan draft. Please read the background information and examine carefully the appendices and each of the requests and their rationales in Sections A, B, and C of the SL-SRRP Coalition's 2 submissions to the RP Review: *https://www.sandylakecoalition.ca/rpsubmission*

C. Changes to the draft Regional Plan (RP)

Overall, in the draft RP there is much to be celebrated! For example:

- We are pleased to see language in the draft Regional Plan which reinforces the Priority Plans, and helps the Centre Plan.
- We support creation of a new **Conservation Zone**
- We support policies **CI-1** and **CI-2** and the creation of a **Regional Parks Priority Plan.**
- Policies **RP-1** through **RP-5** we support for using the green network plan to shape where new development happens and for focusing growth in already serviced areas to create complete communities.
- We support **RP-13** to focus growth 90% in the "urban area", avoiding urban sprawl. It is important not to include Sandy Lake as urban. It is near the service boundary but its natural home lies with its strong ecological assets.
- We support policy **RP-21 The Open Space and Natural Resource Designation** to identify the green network as it relates to both public and private land. Use the HGNP as an overlay zone when making development decisions.
- It appears that HRM is trying to find ways to include both private landowners' property rights and conservation needs. This is welcome, but needs fine-tuning as seen in comments below.

However, there remain significant issues we believe could be addressed in the Regional Plan that too frequently turn up in practice. Please see Appendix 1 (Solving the Disconnect) for examples and, we hope, the opportunity for real progress through addressing these and other points in this Regional Plan review.

As well, there are specific requests we made in previous engagement periods on the RP that are not addressed in the current draft. We provide one example below, and more in our suggested changes to text in the draft RP.

Example: We were promised that the next round of RP engagement would deal with a particular confusing situation in the previous RP, and in the HGNP, where Sandy Lake was described as both a future growth area for development, and also for park expansion. The HGNP mapped an overlap over the Sandy Lake Park area showing conflicting values for development and also for parkland.

This conflict began in 1982 when Bedford Town Council decided to zone a portion of the park land unit west of Sandy and Marsh Lakes for future housing, thus opening the way for developers to begin buying up properties on speculation. No biologists were consulted when this decision was made. Citizens continue to point out that this was a grave error on the part of the town council. Thus, we are all still in the difficult situation where the area has dual values that are incompatible. We continue to work to make sure that decision-makers recognize this error and will now find a win-win-win to preserve this valuable ecological unit for all the right reasons, as demonstrated repeatedly in studies over 50 years (See Appendices 2 through 6) starting with the Dean Report of 1971 through to the McCallum Report of 2022 and since. This action to save this park unit will need to be deliberate.

So far, we have seen no information or explanation as to why specifically Sandy Lake is designated a growth centre. **Please provide credible reasons for why Sandy Lake was and is still designated as a growth centre** in the face of all the evidence that its value is much greater as a natural system. The original rationale seems to have been because the Pender family's generous offer to provide the lands west of Sandy Lake to the park were turned down by the then-county warden. If the county and later, Bedford, were not seeing the biological values that were identified in 1971, then we would guess that making the lands available for development made sense to them. Then, in 2006 it seemed that the decision was around servicing, not using an environmental lens. It is difficult to go back on this, but HRM and the Province have the ability to right this wrong, and the city and individual councillors have the ability to voice their support for protecting this valuable ecosystem for the city and its citizens. (See Appendix 7 backstory)

***The Sandy Lake-Sackville River Regional Park Coalition supports the Regional Plan review submissions of the Our HRM Alliance and that of Sandy Lake-Sackville River Regional Park Coalition Co-Chair Walter N. Regan** http://sandylake.org/wp-content/uploads/2023/10/2023-REGIONAL-PLAN-submission-Walter-Regan.pdf

Below are our selected comments on the text of the draft Regional Plan. Some are identified to underscore our support of the Mr. Regan's points and of the Alliance. Others are our additional comments (in blue text) added in the order that the topics appear in the RP draft.

Chapter 1: Introduction
1.2 Regional Vision and Principles
1.2.3 Principals

Add: “Prioritizes the protection of open space, wilderness, natural beauty and sensitive environmental areas”
Add: “Shall, as a critical component of environmental management, restore degraded aquatic and terrestrial habitats and wildlife corridors”

Environment, Energy, and Climate Change need to be priorities in 2023. Development must now take its turn, not lead, and fit in around environmental needs, or there will be little for the next generations.

Work with the Province to have them understand that all of the objectives in this section, including these suggested ones, are important.

1.6.1 Key Terms

If you wish to keep these descriptions of “may”, “shall”, and “shall consider”, it is important to create policy that places the priorities of environmental concerns, community concerns, and development concerns at least on par with each other. We must do much more than just consider environmental aspects of city decisions. They are essential now to continuation of life on earth. Putting off the actions to change this wording and its clear intent to protect the environment until later would put off dealing with the problem and compound the “death by a thousand cuts”. The time for action is now.

Chapter 2: Planning for Our Region:

Policies **RP-1** through **RP-5** we support for using the green network plan to shape where new development happens and for focusing growth in already serviced areas to create complete communities.

RP-10 add “while respecting and prioritizing environmental issues and concerns”

Also, The Bedford Land Use Bylaw currently contains a bylaw which has preserved the Sandy Lake area and its valuable ecosystems for many years. For a building to be approved, the lot size must be 5-acre minimum and the property has to have been on a serviced road on or before October 9, 1991. If the entire area is rezoned back to its earlier park designation as we request, and the area is therefore protected under the park umbrella, this “five-acre by-law” may become unnecessary. Until the area is fully protected, we request that it remain in place.

2.5.2 Growth Targets

We support **RP-13** to focus growth 90% into the "urban area", avoiding urban sprawl. It is important not to include Sandy Lake as urban. It is near the service boundary but its natural home lies with its strong ecological assets. Yes, place growth in the urban area and in communities such as Musquodoboit and Main St. Dartmouth which want to be more urban.

Develop on brownfields and redevelopment areas, not in greenfields such as Sandy Lake-Sackville River.

It is concerning that we were told earlier in the process that potential greenfield development will be explored in the RP review Phase 5. Please look closely at studies around the economic side of greenfield vs brownfield development as well as redevelopment and urban infill.
See the **Brownfields report HRM, 2002:**
https://www.dropbox.com/sh/236g71ydn1acfv7/AACVt8HPMDMy81UY2x9wbfzYa?dl=0

Especially in a valuable ecological location such as Sandy Lake-Sackville River, building housing makes no sense. Appendices 2 through 6 hold information on values of natural areas of Sandy Lake's ilk. And also, as seen just above,
https://www.novascotia.ca/parksandprotectedareas/docs/archibald-lake-proposal.pdf

and CBC: https://tinyurl.com/2wx624wb .

2.5.3 Service Areas

Policy **RP-14** defines "Urban Area" as that which "is serviced with municipal water, wastewater and stormwater services and conventional transit services". However, Map 3, contains areas which are not yet serviced, such as at Sandy Lake. Sandy Lake is better utilized as public park than as housing. Please change the map to remove the misleading portion at Sandy Lake, and go on to preserve the full park.

Do not develop in greenfields such as Sandy Lake just because they lie beside more developed areas or because they are owned by developers. See the background section of the SL-SRRP RP Submissions *https://www.sandylakecoalition.ca/rpsubmission* for how the important Sandy Lake Park land was rezoned to become residential. Our communities need a rich ecological unit at Sandy Lake-Sackville River, as was intended in 1971 when Federal biologists selected the ecological unit to be preserved for all time. Developing parts of the area instead will impact negatively the health of the remaining park and reduce the ecological services values as described previously in this document.

We support policy RP-21 The Open Space and Natural Resource Designation to identify the green network as it relates to both public and private land. Use the HGNP as an overlay zone when making development decisions.

Chapter 3: Building Healthy and Complete Communities:

3.4.5 Future Serviced Communities

Remove "Sandy Lake" from Table 3.3. Despite who owns the land now and that the province wants housing at all costs, citizens and the city must do whatever is necessary to raise awareness among decision-makers to find a win-win so that together we save Sandy Lake-Sackville River.

Multiple studies since the 1970s, including the 2022 McCallum Report, have underlined Sandy Lake's outstanding ecological values.

HC-7 iii) add (i.e. Lucasville Road, Lucasville Greenway and Sackville River Conservation Corridors) and connect the trails to the expanded Sandy Lake Park. In particular, protect now the narrow pinch point of wildlife corridor that runs by what was Heffler's Lumber in Sackville. The walking trails could link through there as well.

In the RP, the trail system is called a "backbone" in the plan, however, a trails map(s) is missing.

Chapter 4: Parks: 4.2

Section **CI-1** and **CI-2** Sub-sections a-h

We support policies **CI-1** and **CI-2** and the creation of a **Regional Parks Priority Plan** - a high-level strategic park plan that also looks at the level of service for different types of parks and their distance to communities.

Nature Parks: 4.2.1

We thank you for the recognition of Nature Parks in **Table CI-1**, in support of Sandy Lake, Blue Mountain-Birch Cove Lakes, and the Purcells Cove Backlands.

Quote: *"The Municipality currently has direct involvement in land ownership and park management for three areas that are being developed as Nature Parks. The primary goal of park planning for these publicly held lands is to retain them in a natural state, offering passive access to nature. An overview of these areas is provided in Table CI-1 below. Lands that the municipality currently owns, or provincially or federally owned lands will be subject to future park planning processes.* ***As development proceeds in close proximity to park areas, attention should be placed on ensuring land use is of a suitable use and scale."*** This sentence is of particular interest to us as it could assist the efforts to expand the viability of the Sandy Lake Park.

However, we have some concerns over some text in **Table CI-1: Description of Nature Parks:**

"Sandy Lake -The Sandy Lake Regional Park consists of municipally owned land around Sandy Lake, Marsh Lake and Jack Lake containing a beach, formal trails, and undeveloped wilderness lands. Located near Hammonds Plains Road, it extends up to the Sackville River and encompasses the Sandy Lake watershed, including the watercourse from Sandy Lake, Marsh Lake, and into the Sackville River. The Park also includes Jack Lake, which is part of the Papermill Lake Watershed. The Municipality has an active program to include additional lands to support the further development of this nature park."

From reading this one might conclude that the Sandy Lake watershed is encompassed in the park. That is, already protected within its boundary. This is not the case. Significant portions of the Sandy Lake watershed still need protection within the park in order for park assets to remain intact and functioning, and some of these significant portions are slated for development in the province's SPA Sandy Lake. **That said, we strongly support the description here that does include Sandy Lake's watershed in the park.** We look to the Regional Plan to achieve a win-win for all.

We do not support Sandy Lake and Blue Mountain-Birch Cove Lakes (Highway 102 West Corridor) as **Future Serviced Communities**. We understand these areas are undergoing extensive pre-development and land suitability studies. However, we believe that these areas are more valuable to HRM and the Province as parkland. We believe that developing these areas will result in a net loss of community and environmental benefits.

We support the addition of at least 1,800 acres to the existing Sandy Lake Regional Park. The McCallum Report, and others listed in these documents, show the importance of the additional acres and waterways to the survival of the existing park's assets. See in our earlier RP submissions *https://www.sandylakecoalition.ca/rpsubmission* that reveals that using the 2015 conceptual map to guide acquisition was not the intended use of that map and will not protect the valuable assets of the park. See our April 24, 2020 submission, page 17, entitled "Another Mistake to Fix".

We support the full protection of the BMBCL, Shaw Wilderness, and Mcintosh Run. These parks complement each other ecologically and otherwise, along with their sister park Sandy Lake-Sackville River.

We support Sections **CI-3** to **CI-4**.

However, we support Mr. Regan's comments that we do not fully understand the position of Section **CI-5**.

Policy **CI-5** is *to study lands in close proximity to nature park areas and ensure land use is of a suitable use and scale to support the creation and ongoing use of the nature park.* How will the Municipality ensure that land use is of a suitable use and scale to support the creation and

ongoing use of the nature park? Is the wording “to support the creation” relevant here if the park is already in existence? “to support expansion” seems better.

Please include direction to study these lands for park expansion, and create a park acquisition strategy to support conservation and connection of large wild areas and the corridors that connect them, such as at and between Sandy Lake, BMBCL and PCB/Shaw Wilderness. It is the corridor through Sandy Lake that will preserve biodiversity in the other 2 sister parks.

Level of Service Standards

Section **CI-9** Change the wording and intent: Where a proposed development is considered by development agreement, the Municipality shall ~~consider~~ undertake the acquisition of riparian buffers, wetlands and islands as public open space to protect public interest, facilitate public access, create wildlife corridors and preserve water quality. Make them a priority, as explained in other parts of this document.

4.9 Regional Energy and Telecommunications Infrastructure:

HRM should encourage NS Power to use manual techniques to remove vegetation where necessary and to leave largely intact buffers with respect to watercourses under high voltage transmission lines.

HRM should encourage NS Power to use bridges or bottomless culverts for watercourse crossings.

Both of these would help Sandy Lake Park now, as there are multiple power lines, a NS Power substation, and a road within the park boundary.

Chapter 5: 5.0 Fostering Diverse and Affordable Housing:

On redevelopment of sites, (especially urban sites), create green space and parks and include adjoining sites if possible. This should also apply to Provincial schools, community centers and housing developments.

Adaptive Reuse: 5.2.3

Section H-10: a) iv, include green areas, parks and other amenities for public use and enjoyment.

v, sites are not to be 100% developed.

10-b) iv, v include green areas, parks and other amenities for public use and enjoyment.

Sites are not to be 100% developed.

Section H-11

We agree with Mr. Regan, to add a sub-section,

f) sufficient green space and/or naturalized areas and to include green areas, parks and other amenities for play areas and enjoyment.

g) sites are not to be 100% developed.

5.3.2: Incentive or Bonus Density:

Density Bonusing must include storm water retention, tree planting, green spaces. Money in-lieu must not be used as a way to allow more density and site use while not allowing/ building/ funding of green spaces and parks.

We support initiatives to discourage urban sprawl and encourage ground water recharge and minimize hard surfaces.

We support the establishment of retention ponds and naturalized areas including day-lighting and rewilding within any high-density developments.

On infilling of sites/ areas, green space should not be destroyed or developed.

Chapter 6: Protecting the Environment and Acting on Climate:

As indicated, we support Mr. Regan's and OHA submissions regarding Chapter 6:

We are at a point where **EC-1 The Actions of the Halifax Green Network Plan** must lead business planning, programming and regulatory activities of the Municipality, not just be considered in.

EC-1-7 Protection of wetlands, corridors and other natural elements is essential for the city, the community, and the planet. Think globally and work locally. It all will add up.

Section 6.3.1.2 Preserving Natural Corridors

Section **EC-12** We strongly disagree with this by-law. It removes the true purpose of an Essential Corridor. It also conflicts with the intent of EC-11- i)

Section **EC-13 a)** add, “and shall also identify Important Corridors”.

Section **EC-13 c)** We agree with this provision (see **EC-11 c** of SRA comments)

However, the definitions of Essential and Important corridors being used in this RP document are not consistent with the definitions in the HGNP. This will be confusing to many readers. Please return to the HGNP definitions or supply different names.

add d) consider opportunities for wildlife crossings over and under transportation infrastructure or other major barriers.

add e) the Municipality shall identify Essential and Important Corridors especially in rural areas prior to loss and development pressures.

add f) both Essential and Important Corridor widths should be as stated in the Halifax Green Network Plan as a minimum.

add g) both Essential and Important Corridors should be as stated in the Halifax Green Network Plan, and should be extended beyond the floodplain buffer as a minimum and be beyond the watercourse setback.

add h) both Essential and Important Corridors that follow watercourses shall be a minimum width of 100 metres.

6.3.3 Naturalization and Municipal Natural Assets Management

We are strongly in favour of this section.

add b) Floodplain Mapping, Zoning and Stream Gauging to be part of the naturalization and asset management within this section.

add c) Protection of large undeveloped blocks of land including Sandy Lake Lands and Feely Lake.

6.3.4 Urban Forests

There is strong evidence that the Urban Forest department is understaffed and under-funded. We recommend that several positions be created in the Planning Department of HRM to develop and manage the Urban Forests Plan.

Add a section to deal with the coming concern that Hemlock Woolly Adelgid is now in HRM and will need funding and dedicated staff to prevent loss of significant hemlock forests including Hemlock Ravine and Sandy Lake and others.

A new Master Urban Forest Plan must be undertaken.

Section-**EC-17**, We are strongly in favour of this section.

Section **EC-17** Add a) a by-law to be created to insure protection and replacement of trees on private property.

6.4 Protecting Our Water

We are in favour of this section. Except that, while we agree with the intent of this section, in many areas there are no community – level groups to assume a stewardship role. In these cases, HRM must create and manage Watershed Management Plans.

As SRA states: Many watersheds cross Municipal boundaries, HRM Staff should take the lead and be involved in inter-municipal watershed planning. It is extremely difficult for community – level groups to deal with the different levels of government with respect to environmental issues. HRM shall provide leadership, liaison and staff to facilitate coordination of inter-governmental cooperation.

We fully support using the Watershed as a basis and defined unit of measurement for Watershed Planning.

To expand on the stewardship concept:

The Sandy Lake Conservation Association community group and NS Power enjoy a mutually productive working relationship in our 'Sandy Lake Security Committee', along with Halifax Police, RCMP, Halifax Water, Halifax City Parks, SRA, DND, and others. Together we have been successfully working for 3 years to reduce illegal activities in all of our properties, such as hunting, ATV use, illegal fires, illegal camping and structures, trespassing and vandalism. Provincial parties such as DTAT, DNRR and DECC are also assisting these efforts. We encourage the city to encourage and assist other city parks to create similar partnerships, and joint stewardship projects for the benefit of all.

The Woodens River Watershed Environmental Organization (WRWEO), A Sandy Lake – Sackville River Coalition member group, created a stewardship proposal. It is another model that could enhance our parks. (See Appendix 8) Both models can be useful guides for a city-organized stewardship program. We encourage the city to explore the benefits of fostering such a program through this Regional Plan review.

Section EC-18

We support all of Mr. Regan's comments in this section. In particular, points on stormwater, corridors, floodplain mapping, and other climate Change mitigation.:

add c) Acquisition of large natural assets and conservation areas such as 1800 acres at Sandy Lake, and protect Feely Lake.

Mr. Regan: "All riparian buffers must be in public ownership. Riparian Buffers kept in a natural state will protect water quality for adjoining wetlands and forests, riparian buffers should be established for daylighted streams and brooks. (i.e.1,800 acres at Sandy Lake, Feely Lake). This Policy increases in importance where wildlife corridors adjoin Riparian buffers."

6.4.3 Watershed Studies

We strongly support all of Mr. Regan's comments in this section.

Also, make use of the criticisms and comments from the professionals about the 2014 AECOM study of Sandy Lake. At Sandy Lake $200K gained very little real information other than to support development goals.

2014 Sandy Lake AECOM report: http://sandylake.org/sandy-lake-watershed-study-final-report-aecom-2014/

2015 Response: http://sandylake.org/response-of-dr-hansen-and-sandy-lake-conservation-association-slca-to-sandy-lake-watershed-study-final-report/

Sandy Lake limnological profiles reveal freshening and oxygenation of the water column after extreme rain events; and a worrisome "Metalimnion Oxygen Minimum" 2Sep2023: http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/

6.4.4 Rural Community Watershed Management

We support Mr. Regan's comments.

6.4.5 Lake Monitoring --add "and Rivers" to Title

We join Mr. Regan in strongly supporting lake and river water quality monitoring.

EC-22 remove "to provide guidance" and add "and restorative or mitigative efforts such as sediment removal from watercourses and liming.

Mitigative measures must be done to return watercourses back to a natural state. Testing shall lead to restorative actions.

EC-23 remove "may" and replace with "shall".

6.4.6 Riparian Areas and Wetlands
6.4.6.1 Riparian Areas

EC-24 the 30-meter-wide buffer shall be acquired in public ownership. Large rivers and important wetlands shall have a minimum buffer of 100 meters. Remove "as well as" and replace with "and". Remove "contiguous with watercourses".

HRM should acquire existing riparian buffers along watercourses.

Wherever possible these features (especially storm water infrastructure) shall be constructed to maintain the integrity of the riparian buffer.

EC-27 Change "shall" to "may".

Mr. Regan: "Vegetation within the area of the reduced riparian buffer shall be re-constituted to a natural state where possible by landscaping and plantings.

Given the ever-increasing awareness and concern with regard to water quality, HRM shall develop an outreach or education plan to educate the public on the vital importance for protection of wetlands and riparian buffers.

(Mr. Regan) feels very strongly that under the Regional Plan very little attention is given to identifying and policing existing riparian buffers and setbacks with respect to tree and vegetation removal. By-law enforcement must not only be complaint driven. During the construction process it must be the responsibly of the Building Inspector or Development Engineer to monitor the site for proper sediment control and the protection of trees and other vegetation within the riparian buffer.

Post development, trees and other vegetation are often removed from the riparian buffer. Every 3 to 5 years (or on sale of property), all riparian buffers should be inspected for integrity. Where vegetation has been removed in contravention of the by-law, it should be reconstituted at the land owner's expense. Where structures are found that are not permitted under the provisions of the by-law, these structures are to be removed or relocated at owner expense.

EC-28 Change “shall” to “may”.

EC-29 Change “shall” to “may”.

EC-30 (Mr. Regan) fully supports this section. Add HRM shall have a Tree Retention By-law for the entire municipality, to include riparian buffers.”

We strongly support this. See our RP submissions for the devastation caused to Sandy Lake, ongoing, from the Armco clear cut of 2013. Individual trees in HRM as well as large portions must be protected rom cutting that is currently allowed by this current lack of protection.

EC-31 We support this section, but change “may” to “shall”.

6.4.6.2 Wetlands

We support Mr. Regan’s comments as stated and highlight in **EC-33** change “may” to “shall”.

EC-34 The 30 metres setback (100 meter for larger rivers and wetlands and special wetlands such as at Sandy Lake) should be turned over to the Municipality as a public owned buffer.

EC-35 add (c), all wetlands and vernal pools shall be identified and protected with a minimum 30-meter buffer.

We strongly support policy **EC-41** to utilize green infrastructure and nature-based solutions to mitigate climate change. please also include trees retention, promotion of native NS plants, and protection/restoration of wetlands.
At Sandy Lake, it is imperative to have the Sackville River Floodplain study expanded to include the Sandy Lake watershed because what happens at Sandy Lake will affect water levels in Bedford and Sackville. This study must be done before any decision to build or not build at Sandy Lake is made.
The Sandy Lake watershed is already functioning to do these things to a high degree. To remove those contributions makes no sense.

6.5 Acting on Climate Change

We are all fortunate that despite 50 years passing since the Sandy Lake-Sackville River ecosystem was first identified by federal biologists, the area is still functioning to mitigate both Climate Change and Biodiversity Loss, as well as high-level educational, health and recreation for citizens, and will continue to do so if we choose together to do whatever is necessary to preserve the unit. We must find the win-win-win.

6.5.3 Stormwater and Flooding

We support Mr. Regan's comments and recommendations, including "**EC-42** remove "consider", change "adopting" to "adopt". After "matters may" change may "to "shall", and remove "the cost and effectiveness of"."

"Add f) sub-sections – a to d shall apply to existing developments and re-developments with emphasis on:

- no direct discharge into watercourse
- no permanent disturbance of naturalized buffers
- increase use of permeable surfaces to reduce storm water run-off and increase groundwater recharge
- the object should be not to exceed maximum inputs and rate of discharge that receiving watercourses can assimilate without adversely effecting water quality and quantity and to avoid stream bank erosion and damage to wetlands

EC-43 change "may" to "shall", add "by end of pipe treatments" after "facilities and watercourses".

Including education of citizens and storm gauging.

EC-44 Change "may" to "shall"

a) All bridges and open bottom culverts shall be designed for the anticipated 100-year storm
b) Fish habitat improvement and protection shall be considered.
c) Daylighting will also help mitigate the effect of climate change.

EC-45 change "may" to "shall'

a) (Mr. Regan) supports this sub-section
b) (Mr. Regan) fully supports this sub-section
    i) All bridges and open bottom culverts shall be designed for the anticipated 100-year storm
    ii) Fish habitat improvement and protection shall be considered
c) (Mr. Regan) supports this sub-section
d) (Mr. Regan) supports this sub-section

See Appendix 9 for lessons learned regarding flooding in the Sackville River Floodplain and the unquestionable need for a Sandy Lake subwatershed floodplain study to be added to the Sackville River Floodplain Report of 2017 before any decision is taken to proceed or not with development.

EC-46 (Mr. Regan) supports this sub-section.

EC-47 (Mr. Regan) supports this sub-section."

Do the recommended changes of "may" to "shall".

EC-76 add

a) there shall be a policy to mitigate habitat loss during road construction and installation of transmission lines
b) riparian buffers and wetlands shall be respected

Chapter 7: 7.1 Objectives

We support this section. Exercise caution in how large and where traffic circles are placed. They do not foster community living or community building unless they are designed with this in mind.

q) construct the Lucasville Greenway and connect it to the expanded Sandy Lake-Sackville River Regional Park trails.
r) create a standing committee for recreation and AT Trails for construction and maintenance (HRTA)
Keep in mind that Sandy Lake Park is a city park and motorized vehicles are not allowed. By-law P-600 is vital to keep intact for protection of city parks.

7.5 Complete Communities and Streets

7.5.1 Complete Streets

We support Mr. Regan's comments on this section.

"7.7 Active Transportation

Add to 7.7 after first paragraph:
(Mr. Regan) believes that AT should be fully funded on an on-going basis. HRM should adopt "Third Mode Funding Concept "as used in New York.

M-25 Add a) combine the management of recreation trails (Parks and Recreation) with the AT Network.

a) Create an advisory group for trails (similar to Halifax Regional Trail Association- with Staff, members from the various trail groups and Councillors).

b) Funding for Recreation Trails and AT Trails be significantly increased and with a large increase in HRM Trails Staff.

M-26 add f) Recreation Trails

M-27 (Mr. Regan)fully supports this sub-section.

M-28 (Mr. Regan) fully supports this sub-section.

a) All new developments shall contribute to the Capital Cost Contribution to help fund and build AT trails, (similar to **M-30**)"

(Mr. Regan) does not support the use of motorized vehicles for regular use on multi-use trails. Use of ORV's however, is supported for service and maintenance of said trails.

Chapter 8: 8.4 Industrial Employment Lands

EP-11 revise "map 6"to include the Sackville River – Sandy Lake Corridor

Ep-17 add i) protecting wetlands, wildlife corridors, old growth/ mature tree stands, floodplains, watercourse and unique eco-systems

8.4.5 Halifax Harbour

Add that Lawlors Isalnd, Georges Island, Devils Island, McNabs Island, Admirals Cove, Wrights Cove, Bedford Basin islands (and other lands around the harbour existing in an undisturbed state since 1749) should be protected to recognize their natural and historical significance. Efforts should be made to preserve and protect the natural inter-tidal zone whenever and wherever possible.

8.4.5.2 Water Lots

EP-22 (Mr. Regan) agrees with this sub-section.

Add a) water lots should be acquired whenever possible in public ownership.

EP-23 (Mr. Regan) agrees with this section.

8.5 Rural Employment Lands

(Mr. Regan) supports this section (GNP Working landscape Open Space Plan Values Map)

8.7 Tourism

With in-stream conservation and habitat restoration annually amounting to about 10 million a year and Recreational Fishing worth approximately $70 million annually in NS and about $21.5 million a year in HRM (with about $1.5 million a year from tourism). Recreational Fishing is very important to HRM and should be recognized and supported.

EP-28 (Mr. Regan) supports, plus add e) by considering nature parks, Conversation Areas, park expansion (e.g. Sandy Lake Park, Blue Mountain-Birch Cove), birding, canoe and kayak and other nature-based activities.

A liming program could be developed for low ph impacted watercourses. Increase the number of Conservation parks (e.g. Sandy Lake, Freely Lakes, Anderson Lake and Beaver Bank Lake).

I-7 a) (Mr. Regan) agrees with sub-section

b) Add (e.g. Sandy Lake, Blue Mountain Birch Cove, and Feely Lake)

10.3.2 Priority Plans

Please see again our concerns in Appendix 1: Item 4, Priorities Plans

We support Mr. Regan's comments in this section.

10.3.4 Special Planning Areas (page 168)

SL-SRRP Coalition asserts that this Housing Task Force issue should not be included in the draft HRM Regional Plan at all.

1. Most important is the concern that **rushing any of the SPAs ahead by allowing early destruction of the natural landscape before all the studies are in and deliberated thoroughly is putting the cart before the horse.** The optics of that are highly concerning to say the least. If the authors of this section, and Council, the Province, or anyone, thinks that what is right for an area will of course take precedence in the decision-making process despite the existence of this new version of fast-tracking as written here, they have not been paying attention to the long history as well as the short history. Permission in certain circumstances to move ahead can easily be used as a new kind of green light toward housing development when **what we really need is to shift the priorities so that development, ecological, cultural, and other factors are valued equally.** The development priority already has enough opportunities and excuses to be made easier to proceed. Why would make it worse?

2. From a timing perspective, it seems that what the Task Force is doing is in many ways irrelevant to the RP plan. The RP is long term and the Task Force was set up for a fixed time period (2 years?). We have been told its mandate should have run out before the long-term vision of the RP is put into place.

   Note: this next paragraph was written before the October 121th 2023 Bill 329 was proposed: **Concern: Is this section an indicator that the Province has taken over housing for the long term (has not told citizens this yet)?**

3. Also, including this section in the city's RP **appears to indicate HRM's support and acceptance of the Special Planning Areas (SPA) selected by the province**, and therefore gives unstated support to the Task Force's goals and methods. However, the mayor, CEO, and many councilors have indicated displeasure with the processes and specifics of the Province's and Task Force activities. Does Council know what passing a RP draft with this section in it says to citizens?

The SL-SRRP Coalition strongly requests that this entire section be removed for each of these reasons, plus we join Mr. Regan's and Our HRM Alliance's position:
"(Mr. Regan) does not support this section10.3.4 Special Planning Areas. The intention removes public input and circumvents the HRM planning process. Sandy Lake and Drain Lake have been designated as Special Planning Areas. Environmental protection of the Sackville River and tributaries is of paramount importance to our Association.

(Mr. Regan) is strongly in favor of 1-20 a), b) and c). In his experience, the problem has been that these plans, in most cases are not implemented in their entirety throughout the course of the project and are not inspected to ensure functionality.

In the rush to expedite development the shortcuts such as early tree removal, blasting, earth works and other activities that HRM normally follows as part of an orderly development process will lead to sedimentation and water quality issues in the receiving watercourses.

Special Planning Areas should not be excluded from the normal HRM Planning Development process."

Chapter 10: 10.3.5.1 Suburban Area Sites

We support this section as described in Mr. Regan's submission:

"I-43 a) where it is necessary to protect environmental features that exceed 10% park dedication the Municipality may establish a larger percentage for park dedication. (Conversation zoning will be in additional and not to be included in the 10%)

I-44 add c) where 5% park dedication does not include significant ecological or environmental features the percentage for park dedication will be increased.

I-45 add g) importance as conservation areas, environmental areas, Special and Important Wildlife Corridors and natural features.

Add h) the lack of green space in our downtown (s) areas HRM shall work to increase the number and areas of Green space in those areas."

10.5 Water and Wastewater Services

We support Mr. Regan's comments including changing "may" to "shall", and pumping of septic systems.

Support documents are contained in the Dropbox:
https://www.dropbox.com/sh/w7qf00zpuppp5t2/AAA8udBcNXhfw-uSpKBQU4F8a?dl=0

Thank you for the opportunity to contribute to this Regional Plan draft.

Sincerely,

ORIGINAL SIGNED
***Karen Robinson**, Co-chair of SL-SRRP Coalition Steering Committee and rep. for Sandy Lake Conservation Association*
***Walter Regan**, SL-SRRP Coalition Steering Committee and rep. for the Sackville Rivers Association*
***Mary Ellen Donovan**, SL-SRRP Coalition Steering Committee and rep. for Friends of Blue Mountain Birch Cove Lakes Society*
***Karen McKendry**, SL-SRRP Coalition Steering Committee and rep. for the Ecology Action Centre*
***Ray Plourde**, SL-SRRP Coalition Steering Committee and rep. for the Ecology Action Centre*
***Harry Ward**, SL-SRRP Coalition Steering Committee and rep. for Five Bridges Wilderness Heritage Trust*

Sandy Lake - Sackville River Regional Park Coalition Member Groups:

Sandy Lake Conservation Association
Sackville Rivers Association
Agropur Cooperative Dairy Bedford Plant
Canadian Parks and Wilderness Society - Nova Scotia Chapter
Canoe/Kayak Nova Scotia
CAPE NS (Canadian Association of Physicians for the Environment)
CARP Nova Scotia Chapter
Council of Canadians - Halifax Chapter
Cole Harbour Parks and Trails Association
CP Allen High School's Cheetahs for Change
Ecology Action Centre
Five Bridges Wilderness Heritage Trust
Friends of Blue Mountain Birch Cove Lakes Society
Friends of McNabs Island Society
Friends of Nature
Halifax Hares Trail Running Group
Halifax North West Trails Association
Kingswood Ratepayers Association
Lucasville Community Association
Lucasville Greenway Society
McIntosh Run Watershed Association
Mountain Bike Halifax
Nature Nova Scotia
Nova Scotia Bird Society
Nova Scotia Salmon Association
Nova Scotia Wild Flora Society
St. Margaret's Bay Stewardship Association
The Halifax Field Naturalists
The Neighbourhood Association of Uplands Park
The Turtle Patrol
WRWEO / The Bluff Wilderness Hiking Trail

APPENDIX 1

Examples re: SL-SRRP Coalition's concern that essential information has been missed by key staff working on Sandy Lake Special Planning Area. Our concern is also for the bigger picture – to prevent such situations in general.

Specific examples below: 1) the need for Sandy Lake to be added to the 2017 Sackville River Floodplain Study, 2) the ill-advised use of the 2014 AECOM predictions, 3) Council's intentions regarding their motion on the McCallum Report buffer recommendations and 4) Council's intentions in the Oct 11, 2022 amendment to the Regional Plan re: natural area issues.

1. **Floodplains:**

   In our meeting with Stantec Environmental and HRM development staff online, June 22, 2023 re: the Sandy Lake SPA we expressed that building further in the Sandy Lake watershed will have significant impact downstream. Plus, full buildout will impact feeder streams & the lake. This is serious.

   Staff mistakenly believed that the Sackville River 2017 floodplain study already factored in what would happen if SL were developed.

   We pointed out that the consultant did not look at runoff from SL. There would likely be major effects downstream and on SL too.

   We described the public release of the study where the consultants were asked why Sandy Lake is not included in the model. The reply was that they were not asked by HRM to include it. Why? "HRM must have assumed there would be no significant development there for 100 years."

   We were told they will look into it, and there may be interest in HRM in updating that FP study separately from this one. We requested the study area instead be added to the present floodplain study and be done by the same consulting firm in order to save time and expense, and before any decision is made on whether to build or not to build the SPA. The consequences of building in the Sandy Lake watershed without the corresponding floodplain study could be marked. (Note this was prior to the floods of 2023). We have had no response since as to the status.

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2. **Use of AECOM 2014 report in Sandy Lake SPA:**

   From June 22, 2023 online meeting with Stantec environment team and HRM staff re: Sandy Lake SPA:

Staff indicated they plan to rely on the 2014 AECOM watershed study which provided projections & considerations. We expressed concern and asked that AECOM 2014 be critically used because it is flawed, and that Stantec/HRM get a review. The AECOM projections and considerations were very arbitrary and the projections have proved false in real terms.

See http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/

And

http://sandylake.org/response-of-dr-hansen-and-sandy-lake-conservation-association-slca-to-sandy-lake-watershed-study-final-report/

The HRM staff voiced appreciate for the information which they did not have yet. There has been no follow up with us.

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3. Buffers:

From June 22, 2023 online meeting with Stantec environment team and HRM staff re: Sandy Lake SPA:

Stantec expressed that they were currently early in the assessment phase, and will fill in gaps from previous studies including finalizing wildlife corridors.

They were unsure if buffers would fall under HRMs responsibility and any associated bylaws regarding green spaces & natural areas.

We expressed that this area needs special protection. Buffers need to follow the McCallum recommendations and should be in public ownership.

Ther McCallum study did recent work on conservation values at SL, including buffers. We underlined the Importance of the use of a 50-metre buffer around wetlands & 100 water courses, as recommended. Council made a motion that is the minimum they are expecting. Our understanding from Council's motion is that this area would go above & beyond the minimal setbacks in HRM (currently 20m RP calling for 30). Expectation is different at SL because of the sensitivity of the wetlands & watercourses.

We will be looking for you to work from those McCallum guidelines. Many guidelines for buffers are typically based on things like sedimentation & erosion run-off. They are not defined on the basis of wildlife needs. They are very narrow in scope of what they are actually supposed to be

doing. People in the field automatically use those typical buffers with no accommodation to real wildlife needs or edge effects. They need to be much wider buffers to support wildlife.

We were asked to forward all of these resources to the HRM/Stantec team, which we did, including:

Dr. Beazley's submission provided to Stantec at a previous meeting is posted online at **http://sandylake.org/wp-content/uploads/2023/10/Beazley_SandyLake_SAR_Wildlife_Corridors.pdf**

Dr. Patriquin's submission to Stantec is entitled, 'PatriquinSandyLakeWQforStantec22Jun2023b', and is and posted at: **http://sandylake.org/wp-content/uploads/2023/10/PatriquinSandyLakeWQforStantec22Jun2023b.pdf**

Council's motion regarding the McCallum Report's buffer, corridor and old growth forest protection in the case of the Sandy Lake area *is provided here.* Link to Council minutes: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc-mins.pdf

TEXT:
July 12 2022, Page 11-12:
15.1.10 Case 23952: Sandy Lake Ecological Features Assessment The following was before Council:
• Staff recommendation report dated July 4, 2022
MOVED by Councillor Blackburn, seconded by Deputy Mayor Lovelace
THAT the motion be amended to include the words "at least" to the beginning of sections 2(a) and 2(b).
MOTION TO AMEND PUT AND PASSED. (12 in favour, 3 against)
In favour: Deputy Mayor Lovelace, Councillors Deagle Gammon, Purdy, Austin, Mancini, Smith, Morse, Cuttell, Stoddard, Blackburn, Russell, Outhit
Against: Mayor Savage, Councillors Mason, Cleary
Not present: Councillors Hendsbee, Kent

The motion as amended now read:
THAT Halifax Regional Council direct the Chief Administrative Officer to:
1. Incorporate the analysis and findings of the Sandy Lake Ecological Features Assessment in the planning and development of Sandy Lake Park.
2. Review and use the findings of the Sandy Lake Ecological Features Assessment in the background studies being undertaken for the Sandy Lake Special Planning Area, including organizing the form and location of development to best protect:
a. at least the suggested widths for important corridors,
b. at least the suggested riparian and watercourse buffers, and
c. the identified areas of predicted old or mature forest.
3. Explore the use of conservation easements as part of the Sandy Lake Provincial Special Planning Area background studies to manage ecological features or corridors that extend outside of the conceptual park boundary.
4. Assess how to best organize land use and green infrastructure as part of the Sandy Lake Provincial Special Planning Area Background Watershed Study to mitigate any

downstream impacts to the Sackville River and Sackville River Floodplain.
MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY.
Not present: Councillors Hendsbee, Kent

In a subsequent meeting with HRM staff on Nov 1 2022 to discuss the Sandy Lake Ecological Features Assessment and how it will be used, we learned that staff in the meeting believed that Council's motion was 'to be considered', and is not direction.
However, in follow-up meetings with councillors we were assured that their intent was that the motion be followed.
We were left with the question as to who will be making that happen.
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4. Council Amendments to Regional Plan Oct 11, 2022 to ensure Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 are included in development decisions:

The minutes of the Council meeting where the amendments were passed, October 11, 2023: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/221011rc-mins.pdf

Here is the wording of the 2 policies that were passed on that day that relate to wildlife corridors, wetlands, water courses and forests:

9.6.A PRIORITIES PLANS
Since the adoption of this Plan in 2014, Regional Council has approved several priority plans including the Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027. The second review of this Plan began in 2020 and is expected to be readopted by Regional Council in 2023. The review will revise the policies of this Plan to ensure they are consistent with the priorities plans as approved. In the interim, this Plan supports the priorities plans which are actively used by staff to guide ongoing work.
G-14A In considering development agreements or amendments to development agreements, or any proposed amendments to the Regional Plan, secondary planning strategies, or land use by-laws, in addition to the policies of this Plan, HRM shall consider the objectives, policies and actions of the priorities plans approved by Regional Council since 2014, including:
(a) The Integrated Mobility Plan;
(b) Halifax Green Network Plan;
(c) HalifACT;
(d) Halifax's Inclusive Economic Strategy 2022-2027; and
(e) any other priority plan approved by Regional Council while this policy is in effect.

G-9A Given the strategic importance of regional objectives in mitigating climate change and protecting the future health of the municipality, new secondary planning strategies or

amendments to existing secondary planning strategies, shall organize land use or management of land in a manner, including the scale, location, density and form of development, so that:
(a) the protection of environmental or cultural features of significance on the lands is considered, including wildlife corridors, the urban forest, wet areas, wetlands and watercourses;…

During the RP pop-up sessions of Sept-October 2023 to seek input and answer questions about the draft RP **a planner's response to a question as to why Council's motions of October 11th 2022 amendments to the Regional Plan that include wildlife corridor preservation do not seem to be showing up in the Subareas 12 & 1 plan.**

The planner read the 2 amendments 9.6.A and G-9A and said it is clear that G-9A does not extend to Subareas 12 & 1 because it is in the development agreement phase, and the term "development agreements" does not appear in the text. We expressed that it would seem clear from Council's amendments that they intended this be included because the corridor through Subareas 12 & 1 is a pinch point of the last remaining corridor in the area because the RP's map 6 shows this as fact. The planner agreed it should be fixed, and would bring it to the city's attention.

Following is our **September 13, 2023 email for related items for inclusion in the Regional Plan:**

"The minutes of the Council meeting where the amendments were passed October 11, 2022: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/221011rc-mins.pdf

Our comments:

1. G-9A needs to be fixed. We need an amendment to the amendment.
   The G-9A section clearly does not apply to development agreements such as what is happening at Subareas 12 & 1, because that word "development agreement" is not included in the text. That needs to be fixed and applied immediately to Subareas 12&1 as well as throughout the RP. Otherwise, what is all the HGNP and other work for? We need to be brave at this point. It is a David & Goliath situation with the province & the developers both wanting one thing only, but if there were ever a time to make sure the right thing happens it is here for corridors, at Subareas 12&1, and the RP has to be amended to make sure it happens now.

2. 9,6.A Priorities Plans section does not appear to be being well implemented in the current Subareas 12 &1 plans. Most importantly, that area has a wildlife corridor which has now become an "Essential Corridor" since the HGNP was written. It was then one of 2 Important corridors through to the Chebucto Peninsula & BMBCL. Now, the other previously "Important Corridor" was closed off to the east of Sandy Lake by Clayton's development there. Where is Subarea 12&1's wildlife corridor? 30 Metre buffers are important but they are not equivalent to a full corridor. In this case the consequences of not providing the full corridor (and not expecting Clayton to participate in that – leaving it to the remaining private landowners who plan to develop in the area in the future is unfair) will be far-reaching and permanent. This is the proving ground that sets the tone for the preservation of corridors.

The time is now to show the HGNP is being used in development decisions. With the twin crises of Climate Change and Biodiversity Loss, both of which threated life on this planet, we need to make sure the language in the RP ensures our ability to do the right thing for our planet now. Every small decision counts.

Subareas 12 & 1 are the proving ground. If they are allowed to slip past achieving true wildlife corridor protection, wetland and floodplain protection, then what is to stop the next domino from falling the same way? The province and the developers are putting so much pressure on creating housing at all costs, and we can see the planners are feeling caught by that. If ever there were a time to bravely face and enforce the facts of Climate Change and Biodiversity Loss it is now."

---

*Thank you very much for the opportunities that the city provides to citizens to give input and have questions answered. We believe firmly that the city's willingness to involve citizens and citizen experts in processes will and does make our city a better place for all. It is through these sessions that we sometimes find issues that could be changed to make things better.

From these examples, how is it Council's motions and amendments are sometimes being so misunderstood in critical cases? Is it an example of "following the letter of the law and missing the intent of the law"? But then, how is it the Floodplain Study omission of Sandy Lake was missed? As well as two dissenting papers with proof that the AECOM 2014 predictions were very wrong?

Mis-steps like these can have huge impacts. What can be done to prevent them? Currently, it seems the community groups are forced to be the regulators, watching every detail and then struggling to get things fixed.

Further Examples contained in the document below, called 'Why does something different come out the other end?', have been noticed by us and may be important factors. We expect you have some reasons, and we ask that you take steps to prevent these critical errors.

A Scientist Asks, "Why does something different come out the other end?" October 7, 2023

We appreciate the items in the draft Regional Plan that are attempting to move forward important ecological issues. How can we all make sure that action follows across the municipality, and more quickly than to date?

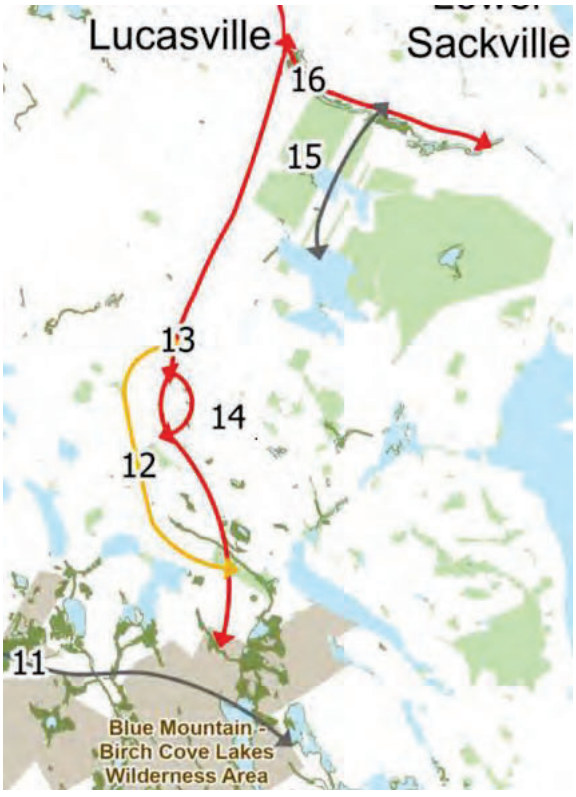
One thing in particular struck our team in one of our meetings with the Stantec team that is doing environmental studies on Sandy Lake area. One of the Doctors of Science with us asked a clear question about how it is that in so many instances the environmental studies get done and evidence of environmental value is clear and yet, in the end, development happens anyway. She asked what in the process causes that to happen when the evidence to the contrary appears so compelling.

We have been writing down examples, or some of the factors, as we observe them. We are sure there are others, but even addressing these would make a huge difference.

A big one came the week of October 1, 2023, see below, but a few other important observations will follow.

In the August 16, 2023 public meeting on the proposed development agreement for Bedford West's Subareas 12 & 1 some of us noticed no evidence of a plan to preserve the critical wildlife corridor there.

As background, see the following map and text from the draft Regional Plan:



Sandy Lake and Subarea 12 Essential Wildlife Corridor zoomed from Map 6 RP draft, June 2023

This text is from the draft RP and refers to the above map:

"6.3.1.2 PRESERVING NATURAL CORRIDORS Within the open space network, larger patches of wilderness are connected through undeveloped natural corridors which provide opportunities for wildlife to move, seek shelter, food, water, space and mates; all important components for maintaining healthy, diverse wildlife populations. However, human activity such as new development, natural resource extraction, highway and road construction, and removal of vegetation are increasingly threatening these critical connections. Without intervention, there is a risk of losing and disconnecting these corridors permanently. Therefore, it is critical to identify and implement a clear approach to protect natural corridors as the region grows. The HGNP was the initial step to begin conceptualizing the relationship between corridors and areas of high environmental value which were then further refined. The HGNP highlighted the connection between mainland Halifax and the Chebucto Peninsula as particularly under threat. By overlaying the HGNP essential corridors with land use and planning data, a high-level understanding of the interplay between wilderness and land use can be seen. Through this analysis, a pattern emerges, and highlights connections at the highest order as shown on Map 6 to identify varying levels of risk and the need for different levels of intervention. Three distinct corridor types are as described below:

1. Corridors At Risk (Essential Corridor Area 1) - Essential corridors present in areas that are not yet developed but are in pressure points and are at high risk of being lost. This is especially true to allow the movement of wildlife between the Chebucto Peninsula and Mainland Halifax. These types of corridors require immediate intervention."



Subarea 12 section of corridor Clayton is not being required to contribute - further pinching the pinch point

This map shows that the developer has a corridor area it could be contributing, or be required to contribute. It may look smallish but is significant to the corridor width.

Corridor width is an important factor in wildlife using the corridor with facility, or at all. The Now-Essential-Corridor through this area is critical to preserve and even enhance. There had been a corresponding Important Corridor east of this one, but Clayton, the developer of that part of Bedford West, chose not to preserve it, as was explained to us by city staff. Stroller-parks were installed instead, effectively limiting any real wildlife movement, and causing this companion corridor through Subarea 12 to become an Essential Corridor.

From the map you can see most of the corridor is in the yet-to-be applied for Subarea 12 lands to the west, but the pinch point is made worse if Clayton doesn't contribute now.

Our team had discussed this and decided it is not fair to other landowners who do not have Clayton's deeper pockets to be left holding the bag. It makes sense if the developer responsible for the situation now, where we have one corridor left where there were so recently two, be included now in the saving of this remaining corridor. But also, we need a clear demonstration that the corridors are being taken seriously. However, it doesn't feel that way if at first chance a significant piece is compromised away. "Death by a thousand cuts".

At the August 16th public meeting the planners seemed surprised that we were not content that the proposed map protects 30-metre buffers along waterways. We pointed out that this is valuable too, but the buffers can't replace the terrestrial corridor.

Subsequently, two Coalition representatives met with a head HRM planner and planners on the Subarea 12&1 team and learned a few things:

1. Planners again seemed to believe we would be content with the bigger buffers of 30 metres. Our biologist team insisted that while the increased buffers are important, they do not substitute for a terrestrial corridor.
2. The planners don't feel they have the tools to implement the corridors.
3. Planners did go to the Regional Plan staff to ask for guidance on the corridor in 12&1 but the RP staff put it back on them to create a plan.
4. The Regional Plan is a high-level document with lots of language supporting corridors, but it does not provide the "how".
5. Planners said they get no training in "how"

Therefore, the biologist team provided guidance and ideas on the spot. Reportedly, the planners were excited to learn these things and asked for a letter right away since the development agreement is expected to be finalized soon. The letter containing ideas was delivered within days.

Then this week (October 4, 2023) came the staff reply that "HRM planners feel the bulk of the corridor is outside the Clayton development (lands beside Clayton) and will reconsider your comments in future".

It appears that the corridors will be put off for a future discussion and decision. Who will be around to follow up on corridors when other landowners in Subareas 12&1 apply to develop? Some may not apply for years we were told. We already know that at least 2 who have applied are hitting barriers.

After years of work on this, our take from staff is that this corridor work is great in theory but not practical to actually do.

Really, that is not an adequate response from the city after years of studies and reports costing large amounts of money and time. There is always wiggle room to avoid action. Clayton is off the hook and the city is off the hook. A reason is chosen to avoid starting the corridor work now. The system is failing again.

What are some of the other factors/barriers?

- We see a great deal of finger-pointing. It is up to "others".

- At the best of times, silos in the planning department mean information and important aspects simply don't get moved into other parts of the process, or if they are moved, their importance may not be understood and seen as a priority.

- We request that wording in the Regional Plan be changed to make an equal playing field for nature protection, community issues, and such, along with development We request that "may' or 'shall be considered' be replaced with 'shall' in order to prioritize nature protection and community issues rather than just development. See section C of our current letter/submission which refers to our comments on the draft RP for many examples of the need for this wording change.

- HRM is consulting the public on the draft plan and policies, but does not consult on the by-laws. Given all of these points outlined here, how can we know that this won't result in more differences between intent and by-law outcomes?

- A meeting with the parks department uncovered another layer. Parks takes direction from the Regional Plan but action tends to be gradual, over time. They already have enough things they are working on and do not have the time, staff or budget to take on more. Regional Plan exercises are not so welcome because they cause more work. This puts action on natural decisions in jeopardy once again. We were told that changes are not automatic even when the Regional Plan says they are to be made real.

- The city doesn't have a role in species at risk (SAR) protection

- The Sandy Lake-Sackville River Coalition and other groups have been requesting for several years that the city and the province change to 5 years the HRM Charter s.237(2) which currently provides that when privately owned land is zoned for future public use, it must be acquired within one year, or the designated alternative zoning will apply. This time frame for zoning land for future parkland and expecting one year to be sufficient to undertake the acquisition is not realistic, especially given the timing of budgets and the overall Regional Plan processes required.
  For comparison's sake, s.239(2) of the Charter allows for a 5-year time frame for lands set aside as transportation reserve before the alternative zoning takes over. Park lands are harder to keep in their natural state and so protecting park land is even more of a challenge. This park zoning process could use a 5-year window as well. City staff have told us this would help them, but so far, we are getting no action from those who could make the change.

  Yet, suddenly, on October 12th 2023 the Province presented Bill329 that is to change the Halifax Charter, and yet important charter changes such as this one are not in it.

  Instead, the bill is designed to remove even more of the city's role in housing development and to give one person, Minister Lohr, the final say in everything related. This is an egregious overstep of immense proportions from all we have read in the bill. Citizens voted for municipal councillors to represent them and to carry out municipal responsibilities such as guiding and regulating housing. The city has 90 planning staff who work to get it right. It is an ever-evolving system that the city is genuinely working to improve. Nothing is perfect, mostly because factors keep changing in real life, but we look to the Province to work collaboratively to assist the city, rather than tossing the baby out with the bathwater.

  It seems evident that the province has been given incorrect information and is trying to heavy-handedly solve a problem they don't know enough about. Even well-meaning developers are in business, and even the best ones can only take altruism so far. The province needs to recognize soon that their methods are making things worse, not better.

- That the province has taken over is now added a huge excuse to that finger-pointing and to communication challenges. Planners voice there is huge pressure from the province and developers to develop. Who is their boss? The province is in charge.

- Councillors have responsibility to keep speaking up for their constituents and the city's goals and practices, but how can they when the province is telling them very little or nothing about plans for the councillors' areas? There is fear of what the province might do if there is too much push-back.

- The province has really one priority and very little real knowledge of the subtleties of the development process.

- About Sandy Lake specifically, the Provincial Housing Task Force minutes, and from what we learn in meetings, was getting frequent up-dates from city staff (and Stantec) on the progress of development studies at Sandy Lake, at least until the Task Force stopped meeting in July 2023. Yet, councillors tell us they could get no corresponding updates from staff or Stantec due to a provincial non-disclosure order that prevents communication with the city about what is presented to the Task Force. This is a huge mistake on so many levels. Secrecy causes reasonable people to suspect wrong-doing. Why would the province invite that? The city is the body that knows the needs of the city and its people and how development needs to be shaped. The city should be involved in all of this. These city staff have been placed in yet another silo at a time when we need to break down silos.

- The province's "develop at all costs" approach is a damaging priority, the mistakes from which we will be forced to live with for a very long time.

We are sure that you have other examples. We include this account of recent events as an important part of our feedback to the draft Regional Plan. Why do all of this work, years of studies and reports, including Council's motions and amendments, if timely implementation is unlikely? Fixing this process must be a priority for making use of the Priority Plans.

- **We start with a strong recommendation that all city planners receive training in biology, ecology and the "how and why".**

Please consider these comments and requests in the way they are intended – with good will to make the process work better for all. Each of the items needs solving, and the Regional Plan can direct such changes and lead the implementation.

- Sandy Lake-Sackville River Regional Park Coalition

APPENDIX 2

A Collection of Studies done in the Sandy Lake, Bedford, Area 1971-2023

The studies listed add to the Ecological, Recreational and Cultural knowledge of the area. ***We did not do a complete article search. This list is compiled from information we had at hand.***

1971, *Natural Environment Survey: A Description of the intrinsic Values in the Natural Environment Around Greater Halifax-Dartmouth.* Dean P. and D. Lister, Canadian Wildlife Service, Dept. of Indian Affairs and Northern Development, Dept. of Fisheries and Forestry. Identified 7 important natural areas to preserve in Greater Halifax-Dartmouth. http://sandylake.org/1971-pb-dean-environment-report/

1971, MAPC (Metro Area Planning Committee) *Recreation Work Group Report*. Proposed 7 Regional Parks for Hfx-Dartmouth. (McNab Island, Long Lake, Chain Lake watershed, Hemlock Ravine, Marsh and Sandy Lakes, Sackville Flood Plain, Admiral Cove, Lake Williams & Lake Charles canal complex, Cole Harbour. http://sandylake.org/1971-mapc-recreation-report-on-7-regional-parks/

1972, MAPC *Water Quality Survey for Selected Metropolitan Lakes*. Description, lake and water quality.

1973, *Natural Land Capability: Halifax-Dartmouth Metro Area. NS*. Dept of Municipal Affairs.

1974, *Ecological Reserves in the Maritimes: Region 7: NS. NB. PEI. Halifax.* Canadian Committee for the International Biological Programme – Conservation Terrestrial Communities Subcommittee.

1975 Halifax-Dartmouth Regional Development Plan defines and separates regional parks and development areas, including the 7 proposed regional parks.

1979, July, Hfx Dart MAPC *Regional Parks Report*, by Parks Advisory Group, identifies 7 proposed Regional Parks – the same as in 1971 but with more detail and Marsh and Sandy Lakes, Sackville Flood Plain park name changed to Sackville River Regional Park. It includes Sandy, Marsh and Sackville River corridor as before, but with a protective buffer around the area. The boundaries and conceptual maps contain half of Jack Lake as part of the buffer area. https://sandylake.org/wp-content/uploads/2018/02/1979-Halifax-Dartmouth-Regional-Parks-Full-Report.pdf.

1982 *Bedford Zoning Bylaws* created to protect land around particularly Sandy Lake from development

1983, Water quality study of Sandy Lake and Bedford Town. Detailed Area Study of Sandy Lake area.

1984, *Natural History of Nova Scotia.* Simmons, L. et. al. NS Department of Education and Department of Natural Resources.

1984, *An Experiment On The Feasibility Of Rehabilitating Acidified Atlantic Salmon Habitat In Nova Scotia By The Addition Of Lime.* W.J. White, W.D. Watt, C.D.Scott, Department of Fisheries and Oceans. (At a time when the entire southern end of the province was losing fish because of acid rain from the US northeast, the scientists dumped industrial levels of limestone into the lake to learn about adjusting pH.)

1986*, Jack Lake Environmental Evaluation Final Report.* CMHC and NS Dept. of Housing. Contains a detailed environmental assessment. http://sandylake.org/document-gallery/

1986, *Canadian Wildlife Service, NS Wetlands Atlas*. Environment Canada.

1986, Sandy Lake Park Master Plan

1988, *Sackville River Historical Research- Environmental Planning V*, NS. Coakley, M., College of Art and Design, Halifax.

1988, *Main Sackville River Watershed Project*. Koenig, M., Environmental Planning, NSCAD.

1989, *A Draft inter-Municipal Planning Strategy for the management of the Sackville River Basin.* Environment Planning Studio IV, NS College of Art and Design, Halifax.

1989, *The Scenic resources of Nova Scotia: A Macro-Scale Landscape Assessment.* Millward, H. and Dawn Allen, Dept. of Geography, Halifax.

1990, April 23, Reconvened session Bedford Town Council: Recreation Advisory Commission requests "environmental study of the sandy Lake watershed area" before use of the Bluewater Lot is developed.

1990, Assessment *of Atlantic Salmon (Salmo Salar, L.) Habitat in the Sackville River, NS, 1986, Canadian Manuscript Report of Fisheries and Aquatic Sciences No. 2059.* Cameron, J.D., Fisheries and Oceans Canada, Halifax.

1990, *Correspondence and reports from the Sandy Lake Area Residents association with the Bedford Water Advisory Committee*, Feb. 25.

1992, A *Quiet Place in the white Man's world*. Edwards, T., Bedford Magazine, October, p.6.

1993, Hammonds *Plains the First 100 Years*. Evans, Dorothy Bezanson, Bounty Print Ltd.

1993, Summary*: Parks and Protected Areas Systems Planning. Lynds, A.,* Nova Scotia Dept. of Natural Resources.

1994, *Towards the Identification of Environmentally Sensitive Areas for Environmental Management: A Case Study in the Sackville River Watershed, Nova Scotia*. Rhea D. Mahar thesis. Sandy Lake is rated as the second most valuable Environmentally Sensitive Area between Bedford Basin and Mt Uniacke. Old Quarry Corridor of the Sackville River is third. https://smu.ca/academics/departments/rhea-d-mahar.html

1994, *Field Surveys.* Mahar, RD.

1995, Sandy *Lake Vegetation Survey and Trail Design,* for the Town of Bedford to aid in and complete the trail design and layout for the area. Basic Elements Ecological Enterprises.

2001, *Environmental Inventory of Sandy Lake, Marsh Lake and Jack Lake*. DalTech and NSCAD Environmental Planning: This was a study of the environmental attributes of the Sandy Lake, Marsh Lake, Jack Lake area "that impact water quality, to analyze the information, and to develop a synthesis of this knowledge to understand how to maintain water quality in the valued habitats of wetlands and watercourses."p.ii https://cdn.dal.ca/content/dam/dalhousie/pdf/faculty/architecture-planning/school-of-planning/pdfs/studentwork/SandyLake/environment01.pdf

2001, February, Sandy *Lake Park Environmental Review*. EDM Consultation Report

2002, Issues *of Urban and Rural Fringe*. DalTech and NSCAD Environmental Planning: This study based on Sandy Lake, Bedford, had three objectives: "1. To review and document the pressures for growth in the urban/rural fringe locally and nationally, and to consider the key approaches being used to respond. 2) To examine demographic and economic trends in the urban/rural fringe of HRM. 3) To examine land use and transportation patterns on the urban/rural fringe of HRM." P.1 http://sandylake.org/wp-content/uploads/2018/02/2002-NSCAD-Issues-of-Urban-and-Rural-Fringe.pdf

2002, *Sandy Lake Community Profile*. DalTech and NSCAD Environmental Planning: This study explored the impacts of development on a community located on the urban fringe. It researched urban growth pressures, demographics, land us patterns (both historical and current), transportation patterns, and community perceptions of the landscape of Sandy Lake, Jack Lake, and Marsh Lake area. http://sandylake.org/wp-content/uploads/2018/02/2002-NSCAD-Sandy-Lake-Community-Profile.pdf

2002, *A Water Quality Analysis*. DalTech and NSCAD Environmental Planning: This report, created by senior Environmental Engineering students from Dalhousie University in 2001-02, involves the examination of Sandy Lake and surrounding area creation of baseline data including dissolved oxygen, pH, total suspended solids, a bathymetric map of the lake, total and fecal coliform, as well as other water quality parameters. http://sandylake.org/wp-content/uploads/2018/02/2002-DALTECH-A-Water-Quality-Analysis.pdf

2002, *Suggestions for managing Development,* DalTech and NSCAD Environmental Planning: This study integrates the information found in the Urban Fringe document and examines the outcomes of different types of development and consequences of each on the Sandy Lake area. http://sandylake.org/wp-content/uploads/2018/02/2002-NSCAD-Suggestions-for-Managing-Development.pdf

2002, *Policy Review and Recommendations,* DalTech and NSCAD Environmental Planning. (This document is missing.)

2004 Bedford West development Subwatershed Management Plan. Contains ecological information on the Sandy Lake area.

2014, AECOM Sandy Lake Watershed Report

2014, October, Sandy Lake Conservation Association *Response to AECOM report*, to accompany the August 2014 *AECOM Sandy Lake Watershed Study* (both were posted on the HRM website) www.sandylake.org

2015, August, *The Off-site Parkland Dedication Request* contains a Conceptual Map for acquiring 160 acres of watershed west of Marsh Lake and the city's rationale for acquiring watershed west of Sandy and Marsh Lakes. http://legacycontent.halifax.ca/council/agendasc/documents/150804ca1114.pdf

2016, *Bedford Land Use Bylaw - A*rchaeological sites identified on lands west of Sandy Lake, Jack Lake, tributaries, and Sackville River. Also includes 1983 5-acres on public road ongoing bylaw.

2017 & 2018 breeding seasons, *Species of interest to Federal and Provincial conservation bodies observed on surveys conducted on the lake areas of the proposed Sandy Lake-Sackville River Regional Park lands*, by Clarence Stevens. www.sandylake.org

2017 - ongoing, *Compiled Species List for Sandy Lake and Environs,* http://sandylake.org/research/

2018, June, *HRM Flooding Study (National Disaster Mitigation Program)* Base of Bluewater Road is one of three areas listed as needing mitigation for significant flooding.

2018, August 14, *Halifax Green Network Plan* is passed unanimously by Halifax City Council. SL-SR have 3 important corridors at the pinch point of the Chebucto Peninsula, and Sandy Lake is a large sub-watershed of the Sackville River Watershed, which is one of the five major natural corridors in HRM.

2018, August, 2018 *Sackville River Floodplain Study Phase 2.* The city must not be planning to develop Sandy Lake area for 100 years because it was not included in the scope of this study.

2019 - ongoing, Water quality testing, deep lake readings and surface waters, including tributaries.

2019, Sandy Lake-Sackville River area's old growth Ash trees are to be included in a new undergraduate honours study on Ash tree vulnerability in the urban forest.

2020, January, *Sandy Lake – Sackville River Regional Park Planning Vision*. *http://sandylake.org/sandy-lake-sackville-river-regional-park-2020-planning-study-2/*

2020, March, *Avian and Species at Risk Surveys of the proposed Sandy Lake-Sackville River Regional Park*, Natural Wonders Consulting Firm*: http://sandylake.org/avian-and-species-at-risk/*

2020-2021, Ducks Unlimited Canada WESP Reports: https://sandylake.org/ducks-unlimited-wetland-assessment-report/ Marsh Lake was designated a 2021 Treasured Wetland by Ducks Unlimited Canada and the NS Departments of Environment and Climate Change and Natural Resources and Renewables: https://storymaps.arcgis.com/stories/4274e1c1ec584850b613e5c856b0eef0

2021, Wildlife Corridor Landscape Design Charrette, Chebucto-Timberlea-Sandy Lake area of Halifax, Nova Scotia Crown Share and Legacy Trust. http://sandylake.org/wp-content/uploads/2021/04/WildlifeCorridorCharretteReport.pdf
Incorporating Corridor Charette in HGNP April 5 2022: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220405rc1531.pdf

2021, A Tale of Two Lakes: Lake Mixing, by Mimi O'Handley, Wetlands and Water Officer at the Ecology Action Centre: https://11722e7d-8c8c-4838-969e-bee1181ed9f8.filesusr.com/ugd/66e517_ba066d91cdbe47f887d1b3028ed57e6e.pdf?index=true

2022 Bluegreen algae incident and test: http://versicolor.ca/sandylakebedford/2022/06/28/blue-green-algae-warning-for-sandy-lake-bedford-28jun2022/ *(Sandy Lake now has on record 2 instances of algae blooms in recent*

years. Fortunately, neither was of a toxic BG variety, but we must walk back the damage being done to the lake so this trend will not continue.)

2022, July, Sandy Lake Ecological Features Assessment, McCallum: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc15110.pdf

2022, July, Council's amendment motion to the MacCallum report, re: buffers and corridors (p.11-12): https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc-mins.pdf

2023, March "Deep water oxygen levels in Sandy Lake fall to precariously low levels" D. Patriquin: http://versicolor.ca/sandylakebedford/2023/03/21/deep-water-oxygen-levels-in-sandy-lake-bedford-ns-fall-to-precariously-low-levels-19mar2023-19mar2023/
Also updated: http://versicolor.ca/sandylakebedford/waters/lakes/sl-report-more-details/critique-of-predictions-lack-of-follow-up/

2023, Sandy Lake (Bedford, NS) limnological profiles reveal freshening and oxygenation of the water column after extreme rain events; and a worrisome "Metalimnion Oxygen Minimum" 2Sep2023: http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/

(2016 - ongoing, *Forests and Surface Waters of Sandy Lake & Environs (Bedford, Nova Scotia): Studies and surveys of the Sandy Lake - Sackville River Regional Park area*. Dr. David Patriquin states, *"I view Sandy Lake and Environs as they were viewed in 1971: an asset to all of Halifax municipality, indeed to the whole province. I see it as a very special place, complementing not replicating other major natural assets of Halifax."* http://www.versicolor.ca/sandylakebedford)

APPENDIX 3

Links to important documents re: Sandy Lake – Sackville River area

September 30, 2023

Dropbox containing documents: https://www.dropbox.com/sh/w7qf00zpuppp5t2/AAA8udBcNXhfw-uSpKBQU4F8a?dl=0

Two videos:
Ducks Unlimited Marsh Lake video 2022:
https://www.facebook.com/AisforAdventure/videos/150950111235044/

Sandy Lake drone video: https://www.youtube.com/watch?v=ZJwTLlYIbZg

SL-SRRPCoalition two RP+10 Submissions: https://www.sandylakecoalition.ca/rpsubmission

Sept 2023: **Sandy Lake (Bedford, NS) limnological profiles reveal freshening and oxygenation of the water column after extreme rain events; and a worrisome "Metalimnion Oxygen Minimum":**
http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/

June 2023 **"Deep water oxygen levels in Sandy Lake fall to precariously low levels"**:
http://versicolor.ca/sandylakebedford/2023/03/21/deep-water-oxygen-levels-in-sandy-lake-bedford-ns-fall-to-precariously-low-levels-19mar2023-19mar2023/
also:
http://versicolor.ca/sandylakebedford/waters/lakes/sl-report-more-details/critique-of-predictions-lack-of-follow-up/

Versicolor, **Sandy Lake re:2023 flood and Subarea 12 & 1**
Regarding Case 23307 – Bedford West subareas 12 & 1 Special Planning Area 25Jul2023 | Forests and surface waters of Sandy Lake & Environs (Bedford, Nova Scotia)

Marshes, corridor to BMBCL, and significant habitat in Bedford West Subarea 12, south of Hammonds Plains Road: http://versicolor.ca/sandylakebedford/lakes/ec-ph/more-monitoring/south-of-hprd/

Summary of A Report on the State of Sandy Lake February 23, 2021:
http://versicolor.ca/sandylakebedford/waters/lakes/sl-report-summary/
A Report On the State of Sandy Lake, the Historical Trends and its Future Trajectory, posted at:
http://versicolor.ca/sandylakebedford/waters/lakes/

Versicolor **Sandy Lake: Blue-green Algae scares at Sandy Lake**:
http://versicolor.ca/sandylakebedford/2023/03/21/deep-water-oxygen-levels-in-sandy-lake-bedford-ns-fall-to-precariously-low-levels-19mar2023-19mar2023/#followup

(Sandy Lake now has on record 1 instance of an algae blooms in recent years. Fortunately, it was not of a toxic variety, but we must walk back the damage being done to the lake so this trend will not continue.)

Dr. David Patriquin's Sandy Lake and environs website: http://www.versicolor.ca/sandylakebedford

Putting Economic value on wild land:
https://www.novascotia.ca/parksandprotectedareas/docs/archibald-lake-proposal.pdf
and CBC: https://tinyurl.com/2wx624wb

Sandy Lake Ecological Features Assessment, (McCallum Report), 2022:
https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc15110.pdf
Council's amendment motion to the MacCallum report, July 12, 2022
re: buffers, forests, and corridors (p.11-12):
https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc-mins.pdf

Nova Scotia Crown Share and Legacy Trust Wildlife Corridor Charette Report: http://sandylake.org/wp-content/uploads/2021/04/WildlifeCorridorCharretteReport.pdf
Council incorporates the Corridor Charette in the Halifax Green Network Plan, April 5 2022
https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220405rc1531.pdf

Halifax Green Network Plan: https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/HGNP-Final%20Report_20180726_updated.pdf
(Our physical submission has a short paper on how Sandy Lake-Sackville River fits within the HGNP)
Council amends the Regional Municipal Planning Strategy Conservation Design Developments section to include Map 5, Green Network Ecology Map, contained in the Halifax Green Network Plan:
https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/190813rc1512.pdf

Council Amends Regional Plan Oct 11 2022 to ensure Integrated Mobility Plan, Halifax Green Network Plan, HalifACT, and Halifax's Inclusive Economic Strategy 2022-2027 are included in development decisions
The minutes of the Council meeting where the amendments were passed, October 11, 2023:
https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/221011rc-mins.pdf See 9.6.A PRIORITIES PLANS, G-14A, and G-9A

Sandy Lake Park Planning Study: http://sandylake.org/sandy-lake-sackville-river-regional-park-2020-planning-study-2/ *(This was made by a professional city parks planner to help guide the process of expanding Sandy Lake's protective boundary.)*

Natural Wonders Avian Species report: http://sandylake.org/avian-and-species-at-risk/
(The number of Species at Risk has increased since this report. Now there are 16 confirmed and at least 24 Species of Interest. See the summary document included with this package. Note that this report found evidence of Mainland Moose in the area, and DNRR considers it Mainland Moose habitat.)

Summary of Natural Wonders Avian Species corridors section:
http://versicolor.ca/sandylakebedford/species-lists/avian-sar-report/wildlife-corridors/

Ducks Unlimited Canada WESP Reports: https://sandylake.org/ducks-unlimited-wetland-assessment-report/

Marsh Lake, 2021 Treasured Wetland, designated by Ducks Unlimited Canada and the NS Departments of Environment and Climate Change and Natural Resources and Renewables: https://storymaps.arcgis.com/stories/4274e1c1ec584850b613e5c856b0eef0

Ducks Unlimited article on healthy/sick lakes: https://www.ducks.ca/healthy-lakes/

Sackville River Floodplains study phase 2:
https://www.halifax.ca/sites/default/files/documents/business/planning-development/FinalReport.SRFS_.Phase2_.12April2017.pdf

We are requesting that a floodplain study be added that examines the Sandy Lake subwatershed of the Sackville River be done prior to any decision about whether to develop or not at Sandy Lake.

Flood Risk Assessment Study:
https://www.halifax.ca/sites/default/files/documents/city-hall/boards-committees-commissions/180613rwab1011.pdf
(Our group is concerned about the wetland that floods at the base of Bluewater Road, where it intersects with Hammonds Plains Road. We are actively seeking information. So far, two things are of concern. One is that some at City Hall are encouraging the development at Sandy Lake in order to have the developer pay for half the cost of upgrading the section of Hammonds Plains Road between Larry Uteck and Gary Martin Drive, which contains the wetland in question. If so, this amounts to trading the welfare of a valuable park for 50% of a road upgrade, and this is not acceptable to us. Two is that the Bluewater Road wetland may not be seen as a wetland. It seems to be "a flooding problem" to be solved, possibly by raising the road by 4 feet and adding culverts. We are looking for confirmation that it is being seen as, and protected as, a wetland important to the Sandy Lake watershed.)

Photos/video of some marshes etc of Sandy Lake area: http://versicolor.ca/sandylakebedford/photo-albums/ and http://versicolor.ca/sandylakebedford/videos/

EAC Interactive layer map: https://ecologyaction.ca/map-hrm-special-planning-areas
Notice how you can turn on and off layers that show predicted wildlife corridors in HRM.

The LiDAR Topographic and Topo-Bathymetric Data is available on the HRM Open Data Portal at:
https://www.halifax.ca/home/open-data/open-data-files#LiDAR

Jack Lake Environmental report 1986: https://sandylake.org/1986-jack-lake-environmental-evaluation-final-report-2/

A Tale of Two Lakes: Lake Mixing, by Mimi O'Handley, Wetlands and Water Officer at the Ecology Action Centre, compares Sandy Lake and Oathill Lake, 2021: https://tinyurl.com/5x2xzbpt

The city had these two reports below posted together for several years. We are not sure where they are currently on their website:
2014 AECOM report: http://sandylake.org/sandy-lake-watershed-study-final-report-aecom-2014/
SL-SRRPC Response: http://sandylake.org/response-of-dr-hansen-and-sandy-lake-conservation-association-slca-to-sandy-lake-watershed-study-final-report/
It is important that decisions about Sandy Lake Special Planning Area do not use this AECOM report. Also see:
http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/

Why Regional Plans are important plus SL-SRRP links:
http://versicolor.ca/sandylakebedford/2020/05/01/the-case-for-sandy-lake-sackville-river-regional-park-goes-to-halifax-rp10/

iNaturalist projects for the area (species observations):
https://inaturalist.ca/projects/flora-and-fauna-of-sandy-lake-bedford-ns-environs
https://inaturalist.ca/projects/twns-bioblitz-2021-marsh-lake

eBird Hotspot for Sandy Lake Park: https://ebird.org/hotspot/L7735676

ESSC presentation June 3, 2021, Karen McKendry re EAC report on Themes & Directions from a parks & biodiversity perspective. comments start at 1:48:35: https://www.youtube.com/watch?v=X1lQpTdger4

Why Protect 1800 acres more at Sandy Lake:
#1 Why Protect 1800 acres at SL-SRRP: http://sandylake.org/why-protect-1800-acres-at-sl-srrp/
#2 Combined - WHY 1800 plus In a Nutshell Why: http://sandylake.org/in-a-nutshell-why-we-need-to-protect-lands-on-sandy-lake/
#3 Why Dr. Dean said Sandy Lake-Sackville River important to preserve, 1971: http://sandylake.org/why-dr-dean-said-sandy-lake-sackville-river-is-important-to-preserve-1971/
#4 Excerpts from 2015 160-acre acquisition report: 2015 acquisition of 150 acres west of Sandy/Marsh Lakes: http://legacycontent.halifax.ca/council/agendasc/documents/151006ca81i.pdf
p 3 “Suitability for parkland” lists the values for protecting the 150 acres. *The document’s authors informed the Coalition that these same values also apply to why the rest of the lands west of Sandy and Marsh Lakes should also be protected as park.*

Budget speech, April 4 2023, Environment Minister Halman addresses the environment portion of the budget: https://www.youtube.com/watch?v=11rByb6t_UI
Of note: in this speech the Minister repeatedly frames getting into nature as important for people's health, including mental health. “A healthy environment equals healthy people.” The province is going to protect more land and water.
(Go to 2:34:57 to hear a shout out to coalition co-chair Walter Regan.)

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HRM video of Mayor Savage: https://www.halifax.ca/about-halifax/energy-environment/halifact-2050-acting-climate-together/featured-projects around minute 2:15 Mr. Mayor said in reference to addressing climate change: 'We are accepting our responsibility. There is always a reason not to do the right thing. But we have to do the right thing. I am proud of the fact that Halifax is."

SL-SRRPC Letter to MLAs about Special Planning Area, Sandy Lake, March 15 2023: http://sandylake.org/wp-content/uploads/2023/02/Sandy-Lake-Special-Planning-Area-letter-to-MLAs-15Feb2023.pdf *(This letter went to all MLAs in Nova Scotia to make them aware of the situation at Sandy Lake and that they may be needed to help preserve the area. It is also a good reference document about the area.)*

Brownfields report HRM, 2002:
https://www.dropbox.com/sh/236g71ydn1acfv7/AACVt8HPMDMy81UY2x9wbfzYa?dl=0
(This is an older document. We trust the city and province have current maps of brownfields that could be developed instead of developing at Sandy Lake, which is a valuable greenfield.)

The natural services supplied by new trees are far outweighed by that of mature trees. *The economic benefits to protecting nature far outweigh the benefits of exploiting it.* https://phys.org/news/2021-03-economic-benefits-nature-outweigh-exploiting.html

Protection of freshwater: https://www.anthropocenemagazine.org/2020/11/focus-on-freshwater-conservation-and-land-gets-swept-along-for-the-ride/?fbclid=IwAR3udGi4xe1KH15e2ytMZqPVgtOpwwJ-UyG2S8sW08lQsk0EfV-U4uOonbM

At least two local schools, Sandy Lake Academy and CP Allen High School, have lessons, walks, and activities in and around this park. The Cheetahs for Change (one of our Coalition groups) is learning from the Turtle Patrol (another of our Coalition groups) about turtles, which are still very present in this park. Two other coalition groups, the Sackville Rivers Association and EAC are planning walks and water testing classes with the students. These students are the scientists of the future and need this rich natural area to be kept intact and functioning for them and future generations.

APPENDIX 4

Quotes from Studies and Reports: The Sandy Lake area is identified as a unique natural area worth protecting

September 2023

- **1971, April, P.B. Dean, Natural Environment Survey: A Description of the Intrinsic Values in the Natural Environment Around Greater Halifax –Dartmouth**, classified Sandy Lake and Marsh Lake as a Category 1 area: *"…consists of natural assets that are unique in the Halifax-Dartmouth area or important on a regional or provincial scale. This category includes important wildlife habitats and ecologically rich or fragile areas."* p.6 Dean Report

"Since this lake and its surroundings comprise one of the finest landscape units in the metro area, a large parcel of land has been suggested to protect the lake from adverse development and so that public access and use may be assured. This lake was designated Class 3 for recreation in Canada Land Inventory Recreation Capability Survey and as such received the highest rating of any inland site around the metro area." P. 49 Dean Report

"This area should be reserved immediately for public use before it is irreparably damaged by adverse developments … Since the land need not be developed (for park) *immediately, considerable flexibility is available in bargaining with owners. It should be emphasised that this is a prime park land-nature reserve site in an excellent landscape setting."* p. 50

- **1971, MAPC Re-creation Report:** *"…to preserve for urban use and enjoyment an unusually clear fresh water lake as well as a productive marsh habitat for wildlife."* P 57-58

- **1994, Towards the Identification of Environmentally Sensitive Areas for Environmental Management: A case Study in the Sackville River Watershed**, Rhea D. Mahar: Sandy Lake rated second out of forty environmentally sensitive sites in the Sackville River Watershed, between Mount Uniacke and the Bedford Basin.

"Sandy Lake, nearest Bedford is probably the one of the finest lakes in the study area. Rolling hills with mature white pine, hemlock, spruce, maple, birch, and beech overlook the sandy beaches." p. 44

- **2002, DalTech and NSCAD Environmental Planning Departments produced six reports that studied environmental attributes of Sandy Lake related to potential development pressures:**

"Years of minimal development have allowed the lake to maintain its natural quality and most of its wildlife species." P. 33, Sandy Lake Community Profile

"Because the outflow from this watershed joins the Sackville River, which is currently being restored as a spawning area for Atlantic Salmon, water quality in this watershed has an influence beyond its boundaries. The wetlands in this watershed help buffer the Sackville River from flooding, and the Jack Lake bog helps maintain water quality and water levels in Paper mill Lake in Bedford." P.1 *"Sandy Lake is a source of drinking water and a recreational area for swimming and fishing." The mature tree stands are aesthetically pleasing and "may be a seed source to expand forest diversity."* p. 1, Environmental Inventory

- **2015**, **Off-site Parkland Dedication Request.** *"This land will serve as a positive move to protect and preserve high value ecological lands associated with the Sackville River Corridor."*

- **2018 - ongoing, Forests and Surface Waters of Sandy Lake & Environs (Bedford, Nova Scotia):** Studies and surveys of the SL-SRRP area. Dr. David Patriquin states, *"I view Sandy Lake and Environs as they were viewed in 1971: an asset to all of Halifax municipality, indeed to the whole province. I see it as a very special place, complementing not replicating other major natural assets of Halifax."* http://www.versicolor.ca/sandylakebedford

- **2020, Avian and Species at Risk Surveys of the Proposed Sandy Lake-Sackville River Regional Park**. *"Continued maintenance of this area as natural habitat is also essential for maintenance of water quality, aquatic habitat and flood amelioration in Sandy Lake to Sackville River watercourse and for the Sackville River system itself."* p. 13

- **Sandy Lake Ecological Features Assessment**, McCallum, 2022: https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc15110.pdf

"The Study Area boundaries were provided by the Proponent and include 1,700 hectares of municipal and private land in Bedford, NS. The Study Area is bordered by Highway 101 to the north, Highway 102 to the east, Hammonds Plains Road to the south, and Gatehouse Run/ Viscount Run to the west (Figure 1). The Halifax Green Network Plan (HGNP) identifies important habitat and primary corridors within this area that connect green spaces on the Chebucto Peninsula to those of mainland Nova Scotia." P. 4

"Important Corridors Layer
The Important corridors layer from the Halifax Green Network Plan overlaid with and adjusted to include other corridors that are mentioned in the available documents (Natural Wonders 2020, NSCSLLT 2021), Natural Wonder). This map shows both aquatic and terrestrial connectivity on the landscape. Between Sandy Lake and the regen sites west of the lake is a very important corridor, connecting to a major North-South corridor through the park (Natural Wonders 2020). This corridor has an average width of 100 m, which is considered to be the minimum corridor width required by many species (Natural Wonders 2020, NSCSLLT 2021). The Sackville River has also been identified as an important aquatic corridor (Natural Wonders 2020, NSCSLLT 2021)." P.24

- **Sandy Lake (Bedford, NS) limnological profiles reveal freshening and oxygenation of the water column after extreme rain events; and a worrisome "Metalimnion Oxygen Minimum"**
2Sep2023: http://versicolor.ca/sandylakebedford/2023/09/02/sandy-lake-bedford-ns-limnological-profiles-reveal-freshening-and-oxygenation-of-the-water-column-after-extreme-rain-events-and-a-worrisome-metalimnion-oxygen-minimum-2sep2023/
"AECOM (2014) … recommended "a robust water quality monitoring plan…for the Sandy Lake watershed *to provide a further assessment of current conditions* and to evaluate the impacts of development on the water quality." (Italics inserted) *Such monitoring was not subsequently implemented by HRM, which nonetheless continued to plan for a major development;* more recently the provincial Task Force on Housing in HRM has named the land West of Sandy Lake a "Special Planning Area" to be fast tracked for development. In other words, such planning is proceeding on the unproven and very uncertain assumption that new development could proceed without serious impacts of the recreational and ecological well-being of Sandy Lake."

APPENDIX 5

Note: the McCallum boundary study added a rare lichen, The Blue Felt Lichen, to the rare and endangered species list at Sandy Lake, bringing the known total to 16, grand total 24 depending on the list used. https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220712rc15110.pdf

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Summary of Natural Wonders Avian Species Report

http://versicolor.ca/sandylakebedford/species-lists/avian-sar-report/

In March 2020, the Natural Wonders Consulting Firm (NWCF) reported on Avian & Species at Risk Surveys of the proposed Sandy Lake – Sackville River Regional Park.

There were an astounding 11 habitats identified within the proposed park.

Data drawn from the Report:

- 117 species of birds visit or reside year-around or seasonally within the SR-SRRP
- 99 bird species nest within the SR-SRRP
- **15 are avian species of "Species of Concern"**
- Of those 15, **7 are classified as "Species-At-Risk"** and are protected under the Nova Scotia Endangered Species Act

The NWCF Report also documents **6 non-avian Species-At-Risk** in the SL-SRRP, these being the

- Monarch Butterfly
- Little Brown Myotis (Bat)
- Moose (Mainland Population)
- Common Snapping Turtle
- Eastern Painted Turtle
- Wood Turtle

Two Species present but not cited as they are aquatic and outside of the NWCF study scope are

- Atlantic Salmon
- American Eel

In summary, the proposed park has **11 habitats**, at least **15 avian and non-avian Species-At-Risk** on **Federal and Provincial lists (total: 15 + 6 + 2 = 23, plus Blue Felt Lichen = 24) along with an amazing number of old growth forest stands,** part of the less than 1% still remaining in the province.

Dr. Patriquin asks, "Is there any other equivalent area in HRM?"



APPENDIX 6

Conversations With Retired City Planners about Sandy Lake-Sackville River – 2019 to 2023….retirement brings an ability to speak freely.

The entire proposed park has ecological value. **Sandy lake is an essential part of this system that protects the rest of the entire park/watershed through to the Sackville River and basin. If Sandy Lake is not protected, the entire system suffers.** The entire area needs a special analysis to determine the proper boundary of the park. (*2023 note: this was the McCallum Report of 2022)*

In a proper assessment, topography is the start, then vegetation and so on. Protection needs to be based on a rational scientific approach. Look to protect wetlands and also wildlife connectivity.

Property lines are not considered. It has to be an ecological approach. That's where the watershed comes in, both the Sandy Lake sub watershed and the main Sackville River watershed.

The city is taking steps that show it is serious about this regional park - documents from as far back as 1970 identify it as a valuable place for a regional park. The city has acquired property recently and has plans to acquire more. **They must not ignore the west of Sandy and Marsh lakes just because someone failed to see the consequences of what they were doing and allowed the area to be rezoned for development.**

What are the key assets? Sandy Lake is one. Sackville River another. Marsh Lake, the streams, the rich drumlins, old forests, diverse species, endangered plants and fauna…. To repeat, the entire proposed park has ecological value. Sandy Lake is an essential part of this system that protects the rest of the entire park/watershed through to the Sackville River and basin. **If Sandy Lake is not protected, the entire system suffers.**

In conducting the special analysis to determine the proper boundary of the park, understand there are several layers to a park boundary.

1. Sandy Lake and the other major assets are within the body (all vegetation, Sackville River, Lakes, brooks, and so on). Some interaction is permitted to a carefully determined degree, depending on topography, land quality, etc.

2. A buffer which allows more interaction with the public. Ideally it is also within the park boundary (If we don't protect the buffer, it is a matter of time before it disappears and harm to the essential assets happens.)

3. Then there is the impact area boundary which may go into residential or even commercial areas. Use the authority of city to impose regulations on the existing development or industrial area on the way the run off is treated before it reaches the park.

Including the watershed in the park plan will allow for real protection of the richest assets in the centre.

In the Regional Plan review this time round there is a change from the past. Regional Parks used to be all about people not connection. Sandy Lake will be first, one of these first, to be viewed with connectivity as part of it, how the park will be utilized and how it ties in with the Green Network Plan connectivity.

We've already used up the rivers' capacity to absorb run off, so wetlands need to be taken out of development to protect the watershed. Protect wetlands first. There is already compromise on the lake with existing development.

The feeder streams into Sandy Lake get relieved on their way if they are protected. Those feeder streams come through already developed areas, and are already needing relief when they reach the lake. It becomes even more important to clean them before the lake as they cross the buffer.

Sandy Lake is at the edge of quality already from the industrial area and housing and the highways. The entire watershed must be part of the plan for park because outside the park boundary DOES interact with the park.

Conduct research with university students on how to mitigate the run off from Kingswood North now, and other areas such as Bluewater Road, to clean the water to enhance Sandy Lake water quality. There are projects for several departments with each contributing component.

The protection of developers lands west of the lakes, where the feeder streams and drumlins are, and control of what can happen on this land, is critical. Ownership is the best way. Developers' assertions that they can protect water quality in lakes they build around hardly deserves comment. Lake quality always go down. Habitat is altered and lost. Systems are destroyed. Some argue that birds will not be harmed because they can fly away. This is not true. Most birds are territorial and anywhere they go is already inhabited.

Developers will tell you they can control what goes into the streams. They will tell you they can use sediment ponds and retention and other controls, but it is a natural process and way too expensive to really control.

The Green Network Plan (HGNP) is based on environment/ecology first not people first, but the HGNP is high level and existing ecological maps in NS are very poor. So, you need to show the old and new documentation and all the ground-truthing that's been done at Sandy Lake to show why this place is worth protecting. Map 13, the Conceptual boundary is subject to ground truthing, and that applies to regional parks too. It says so in the document.

The HGNP has a watershed approach. The entire Sackville River Watershed is very important, with Sandy Lake as part of that greater system. View it regionally. It is a regional park for a

reason. Sandy Lake is part of a regional network of protection concept. Blue Mountain Birch Cove Lakes and Sandy Lake are part of those big systems to be preserved. This is the kind of place to put effort to protect. It is Worthy.

Protection should happen all along this system. Need to understand it differently to see how its place in the system is important. This is an Important Natural Corridor and the city has created commitments in the green Network plan. **Sackville River is the spine of this watershed network. Protect the Sackville River. The watershed slope around Webber Lake needs protection. The other priority is water quality of feeder bodies including Sandy Lake. You can only control what happens if it is publicly owned.**

Sandy Lake is in the HGNP because of connectivity to the Sackville River and the Chebucto Peninsula. What is left, sometimes just stepping stone corridors, is even more important to enhance now, because in the HGNP the visible link on the Google Map is already being eclipsed by development. That makes the stepping stones even more important to Blue Mountain Birch Cove Lakes and the Chebucto Peninsula. Protect essential and important corridors that remain.

The key is the Sackville River, everything that contributes to the Sackville River. **To protect the Sackville River, acquire the necessary components - direct components and up water attributes. If you don't, these problems get larger.** For example, Paper Mill Lake is already compromised. Building above what's already there will compromise the feeder reservoirs. That means you have to treat the water between the layers. It will cost more, and you will not be able to satisfy the requirements of your constituents because it will be unreachable to the municipal and provincial coffers.

Sandy Lake is not entirely developable land. Challenges on the site are many.

The Sobeys piece is very attractive land for the park. Development of that piece will be extremely difficult because Smith's Road makes it extremely difficult to access. Smith's road can't be upgraded and development would require two exits. But developers might make a play for Jack Lake lands behind it. Still, access is difficult because roads must be a hundred and fifty meters from the highway exit.

They are planning homes for 16,000 people at Sandy Lake. 16000 people is 8,000 cars. 5000 cars at peak times. Hammonds Plains Road is not configured to carry so much volume. The exit upgrade has helped the current overuse but not solved it. Same for the upgraded part from the BMO to the highway. And there are limitations too where Hammonds Plains Road hits the Bedford Highway, which is totally overcrowded.

Also there are developments existing in the watershed where we need to change our stormwater management because they are having a negative role on the overall system, and Uplands Park sewer system needs to be replaced.

More development upstream equals more flooding downstream. Already properties are of lower value in the Bedford floodplain and little Sackville River. The 2017 CBCL floodplain report was the first time ever that climate change was figured into their assessment. It calculated a 70% increase in runoff for 100 Year storms. So Bedford Place Mall and Superstore would be under three feet of water, almost all of Union Street. The report was accepted. We don't need three feet to be unviable - only one foot.

The report did not include an evaluation of the effects of future development of Sandy Lake. That is a huge oversight. At least make flooding no worse.

Do no additional harm. That equals no further development on the Sackville River, plus allow natural processes that exist to take care of it. And augment it by vegetating clear cuts. Try to change 70% run off to 25% just by vegetating.

At Sandy Lake the 300-acre clear-cut has plants that are young and aren't functioning completely yet. So, foster them and let them grow. **It needs to be in your modeling plan to let them grow. It protects runoff into the lake. protect it within the park plan. Then do legislation to ensure it doesn't happen again**.

So far Sandy Lake has turtles. One of 3 lakes out of 22 that used to in the region. Turtles are an indicator species. Bad decisions equals no turtles. But we must see the entire system, not just turtles**. Sandy Lake is uniquely rich. It is the beginning of the rich interior - the biome of fertile soils, river valleys that reach the interior. Sandy Lake has that richness and diversity as it has been fed by the Sackville River, and it goes both ways. From a gravity perspective the water flows down but from the biodiversity perspective it flows the other way, back up the river from the reservoirs. It runs back and forth. If it is degraded up here it affects downstream, and vice versa.**

Drumlins are rich. West of Sandy Lake has big ones. They usually have bogs at the bottom and good stands of trees and are a refuge for animals and plants if you just leave them alone. **Those drumlins west of Sandy Lake could help with connectivity to BMBCL just because of their richness.** Even with some stepping stone corridors below.

With respect for the HGNP and for all of this, the city will be compelled to require a thorough analysis before there is any discussion about development.

Residents work hard to protect an area because they're the ones who noticed the potential harm. That's where politicians get confused. They think residents are fighting for their backyard. It will be a task to find land to trade for Sandy Lake, but it can be done. It is right to ask for staff to look for options.

The 2015 with the 160-acre acquisition is about protection of the Sackville River. **Council voted for that to protect the Sackville River.** Council took one step. Now let's take the next step.

The city has already been acquiring park land based on this approach- for example the 160 Acres. Some councillors likely don't know they have that approach, but that overall 160-acre plan gave them the solution for gaining 160 Acres and it helped also to achieve the city's Green Network goals. It made people happy. Read the 160-acre report. This is why we should acquire those lands. Those principles still hold true.

The city has done things consistently to enable things to happen such as preventing the dairy from dumping effluent in the '70s, acquiring 160 Acres, and others, all to protect the lake. You have to ask them**, "Do you want all that to be for nothing? You've made decisions based on protecting water quality. Here's why you were protecting water quality". Whether they know it or not, this is why. It was not to please residents' views. It was for the ecological system.**

People kill lakes. The City has a responsibility not only to protect, but to enhance, all elements of the quality of the park. Then the city can then say to the public 'Yes we did everything possible to protect Sandy Lake Park, the Sandy Lake system including Sackville River and all the critical components of the park'.

For the last 50 years Sandy Lake watershed was recognised by planners for significant environmental value, especially to Bedford/Sackville communities, but beyond as well. This should be reflected in the current planning process. The boundary of the park should be determined by the watershed, not by the roads.

We have a crisis if we don't protect Sandy Lake's water quality and Marsh Lake's Water quality. Protecting the water quality has to be paramount. Because all of the habitats and natural features that we know are here rely very much on good water quality in those bodies, and all the way to the Sackville River.

Educate councillors and the people. **Tell the developer we don't want to fight with you. Offer them the elements they need. Tell them we want them to be successful because it is true. If we work together this will help the municipality deliver something it can't deliver otherwise.**

APPENDIX 7

Brief Backstory, Sandy Lake-Sackville River Regional Park

The Sandy Lake-Sackville River area has been recognized for nearly five decades, provincially, municipally and locally, and in multiple reports and studies, to be a special landscape worth protecting, complementing not replicating other major natural assets of Halifax.

The area between Hammonds Plains Road and the Sackville River, which includes the tributaries into the system, Sandy Lake, Marsh Lake, and a substantial portion of the Sackville River was chosen by Federal biologists in 1971 as a unique and valuable ecosystem to preserve for all time. That has not changed. If anything, the area is even more valuable today, given the twin crises of Climate Change and Biodiversity Loss that need all hands on deck.

Despite some setbacks, including a rezoning of a huge area of the former park land to future development that was done in 1982 without the advice of biologists, deliberate actions by community, municipalities, the province, and others have preserved for many decades the valuable old growth forest, habitats, wildlife corridors, and integrated ecosystem, and thus set these lands and waters up to still be uniquely worth reacquiring for park protection.

About 1,000 acres are currently zoned Regional Park. Informed citizens request that the city acquire the requested 1,800 acres, including developer's lands, in order to protect the long-known-about valuable ecological unit that is the main topic of this submission, the Sandy Lake-Sackville River Regional Park (SL-SRRP).

Traditional ways of looking at undeveloped land assume that it is not "doing anything useful" until it is developed. New research, especially in the face of Climate Change is determining ecosystem values of wild land. See *https://www.novascotia.ca/parksandprotectedareas/docs/archibald-lake-proposal.pdf* and CBC: https://tinyurl.com/2wx624wb "…a 2013 assessment by Global Forest Watch Canada that said Nova Scotia's protected areas have an average annual value of $5,827 per hectare for ecosystem services of the system (annually). A subsequent report from 2017 by TD Bank Group and Nature Conservancy of Canada pegged the value of ecosystem services of the Long Tusket Lake lands at a minimum of $26,250 per hectare annually."

We must all work together to ensure that this valuable environmental area at Sandy Lake-Sackville River doesn't instead find itself used to address a different crisis that is less relevant to this area, that is, the housing crisis. There are better places to put the needed housing.

In 2021 – 2023 the province took over both of the special planning areas in the Sandy Lake subwatershed, the Sandy Lake SPA and Subareas 12&1 SPA. We all must bravely and deliberately work to educate the Province about values they apparently are not yet seeing.

APPENDIX 8

COMMUNITY BASED WILDERNESS STEWARDSHIP

Approved December 2nd, 2020

Version updated January 26, 2021

This document is a proposal to HRM to create an Office of Community Stewardship (CBWS) to support the Halifax Green Network Plan (HGNP). The proposal has the objective of fostering ecologically sensitive recreational use of the public open spaces that are integral to the HRM Regional Plan now under review in 2020-2022. The ***Executive Summary*** *is at the end (p. 7).*

Protected Wilderness Areas, Nature Reserves, Parks, and Open Space in HRM

Thanks to the Province and thousands of dedicated citizens, HRM as of 2015 enjoys 14 wilderness areas protected under the 1998 Wilderness Areas Protection Act. They comprise approximately 15% of open space in HRM. If we add the 12 nature reserves, 36 provincial parks, and 6 major municipal parks, and other open space, approximately 84% of HRM was open space as 2015.[1] These natural assets have immense positive implications for the vitality of our flora and fauna, the general health of our ecosystems, the physical and mental health of our citizens, the ability of HRM to attract more tourists and investment in our green economy, and the capacity of the Province to meet its goals in mitigating the impact of climate change.

The Paradox of Success in Achieving Wilderness Protection

Wrapped up in this good news, but no longer hidden from us, are bad news and a paradox that cries out for resolution. To make a complex message plain and simple, consider a clear example of how good news has paradoxically become bad news. In 1995 citizens concerned to protect from development the unspoiled barrens and moose habitat on the west side of the Chebucto Peninsula created the Woodens River Watershed Environmental Organization (WRWEO) to act as a steward of the important watershed at its core. Because there were no roads or even marked trails in the extensive wilderness in and around the watershed, the public was mostly unaware of this natural treasure just a few minutes bus ride to the west of Halifax.

To encourage public support for the legal protection of this wilderness, WRWEO constructed **The Bluff Wilderness Hiking Trail** to acquaint the public with the astonishingly beautiful ecologically sensitive barrens around the trail. The trail was completed in 2005 under a letter of authority from the Nova Scotia Department of Lands and Forestry. The hiking trail achieved its purpose, drawing the enthusiastic support of more than 30 community groups and businesses. In October 25, 2011, the Province declared the wilderness around the trail to be protected. It comprises almost 10,000 hectares of lands, lakes, and

[1] For a summary of these facts and a map that was current in 2014/15, see: http://wildlandns.ca/docs/sharing/PPA.html .

streams and is home to rare species such as the mountain sandwort and to broom crowberry that is uncommon outside this region. However, as a direct result of its popularity—the trail had been declared by a well-known outdoor magazine to be one of the eight best urban escapes in Canada—the trail began to deteriorate through overuse and misuse.[2] The paradox is that The Bluff Trail—a key means to achieving protection of a healthy, health-creating wilderness—had become a key means to the gradual destruction of what it was designed to protect.[3]

Long-Term Community-Based Resolution

A natural response to this dilemma is to imagine that it is possible to close the trail to the public for a period of recovery, but this idea is not promising for several good reasons. First, closing the trail denies to the public the vital health benefits of being able to have easy access to the wilderness and makes Halifax a much less attractive place of destination and residence. Similar problems arise for other natural open spaces close to the urban core. Are they to be closed to the public too? Furthermore, it is not really possible to close these natural spaces, since the Province lacks the resources to enforce the lockout, and if it did the social consequences could be extremely negative. Lastly and most important, closing the trail would postpone the continuation of the problem rather than resolving it. Strictly enforcing the rules would not result in changes in the mindset that generates the bad behavior. The behavior would return as soon as the trail was reopened or the threat of being caught diminished. Neither lockdown nor strict enforcement nor both together is a sustainable solution.

Fortunately, there is a clear and tested way forward to resolving the paradox. The answer is to formulate principles and practices for stewardship of natural areas in HRM and to engage the public in their use. The community would learn through engagement with trail stewards how to have minimal impact on the trail tread and surrounding wildlife. This learning would come through a stewardship program of the kind described in the document cited in footnote 3. In this community-based program a Stewardship coordinator trains volunteers how to exert minimal impact, such as practicing Leave-No-Trace (LNT) camping, which can include using a fire bowl to make a small fire for cooking instead of an open fire, avoiding trail braiding, refraining from cutting trees and leaving trash, and avoiding disturbance of wildlife habitat (by, for example, having dogs on leash). These volunteers or "trail stewards" are trained how to remediate damage to the trail and how to engage other trail users in a friendly and cooperative manner to convey positive habits and attitudes, thereby creating incrementally through many such encounters new trail stewards who will educate others in turn even without

[2] Evidence of issues in 2016 can be seen at: http://versicolor.ca/docs/BluffTrailHike2016.pdf

[3] For an exposition of the problem and solution see BTSP funding request to NSE:

https://drive.google.com/file/d/0B4hch_IZZfoQUElqUnhsUTJPRmZxZ2xUQk9wdmI0bkNrUTBJ/view?usp=sharing

intending to do so. The community of trail users has in effect created a larger community of wilderness stewards from the ground up. The stewardship training would be community driven, community organized, and done voluntarily by those who hike, canoe, camp, bird watch, fish and hunt, and immerse themselves in the beauty and natural energy around them.

Is this a pipe dream? Are there any stats to support the effectiveness of this kind of program? The answer is positive and detailed in the Lancaster report of the last WRWEO AGM on July 7, 2020.[4] The report compares trends for numerous variables during the past three years. Trends are positive from 2017-2020, involving the work of over 100 stewards trained to look after the trail, engage the users of the trails, and report problems as well as positive outcomes. This strategy is endorsed by Nova Scotia Department of Environment (NSE) and appears to be a positive, long-term, sustainable solution. [5]

The Community Stewardship program, undertaken by WRWEO in collaboration with the St. Margaret's Bay Stewardship Association (SMBSA), not only appears to be successful as a means of preserving sustainable public access to ecologically sensitive lands of the Five Bridge Lakes Wilderness Area (FBLWA), but also appears to be a likely means to address the problems of a similar kind that arise in adjacent wilderness areas surrounding Halifax whether they are protected or are simply open areas of natural beauty. The protected areas are Blue Mountain Birch Cove Lakes Wilderness Area (BMBCLWA), the Waverley-Salmon River Long Lake Wilderness Area (WSRLLWA), and the Terence Bay Wilderness Area (TBWA). Other key areas are the wilderness lands supported by the Backlands Coalition, the Sandy Lake wilderness lands adjacent to WSRLLWA, the Ingram River wilderness area that citizens have proposed for protection, and the islands managed by SMBSA.

How Do We Define Community Stewardship? What Is Its Goal?

Drawing on Merriam Webster Dictionary, stewardship may be defined as the careful and responsible management of something entrusted to one's care. If we now apply this definition to the case at hand, we can say that the Office of Community Stewardship will seek to ensure the careful and responsible management of green spaces and wilderness areas in HRM. How will this goal be achieved? The means to achieve this goal would include: development of plans, guidelines, and strategies to reach this goal; recruitment and training of Volunteer Stewards; a presence, as constant as possible, of these trained stewards in the areas subject to the most use, including green spaces and wilderness areas in HRM that have trails; and a coordinated effort by these stewards to engage, inform, and support the hikers, campers, and others who use these lands so that they can join in our effort to become better stewards of nature.

[4] Bluff Trail Stewardship Program, Year In Review Report, 2019

[5] Fire pit rings remain a serious concern: 53 were remediated in 2017, 12 in 2018, and 20 in 2019. The practice of camping with open fires is deeply engrained in our culture and only sustained stewardship over the long term will eliminate it.

Through their engagement with these persons, Volunteer Stewards would endeavour to decrease the impact of human harms on the green spaces and wilderness areas in HRM; improve Leave-No-Trace (LNT) practices among all users; enhance sustainability of the green spaces and wilderness areas in HRM and the wildlife that live in them; and ensure the implementation of the best possible stewardship practices in these spaces.

Is Community Stewardship Right for All Managed Natural Areas?

Since the approach is community based, it is not the place of WRWEO to speak for communities that are supporting other nearby wilderness areas. They must speak for themselves. Moreover, there are many more resources and experiences that can be drawn upon. We note for example that the Sackville River Association has gained related experience and a high degree of success in its efforts over many years to engage the public in restoration of the Sackville River system.

We suggest that there is already significant empirical evidence that this approach is workable provided that it remains a ground-up, community-centered effort that is endorsed by the community. As such, the cost of the approach will be affordable since the effort comes primarily from volunteers who are committed to preserving through ecological stewardship natural wildlife areas and the wildlife corridors that link them, whatever their current status and use.

Stewardship and Trail Maintenance

The Province and Municipality are already engaged in community stewardship through supporting the Halifax Regional Trails Association (HRTA). HRTA is an organization that has representatives from over 25 community trails groups that have created and maintained trails within HRM. Obviously, building and maintaining trails in environmentally sustainable ways, as is one of HRTA's key objectives stated in their website, entails stewardship of the land.

The present community stewardship proposal, however, envisions a much broader conception of stewardship of land. The public use of wild areas includes more than hiking on trails. Many people hike and camp off trails and their negative impact on the land can be significant, for example, if lack of good practices causes a forest fire. It is critical that community stewardship extends well beyond trail maintenance and includes the inculcation of ecologically respectful treatment of nature on and off trails. An Office of Community Stewardship would need to coordinate with and be able to support the objectives of HRTA but at the same time would have a broader mandate that would cover all wilderness areas, nature reserves, parks, and open spaces that can be negatively impacted by human use.

Monetary Support

That said, in contemplating the creation of the OCS, there are two kinds of monetary support that are important. A knowledgeable, experienced Stewardship Coordinator who is especially competent in communication and leadership should be retained by salary (we suggest that a salary of at least $50,000 would be appropriate if he or she is covering more than one area managed by a community group).

There needs also to be at least two assistants to work with the Stewardship Coordinator (2 x $25,000) and money to pay students during the summer to help in the stewardship training. As detailed in the report in footnote 4, The Canada Summer Jobs Program yielded $18,572 in 2019 for work in BTSP. If a similar amount were raised for wilderness areas stewardship programs, the total would be almost $120,000.

This money would be budgeted independently of money now provided for HRTA groups. One would not detract from the other. The sources of funding for OCS and HRTA groups would be separate, though the stewardship work would be complementary.

The breakdown of sources of OCS funding might be divided as follows: Federal green initiative funding: $30,000; Provincial funding: Environment, Tourism, Health and Wellness, each $10,000 = total $30,000; HRM: Parks and Recreation $60,000 with half from Active Transportation; Volunteer Contributions In Kind: 6 groups (in a pilot project) at $20,000 each. Government (Federal, Provincial, and Municipal) total contribution: $120,000. Volunteer total contribution: $120,000.

The details need to be worked out but *costs are minimal in consideration of what is at stake*. Many millions of dollars are generated each year through commercial ecosystem services, the attraction not only of tourists but of innovative, young immigrants that are looking for a global, progressive city, as evidenced in the report by Gardner Pinfold, commissioned by the Province.[6] These attractions are under threat and likely severely diminished if proper stewardship is not enacted. It is absolutely vital that funds be provided for an Office of Community Stewardship that are both sufficient and reliable throughout the term of the pilot project.

We would suggest that no more than four to seven natural areas around Halifax be included in a pilot program for three years. If the results are as positive as reported in the review for FBLWA for 2017-19 (see footnote 4), the Community Stewardship (CS) program could be extended to all natural areas in

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6 https://novascotia.ca/nse/protectedareas/docs/NS_Protected_Areas_Commercial_Benefits_Final_Report.pdf (note continued on next page)



HRM that are in need of the program and OCS would become integral part of the HRM Regional Plan. Whether it is extended, however, should depend on both government and volunteers finding the CS program jointly acceptable and either government or volunteers represented by Our HRM Alliance could veto continuation of the program beyond the pilot stage.

Indigenous Leadership

The WRWEO dedication sign at the beginning of the first loop of The Bluff Trail acknowledges our indebtedness to and reverence for the First People who lived here longer than we have and preserved this land before us. Several years ago we renamed Indian Hill Loop to Mi'kmaw Hill Loop and assigned Mi'kmaw names to the LNT camping sites. It is appropriate in this time of reconciliation to go much further. We propose that the Office of Community Stewardship be provided resources to engage the leadership and guidance of the Mi'kmaw community to help the local trail groups and other stewards find the best way to move forward in Community Stewardship drawing on Mi'kmaw traditions, experience, and knowledge.[7]

The invitation to a conversation about stewardship, however, should be framed so that it is not, and does not come across as, a request that the Mi'kmaw people help descendants of settlers manage the land that those settlers took away from them. The request should be put in such a way that it is open-ended and would allow the Mi'kmaw community to define the terms of engagement, whether as co-stewards, or sources of expertise about principles of stewardship, or on some other model, as they see fit. (Thanks to Lynette Reid and Ariella Pahlke for this last point.)

Connectivity, HGNP, and Community Stewardship

A critical element in stewardship of the wilderness has been omitted in the above discussion, though it lies at the heart of wilderness protection and the success of the Halifax Green Network Plan. The missing element is connectivity linking together the protected wilderness areas. There is ample scientific evidence to support the conclusion that without wilderness corridors linking wilderness areas biodiversity in these areas will inevitably decline and will negatively affect the resilience of plant and animal life in the area including iconic species such as the mainland moose whose numbers in the area have drastically reduced, causing them to be declared an endangered species in 2003 when the first two loops of the trail opened.[8]

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[7] For support from the World Wildlife Fund-Canada newsletter see: **Indigenous-led conservation is the path forward** at WWF-Canada wwf_canada@wwf.ca

[8] See, for example, the HGNP and information archived on the WRWEO website: https://web.archive.org/web/20131127150100/http://wrweo.ca/ChebWilderness/index.html Also see: **Guidance on the maintenance of landscape connectivity features of major importance for wild flora and fauna – – Guidance on the implementation of Article 3 of the Birds Directive (79/409/EEC) and Article 10 of the Habitats Directive (92/43/EEC)**.

Though there can be and are corridors of connectivity within wilderness areas, what is important to notice in this instance is the need for communities *from adjacent wilderness areas* to combine their roles as stewards of the land to find corridors and learn together how to protect the corridors that allow wildlife both plant and animal to move between (and ultimately among) various wilderness areas and open spaces. One can safely say that without connectivity even the "protected areas," though legally designated as protected, are not in truth protected. Community Stewardship as advocated here must therefore include stewardship of connectivity between natural areas of all kinds. Moreover, this concept and aspiration should be written into our mutual understanding of the HGNP as Council completes its ten-year review of the Regional Plan.

Executive Summary of Community Stewardship Proposal

A central paradox besets the efforts of local communities to promote preservation of the many wilderness areas surrounding Halifax. We promote the legal protection needed to block development in these ecologically vital areas and we build trails for recreational access to the natural areas on which our health depends. We thereby make the inherent value of these areas known and accessible. But the means to this important end can result in the gradual deterioration of the very areas that we are trying to preserve. We negatively affect the natural value of these areas, thereby defeating the point of their preservation. The answer to this problem is Community Stewardship of the kind proven to be successful over the past three years on The Bluff Wilderness Hiking Trail. This submission recommends as a pilot project the establishment of an Office of Community Stewardship (OSC) that would coordinate and enhance the voluntary participation of four to seven community groups already providing stewardship to natural areas to determine whether this project should be extended further. Besides criteria applied to measure the success of the stewardship program on The Bluff Wilderness Hiking Trail, we could include criteria to measure success in increasing connectivity between natural areas as a guide to determine success of a more inclusive stewardship program. The proposal is to build, stage by stage, the Community Stewardship of wildernesses and other open spaces into the Greenbelt portion of the Regional Plan for HRM and thereby help to preserve the ecological and monetary value of the natural resources in HRM.

Respectfully submitted with approval of the WRWEO board by these members:

Paul Berry, Board Chair and Treasurer; David Patriquin, ecologist;

Mike Lancaster, stewardship coordinator; Richmond Campbell, founding member.

Marianne Kettunen et al., 2007. Institute for European Environmental Policy (IEEP), Brussels, 114 pp. & Annexes.

https://ec.europa.eu/environment/nature/ecosystems/docs/adaptation_fragmentation_guidelines.pdf

This proposal has been endorsed and supported by Our HRM Alliance including the following members.

- Ecology Action Centre
- Hike Nova Scotia
- Canadian Association for Retired Persons Nova Scotia
- Sandy Lake Conservation Association
- Friends of Blue Mountain Birch Cove Lakes
- Backlands Coalition
- Trips By Transit
- Downtown Halifax Business Commission
- The Village on Main (Main Street Dartmouth Business Improvement District)
- North End Business Association
- McIntosh Run Watershed Association
- Purcell's Cove Area Residents Action Committee
- Beechville, Lakeside, Timberlea (BLT) Rails to Trails Association
- Cole Harbour Parks and Trails Association
- Friends of Hemlock Ravine
- Halifax Regional Trails Association
- Preston and Area Trails Association
- Penhorn Lake Area Trails Association
- Canadian Parks and Wilderness Society, Nova Scotia Chapter
- Canoe Kayak Nova Scotia
- Eastern Shore Forest Watch Association
- Five Bridges Wilderness Heritage Trust
- Ducks Unlimited Canada – Nova Scotia
- Sackville Rivers Association
- Sackville Lakes Park and Trails Association
- Save Bedford's Waterfront Society
- Citizens' Climate Lobby – Halifax
- Canada Green Building Council – Atlantic Chapter
- Dalhousie Office of Sustainability
- Ferguson's Cove Neighbourhood Association
- Friends of McNabs Island Society
- Halifax Field Naturalists
- Halifax Urban Greenway Association
- Lake Echo Watershed Association
- Shore Active Transportation Association
- Shubenacadie Watershed Environmental Protection Society
- St. Margaret's Bay Stewardship Association
- Williams Lake Conservation Company
- Woodens River Watershed Environmental Organization
- Cole Harbour Rural Heritage Society
- Dalhousie School for Resource and Environmental Studies
- FUSION Halifax
- Genuine Progress Index (GPI) Atlantic
- Halifax Cycling Coalition
- Heart and Stroke Foundation of Nova Scotia
- It's More Than Buses
- Lucasville Community Association
- Musquodoboit Harbour and Area Community Association
- North End Community Health Centre

Purcell's Cove Neighbourhood Committee
Rural Coastal Communities Network
Walk n' Roll Halifax
Wyse Society for Sensible Urban Development, The
YWCA Halifax
Akoma Holdings Inc.
Downtown Dartmouth Business Commission
Quinpool Road Mainstreet District Association
Sackville Business Association
Spring Garden Area Business Association
St. Margaret's Bay Chamber of Commerce
Community Society to End Poverty
Halifax North West Trails Association

APPENDIX 9

Reasons a Sandy Lake Subwatershed floodplain study is needed:

June 19 2023 - Updated July 2023

1. The McCallum motion that staff passed July 12, 2022 had a bit on the floodplain (see in red below)

   The motion as amended on July 12, 2022 now read:

"THAT Halifax Regional Council direct the Chief Administrative Officer to:
1. Incorporate the analysis and findings of the Sandy Lake Ecological Features Assessment in the planning and development of Sandy Lake Park.
2. Review and use the findings of the Sandy Lake Ecological Features Assessment in the background studies being undertaken for the Sandy Lake Special Planning Area, including organizing the form and location of development to best protect:

*a. **at least** the suggested widths for important corridors,*
*b. **at least** the suggested riparian and watercourse buffers, and*
c. the identified areas of predicted old or mature forest.

3. Explore the use of conservation easements as part of the Sandy Lake Provincial Special Planning Area background studies to manage ecological features or corridors that extend outside of the conceptual park boundary.
4. Assess how to best organize land use and green infrastructure as part of the Sandy Lake Provincial Special Planning Area Background Watershed Study to mitigate any downstream impacts to the Sackville River and Sackville River Floodplain.
MOTION AS AMENDED PUT AND PASSED UNANIMOUSLY"

2. The Sackville River Floodplain Study Phase 2 of 2017 was released in a public meeting in 2018:
   https://www.halifax.ca/sites/default/files/documents/business/planning-development/FinalReport.SRFS_.Phase2_.12April2017.pdf

A scientist in the audience asked why the Sandy Lake watershed was not included in the study. The consultant, A. Wilson, replied that the city gave them the scope of the study, and if Sandy Lake was not included it must mean that the city does not intend to build there for at least 100 years.

3. As Councillor Outhit points out, Sunnyside is in the floodplain. It will be affected by flooding caused by development (runoff etc.) in the Sandy Lake subwatershed. A thorough floodplain study of what will happen in Bedford/Sackville if housing is added to the Sandy Lake watershed is essential before any decision to build or not is made at Sandy Lake.



Union Street Bedford 1956

4. **The need for the additional Sandy Lake subwatershed portion of the Sackville River study is of considerable concern given the awareness now of havoc caused by 2023 flood events** and that the province's current plan that appears to be "build at all costs".

5. **For continuity, it recommended this study be an adjunct to the Sackville River Floodplain Study Phase 2 of 2017.**

Now we have the experience of the 2023 100-year storm and new pictures of Union Street and the Sackville River Floodplains. Climate Change is promising more frequent and larger storms. **This floodplain study must be done before any decision is taken on whether or not to build at Sandy Lake.**