

Dartmouth Common Amendment to the HRM Charter (Bill 62)

Law Amendments Committee Presentation

May 11, 2011

Introduction

Halifax Regional Council is submitting a resolution for this committee's consideration on the Dartmouth Common amendments being made to the HRM Charter.

The Dartmouth Common is an important and historic area of central Dartmouth. It provides a large green space for recreation and leisure, and is a main contributor to the beautification of downtown and north Dartmouth. Halifax Regional Council has always supported protecting the Common through legislation. The Bill before the Legislature is useful especially because, for the first time, it establishes boundaries for the Common. By setting out the allowable maintenance and improvements on the Common, it also eliminates the time-consuming and unnecessary process of going back to the Legislature for every single upgrade Council wishes to make.

HRM as Trustee

However there are aspects of this legislation that were a complete surprise to Council. Halifax Regional Council, and the City of Dartmouth before it, have been the trustees of the Dartmouth Common ever since the first legislation regarding it was introduced. Protection of the Common lands is a responsibility the municipal governments have taken seriously. Yet this legislation appears to usurp that role in practice, by giving Cabinet the authority to make all final decisions about activities on the Common.

This is worrisome on a number of levels. Requiring Cabinet approval will make decisions about the Common political. It takes power away from the citizens who utilize and live near the Common, and gives it to a political body that makes decisions behind closed doors. In contrast, Regional Council's planning decisions are guided by fully public processes and consultations. An example of this is the recent Dartmouth Common master planning process itself, which asked residents how they envision the future of the Dartmouth Common. This draft legislation pre-empted the public process and removes the public element. The Bill before us states at the outset that the Municipality will hold the Dartmouth Common in trust for its inhabitants. Subsequent clauses should follow through on that statement by making it clear any amendments would require the approval of Halifax Regional Council before proceeding to Cabinet.

Dartmouth Sportsplex

The most immediate issue regarding upgrades to the Common is the rejuvenation of the Dartmouth Sportsplex. The current Sportsplex is 30 years old and is no longer able to meet the needs of the growing population. A recent study shows that residents want access to expanded programs and services, and that the facility should be able to accommodate all ages and levels of mobility. The planned revitalization includes a particular emphasis on healthy children and youth, such as a specialized youth fitness centre, a rock climbing wall and a new youth attraction in the swimming pool. The Sportsplex has been sensitive to concerns about encroachment on Common land, and has shrunk its expansion plans by 65% - now only planning a 25% increase in size. Half of this amount is on existing concrete and does not interfere with green space at all. Provincial-municipal discussions over the past year about the Sportsplex and transit terminal resulted in agreement that the area of the old bus terminal would revert to Sportsplex parking to accommodate the facility's expansion and make up for lost parking due to the new transit terminal. Council is seeking confirmation of this agreement in the Bill before us.

Dartmouth Common Boundaries

As noted above, the draft legislation sets out specific boundaries for the Dartmouth Common. This is useful as it will avoid confusion and conflicting opinions. However, the boundaries set out in this Bill differ from what the actual boundaries are. They include municipal lands in the area, but leave out provincial and federal lands – specifically those to the north of the boundary. For example, the apartment development along Boland Road is one of the largest encroachments on the Common. Halifax Regional Council supports the Bill's effort to protect the Common in the long-term, and asks that the Provincial and Federal government demonstrate the same level of support by including these lands within the boundary.

In a similar vein, there are three lots near the Dartmouth waterfront that have been added to Common land in this Bill. These were commercial lots with commercial properties on them, which the City of Dartmouth purchased to support the downtown Dartmouth revitalization. Reserving the lots for this purpose is even more important today. Downtown Dartmouth is experiencing a significant renewal, with an influx of housing units, small businesses and cultural facilities. It is vital that this area be maintained for commercial use in order to support the ongoing development of the downtown.

Resolution

The intent of this draft legislation – to preserve the Dartmouth Commons and to clarify what improvements may be undertaken – is positive. But aspects of it are still unclear. Halifax Regional Council was not included in the drafting of this Bill and was taken unaware by several of the clauses. HRM is committed to open and transparent communication with the Province and asks the Provincial government to demonstrate the same. A resolution outlining the requests made in this presentation is attached. This resolution was put before Council on May 10th and received unanimous approval. Council urges the Province to support the Municipality's role as trustee of the Common by including these amendments in the legislation.

