

*Ministerial Order Establishing an Interim Planning Area
in Halifax Regional Municipality Pursuant to
Section 198 of the Municipal Government Act*

Whereas the Province in its *Statements of Provincial Interest* enacted as Schedule B of the *Municipal Government Act* has identified as a provincial interest that there be the efficient use of municipal water supply and wastewater disposal systems;

And whereas the basis of the provincial interest is that all levels of government have made significant investment in providing water supply and wastewater disposal infrastructure systems and that unplanned and uncoordinated development increases the demand for costly conventional infrastructure;

And whereas Halifax Regional Municipality is in the process of preparing a Regional Plan;

And whereas I am informed by Halifax Regional Municipality that the Regional Planning process has highlighted the fact that the Municipality cannot sustain large-scale developments on individual on-site services, approved without the benefit of broad-based assessments of groundwater, soils and watercourses, that environmental and public health risks are created by such developments with insufficient quantity and quality of water and this creates pressure for extension of central water or sewer services in areas where it cannot be carried out in a cost effective manner to residents;

And whereas while the Regional Plan is being prepared, development that is inconsistent with the provincial interest that there be the efficient use of municipal water supply and wastewater disposal systems might occur in certain unserved areas of Halifax Regional Municipality unless Halifax Regional Municipality is given time to adopt interim measures to prevent this from happening;

And whereas Halifax Regional Council has passed a resolution requesting that I assist by establishing an interim planning area;

And whereas I am satisfied that there are necessary and compelling reasons to establish an interim planning area to protect the provincial interest, to discourage development from leapfrogging over areas served by municipal infrastructure to unserved areas and to encourage maximum use of existing infrastructure, to give Halifax Regional Municipality time to adopt interim measures to address these issues, while the Regional Plan is being prepared and put in place by Halifax Regional Municipality;

Now therefor, by this Order, I establish an interim planning area within Halifax Regional Municipality as shown on the map in Schedule A attached to and forming part of this Order, to

protect the provincial interest that there be the efficient use of municipal water supply and wastewater disposal systems. For greater certainty, the interim planning area does not include any land located within a serviceable area or service boundary according to planning documents adopted by Halifax Regional Municipality prior to the date of this Order.

And whereas, pursuant to Section 198 of the *Municipal Government Act*, within an interim planning area, development, or certain classes of development, may be regulated or prohibited, as necessary, to protect the provincial interest, and no permit or approval of any kind that is contrary to the Order may be issued;

Now therefor I hereby prescribe that while this Order is in effect, no development that is contrary to the terms of this Order, as stated below, may occur, and no development permit may be issued by Halifax Regional Municipality in respect to such development, on land within the interim planning area.

No new development which would contain a residential use is permitted on land within the interim planning area.

This Order does not apply to a development which would contain a residential use which would be on

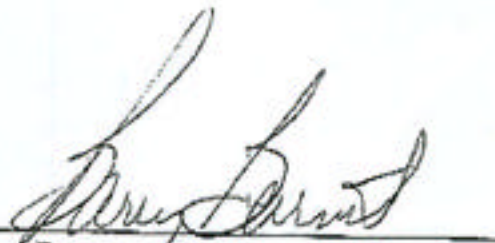
- (a) an area of land as it existed on the day prior to the date of this Order;
- (b) a lot of land which has received final subdivision approval prior to the date of this Order;
- (c) a lot of land for which a completed application for final subdivision that is in accordance with the municipal subdivision by-law has been filed with Halifax Regional Municipality, prior to the date of this Order, if final approval is obtained;
- (d) a lot of land that is subdivided from the land described in (a), (b) or (c) above on or after the date of this Order, if the new lot has frontage on a private road or public street that is in existence and approved by the government having jurisdiction prior to the date of this Order, and if the development would be the only development on the area or lot of land as described in (a), (b) or (c) above for which a development permit is issued during the duration of this Order;
- (e) an area of land that is subject to a development agreement approved by Halifax Regional Council prior to the date of this Order;
- (f) an area of land that is subject to a subdivision agreement made pursuant to

Halifax Regional Municipality's Subdivision By-law that has been executed prior to the date of this Order; or

- (g) an area of land for which a plan of subdivision involving private roads has received tentative approval from Halifax Regional Municipality prior to the date of this Order, if construction of the private roads within the area of land has commenced prior to the date of this Order.

For purposes of this Order "area of land" means a parcel of land that legally exists as one lot of land prior to the date of this Order.

This Order has effect on January 22, 2004 and continues in effect until April 20, 2004, or until it is amended or revoked.



Barry Barnet
Minister of Service Nova Scotia and Municipal Relations

January 22/2004, 2004