



2018-08-28

Thea Langille, Principal Planner, Current Planning  
Halifax Regional Municipality, Planning and Development  
PO Box 1749  
Halifax, NS, B3J 3A5

**Subject: Amendment to the RMPS to include the lands located in the Seven Lakes Development Agreement into Appendix D and Policy G-19 of the RMPS**

Dear Ms. Langille:

On behalf of our client, Seven Lakes Development Ltd., we are submitting this formal planning application to request an amendment to the Regional Municipal Planning Strategy (RMPS) to amend Appendix D to include the Seven Lakes Development lands which are currently under development agreement (henceforth known as the '*DA lands*'). These lands are shown in Schedule A of this application letter.

As discussed, the following materials have been provided to support this application:

- Planning application rationale letter
- Planning Application Form
- A map illustrating the planning application request (see Schedule A of this letter)
- A payment of \$2,600 made out to HRM from Seven Lakes Development Ltd. has been sent separately to this application package.

## **BACKGROUND**

The development agreement currently regulating Seven Lakes' DA lands was negotiated by WSP (on behalf of Seven Lakes Development Ltd.), and HRM staff under the 2006 RMPS policies for Conservation Design Developments (CDD). Future development plans have always been intended for the lands located north of the DA lands (shown in Figure 1), however at the time, precise development details were unknown and could not be included in the DA negotiations.

As part of the 2014 review of the RMPS, changes to policies related to CDD applications were included. Amongst these changes were lower development and density rights within lands that qualified for the CDD process. Prior to formal adoption of the 2014 RMPS, WSP submitted a request to HRM's Regional Planning staff to grandfather the land north of the DA lands under the 2006 RMPS policies. This grandfathering clause would preserve the development rights that existed during the negotiation process of the current DA, and keep the two land areas consistent with one another. The request was approved by HRM staff, with Policy G-19 and Appendix D included in the 2014 version of the RMPS.

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**G-19:** Notwithstanding Policies S-14, S-15, S-16 and S-17 of this Plan, Council may consider a development agreement application on lands identified on Appendix D of this Plan in accordance with Policies S-15 and S-16 of the 2006 Regional Plan provided that a completed application has been submitted to HRM prior to December 31, 2014.

Appendix D: Lands Subject to Policy G-19



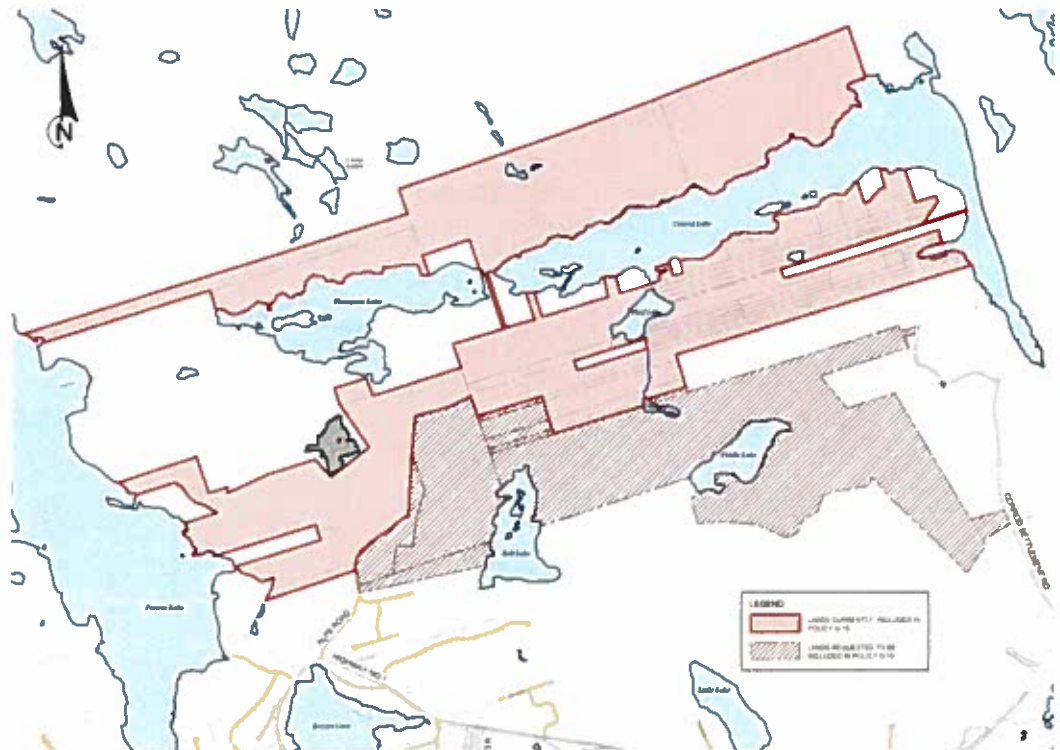
**Figure 1:** Appendix D, map of lands north of the DA land which have been grandfathered under 2006 RMPS policies.

When the request to grandfather these lands was made, it was presumed that any non-substantive changes to the existing DA for the DA lands would be evaluated under the policy it was originally created under. It has since been brought to WSP's and HRM staff's attention that this is not the case, and that any substantive or non-substantive changes to the existing DA would have to meet current policy. Future changes (substantive or non-substantive) to the existing DA would result in far lower development permissions and densities for the DA lands and would create a project that would be unfeasible for any future development. It is reasonably presumed that this was not the intent at the time of DA negotiations, and that appropriate steps are required to protect the development rights in lieu of the recent clarity in policy interpretation.

## PLANNING APPLICATION REQUEST RATIONALE

Recent challenges have arisen within the development phases in the DA lands. Due to changes in market demand, as well as the developer gaining a better understanding of topographic constraints, and servicing constraints put forth by the Condominium Registry, HRM, and Nova Scotia Environment, it has come to light that non-substantive changes to the existing DA will be required in order to make the Seven Lakes Development Ltd.'s DA lands a viable project.

Since recent revelations have shown that non-substantive changes to the existing DA would need to meet current policy, (resulting in a loss of density and development rights), we are requesting that Appendix D of the RMPS be amended to include the DA lands, (which would thereby include the land area into Policy G-19). It is our intent that through this amendment, all future changes to the DA (substantive or non-substantive), would be evaluated under the original 2006 policies and protect the development permissions that it was created under. Figure 2 and Schedule A illustrates this request.



*Figure 2: Map showing lands that are currently included in Appendix D and Policy G-19, and land requested to be included (the DA lands) through an RMPS amendment. See Schedule A for larger image.*



Based on our recent discussions with staff of the Rural Planning and Applications team, we understand that this request is a reasonable amendment to make to the RMPS, and that in not doing so, would place Seven Lakes Development Ltd. in a unique and unintended situation. We ask that staff and Council consider and support the requested amendment outlined in this planning application.

If you have any questions or concerns on these matters, please do not hesitate to call me. We look forward in working through the application process with you and your team.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anne Winters', written over a horizontal line.

Anne Winters, MCIP, LPP  
Urban Planner

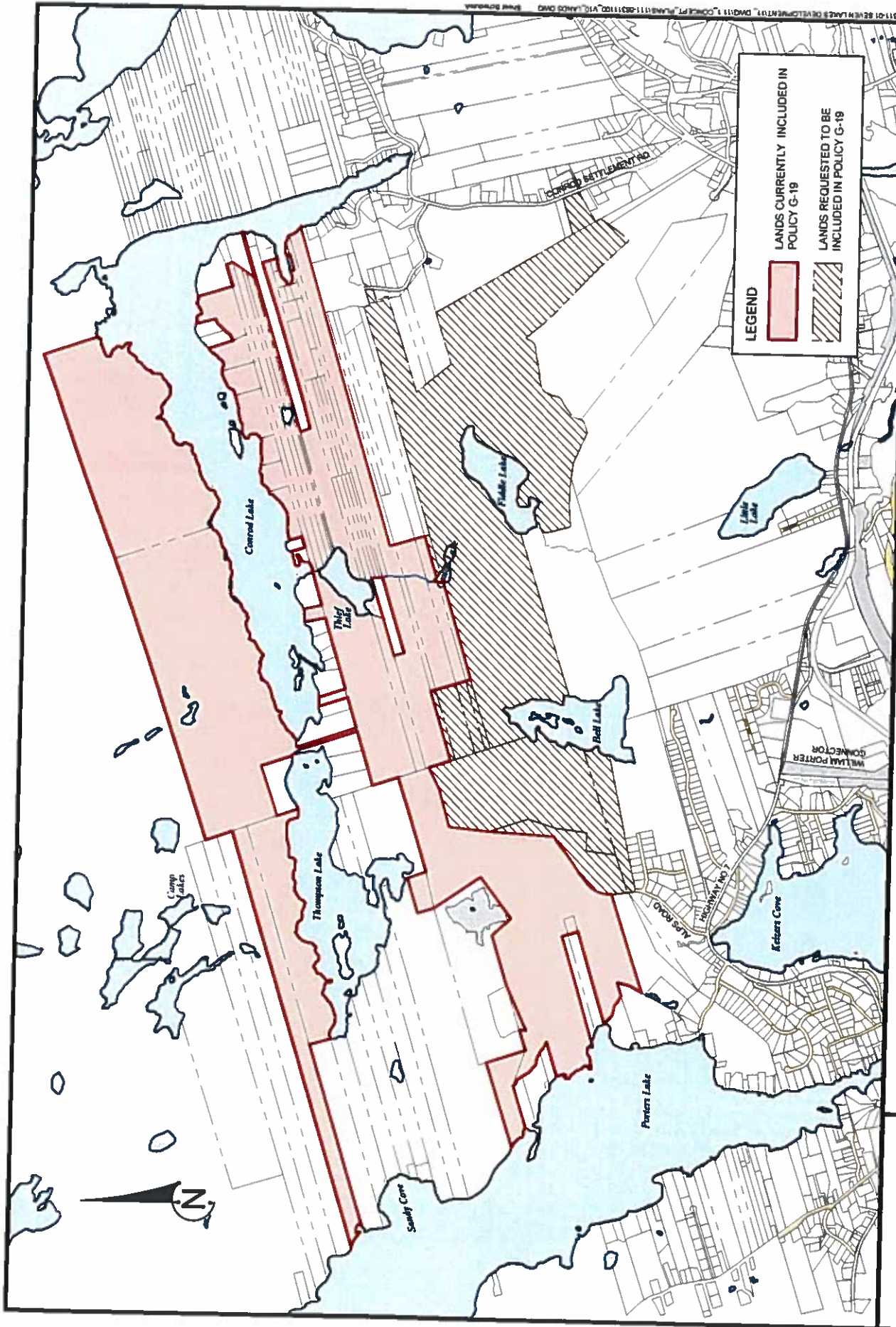
In all future correspondence related to this file, please copy Christina Lovitt at [Christina.Lovitt@wsp.com](mailto:Christina.Lovitt@wsp.com), 902-536-0922.

cc: Jason.Harnum@penneygroup.ca, Brad.Harnett@sevenlakescommunity.com,  
[Christina.Lovitt@wsp.com](mailto:Christina.Lovitt@wsp.com)

Encl.

Schedule A: Requested Amendment to Appendix D and Policy G-19 of the RMPS





Schedule A: Requested Amendment  
to Appendix D and Policy G-19 of RMPS



