

May 3, 2022

Ben Sivak
Community Policy Program Manager
Halifax Regional Municipality
Planning and Development
PO Box 1749
Halifax, N.S.

RE: Regional Plan Amendment to Enable Early Tree Removal and earthworks consideration for Special Planning Areas by Development Agreement, and a related Development Agreement Application for the Port Wallace Special Planning Area

Dear Mr. Sivak:

Clayton Developments Limited is pleased to make the enclosed application on behalf of Port Wallace Holdings Limited for:

- An application to amend the Regional Plan to enable early tree removal and mass works consideration for special planning areas (SPAs) by Development Agreement.
- A development agreement application to enable early tree removal and mass works for the Port Wallace SPA.

With the announcement of amendments to the Halifax Regional Municipality Charter as of April 22, 2022 with the passing of Bill No. 137, a development agreement now can contain terms 'with respect to matters a subdivision by-law may contain'. The intent of these changes, as well as the special planning areas announced by the province in March 2022 through the powers granted in the *Housing in the Halifax Regional Municipality Act* are to expedite the creation of adequate housing supply in the municipality. In order to bring housing swiftly to the market, it is critical that early tree removal and mass works be enabled to be able to take advantage of the 2022 construction season.

The special planning areas which Clayton Developments is in partnership regarding development on in the immediate term are:

- Port Wallace
- Southdale/Mount Hope
- Bedford West 1 and 12

The special planning area which we have the most concern regarding is Port Wallace, which at full buildout, would enable up to 4,900 homes. To this end, we are requesting an amendment to the Regional Plan to enable early tree removal and mass works consideration for the first phases of the special planning area (SPA) for Port Wallace, and to create a clear policy pathway for future development agreements within our special planning areas should they be necessary in the

future. Since any solution regarding housing will not be fully resolved in the 2022 construction season, this flexibility would be beneficial to expedite housing development. We feel the proposed amendment has a clear alignment with the statement of provincial interest on housing as well as the intent of the Housing in the *Halifax Regional Municipality Act* to help meet housing market demand and enable new housing quickly.

With respect, we have proposed wording for the regional plan amendment prepared below to assist you in furthering the application.

Preamble: In March 2022 through the powers granted in the Housing in the Halifax Regional Municipality Act, the Minister of Municipal Affairs and Housing was given special powers to grant planning approvals for nine Special Planning Areas. Detailed planning for the SPAs has been underway for some time, and draft policies for most SPAs are advanced. It is anticipated however, that timelines for full planning approvals will not match housing demand, nor the timelines required to construct these SPAs. Of these Special Planning Areas, Southdale/ Mount Hope, Port Wallace, and Bedford West Sub Area 12 are expected to have the greatest difficulties.

G-11A Notwithstanding Policy G-15, the Housing Task Force may consider development agreements which supersede the Regional Subdivision By-law requirements to enable early tree removal and earthworks by development agreement. The intent of this policy is to enable early site works concurrent with the resolution of detailed planning matters for the subject sites. As a requirement of the development agreement, the following drawings prepared by a Professional Engineer must be submitted as a condition of permitting:

- (a) Site Disturbance Plan;
- (b) Erosion and Sedimentation Control Plan; and a
- (c) Site Grading and Stormwater Management Plan.

Presently, the Subdivision By-law requires that a Subdivision Grading Plan be submitted as part of subdivision approval as per Section 117(d)(iii), and approved as the final plan of subdivision as per Section 126-127 of the Subdivision By-law.

126 (1) Prior to the installation of any primary or secondary services or the approval of the final plan of subdivision by the Development Officer or the acceptance of the parkland dedication by the Municipality, the subdivider shall enter into an agreement with the Municipality. Upon execution, this agreement shall be filed in the Land Registration Office.

[...]

127 (1) The agreement shall include terms and conditions respecting: [...]
 (p) the removal of topsoil and site disturbance;

Enforcement of the Subdivision Grading Plan occurs through the (1) the Grade Alteration By-law G-200 and (2) the Lot Grading By-law L-400. Both By-law G-200 and L-400 provide exclusions where grading or lot grading is regulated by a Development Agreement respectively in Section 4 of both By-laws.

The intent of the proposed change is that the regular process for grading, including early tree removal and mass works be able to proceed through development agreement requirements rather than Subdivision By-law requirements. In doing so, the requirements of By-laws G-200 and L-400 would also be superseded due to those by-laws' exclusion clauses on properties with development agreements. This enables early site works (tree clearing and earth moving) sooner than what would normally be possible, with the risk that grading locations be consistent with later planning approvals. To mitigate this risk, the proposed development agreement would limit the areas of disturbance to limited phase(s) on lands where disturbance is anticipated through the ongoing policy process. The proposed disturbed areas would also be consistent with present environmental regulations.

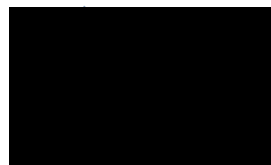
As an application requiring approval by the Housing Task Force, it would be at the jurisdiction of the Panel to determine if any development agreement to enable earth works and tree removal is premature or not. It is common for other municipalities in the province to enable this type of clearing and earth works prior to subdivision approval, and we feel this request is reasonable.

We would like to thank staff for their continued efforts on our various application files, including the main planning application for Port Wallace.

Kind regards,



Andrew Bone, MCIP, LPP
Director of Planning and Development
Clayton Developments Limited



Jared Dalziel, MCIP, LPP
Senior Planner
Clayton Developments Limited

Enclosed: Application Fee
 Application Form
 Draft Applicant Provided Development Agreement
 Draft Schedule A: Legal Description of the Lands
 Draft Schedule B: Port Wallace Special Planning Area
 Draft Schedule C: Proposed Area of Disturbance