

SCHEDULE B

Statements of Provincial Interest

Table of Contents

Introduction

Definition

Statement of Provincial Interest Regarding Drinking Water

Statement of Provincial Interest Regarding Flood Risk Areas

Statement of Provincial Interest Regarding Agricultural Land

Statement of Provincial Interest Regarding Infrastructure

Statement of Provincial Interest Regarding Housing

Implementation

INTRODUCTION

Nova Scotia's land and water resources are fundamental to our physical, social and economic well-being. But they are finite resources and using them in one way can mean the exclusion of other uses forever. Therefore, it is important that decisions about Nova Scotia's land and water be made carefully. Ill-advised land use can have serious consequences for the physical, economic and social well-being of all Nova Scotians.

These statements of Provincial interest recognize the importance of our land and water resources. The statements also address issues related to the future growth of our communities. They are intended to serve as guiding principles to help Provincial Government departments, municipalities and individuals in making decisions regarding land use. They are supportive of the principles of sustainable development.

Development undertaken by the Province and municipalities should be reasonably consistent with the statements.

As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

DEFINITIONS

These definitions apply to the Statements of Provincial Interest.

Agricultural Land means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

Floodplain means the low lying area adjoining a watercourse.

Floodproofed means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation.

Floodway means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

Floodway Fringe means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and floodwaters are shallower and slower flowing.

Groundwater Recharge Area means the area of land from which water flows to supply a well.

Hazardous Materials means dangerous goods, waste dangerous goods and pesticides as defined in the *Environment Act* C.1, S.N.S. 1994-95.

Municipal Water Supply Watershed means an area encompassing a surface watershed or recharge area, or a portion of it, serving as a water supply area for a municipal water system.

Off-site Fill means fill that has been imported from outside the floodplain or fill which is transported from the Floodway Fringe to the Floodway.

Planning Documents means a municipal planning strategy, land-use by-law, development agreement and subdivision by-law.

STATEMENT OF PROVINCIAL INTEREST

REGARDING DRINKING WATER**GOAL**

To protect the quality of drinking water within municipal water supply watersheds.

BASIS

A safe supply of drinking water is a basic requirement for all Nova Scotians.

Inappropriate development in municipal water supply watersheds may threaten the quality of drinking water.

Some water supply watersheds are located outside the municipality using the water. The municipality depending on the water therefore has no direct means of protecting its supply.

APPLICATION

This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.

PROVISIONS

1. Planning documents must identify all municipal water supply watersheds within the planning area.
2. Planning documents must address the protection of drinking water in municipal water supply watersheds. Measures that should be considered include
 - (a) restricting permitted uses to those that do not pose a threat to drinking water quality;
 - (b) balancing the expansion of existing uses against the risks posed to drinking water quality;
 - (c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risks posed to the quality of drinking water;
 - (d) setting out separation distances between new development and watercourses to provide protection from run-off;
 - (e) establishing measures to reduce erosion, sedimentation, run-off and vegetation removal associated with development.

3. Existing land use and the location, size and soil conditions of a municipal water supply watershed will determine the land-use controls that should be applied. Large surface watersheds, for example, may be able to sustain more development than a small groundwater recharge area.

It is recognized that in some situations the long-term protection of the drinking water supply may be impractical. In these cases planning documents must address the reasons why the water supply cannot be protected. Municipalities in this situation should consider locating an alternate source of drinking water where long-term protective measures can be applied.

4. The Province supports the preparation of watershed management strategies for all municipal water supply watersheds. These strategies should be prepared by the concerned municipalities and the municipal water utility, in consultation with all affected parties, including landowners.

STATEMENT OF PROVINCIAL INTEREST REGARDING FLOOD RISK AREAS

GOAL

To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

BASIS

Floodplains are nature's storage area for flood waters.

New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development.

Five floodplains have been identified as *Flood Risk Areas* under the Canada-Nova Scotia Flood Damage Reduction Program.

APPLICATION

This statement applies to all *Flood Risk Areas* that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) **East River**, Pictou County,
- (2) **Little Sackville River**, Halifax County,
- (3) **Sackville River**, Halifax County,
- (4) **Salmon and North Rivers**, Colchester County, and

(5) **West and Rights Rivers and Brierly Brook**, Antigonish County.

There are other areas in the Province that are subject to flooding which have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program. In these areas, the limits of potential flooding have not been scientifically determined. However, where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.

PROVISIONS

1. Planning documents must identify *Flood Risk Areas* consistent with the Canada-Nova Scotia Flood Damage Reduction Program mapping and any locally known floodplain.
2. For *Flood Risk Areas* that have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program planning documents must be reasonably consistent with the following:
 - (a) within the *Floodway*,
 - (i) development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses, and
 - (ii) the placement of off-site fill must be prohibited;
 - (b) within the *Floodway Fringe*,
 - (i) development, provided it is floodproofed, may be permitted, except for
 - (1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and
 - (2) any use associated with the warehousing or the production of hazardous materials,
 - (ii) the placement of off-site fill must be limited to that required for floodproofing or flood risk management.
3. Expansion of existing uses must be balanced against risks to human safety, property and increased upstream and downstream flooding. Any expansion in the *Floodway* must not increase the area of the structure at or below the required floodproof elevation.

4. For known floodplains that have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, planning documents should be, at a minimum, reasonably consistent with the provisions applicable to the *Floodway Fringe*.
5. Development contrary to this statement may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

**STATEMENT OF PROVINCIAL INTEREST
REGARDING AGRICULTURAL LAND**

GOAL

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

BASIS

The preservation of agricultural land is important to the future of Nova Scotians.

Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

APPLICATION

This statement applies to all active agricultural land and land with agricultural potential in the Province.

PROVISIONS

1. Planning documents must identify agricultural lands within the planning area.
2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
 - (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;

- (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

STATEMENT OF PROVINCIAL INTEREST REGARDING INFRASTRUCTURE

GOAL

To make efficient use of municipal water supply and municipal wastewater disposal systems.

BASIS

All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

APPLICATION

All communities of the Province.

PROVISIONS

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:
 - (a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;
 - (b) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;

- (c) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;
 - (d) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.
2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.
 3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.
 4. Intermunicipal solutions to address problems and provide infrastructure should be considered.

**STATEMENT OF PROVINCIAL INTEREST
REGARDING HOUSING**

GOAL

To provide housing opportunities to meet the needs of all Nova Scotians.

BASIS

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

APPLICATION

All communities of the Province.

PROVISIONS

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.

2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.
3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

IMPLEMENTATION

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.
3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.