The discussion about the interpretation and use of the word “amenity” must begin with its meaning. The accepted meaning in any dictionary is as follows:
- a desirable or useful feature, or facility of a building or place. Synonyms being “service, convenience, resource, equipment”, and:
- the pleasantness of a place or person. Synonyms being “agreeable, pleasurable, enjoyable, niceness”. The word is derived from Old French “amenitie” or Latin “amoenitas” from “amoenus” meaning “pleasant”.

In the Trust Act “amenity” is not used by itself, it is used in conjunction with “unique”. Our interpretation then must be in describing what is the “unique pleasantness” about the environment of the Trust Area or alternatively, what are the unique buildings or facilities that we believe are worthy of preservation and protection? There is no reference to “community” in any definition of a building or facility but one might argue that there is something pleasant about a community. The other consideration is whether any community in the Trust Area is “unique” and worthy of special legislation to preserve and protect more than any other community outside our region. As noted in a previous discussion, the definition and intent of the phrase “unique amenity” was made clear by Minister Hugh Curtis during his report to the legislature about the need for the Trust Act (recorded in Hansard), by describing the special qualities of these largely undeveloped islands. The word “amenity” became associated with land use in the early 1990’s to describe buildings, facilities, and services for communities, to allow municipal governments to obtain these benefits from developers during rezoning applications without the appearance of “selling” the zoning which is prohibited by law. Using the more modern description of “amenity” to re-interpret its original intention in the Trust Act, I believe, is improper and subverts the intent of the Trust object.

I agree with Trustee Rogers that this may be as much a political decision as a legal one, but I do wonder about the legality, or propriety, of Council changing the intent of our legislation particularly when it expands our jurisdiction outside of the limits of the Trust Act. By doing so the Trust has chosen to become involved in social issues which are clearly the responsibility of other agencies’ and thereby base our land use decisions on criteria beyond the limits of our authority. This places the Trust in a number of conflicts. At what point do we place priority on the needs of our communities over the needs of the ecology? How much density do we allow to meet market or residents’ demands without knowing the carrying capacity of the natural resources? And who determines that capacity, Trust staff or the applicant? How much development can occur before it detracts from our rural character? To what extent do we fulfill our immediate needs if that ultimately takes away the opportunity from our children to experience a rural, relatively undeveloped environment, one which we have a duty of care to preserve and protect?

We must keep in our minds that what people did not know, they will not miss. The very essence of preserve and protect, as stipulated in 1974, was to ensure residents and the Province generally, that they will be able to experience the “unique amenities” of the natural environment, as it was then. The “pleasantness of the place” is what people will not know if we fail in recognizing and holding firm to that ideal. There is nothing unique about buildings and facilities, or communities, that can not be experienced elsewhere. And in fact, there is nothing unique about how we are allowing development in the Trust Area.

In closing, it is a moot point whether this is a political or legal decision. What matters is the consequence of that decision. We obviously do have a choice, and if we chose to interpret “amenities” one way in the 1994 Policy Statement review, we can make the choice to reverse it in the 2020 review. I implore the Trust Programs Committee to make that choice.