



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 13.1.4
North West Community Council
July 17, 2017

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY:

John Traves, Q.C., Director of Legal Services, Municipal Clerk,
and External Affairs

DATE: June 23, 2017

SUBJECT: North West Community Council Planning Advisory Committees

ORIGIN

Motion passed on June 15, 2015 by the North West Community Council requesting for a staff report to consider the following:

1. Consider adjusting the boundaries between North West Planning Advisory Committee and the St. Margaret's Bay Coastal Planning Advisory Committee to encompass the entire area of District 13.
2. Consider adjusting the boundaries of the North West Planning Advisory Committee to encompass the entire area of District 16.

LEGISLATIVE AUTHORITY

The *Halifax Regional Municipality Charter* (the "Charter"), subsections 30(1)(2), as follows:

- (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

Administrative Order No. 48, the *Community Council Administrative Order*, subsections 3(1)(3)(4), as follows:

- (1) Subject to subsection (3) of this section, sections 29, 30 and 31 of the Halifax Regional Municipality Charter apply to each Community Council.
- (3) A Community Council shall create no more than two planning advisory committees.
- (4) If a Community Council creates a planning advisory committee, the terms of reference for the planning advisory committee shall be as set out in Schedule 3 of this Administrative Order.

Community Council Administrative Order, Schedule 3, Terms of Reference for Planning Advisory Committees ("PAC").

RECOMMENDATION

It is recommended that North West Community Council:

1. Dissolve the St. Margaret's Bay Coastal Planning Advisory Committee and repeal the associated Terms of Reference; and
2. Adopt the amendments to the Terms of Reference for the North West Planning Advisory Committee, as set out in Attachment 3 of this report, to include all of Districts 13 and 16.

BACKGROUND

The Charter, section 30, allows for Regional Council to establish, by Administrative Order, Community Councils, and to delegate to them certain authorities. Community Councils are vested with certain powers by the *HRM Charter* including establishing advisory committees where Council has made provisions for this in the policy establishing the community council. Administrative Order Number 48 establishes the Community Councils and delegates certain powers to the Community Councils, including the creation of Planning Advisory Committees. The Administrative Order does enable each Community Council to create no more than two PACs and requires the Terms of Reference for any PAC created by a Community Council be in a standardized form. The power to create more than two PACs remains per Community Council rests with Regional Council.

Historically, PACs were formed by Community Council as a means of ensuring public input on planning matters, particularly those that related to broad, community planning initiatives such as the adoption or review of municipal planning strategies and land use by-laws. PACs have taken many forms over more than three decades as dedicated public participation committees for planning initiatives.

At present the North West Planning Advisory Committee (NWPAC) includes all of Districts 14 and 15, most of District 16, and a portion of Districts 13 and 1. The St. Margaret's Bay Coastal Planning Advisory Committee (SMBCPAC) includes only the coastal portion of District 13. Consequently, significant portions of District 13 and two small areas of District 16 fall outside the jurisdiction of either PAC. Under the HRM Charter and Community Council AO, there is no requirement for a PAC to align with an electoral boundary or plan area boundary. Historically, however, PACs were aligned with plan area boundaries. The SMBCPAC was created in 2012 and applies to only a portion of the coastal area within Planning Districts 1 and 3. The boundary of the NWPAC has remained unchanged since 2012 and aligns with plan area boundaries.

On June 15, 2015, North West Community Council passed a motion requesting that staff report to examine the potential expanding the role of PACs in Districts 13 and 16.

DISCUSSION

In review of the request from the North West Community Council, staff recommend that Community Council dissolve the SMBCPAC, repeal its terms of reference, and expand the NWPAC area to include all of District 13 and District 16. Expanding the existing NWPAC to apply to all of District 16 would align this PAC area with the electoral district boundary instead of its currently alignment with the Bedford Plan Area boundary. Staff are also proposing minor amendments to the current NWPAC terms of reference to better align them with the prescribed wording of Administrative Order 48.

The SMBCPAC was originally formed in 2012 in response to significant public interest in the Tantallon Crossroads secondary planning initiative and other planning issues. The Tantallon Crossroad secondary plan was approved in 2014 and there have not been many planning items to review since this time. The Committee met only two times in 2015, once in 2016, and has not yet had a meeting in 2017. The

SMBCPAC boundary currently aligns with neither an electoral district or Plan Area boundary and there is no electoral or plan area boundary located between it and the NWPAC area.

The next recruitment for public appointments to NWPAC is slated for this Fall, with up to four vacancies. Should the Community Council approve the expansion of the NWPAC, all public notices and recruitment materials would reflect the expanded jurisdiction. A decision from Community Council before the Fall Recruitment will ensure that the NWPAC is advertised to reflect the area it represents.

Planning & Development are preparing to bring forward an evaluation of engagement tools available and propose a new consultation policy in 2017-18. As a result, staff advise that North West Community Council consider any decisions which impact the current boundaries of the PAC as an interim measure until Regional Council receives the report on consultation tools and Council makes a decision respecting the use of planning advisory committees.

FINANCIAL IMPLICATIONS

None directly related to this report.

Each meeting, committee or engagement event performed in relation to a planning application or other planning matter has an associated cost in the form of staff time, advertisements, and other assorted administrative costs. Additionally, there can be costs for the applicant or developer of a project related to carrying costs of land, and consultancy costs. Associated staff and meeting administration costs are approximately \$12,000-\$15,000/year for each PAC. The costs of the committee are managed within existing budgets.

RISK CONSIDERATION

None directly related to this report.

Planning Advisory Committees as part of the development review process, do add time and have associated costs for the development industry. The amount of risk associated with their involvement in the planning process is, however, limited given that the Planning Advisory Committees do not have the authority to make formal planning decisions. It could be expected that an increased number of planning applications would be seen by an expanded Planning Advisory Committee. This could result in the need to revisit the frequency of Committee meetings or the nature of applications which they are responsible for reviewing should it be found in the future that planning application processing times have increased as a result of this expansion.

COMMUNITY ENGAGEMENT

No community engagement was undertaken in the preparation of this report.

Community engagement is beneficial and necessary part of the planning process. The Planning and Development business unit is currently undertaking a process to evaluate consultation tools and develop comprehensive public consultation policy which will include engagement with stakeholder groups frequently involved in the planning process, including PACs and development industry groups. A staff report on this item from the February 16, 2016 Regional Council meeting is available at <http://www.halifax.ca/council/agendasc/documents/160216ca1421.pdf>.

Through the process referenced above, the Planning and Development business unit is seeking to balance the benefits and costs of community engagement through a comprehensive assessment of current practices with an eye towards eliminating red tape and right-sizing engagement events. Feedback from Planning Advisory Committees and their role in the process will form part of this analysis, in addition to a more defined assessment of the real costs of HRM's current public engagement practices when a staff

report on the is provided to Regional Council later in 2017.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

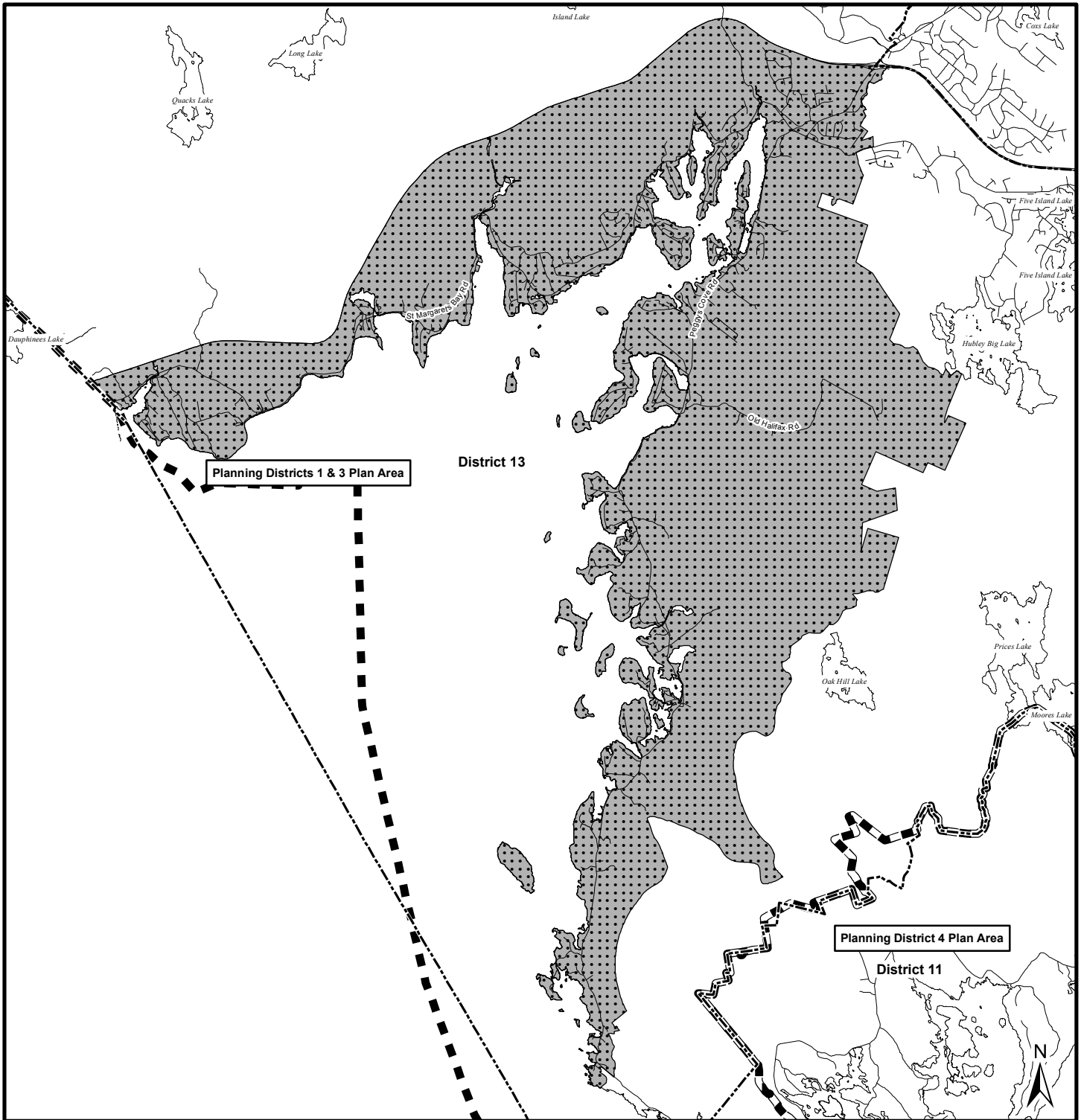
Community Council could choose to direct staff to prepare amendments for its consideration amending the boundaries of the North West Planning Advisory Committee and the Margaret's Bay Coastal Planning Advisory Committee to encompass the entire areas of Districts 16 and District 13 respectively to create administrative alignment with the jurisdiction of the North West Community Council yet maintain the advisory committees as two separate committees. This is not the recommended course of action at this time for the reasons discussed above.

ATTACHMENTS

- Attachment 1 Map of St. Margaret's Bay Coastal PAC
- Attachment 2 Map of North West PAC
- Attachment 3 Amending Terms of Reference for North West PAC
- Attachment 4 Terms of Reference for North West PAC (showing proposed changes)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php>; then choose the North West Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Kevin Arjoon, Municipal Clerk, 902.490.6456



Map 1 - St. Margaret's Bay Coastal PAC

HALIFAX



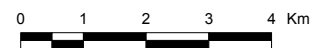
Plan Area Boundaries



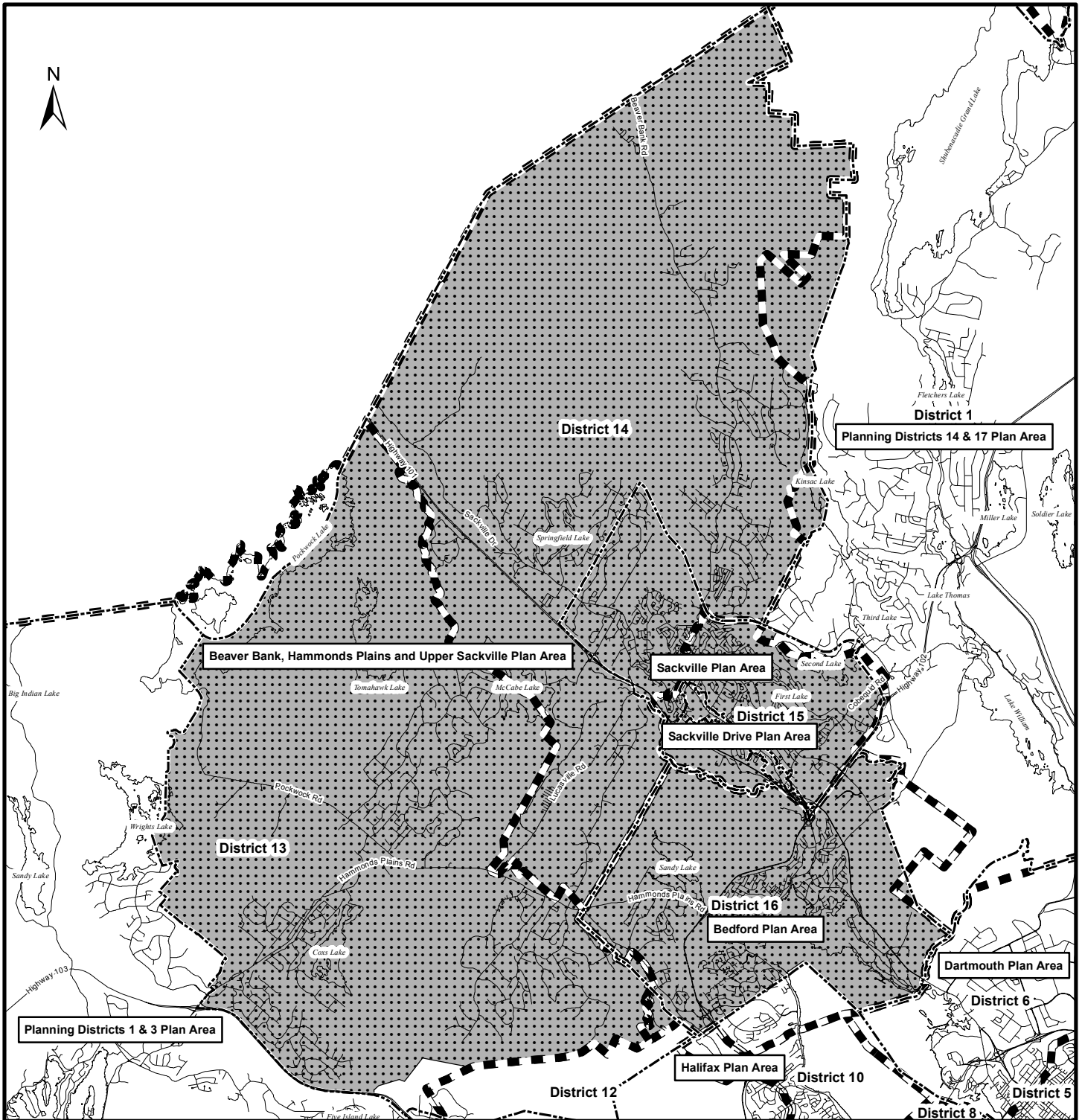
Polling District Boundaries



Area of St. Margaret's Bay Coastal PAC






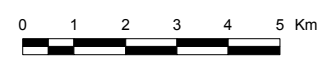
The accuracy of any representation on this plan is not guaranteed.



Map 2 - North West PAC

HALIFAX

-  Plan Area Boundaries
-  Polling District Boundaries
-  Area of North West PAC



The accuracy of any representation on this plan is not guaranteed.

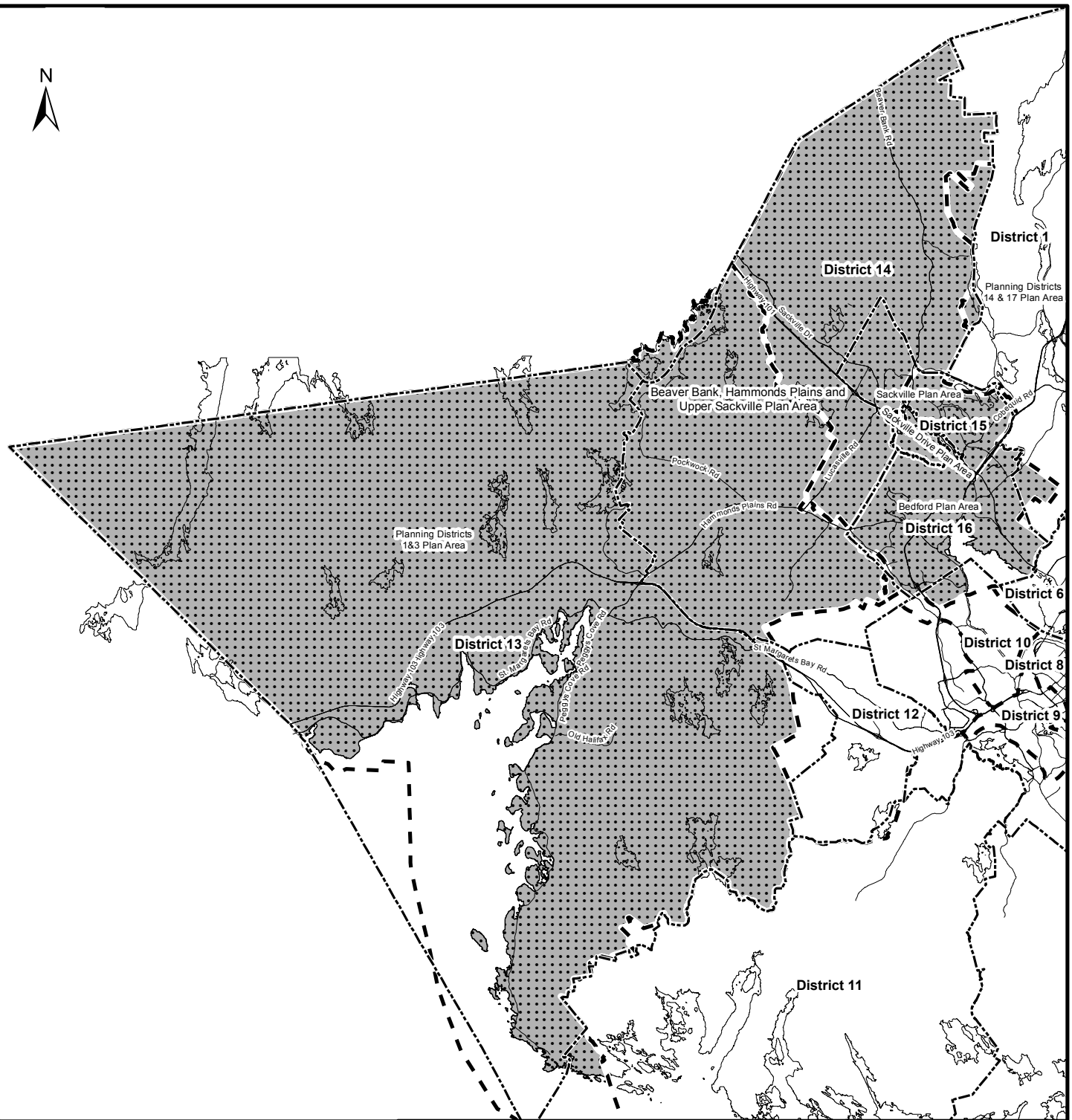
Attachment 3
(Amending Terms of Reference)

Terms of Reference
North West Planning Advisory Committee

BE IT RESOLVED that the Terms of Reference for the North West Planning Advisory Committee are amended as follows:

1. The “Designated area” is amended by:
 - (a) striking out the sentence “Serving the portions of HRM Districts 13, 14, 15, 16 and 1 as outlined in the designated area of the North West in the map (Map 2 revised dated 05 February 2013) as adopted by motion of Halifax Regional Council on February 19, 2013, excluding the portion of District 12 designated as the exclusion area by the same motion of Regional Council (map attached).”; and
 - (b) adding the sentence “Serving Polling Districts 13,14,15,16 and the portion of District 1 (map attached) incorporated into the North West Community Council.”
2. The second bullet of section 2 is amended by striking out the words “in accordance with the Public Appointment policy adopted by Regional Council” after the words “North West Community Council”.
3. Section 3 is amended by:
 - (a) striking out the words “or as provided for under the public appointment policy” after the words “consecutive terms” in the first bullet; and
 - (b) striking out “In accordance with the public appointment policy” at the beginning of the second bullet.
4. The first bullet of section 4 is amended by:
 - (a) striking out the word “of” following the word “preparation” and before the word “amendments”;
 - (b) adding the word “or” following the word “preparation” and before the word “amendments”;
 - (c) adding the words and brackets “(all or portions of)” after the word “affecting” and before the words “the designated area”; and
 - (d) adding the words “incorporated into the North West Community Council” after the words “the designated area” and before the period at the end of the sentence.

5. The second bullet of section 4 is amended by adding the words and brackets “or affecting (all or portions of)” after the words “generally within” and before the words “the designated area”.
6. The third bullet of section 4 is amended by:
 - (a) striking out the word “information” after the words “to hold public” and before the word “meeting”;
 - (b) adding the letter “s” to the end of the word “meeting”;
 - (c) striking out the acronym and brackets “(PIMs)” after the word “meeting” and before the word “associated”; and
 - (d) striking out the word “the” after the word “with” and before the word “municipal”.
7. Inserting section 5 and the header “Additional Duties” immediately following the third bullet of section 4 and immediately before the fourth bullet of section 4.
8. Section 8 is amended by striking out the sentence “No other remuneration shall be paid to members without prior approval of Halifax Regional Council.”
9. Section 9 is amended by adding the comma and words “, Vacating of Position of Committee” after the words “Council Administrative Order,” and before the period at the end of the sentence.
10. The Map entitled North West PAC and Exclusion Area is repealed.
11. The following Map is added after section 9 of the Terms of Reference:



North West Planning Advisory Committee Area – July 17, 2017

HALIFAX



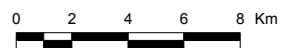
Plan Area Boundaries



Polling District Boundaries



North West Planning Advisory Committee Area – July 17, 2017



The accuracy of any representation on this plan is not guaranteed.

Attachment 4
(Showing Proposed Changes to the Terms of Reference)

Terms of Reference
North West Planning Advisory Committee
(In accordance with the Standard TOR as adopted by Regional Council February 19, 2013 for
all PACs)

Designated area: ~~Serving the portions of HRM Districts 13, 14, 15, 16 and 1 as outlined in the designated area of the North West in the map (Map 2 revised dated 05 February 2013) as adopted by motion of Halifax Regional Council on February 19, 2013, excluding the portion of District 12 designated as the exclusion area by the same motion of Regional Council (map attached).~~ **Serving Polling Districts 13, 14, 15, and 16 and the portion of District 1 (map attached) incorporated into the North West Community Council.**

1. Membership
 - Up to 2 Community Council Members
 - Up to 8 community citizens
2. Appointments
 - Term of Appointments
 - Councillors: 1 year
 - Residents: 2 years
 - Appointments shall be made by the North West Community Council ~~in accordance with the Public Appointment policy adopted by Regional Council~~
 - The Committee shall annually elect from its non-council members a Chair and Vice-Chair
3. Re-Appointment of Members
 - Citizen members may be appointed for a maximum of two (2) consecutive terms. ~~or as provided for under the public appointments policy.~~
 - ~~In accordance with the public appointment policy~~ Citizen Members may be appointed for more than two (2) consecutive terms when there are no other interested and qualified candidates.
4. Legislated Duties
 - To advise the North West Community Council with respect to the preparation of ~~or~~ amendments of planning documents within or affecting **(all of portions of)** the designated area **incorporated into the North West Community Council**. The term “planning documents” shall be as defined in clause m of section 209 of the *Halifax Regional Municipality Charter*.

- To advise the North West Community Council with respect to planning matters generally within **or affecting (all or portions of)** the designated area incorporated into the North West Community Council. The term “planning matters” means any discretionary decisions of Community Council related to the use and development of land.
- To hold public information meetings **(PIMs)** associated with the municipal planning strategy amendments as deemed necessary.

5. Additional Duties

- As may be directed by the North West Community Council

6. Meetings

- The Planning Advisory Committee shall meet at least once monthly or as required to conduct the business of the Committee. Additional meetings may be scheduled at the discretion of the Chair in consultation with staff.
- The quorum for regular meetings shall be in accordance with Section 74 of Administrative Order One, the Procedures of Council AO, Quorum of Committees.
- Any member of the Committee who fails to attend three (3) consecutive meetings, without having been excused by the Committee shall vacate the member’s seat in accordance with subsection 3 of section 86 of AO1 and subsection 22 of the *Halifax Regional Municipal Charter*
- All Planning Advisory Committee meetings shall be open to the public, or as allowed under Part VII Section 218 (1) of the *Halifax Regional Municipality Charter*.

7. Procedures

- Meeting procedures shall be governed by the HRM Administrative Order One, the Procedures of Council Administrative Order, as it relates to Committee procedures.

8. Remuneration

- Remuneration shall be paid related to travel for attendance at meetings at rates established by Halifax Regional Municipality. ~~No other remuneration shall be paid to members without prior approval of Halifax Regional Council.~~

9. Resignation

- A member may resign from the Committee at any time in accordance with Section 68 of Administrative Order One, the Procedures of Council Administrative Order, **Vacating of Position on Committee.**

*Approved by North West
Community Council
April 22, 2013*

