



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

**Item No. 15.1.3**  
**Halifax Regional Council**  
**July 11, 2023**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed

---

Cathie O'Toole, Chief Administrative Officer

**DATE:** June 23, 2023

**SUBJECT:** Design Advisory Committee Dissolution

---

**ORIGIN**

Staff initiated.

**LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter (HRM Charter)*, Part I, The Municipality, Sections 21 and 22
- *HRM Charter*, Part III, Powers, Section 58
- Section 5 of the Terms of Reference of the Design Advisory Committee, which states:
  - The Committee shall advise the Development Officer on matters relating to projects within the Application Area detailed as follows:
    - (a) for those items listed in clause 5(b), review the site plan approval application, background, and relevant information and materials provided by staff respecting;
    - (b) provide recommendations to the Development Officer respecting items listed in Section 15 of the Regional Centre Land Use By-law for site plan approval applications, and to perform other duties set by Council;
    - (c) meet with staff at a frequency that is sufficient to meet the timeline that has been established for completion of the projects; and
    - (d) be subject to Part XX (Freedom of Information and Protection of Privacy) of the Municipal Government Act and the Municipal Conflict of Interest Act.
- Regional Centre Land Use By-law, Section 22
  - An advisory committee may be established by Council to provide recommendations to the Development Officer respecting applications for site plan approval under Section 15, and to perform other duties set by Council.

**RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Deem that the work of the Design Advisory Committee, as outlined in the Design Advisory Committee Administrative Order within Attachment A is complete and that the Design Advisory Committee be dissolved.

.....**RECOMMENDATION CONTINUED ON PAGE 2**

2. Adopt the Amending Administrative Order to repeal Administrative Order 2019-011-GOV, The Design Advisory Committee, as set out in Attachment C.

## **BACKGROUND**

In 2019, Council adopted the Regional Centre Secondary Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to govern development in the Regional Centre. While most development proposals can now be considered as-of-right through the permitting process, it is possible to request a variation from specific requirements, set out in Attachment B, subject to meeting qualifying criteria through the Site Plan Approval process.

The LUB provides that Council may establish an advisory committee to provide the Development Officer with recommendations respecting Site Plan Approval. On December 3, 2019, Council adopted the Design Advisory Committee Administrative Order and since that time, the Design Advisory Committee (DAC) has been reviewing and providing recommendations to the Development Officer on matters pertaining to Site Plan Approval.

## **DISCUSSION**

Land development under the Regional Centre Plan framework was initially intended to largely take place through the site plan approval process. The Centre Plan Package A MPS and LUB were structured to enable the Development Officer, rather than a committee, to make decisions on site plan approval applications. This framework was informed by the experience of Downtown Halifax, intending to provide a more effective and timely response to anticipated volume of applications. The Package A of the Regional Centre Plan and LUB required DAC's recommendation to the Development Officer on Level II and Level III site plan approval. All proposals for buildings greater than 2,000 square metres required DAC's advice to the Development Officer.

As part of the proposal for adoption of Package B of the Regional Centre Plan and LUB, the scope of DAC's responsibilities was narrowed considerably. As set out in the October 26, 2021<sup>1</sup> report, rather than having DAC review all projects above a minimum size, staff recommended focusing the use of the site plan approval process on potential variations to certain LUB requirements where regulatory discretion was provided in the LUB, and where DAC feedback could influence design choices. Under the current LUB, applications that do not include requested variations can proceed directly through the permit process, without the need for prior Site Plan Approval.

### **Regional Centre Site Plan Approval Process**

A pre-application process for Site Plan Approval is not required by the LUB, but is strongly recommended. A preliminary review of the proposal is offered so that the plans that are later shown to the public and to DAC to reflect a proposal that could be realized. Otherwise, there would be an increased chance of needed revisions with associated webpage updates and additional iterations of DAC advice.

The Site Plan Approval process is as follows:

- 1) Pre-application for Site Plan Approval
  - Receipt of complete application
  - Circulation and review of the plans and documents
  - Comments provided to applicant, outlining required revisions and additional information
  - Receipt of revisions addressing By-law requirements
  - Preliminary approval by the Development Officer, indicating that the LUB requirements are met

---

<sup>1</sup> <https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/211026rc122i.pdf>

- 2) Public Engagement (webpage, on-site signage)
- 3) Circulation of application to Design Advisory Committee for provision of advice to Development Officer
- 4) Full application for Site Plan Approval (review limited to changes from pre-application stage)
- 5) Notification of decision and right of appeal by Development Officer to applicant and to property owners within 30 metres of the subject property
- 6) Expiry of appeal period
- 7) In the event of appeal, report advancement to Regional Centre Community Council for decision
- 8) Where Site Plan Approval is granted, the standard permitting process then applies

The process provides the most efficient route to decision of the Development Officer, intending to prevent reiterations of the proposal's appearance at DAC. However, this provides for a limited opportunity for DAC to influence the building's design.

If no variations to design requirements are requested, the proposal is not subject to the Site Plan Approval, and DAC's advice is not required to be provided to the Development Officer.

### **Site Plan Approval Applications within the Regional Centre**

Under Package A of the Regional Centre LUB, 12 full applications and 16 pre-applications for Site Plan Approval were received, reviewed and approved. Since the October 2021 adoption of the current MPS and LUB (Package B), 2 applications have been received. One application received DAC recommendation of approval, and the second application continues to await appearance at a Committee meeting.

It should be noted that Site Plan Approval, inclusive of the pre-application process takes approximately 6 months of processing and review time in advance of the permit process. Removal of the requirement to advance the project to the DAC will result in reduced processing time for Site Plan Approval and thereby quicker approvals.

### **DAC Advice**

There has been concern expressed by DAC about the lack of influence and authority the group holds over design changes. The Regional Centre Plan and LUB only requires that the Committee's advice be provided to the Development Officer. There is no corresponding mechanism to compel the developer to incorporate that advice into the design. Further, it's possible that suggested changes by the Committee could result in a design that no longer complies with LUB requirements. Staff currently vet the advice to determine which recommendations could be incorporated into the design without altering the potential for approval, and staff encourage the developer to consider making the requested changes where possible.

Due to resignations from Committee members, there are currently only four members and the Committee cannot meet due to quorum requirements.

### **Proposed Alternative Design Review**

A potential alternative to DAC review and advice has been prepared, in the event Council should decide to proceed with a dissolution of the Committee. Any new Site Plan Approval application will be referred to an internal review group, for their consideration and comment. The group would not be an advisory committee established by Council under section 22 of the Regional Centre LUB. This design review group would be composed of municipal staff with policy, LUB, site and building design expertise. Site Plan Approvals would be referred for review, which would be managed by a designated coordinator. While the advice would continue to be in the form of a recommendation rather than a requirement, the group would provide design oversight. The group's composition, in part consisting of the authors of the Plan and LUB, would position the advice well in terms of compliance with regulation and alignment with design intent. Staff can commit to reporting back to Council on an annual basis on the effectiveness of the alternate design review process should Council endorse this alternative.

## **Conclusion**

Given the limited influence the DAC has had on the design of buildings to date, the limited number of site plan applications, and that an alternative design review process is available to provide the oversight for site plan approval applications, it is recommended that Regional Council dissolve the DAC. Should Council choose the first alternative, the Clerks Office will complete a recruitment to achieve full membership on the DAC.

## **FINANCIAL IMPLICATIONS**

No financial implications at this time.

## **RISK CONSIDERATION**

No risk considerations were identified.

## **COMMUNITY ENGAGEMENT**

No community engagement was required.

## **ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

## **ALTERNATIVES**

Regional Council could choose to:

1. Retain Administrative Order 2019-011-GOV, the Design Advisory Committee. This would result in the Design Advisory Committee's continued review of Site Plan Approvals.
2. Retain with modifications the proposed Administrative Order 2019-011-GOV, *The Design Advisory Committee*, contained in Attachment A. This may require a supplementary report from staff.

## **ATTACHMENTS**

Attachment A - Administrative Order 2019-011-GOV (Design Advisory Committee Terms of Reference)  
Attachment B - Excerpts from the Regional Centre Land Use By-law  
Attachment C – Amending Administrative Order to repeal Administrative Order 2019-011-GOV

---

A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Erin MacIntyre, Director- Development Services 902.293.7721

---

Attachment A- Administrative Order 2019-011-GOV  
(Design Advisory Committee Terms of Reference)

**ADMINISTRATIVE ORDER 2019-011-GOV**  
**DESIGN ADVISORY COMMITTEE**

**BE IT RESOLVED** as an Administrative Order of the Council of the Halifax Regional Municipality, under the authority of section 21 of the *Halifax Regional Municipality Charter*, as follows:

**Short Title**

1. This Administrative Order may be cited as the *Design Advisory Committee Administrative Order*.

**Interpretation**

2. In this Administrative Order,

(a) “Application area” means the Regional Centre Plan Area as shown on Map 1: Urban Structure Designations under the Secondary Municipal Planning Strategy for the Regional Centre, except for the following areas:

- (i) Old South Suburb Heritage Conservation District,
- (ii) Barrington Street Heritage Conservation District,
- (iii) 1872-1874 Brunswick Street, Halifax,
- (iv) 1591 Granville Street and 1568 Hollis Street, Halifax,
- (v) 1649 Bedford Row, Halifax; and
- (vi) these eleven parcels: PID# 00077412, 41210386, 00077461, 00034397, 00077404, 00077420, 00077446, and 00077453; 00076141, 40420143, and 00076109;

(b) Repealed;

(c) “Committee” means the Design Advisory Committee;

(d) “Council” means the Council of the Municipality;

(e) “Community Council” means the Regional Centre Community Council;

(f) “diverse communities” means individuals with shared characteristics such as Indigenous, African Nova Scotian, racial, ethnic, linguistic, cultural, social, socio-economic, religious, and persons with disabilities;

(g) Repealed; and

(h) “Municipality” means the Halifax Regional Municipality.

**Application**

3. (1) This Administrative Order applies to in the Application area.
- (2) Repealed.

**Creation of Design Advisory Committee**

4. The Design Advisory Committee is hereby created.

**Duties of the Committee**

5. The Committee shall advise the Development Officer on matters relating to projects within the Application Area detailed as follows:

(a) for those items listed in clause 5(b), review the site plan approval application, background, and relevant information and materials provided by staff respecting;

(b) provide recommendations to the Development Officer respecting items listed in Section 15 of the Regional Centre Land Use By-law for site plan approval applications, and to perform other duties set by Council;

(c) meet with staff at a frequency that is sufficient to meet the timeline that has been established for completion of the projects; and

(d) be subject to Part XX (Freedom of Information and Protection of Privacy) of the *Municipal Government Act* and the *Municipal Conflict of Interest Act*.

### **Composition of Committee**

6. The nominating body for membership on the Committee shall be the Community Council.

7. Notwithstanding the *Public Appointment Policy*, a member of the Committee may also serve as a member of the Design Review Committee.

8. (1) The Committee shall be appointed by Council.

(2) The Committee shall be comprised of up to twelve (12) members who reside within the Municipality as follows:

- (a) two (2) architects;
- (b) two (2) landscape architects;
- (c) two (2) community planners or urban designers;
- (d) two (2) engineers; and
- (e) four (4) members-at-large with experience in design, environmental, social, cultural, institutional sectors or similar.

(3) When making appointments, Council shall consider if the members are from diverse communities.

9. (1) To be eligible as members of the Committee under clauses 8(2)(a),(b),(c), and (d), members shall:

(a) have professional expertise in at least one the following:

- (i) architecture,
- (ii) landscape architecture,
- (iii) community planning,
- (iv) urban design,
- (v) civil engineering,
- (vi) mechanical engineering, or
- (vii) other engineering disciplines related to building systems; and

(b) commit to the term period specified in Section 11, including some evening meetings.

(2) Members of the Committee shall hold a professional degree or accreditation in their respective field, as follows:

(a) members of the Committee who represent the field of architecture shall be Licensed Architects in good standing with the Nova Scotia Association of Architects (NSAA);

(b) members of the Committee who represent the field of landscape architecture shall be Members in good standing with the Atlantic Provinces Association of Landscape Architects (APALA);

(c) members of the Committee who represent the field of community planning shall be Licensed Professional Planners in good standing with the Licensed Professional Planners Association of Nova Scotia (LPPANS);

(d) members of the Committee who represent the field of urban design shall hold a degree in:

- (i) urban design; or
- (ii) a degree in architecture, landscape architecture, community planning, or urban design; or
- (iii) a demonstrated career emphasis on urban design; and

shall be a Licensed Architect in good standing with the NSAA, a Member in good standing with the APALA, or a Licensed Professional Planner in good standing with the LPPANS; and

(e) members of the Committee who represent the field of engineering shall be a Full Member (P. Eng) with Engineers Nova Scotia in at least one of the following sub-disciplines:

- (i) architectural or building engineering,
- (ii) structural engineering,
- (iii) construction engineering,
- (iv) wind engineering,
- (v) municipal engineering, or
- (vi) geotechnical engineering;

10. Members of the Committee shall be appointed by Council for a period of two (2) years and shall be eligible for re-appointment, in accordance with the *Public Appointment Policy*.

11. Unless subsection 22(1A) of the *Halifax Regional Municipality Charter* respecting parental accommodation applies, member of the Committee who, without leave of the Committee, is absent from three consecutive regular meetings of the Committee ceases to be a member of the Committee.

12. If a vacancy occurs on the Committee, for any reasons other than the expiration of the term of a member, Council may appoint a person to fill the vacancy, and that person shall hold office for the remainder of the term of the vacated position.

#### **Chair and Vice-Chair**

13. The Committee shall, at its first meeting and annually thereafter, elect from the members, a Chair and a Vice-Chair for the ensuing year.

14. The Chair will act on behalf of the Committee as spokesperson to Council as required.

15. The duties of the Chair, in whole or in part, may be shared with or delegated to the Vice-Chair to carry out the role and responsibilities of the Committee.

16. The Vice Chair shall act as the Chair in the absence of the Chair.

17. The Chair will keep the group focused on the agreed-upon task, suggest alternative methods and procedures, and encourage participation by all members of the committee.

18. The Chair will work with staff in preparing agendas and meeting summaries, and guide in drafting products and summaries of the committee.

**Meetings**

19. (1) The Committee shall schedule at least one meeting per month or at a frequency that is necessary to conduct the business of the Committee.

(2) A regular meeting schedule will be determined at the first meeting of the Committee and by the end of each calendar year for the following year.

20. At the request of the Chair, or the majority of members of the Committee, additional meetings may be scheduled.

21. The Chair may cancel a scheduled meeting.

22. The procedure of the Committee shall be governed, where not inconsistent with the *Halifax Regional Municipality Charter* or this Administrative Order, by *the Procedures of the Council Administrative Order*.

23. Meetings of the Committee shall be open to the public, unless otherwise permitted pursuant to the *Halifax Regional Municipality Charter*.

**Quorum**

24. The quorum of the Committee shall be five (5) members.

**Remuneration of Committee Members**

25. In accordance with subsection 21(6) of the *Halifax Regional Municipality Charter*, a Member of the Committee who is not a member of Council may receive an honorarium at a rate set by Council.

26. Each member of the Committee may also be reimbursed for any necessary expenses incurred while engaged in official duties, provided such expenses are approved by the Chief Administrative Officer, or delegate, in advance.

Done and passed this 3rd day of December, 2019.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of the Halifax Regional Council held on December 3, 2019.

\_\_\_\_\_  
Kevin Arjoon, Municipal Clerk



**Schedule 1**

Repealed

---

Notice of Motion:  
Approval:

November 26, 2019  
December 3, 2019

---

Amendment #1

Amended clauses 2(a), and 5(b); and subsection 3(1)

Repealed clauses 2(b), and 2(g); subsection 3(2), and Schedule 1

Notice of Motion:

December 14, 2021, March 22, 2022

Approval:

January 11, 2022, April 5, 2022

---

## Attachment B- Excerpts from the Regional Centre Land Use By-law

### **Part I, Chapter 3: Site Plan Approval**

#### **Matters Subject to Site Plan Approval**

- 15 (1) Within the DD, DH, CEN-2, CEN-1, COR, HR-2, HR-1, CLI, INS, UC-2, UC-1, PCF, or RPK zone, any development requesting a variation listed under subsection 15(2), shall be subject to site plan approval.
- (2) The following items may be considered for a variation of the requirements of this By-law through site plan approval, if the requested variation meets the variation criteria contained in Part IX:
- (a) roof edge setbacks of height-exempted building rooftop features;
  - (b) streetwall articulation;
  - (c) grade-oriented premises;
  - (d) maximum building dimensions in the CEN-2, COR, or HR-2 zone;
  - (e) unique building functionality;
  - (f) unique building design;
  - (g) cornice line height for new main buildings or additions to main buildings on a property abutting a registered heritage property or abutting a heritage conservation district; or
  - (h) applicability of general design requirements for a new construction on a registered heritage property outside of a heritage conservation district.

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 2019-011-GOV  
RESPECTING DESIGN ADVISORY COMMITTEE**

**BE IT RESOLVED** by the Council of the Halifax Regional Municipality that Administrative Order 2019-011-GOV, the *Design Advisory Committee* Administrative Order is repealed.

Done and passed in Council this    day of                    , 2023.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted administrative order was repealed at a meeting of the Halifax Regional Council held on                    , 2023.

\_\_\_\_\_  
Iain MacLean  
Municipal Clerk