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Item No. 13.1.1
Halifax & West Community Council
May 30, 2017

TO: Chair and Members of Halifax and West Community Council

SUBMITTED BY: Original Signed by

John Traves, Director, Legal Municipal Clerk and Internal Affairs

DATE: January 16, 2017

SUBJECT: Halifax Peninsula Planning Advisory Committee (Districts 7, 8 and a portion of District 9)

ORIGIN

On December 14, 2016 the Halifax and West Community Council passed the following motion:

That Halifax and West Community Council request a staff report regarding the possible expansion of the District 7 and 8 Planning Advisory Committee to include the entire Halifax Peninsula.

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 the Halifax and West Community Council adopt the amendments to the Terms of Reference for the Planning Advisory Committee for Districts 7 & 8, as set out in Attachment 3 of this report, to include a portion of District 9 and to rename the PAC the Halifax Peninsula Planning Advisory Committee.

BACKGROUND

The Charter, section 30, allows for Regional Council to establish, by Administrative Order, Community Councils, and to delegate them certain authorities. On February 19, 2013 the *Community Council Administrative Order* was amended to allow a Community Council to appoint no more than two planning advisory committees, and to establish a terms of reference template for all planning advisory committees created by them. On December 14, 2016 Halifax & West Community Council passed a motion requesting that a report regarding the possible expansion of the PAC for Districts 7 & to include a portion of District 9 (Halifax Peninsula).

Currently, the District 7 & 8 Planning Advisory Committee boundaries align with Council district boundaries. There is no requirement for a PAC to align with an electoral boundary or plan area boundary; however, historically PACs were aligned with plan area boundaries. Significant changes to the electoral boundaries last occurred in 2012 coinciding with the reduction in the number of polling districts within Halifax Regional Municipality. Expanding the existing PAC to apply to the Halifax Peninsula as a whole would not align with district boundaries, but would align with the boundaries of the future Regional Centre Municipal Planning Strategy that is currently in ongoing development.

Community Councils are vested with certain powers by the HRM Charter including establishing advisory committees. This statutory power does not apply to planning advisory committees without a specific delegation from Regional Council in the Administrative Order creating the Community Councils.

Administrative Order Number 48 establishes the Community Councils and delegates certain powers to the Community Councils. The power to create more than two Planning Advisory Committees (PAC); however, remains with Regional Council. 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. Administrative Order Number 57 delegates the reporting requirements of PACs to the Community Council covering the respective area.

DISCUSSION

In review of the request from the Halifax & West Community Council, it is recommended that Community Council extend the geographic area of the existing PAC into District 9, with a boundary of Joseph Howe Drive, as shown in the attached map (Attachment 1). The boundary was selected as the area encompasses the Halifax Peninsula and will reflect the geographic boundaries contained in the Halifax Peninsula Land Use By-law and a portion of the future Centre Plan.

As planning & development staff are preparing to bring forth an evaluation of engagement tools available and propose new consultation policy in 2017-18, it is recommended Halifax and West Community Council consider any decisions which impact the current boundaries of the PAC as an interim measure until such time as 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 \$12-15 K/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 the winter of 2017.

ENVIRONMENTAL IMPLICATIONS

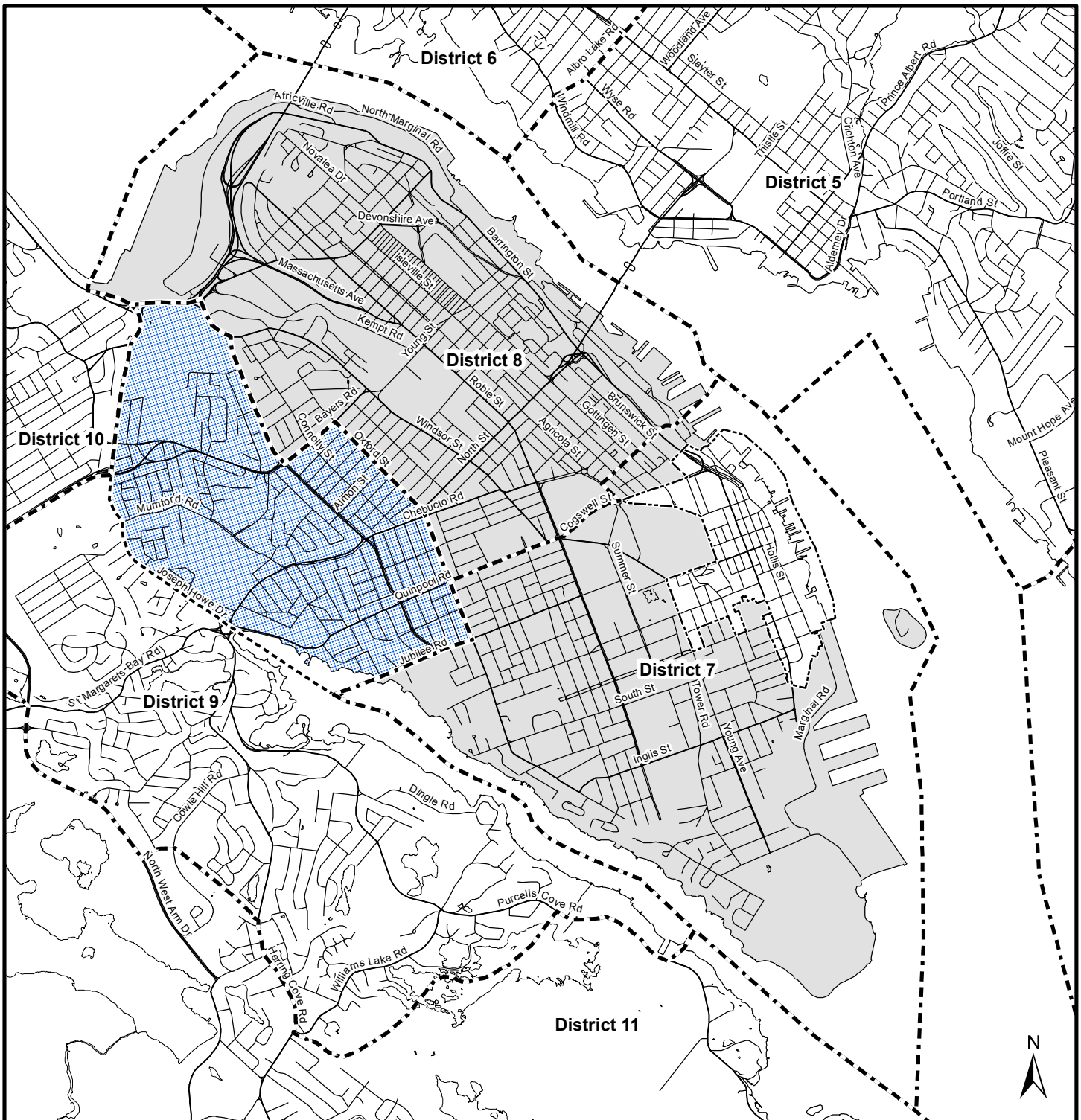
None to this report.

ALTERNATIVES

1. Community Council could choose to defer action on recommending any changes to the existing boundaries of the PAC serving Halifax and West Community Council until such time as Regional Council receives a report and comprehensive evaluation respecting the consultation tools available to planning staff and Council, and Council makes a decision on that portion of the evaluation respecting the use of planning advisory committees.
2. Community Council could choose not to make changes to the existing boundaries of the Districts 7&8 PAC.



ATTACHMENTS


Attachment 1 - Map Outlining Proposed addition to the existing PAC Districts 7 & 8
Attachment 2 - Showing Proposed Changes to the Terms of Reference
Attachment 3 - Amending Terms of Reference



District 7 and 8 Planning Advisory Committee Area of Jurisdiction

HALIFAX

-  Current PAC boundary
-  Polling district boundary

-  Area proposed to be added to District 7 and 8 PAC

0 500 1000 m

Halifax Peninsula
Land Use By-Law Area

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

Attachment 2

(Showing Proposed Changes to the Terms of Reference)

TERMS OF REFERENCE

HALIFAX & WEST DISTRICTS 7 & 8

HALIFAX PENINSULA PLANNING ADVISORY COMMITTEE

Serving Polling Districts 7, ~~8~~ (with the exception of the HRM by Design Area)(maps attached) and the portion of District 9 (map attached) incorporated into the Halifax & West Community Council.

1. Membership

- Up to 2 Community Council Members
- Up to 8 community citizens

2. Appointment

- Term of Appointment
 - Councillor: 1 year
 - Residents: 2 years
- Appointments shall be made by the Halifax & West Community 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.
- 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 Halifax & West Community Council with respect to the preparation or amendment of planning documents within or affecting (all or portions of) Polling Districts 7, ~~8~~ and 9 incorporated into the Halifax & 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 Halifax & West Community Council with respect to planning matters generally within or affecting (all or portions of) Polling Districts 7, ~~8~~ and 9 incorporated into the Halifax & West Community Council. The term “planning matters” means any discretionary decision of Community Council related to the use and development of land.

- Hold public meetings associated with municipal planning strategy amendments as deemed necessary.
5. **Additional Duties**
- As may be directed by Community Council.
6. **Meetings**
- The Planning Advisory Committee shall meet at least once per month or as required to conduct 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 Procedure of Council Administrative Order, Quorum of Committee.
 - 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 68 of Administrative Order One, the Procedure of Council Administrative Order, and subsection 1 of section 22 of the *Halifax Regional Municipality 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. **Procedure**
- Meeting procedures shall be governed by the HRM Administrative Order One, the Procedure 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.
9. **Resignation**
- Member may resign from the Committee at any time in accordance with Section 68 of Administrative Order One, the Procedure of Council Administrative Order, Vacating of position on Committee.

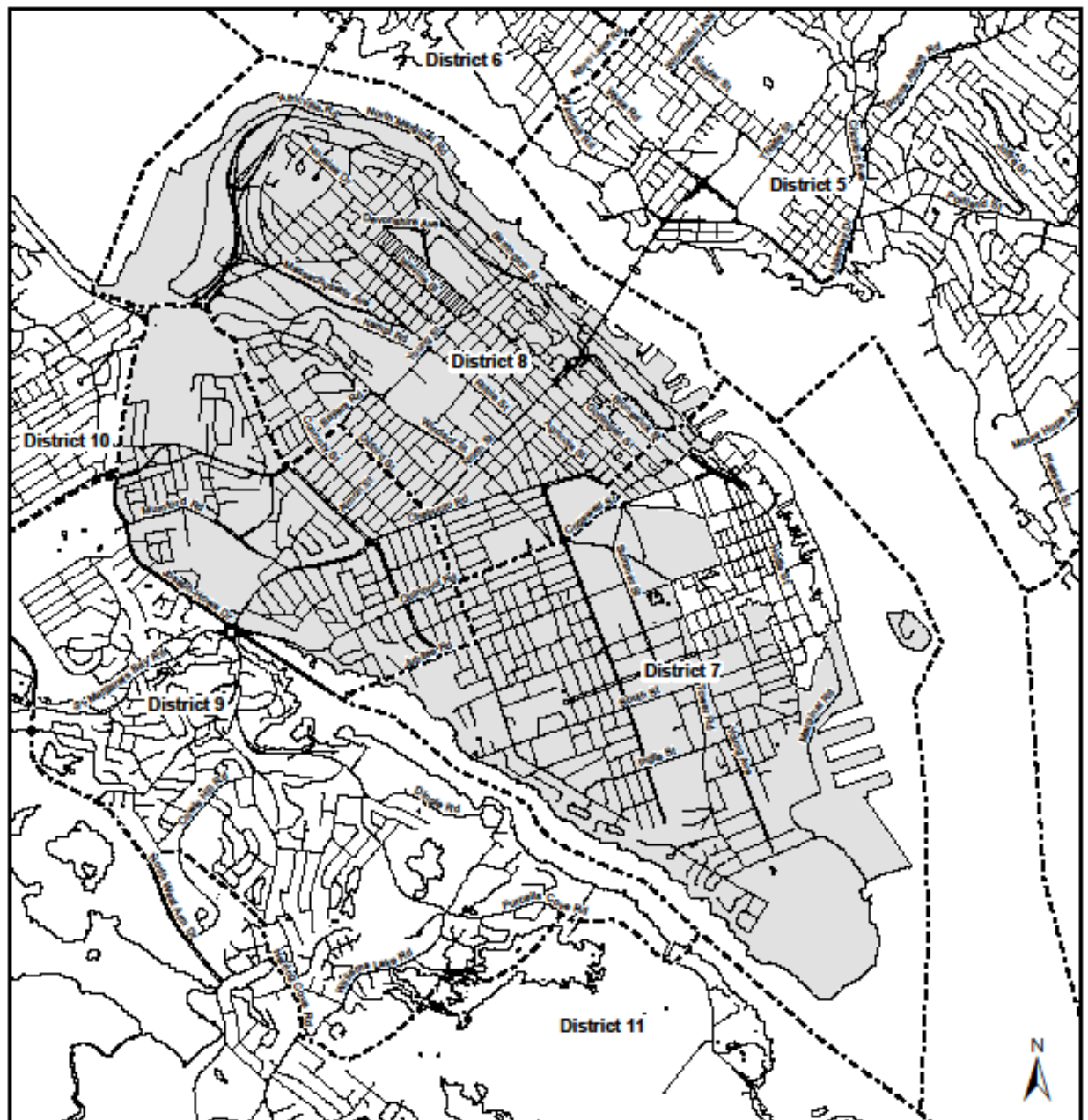
Adopted by Halifax & West
Community Council
June 10, 2013

Attachment 3
(Amending Terms of Reference)

TERMS OF REFERENCE
HALIFAX & WEST DISTRICTS 7 & 8
PLANNING ADVISORY COMMITTEE


BE IT RESOLVED that the Terms of Reference for the Halifax & West Districts 7 & 8 Planning Advisory Committee are amended as follows:

1. The title is amended by:
 - (a) striking out the word, symbol and numbers “DISTRICTS 7 & 8” after the word “WEST” and before the word “PLANNING”; and
 - (b) adding the words “HALIFAX PENINSULA” after the struck number “8” and before the word “PLANNING”.
2. The sentence beginning “Serving Polling Districts” is amended by:
 - (a) striking out the symbol “&” after the number “7” and before the number “8”;
 - (b) adding a comma after the numbers “7”; and
 - (c) adding the words, number and brackets “and the portion of District 9 (map attached) ” after the bracket “)” and before the word “incorporated”.
3. The first bullet of section 4 is amended by:
 - (a) striking out the symbol “&” after the number “7” and before the number “8”;
 - (b) adding a comma after the number “7”; and
 - (c) adding the word and the number “and 9” after the number “8” and before the word “incorporated”.
4. The second bullet of section 4 is amended by:
 - (a) striking out the symbol “&” after the number “7” and before the number “8”;
 - (b) adding a comma after the number “7”; and
 - (c) adding the word and the number “and 9” after the number “8” and before the word “incorporated”.
5. The Maps entitled “District 7 and 8 PAC” and “District 7 and 8 PAC Exclusion Area” are repealed.
6. The following Map is added after section 9 of the Terms of Reference:



Halifax Peninsula Planning Advisory Committee

HALIFAX

 Polling district boundary

0 500 1000 m

Halifax Peninsula
Land Use By-Law Area

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

27 January 2017

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