

HALIFAX

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Item No. 14.1.12
Halifax Regional Council
June 14, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: May 11, 2016

SUBJECT: **Appointment of Chief Planner as a Development Officer**

ORIGIN

This report originates from the Chief Planner and Director of Planning & Development.

LEGISLATIVE AUTHORITY

Subsection 258(1) of the *Halifax Regional Municipality Charter* states that “*The Council shall appoint a development officer to administer its land-use by-law and subdivision by-law.*”

RECOMMENDATION

It is recommended that Halifax Regional Council:

- 1) Appoint Robert (Bob) Bjerke as a Development Officer for the Halifax Regional Municipality in accordance with Subsection 258 (1) of the *Halifax Regional Municipality Charter*; and
- 2) The appointment becomes effective as soon as approved by Regional Council.

BACKGROUND

Regional Council has appointed a number of Development Officers to administer its 22 Land Use Bylaws, as enabled under the *HRM Charter*. Duties of the Development Officers are mandated by *the Charter* and include the approval of development permits, subdivision applications, variances to land use bylaws, as well as approval of site plan applications. While all appointed Development Officers work within the Planning and Development Business Unit under the Chief Planner's direction, the administration of the bylaws by these Officers is carried out independently under their appointed authority.

This alignment of responsibilities limits the ability of the Chief Planner to interpret the associated bylaws and create a precedent of decision for others to follow. While every effort is made by the Development Officers to ensure consistency of decisions and policy interpretations, this is made increasingly difficult with the wide variation in regulations, zones and definitions in effect.

DISCUSSION

On October 6, 2014, Bob Bjerke became HRM's Chief Planner and Director of the Planning and Development business unit. Upon this appointment, he initiated the Planning & Development Renewal Project to systematically examine and evaluate the work of the department. The main outcome of the Renewal is a four year Strategic Plan identifying actions to bring the Municipality's planning legislation and processes into a state of good repair. One of these actions is the Land Use Bylaw Simplification Project.

There are 22 Secondary Municipal Planning Strategies and Land Use Bylaws which direct development in HRM. Many of the bylaws are in their original forms and pre-date amalgamation, although they have been amended over time. Due to the diverse origins of each land use bylaw and the piecemeal approach to amendments, there is a lack of consistency in the application of general definitions, land use designations, building and site requirements and approval processes. These inconsistencies complicate interpretation of land use regulations. Retaining this large number of land use bylaws has created resourcing difficulties that impact the ability of the team to ensure these documents are updated and maintained.

The Land Use Bylaw Simplification Project is expected to address these issues and result in reduced staff resourcing requirements, faster application processing times, fewer planning applications requiring Council approval, increased clarity amongst stakeholders. The modernization of these important documents will ensure they more accurately reflect region-wide governance structures and the objectives of the Regional Municipal Planning Strategy. While the Land Use Bylaw Simplification project has been initiated by Council, it is expected to take a number of years before it is fully complete.

It is recommended that the Chief Planner and Director, Bob Bjerke, be appointed as a Development Officer.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK CONSIDERATION

The appointment of the Chief Planner and Director as a Development Officer will provide added authority and support to the development officers carrying out the daily administration of land use regulation. The administration of municipal bylaws can result in Legal & Compliance, Reputation, Service Delivery and Financial risks to the Municipality. In the long term, such risks are best mitigated through the adoption of new land use regulations that are clear and purposeful in their application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

Council may refuse to appoint Bob Bjerke as a Development Officer. This is not recommended for the reasons outlined within this report.

ATTACHMENTS

None.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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