



COMMITTEE OF THE WHOLE  
MINUTES  
May 25, 2004

PRESENT: Mayor Peter J. Kelly

Councillors: Krista Snow  
David Hendsbee  
Ron Cooper  
Harry McInroy  
Brian Warshick  
Condo Sarto  
Jim Smith  
John Cunningham  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Sheila Fougere (2:25 p.m.)  
Russell Walker  
Debbie Hum (2:10 p.m.)  
Linda Mosher (2:25 p.m.)  
Brad Johns  
Reg Rankin  
Gary Meade

ABSENT: Councillor Steve Adams  
Deputy Mayor Steve Streach (regrets)  
Councillor Bruce Hetherington (regrets)  
Councillor Robert Harvey (regrets)  
Councillor Len Goucher (regrets)

STAFF: Mr. Dan English, Deputy Chief Administrative Officer  
Mr. Wayne Anstey, Municipal Solicitor  
Ms. Patti Halliday, Acting Municipal Clerk  
Ms. Sheilagh Edmonds, Legislative Assistant

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**3. CALL TO ORDER**

The meeting was called to order at 2:00 p.m.

**4. APPROVAL OF THE MINUTES OF - None**

**5. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS - No additions or deletions to the agenda**

**6. WATERFRONT DEVELOPMENT CORPORATION PRESENTATION**

- C copies of *Halifax Waterfront Open Space and Development Plan*, prepared by EDM for the Waterfront Development Corporation Limited and Halifax Regional Municipality, dated December 2001 were circulated.

Mr. Fred Were, President and CEO, and Mr. Bill Campbell, Vice President, Waterfront Development Corporation Limited were in attendance to give a presentation to Council. Mr. Were advised that the objective of this presentation was to inform Council of WDCL's history and mandate; to have Council support, and WDCL's involvement in waterfront planning; to demonstrate that WDCL's role is to generate public access and amenities through rejuvenation in a fiscally responsible way; and to seek a resolution from Council which includes WDCL as a partner in the planning process. Highlights of Mr. Were's presentation focussed on:

- S Provincial mandate
- S Background on WDCL
- S Economic Impact of the Corporation
- S Specific Projects the WDCL is involved with in Halifax, Dartmouth, and Bedford
- S Marketing and promotions activities
- S Overview of the EDM Report on Halifax Waterfront Open Space and Development Plan, with a focus on the primary issues of the report

In concluding his remarks, Mr. Were advised that WDCL was seeking a resolution from Council which includes the Corporation as a partner in the planning process and to continue the consensus building process that led to the EDM Report.

**7. HALIFAX WATERFRONT PLAN (staff presentation) (deferred May 18/04)**

- C an information report prepared by Paul Dunphy, Director, Planning and Development dated May 14, 2004 was submitted.

Mr. Roger Wells, Senior Policy Advisor, Regional Planning, and Ms. Jacqueline Hamilton, Project Manager, Regional Planning, addressed Council and reviewed the submitted information report.

Mr. Wells advised that the report essentially answers the questions of 'where we've been', 'where we are', and 'where we are going' with regard to the Halifax Waterfront Development Area Plan. Mr. Wells then outlined a chronology of events pertaining to the Halifax Waterfront plan process. He noted that the public part of the waterfront plan review process had been and continues to be in a hiatus; however, in the interim, the WDCL issued an RFP early in 2003 for the Salter Street property; initiated a feasibility study for the Queens Landing property in early 2004; and the successful proponent for Salter Street Property was announced in May 2004. With regard to the Salter Street development proposal, Mr. Wells explained that should it come forward, it will constitute a development agreement application and will follow the standard approval process including public consultation, a review by committees of Council, and a public hearing held by Peninsula Community Council. Mr. Wells pointed out the analysis of the proposal by staff and the decision by Community Council will be based on existing MPS policy and not on the recommendations of the 2001 EDM report.

Mr. Wells added that staff is suggesting the waterfront plan review process be reconstituted, explaining that the process would be in two stages. The first stage would be to confirm a vision and concept plan for the waterfront, and this will entail public consultation and a presentation of the concept plan to Regional Council; and the second stage would be to implement a vision/concept plan through amendments to Municipal Planning Strategy and Land Use By-law.

Mr. Wells advised that for the reconstituted process, staff is recommending HRM assume the lead role and sole responsibility for its completion rather than in partnership with the WDCL. He added that the WDCL will continue to play a significant role, participating as a major landowner and stakeholder. Mr. Wells explained that there were two reasons for this—by being clear that HRM is leading the process, it will help reduce public confusion regarding respective roles of HRM and WDC; and second, based on the fact that WDCL has brought forward development proposals for their property simultaneous with the plan review process, it raises questions in the mind of the public with regard to transparency, public confidence, and decision making in the overall process and, therefore, the public is best served if HRM is leading the process.

Mr. Wells outlined specific actions with regard to the waterfront plan review that staff is recommending, as follows:

Stage 1:

- C retain consultants to update vision/concept plan and conduct public consultation
  
- C re-constitute stakeholder focus group; and in conjunction with that group, prepare and carry out the public consultation program
- C consider revisions to concept plan
- C present concept plan to Regional Council for approval-in-principle

Stage 2:

- C prepare draft MPS policies and bylaw regulations
- C conduct additional public consultation
- C proceed to Regional Council for a public hearing on the proposed amendments to the MPS

In concluding his remarks, Mr. Wells advised that staff acknowledges the Waterfront Plan Review process has undergone serious delay, however this delay should not be exacerbated and are, therefore, suggesting the review process be reconstituted as soon as possible according to the steps outlined in the report.

A discussion ensued with Mr. Were and Mr. Campbell of WDCL, and HRM staff responding to questions.

In response to a question by Councillor Uteck with regard to timeline, Mr. Wells advised that he anticipates Stage 1 and Stage 2 would take six to eight months each, which would bring the matter to completion either late spring or fall 2005.

Councillor Uteck noted that one of the concerns from the EDM report was that HRM would not agree to put flexibility forward to the public for consideration and she asked Mr. Paul Dunphy, Director, Planning and Development to comment on this.

Mr. Dunphy explained that the report is a guideline and from these guidelines, staff will develop policies and regulations to administer that area, as well as decisions around the appropriate approval mechanism. He advised that, with regard to height, the WDCL has a position they believe is correct and want to advocate, which is that there should not be a specific height requirement and that there should be a reasonable degree of discretion at each public hearing to determine the final height. Mr. Dunphy pointed out that staff are not comfortable in going forward to the public and advocating this idea, adding that staff have not reached a final position. He advised that the disagreement in going to the public was not that staff didn't want to present and debate the idea with the public; in fact, they are in agreement to go to the public to discuss height and the approval mechanism, but are not at the point as the WDCL is, which is to advocate this as the approval process. Mr. Dunphy

added that staff want to carry out additional consultation and report back to Council with this input along with staff's advice.

Councillor Blumenthal addressed the matter and, in reference to the proposal for the Salter Street property, suggested that a project of this magnitude should not be left to Community Council to decide; it is large enough to have regional impact, and therefore should come before Regional Council.

Councillor Warshick expressed concern that, with approximately 18 Municipal Planning Strategies put on hold because of the Regional Planning Process, Council is being asked to make an exception for one.

Councillor McInroy suggested that Regional Council is out of the loop by virtue of the way it delegates authority, adding that there should be a way whereby critical projects like this come before Regional Council.

Mr. Dan English, DCAO, indicated that there have been discussions with Regional Planning in this context and this issue will be considered in terms of the Regional Plan.

Mr. Wayne Anstey, Solicitor, advised that the way in which the Municipal Government Act is currently set up, it gives Regional Council the ability to delegate development agreements, rezonings, and minor variances to the community councils; however, the way the MGA is written, Regional Council could either give it all over to community councils or nothing. He added that Councillor McInroy's suggestion would require an amendment to the MGA to be able to have some sort of mechanism whereby not all aspects were delegated, and would be based upon some criteria that would have to be determined.

Councillor Sarto indicated he believed the undertaking should be one of a partnership and he questioned as to whether staff is recommending something from Council.

In response, Mr. Roger Wells advised the report was not a recommendation report. It outlines what staff is suggesting to be a process from here-on-in, and staff will undertake that process unless they hear differently from Council.

Councillor Sarto added that it appears that most of staff's time will be dealt with the Halifax Waterfront, and he was concerned that Dartmouth was being left out.

Mr. Paul Dunphy addressed Councillor Sarto's comments and clarified that the staff information report was an update for Council and unless directed otherwise, staff would proceed as outlined in the report. He suggested, however, if Council wanted to formalize the matter, it would give more certainty in terms of direction, given that the WDCL has put forward an alternative. Mr. Dunphy explained that, whatever direction Council gives, staff intend to work very closely with WDCL. He added that there was a difference between

working closely and working in a partnership and that he was more comfortable in reporting only to Council. With regard to Councillor Sarto's concern that this report dealt only with Halifax, Mr. Dunphy noted the process started because the policies for the Halifax waterfront are so ambiguous, that staff initiated a plan review. The policies for the Bedford waterfront and Dartmouth waterfront are clearer, and give more specific direction.

Councillor Hendsbee indicated he concurred with previous comments that there are certain issues that should be dealt with by Regional Council, and that waterfront development is a regional issue. He also pointed out that there are still two separate entities dealing with waterfront development and questioned the necessity of this.

Councillor Rankin spoke in support of the WDCL and added that he felt that HRM should work together with the Province.

Councillor Cooper noted that today's discussion on this matter illustrates that the issue of the powers of Community Councils should be addressed.

**MOVED by Councillor Sloane, seconded by Councillor Walker that Halifax Regional Council endorse staff moving forward with regard to the Halifax Waterfront Development Area Plan as contained in the staff information report as follows:**

- 1. Retain consultants to conduct an update of the 2001 consultant's report and undertake a renewed public consultation process.**
- 2. Reconstitute the Stakeholder Committee. The Committee, together with staff and the consultant, will help design and lead the public consultation program.**
- 3. Based on public feedback, consider revisions to the Concept Plan for the waterfront.**
- 4. Present the revised Concept Plan to Regional Council for approval in principle.**
- 5. Based on Council's direction, proceed to draft MPS policies and Bylaw regulations that implement the Concept Plan.**
- 6. Hold additional public consultation in advance of proceeding to Regional Council for a public hearing.**

A brief discussion ensued and Councillor Fougere indicated she supported the motion and

felt Council should also consider how it addresses this in terms of process as it goes forward, i.e whether these sorts of issues come before Regional Council or Community Council.

Subsequently, **it was agreed** to add the following addendum to the motion:

*Request staff to provide in a report, options as to the potential governance structure relating to planning issues with region-wide implications.*

Councillor Uteck requested that the staff report included the comments by the WDCL on their fiscal realities and how they operate.

A discussion ensued with Council generally in agreement to go forward with the Concept Plan, however, a number of Councillors supported the idea of continuing a partnership between WDCL and HRM.

In response to a request to clarify her addendum to the motion, Councillor Fougere advised that she would like staff to consider options, not specifically in terms of this plan, but options for things that have region-wide implications, on how those issues should be addressed.

Councillor Smith asked staff to clarify the impact of Council either passing the motion or not.

In response, Mr. Dunphy advised that if the report is not endorsed, staff will continue with the partnership with WDCL and from time to time they would both appear and provide updates to Regional Council. He added that if there is no implicit or explicit direction to dissolve the partnership, the partnership would remain and both would appear at public meetings and Regional Council to provide updates; division of labour on certain work; and where there is a dispute between two parties that can't be resolved, it would be left to Regional Council to determine.

Following further discussion, Council agreed to deal with the issues of the endorsement of staff proceeding with the concept plan and the partnership with the WDCL as separate motions. The following motions were therefore put:

**MOVED by Councillor Sloane, seconded by Councillor Walker that Halifax Regional Council endorse staff moving forward with regard to the Halifax Waterfront Development Area Plan as contained in the staff information report as follows:**

- 1. Retain consultants to conduct an update of the 2001 consultant's report and undertake a renewed public consultation process.**



2. **Reconstitute the Stakeholder Committee. The Committee, together with staff and the consultant, will help design and lead the public consultation program.**
3. **Based on public feedback, consider revisions to the Concept Plan for the waterfront.**
4. **Present the revised Concept Plan to Regional Council for approval in principle.**
5. **Based on Council's direction, proceed to draft MPS policies and Bylaw regulations that implement the Concept Plan.**
6. **Hold additional public consultation in advance of proceeding to Regional Council for a public hearing.**
7. **Request staff to provide in a report, options as to the potential governance structure relating to planning issues with region-wide implications.**

**MOTION PASSED.**

**MOVED by Councillor Blumenthal, seconded by Councillor Warshick that Halifax Regional Municipality continue its partnership with the WDC as it relates to the Halifax Waterfront Plan. MOTION PASSED.**

## **6. ADJOURNMENT**

The meeting adjourned at 4:20 p.m.

Patti Halliday  
Acting Municipal Clerk

