

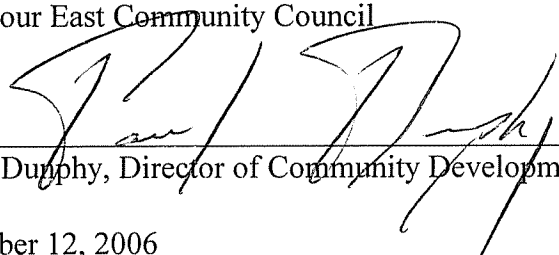
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Harbour East Community Council
November 2, 2006

TO: Harbour East Community Council

SUBMITTED BY: 
Paul Murphy, Director of Community Development

DATE: October 12, 2006

SUBJECT: Public Participation in the Planning Process

INFORMATION REPORT

ORIGIN:

Further to the dissolution of the Harbour East Planning Advisory Committee on June 29, 2006, Harbour East Community Council approved a motion to have planning staff prepare a report on ways to increase public participation in the planning process.

BACKGROUND/ DISCUSSION

Any discussion of ways to increase public participation in the planning process should be preceded with a description of the current ways that public input is sought. The following discussion provides an overview of the current approach to public participation, and also includes a brief overview of two significant undertakings which will further inform our understanding of the public consultation process: 1/ the *HRM Community Engagement Improvement Strategy*, and 2/ *Community Visioning Pilot Projects*.

Current Approach

Our current approach to public participation in the planning process falls under three broad categories, namely:

- Requirements Legislated by the Municipal Government Act (MGA)
- Requirements arising from Policy or Administrative Practice
- Other Initiatives

Legislated Requirements for Public Participation

The Municipal Government Act (MGA) requires a minimum of public notification in any planning process (e.g. rezoning, Land Use By-law amendment, development agreement):

- Notice of Public Hearing (two ads in a local newspaper for two successive weeks)
- Public Hearing
- Notice of Approval (one ad in a local newspaper)

Upon publishing notice for the Public Hearing, the staff report is available to the public via the HRM website, and hard copies may be requested free of charge from the Planning Office.

The MGA also specifies that a council shall adopt, by policy, a public participation program for all MPS amendments (MGA sections 204-1&2). In February 1997 Council adopted such a program (Attachment A).

During larger planning initiatives such as the Regional Plan, Community Plan reviews, and projects such as streetscape studies, Council may adopt a more extensive process for public participation. The process can include many elements such as, but not limited to, public information meetings, surveys, online questionnaires, workshops, focus groups and open houses.

Requirements Arising from Municipal Policy or Administrative Practice

In addition to the legislated requirements above, a typical planning application (e.g. rezoning, development agreement, land-use by-law amendment) normally includes other procedures intended to disseminate information about the application and provide avenues for public input.

Sign

The developer is required to install visible signage on the subject property which clearly states that a planning application has been submitted. The sign briefly describes the proposal and provides a number to be called for further information.

Public Information Meeting

At least one public information meeting (PIM) is normally held with each planning application. This PIM may be waived at the discretion of the local Councillor because it is not a legislated requirement. Notice of the PIM is normally placed in a local newspaper (typically on a Saturday) and direct notices are mailed out to nearby property owners.

The purpose of the public information meeting is to share the proposal with the community, obtain their input, and garner local knowledge which might assist staff in evaluating the compatibility of the proposal with the surrounding neighbourhood. Ways to mitigate community concerns may be suggested, and these may result in a more suitable proposal. Every effort is made to follow a consistent format, and each PIM normally includes an educational component to provide an overview of the planning process itself.

Notice of Public Hearing Mail-Out

In addition to the legislative requirements for notice of public hearing, staff also send notice of the hearing by direct mail to nearby property owners.

Comprehensive Development Districts - CDD

In Dartmouth, where lands are zoned CDD a more intensive public participation process is followed in which Council appoints a Public Participation Committee (PPC) to work with the developer to prepare concept plans for the development and facilitate a PIM. The PPC is composed of representatives of the local community as well as special groups (e.g Dartmouth Lakes Advisory Board). CDD policy may vary between plan areas.

Other Initiatives

Councillor-led Initiatives

Councillors often hold 'Town Hall' sessions, send out community newsletters, and have individual websites. Through these venues, they are able to share a lot of information with the public, obtain feedback, and relay this feedback to staff.

Developer-led Initiatives

Developers sometimes hold their own public information meetings in advance of making a planning application to gain a greater understanding of the local conditions, concerns, and ideas of how these can be mitigated. This is not appropriate in all circumstances (i.e. small proposals), but can be very helpful in preparing an acceptable proposal for larger developments.

Staff Outreach

Staff participate in a number of outreach activities intended to further the general public's understanding of the planning process. Activities such as attending the annual Home Show, putting up displays at community events, and giving presentations to community groups, business commissions, and student groups who request them, are all examples of ways that the public may be engaged in the planning process.

HRM Community Engagement Improvement Strategy

As part of the CAO's business plan, staff have recently embarked on a project to broadly evaluate HRM's public consultation practices. The *Assessment of HRM's Public Engagement Exercises* will employ consultants to examine past practices in consultation using a case study methodology. Ten projects/programs will be specifically reviewed for how the public was engaged, what tools were used, and how effective these were. A staff steering committee will be selected to work with the consultant. The study will effectively represent an audit of our consultation practices across departments (including planning) and the outcome will be a report to senior staff and Council with specific recommendations for action. The study should be complete by March 2007 (*for more information, contact Andrew Whittemore, Acting Manager, Community Development, 490-6394*).

Community Visioning Pilot Project

Regional Council recently approved three HRM communities as pilot projects for the community visioning process as prescribed by the Regional Plan. The visioning program will invite residents to provide their input on local issues before the secondary planning process begins. The process will focus on land use and planning issues as well as a broader range of issues crossing over many of HRM's areas of program and service. The visioning process is intended to foster more meaningful problem solving and action planning and to segue into both regulatory and operational action planning by identifying key issues and potential approaches at solving them.

The pilot communities will be engaged using a variety of methods, such as community surveys, key stakeholder interviews, focus groups etc. At its conclusion, the process will be ranked against a number of performance measures and the results will be presented to Council.

Conclusion

There is no need for further action on Council's part because:

- The current process (legislated and otherwise) includes several opportunities for public notification and input;
- A formal evaluation of HRM's public engagement practices is underway, and;
- Much will be learned from the community visioning pilot projects as well.

Council is justifiably concerned with this issue because meaningful public participation empowers residents and results in better products, processes, and ultimately a better quality of life in the Municipality. Ineffective consultation may result in a sense of fatigue or cynicism, where residents feel they gave their input, but no one listened. Continually seeking ways to improve how HRM engages its residents is an important task worth undertaking. This discussion with Council will continue, and changes and improvements will be considered, once the study on public engagement practices and the community visioning pilot project are complete.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS

Attachment A	Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments
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Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Hanita Koblents 490-4181 and Susan Corser 490-4468

Attachment A

**RESOLUTION REGARDING A PUBLIC PARTICIPATION PROGRAM FOR MUNICIPAL
PLANNING STRATEGY AMENDMENTS**

BE IT RESOLVED THAT the Council of Halifax Regional Municipality does hereby adopt the following public participation program pursuant to Section 34(1) of the Planning Act, Statutes of Nova Scotia 1983 , Chapter 9, for the purpose of Municipal Planning Strategy amendments:

1. All requested or proposed amendments to individual Municipal Planning Strategies shall be directed to Regional Council for preliminary review. Where Regional Council determines that it does not wish to entertain a plan amendment proposal, no further action shall be taken.
2. Where Regional Council determines that it wishes to further consider the merits of a plan amendment proposal, it shall make a determination as to whether the matter is of regional or local significance. Where an issue is considered to be a local planning matter, the following procedures shall apply:
 - a) Regional Council shall refer the matter to the appropriate Community Council/ PAC.
 - b) The Community Council or the PAC having jurisdiction for the area affected, or municipal staff where no PAC exists, shall hold a public meeting concerning the proposed amendments.
 - c) Notice of the public meeting at which the proposed amendments will be discussed shall be published in a newspaper circulating in the area affected a minimum of seven (7) clear days prior to the meeting. The notice shall indicate the time, date and place of the meeting as well as the location(s) and hours during which written material concerning the proposed amendments may be inspected by members of the public.
 - d) Minutes of the public meeting and all related written submissions and staff reports shall be forwarded to the Community Council along with the recommendation of a PAC, where one exists.
 - e) The Community Council shall forward its recommendation and all related information to Regional Council.
 - f) If a Community Council or Planning Advisory Committee is not in place for the area affected by the amendment, the processes referred to in clauses (b) to (e) shall be carried out by staff.
3. Nothing in this resolution shall preclude Regional Council or a Community Council from taking such other measures as are deemed necessary to obtain public opinion regarding the amendment of any municipal planning strategy.
4. All other public participation resolutions which may be in effect are hereby rescinded.

THIS IS TO CERTIFY that the resolution of which this a true copy was duly approved by Council at a duly called meeting of the Council of Halifax Regional Municipality held on the ____ day of _____ A.D., 1997.

GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this ____ day of _____, A.D., 1997.

Municipal Clerk
Halifax Regional Municipality