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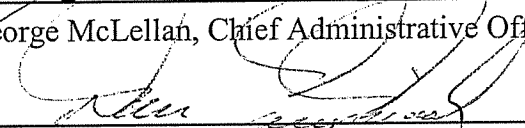
PO Box 1749
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Committee of the Whole
November 30, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: November 24, 2004

SUBJECT: Community Council Boundaries

ORIGIN

1. February 13, 2004 decision of Nova Scotia Utility and Review Board on the boundaries of the polling districts for Halifax Regional Municipality; and
2. May 25, 2004 Regional Council moved that a staff report on options "as to the potential governance structure relating to planning issues with region-wide implications" be provided.

RECOMMENDATION

It is recommended that Regional Council endorse in principle the following community council boundaries:

Group A:

- **Marine Drive, Valley & Canal Community Council:** Districts 1, 2, and 3;
- **North West Community Council:** Districts: 19, 20, and 21;
- **Chebucto Community Council:** Districts 10, 15, 16, 17 and that portion of District 18 within the former City of Halifax;
- **Western Region Community Council:** Districts 22, and 23 and that portion of District 18 within the former Halifax County Municipality. **And**

Group B

- **Harbour East Community Council:** Districts: 4, 5, 6, 7, 8, and 9 **excluding the area shown on Map 1; and**
- **Peninsula Community Council:** Districts 11, 12, 13 and 14 **excluding the area shown on Map 2.**

Once Regional Council has selected its preferred community council structure, staff will submit the appropriate administrative orders to Regional Council for adoption to legally establish the new community councils.

BACKGROUND

A redistricting of HRM polling districts became effective on November 2, 2004. The existing community council boundaries were established on the basis of polling district boundaries. The new polling district boundaries no longer coincide with the community council boundaries. Regional Council therefore needs to redraw the community council boundaries to coincide with the new polling districts.

In addition, at its meeting of May 25, 2004, Regional Council expressed interest in establishing a governance model whereby planning approvals for major developments having region-wide implications could be considered by a council body that is capable of representing regional interests. This motion came in response to public debate regarding large high profile projects within downtown Halifax which were decided by a small majority of Peninsula Community Council.

This report:

1. Provides a suggestion for community council boundaries based on the present polling districts; and
2. Identifies options that Council may consider for the governance of planning matters that Regional Council may decide to delegate to a community council or may decide not to delegate.

DISCUSSION

Regional Council is ultimately responsible for all land use planning decisions. In exercising this responsibility, it can decide to retain direct decision making authority itself or to delegate it. If Regional Council establishes a community council, decisions on rezonings, development agreements, land use by-law amendments, variances and site plan approvals are delegated to the community council. The most significant planning decisions relate to amending municipal planning strategies. This authority cannot be delegated from regional Council to a community council.

By retaining responsibility for municipal planning strategies, Regional Council maintains control over the Region-wide planning framework. In addition, community council decisions regarding development agreements, etc., must be consistent with Regional Council's municipal planning strategies.

Regional Council is not obliged to establish community councils for all areas of the Municipality. If Regional Council wants to retain authority in certain areas over development agreements, etc., it can do so by not establishing a community council in these areas. There has been speculation that Regional Council should try to retain authority over projects which are over a specific dollar value, land area, or number of dwelling units. This is not an option. The Municipal Government Act does not allow Regional Council to choose which planning projects it selects to review on this basis.

Developments Having Region-wide Implications

Although planning decisions by a community councils must be reasonably consistent with any applicable Municipal Planning Strategy (MPS) which is adopted by Regional Council, the location and scale of any particular development may give rise to matters of broader, regional interest. Concern has been expressed that planning and development projects in the Central Business District, for example, are more appropriate for consideration by Regional Council than by a community Council.

Some options for Council to consider are:

Options

1. Regional Council could retain authority for all planning decisions. The drawback would be that most decisions of a community nature would not be heard in the community. This would also entail wholesale changes to the way Regional Council conducts business and manages its agendas. It would most likely result in a requirement to devote at least two evenings per month entirely to public hearings. Most of these hearings would involve developments which are local in significance, not regional.
2. Regional Council can exclude certain areas of HRM from a Community Council. This would entail all planning decisions in these limited and defined areas being considered by Regional Council. An area which might be considered for exclusion from a community council could be the planning areas or sub-areas that generally coincide with the boundaries of the Capital District. This is generally the area in which community council planning decisions have given rise to this governance debate. The suggestion is to have Regional Council retain authority over that portion of the Capital District where major developments are permitted for consideration through a public hearing process. If Regional Council wishes to proceed with this approach, then the areas to be excluded from the Harbour East and Peninsula Community Councils could be:
 - a. the Downtown Dartmouth Plan area as shown on Map 1: and
 - b. the Halifax Central Business District (Section III), the Halifax Waterfront Plan area (Section IV), and the Spring Garden Road (Section IX) as shown on Map 2.

The second option ensures that Regional Council has the authority over planning approvals in the areas where there are likely to be region-wide implications or where development is of symbolic importance. Area 8 of Peninsula North (Section XI), as shown on Map 3 could also be included, although Peninsula North, Area 8 does not appear to include opportunities for major projects by way of development agreements or rezoning. The planning framework in this area primarily allows small to medium scale development as-of-right. Any major projects in this area will require an MPS amendment, which must be decided by Regional Council. These suggestions are based on the present

planning framework. Through amendments to the municipal planning strategies Regional Council may enable new major developments by way of rezoning or development agreements. The exact boundary of the areas excluded from a community council could be reconsidered, if Regional Council wished to retain all decision-making authority over a certain development at the time of the plan amendment approval.

A drawback to this approach is that many planning matters within these areas may be of significance only to a neighbourhood in the immediate vicinity of a proposed development but will be heard at Regional Council rather than at community council. As noted earlier the *MGA* does not enable such delegation on the basis of other criteria such as total square footage, construction value or number of residential units, for example

Realignment of Community Council Boundaries

Regardless of the option chosen above, staff is suggesting that the present community councils be used for the new ones except that the areas outlined on Maps 1 and 2 be excluded from any community council. This means that Regional Council would have jurisdiction with respect to variances, site-plan approvals, rezonings, development agreements, and land use bylaw text amendments in these excluded areas. Changes in municipal planning strategies must be carried out by Regional Council. Alternatively, if Regional Council decides to delegate planning decisions within the areas shown on Map 1 and Map 2, then these areas would be included within the new Harbour East and Peninsula Community Councils respectively.

Public Participation

Regardless of whether Regional Council or a community council decides these planning matters, the public participation process is identical. Projects will require review by Planning Advisory and Heritage Advisory Committees where applicable. The public hearing process in either case also allows all citizens to speak regardless of where they live. It should also be noted that debate over community council planning decisions has been voiced by both supporters and opponents of specific developments.

BUDGET IMPLICATIONS

None at this time.

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.

ALTERNATIVES

1. Endorse in principle the community council system as suggested by staff as a first step to a new governance model. Staff will prepare the necessary Administrative Orders after a decision by Regional Council. This is the recommended course of action.
2. Approve variations to the proposed model.

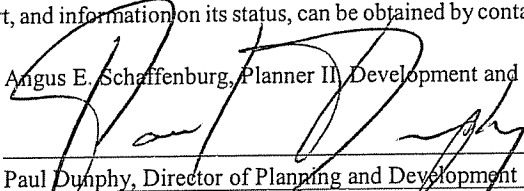
ATTACHMENTS

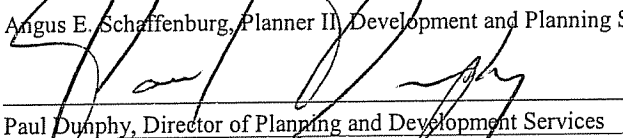
Map 1: Dartmouth Planning Area to be Excluded From a Community Council

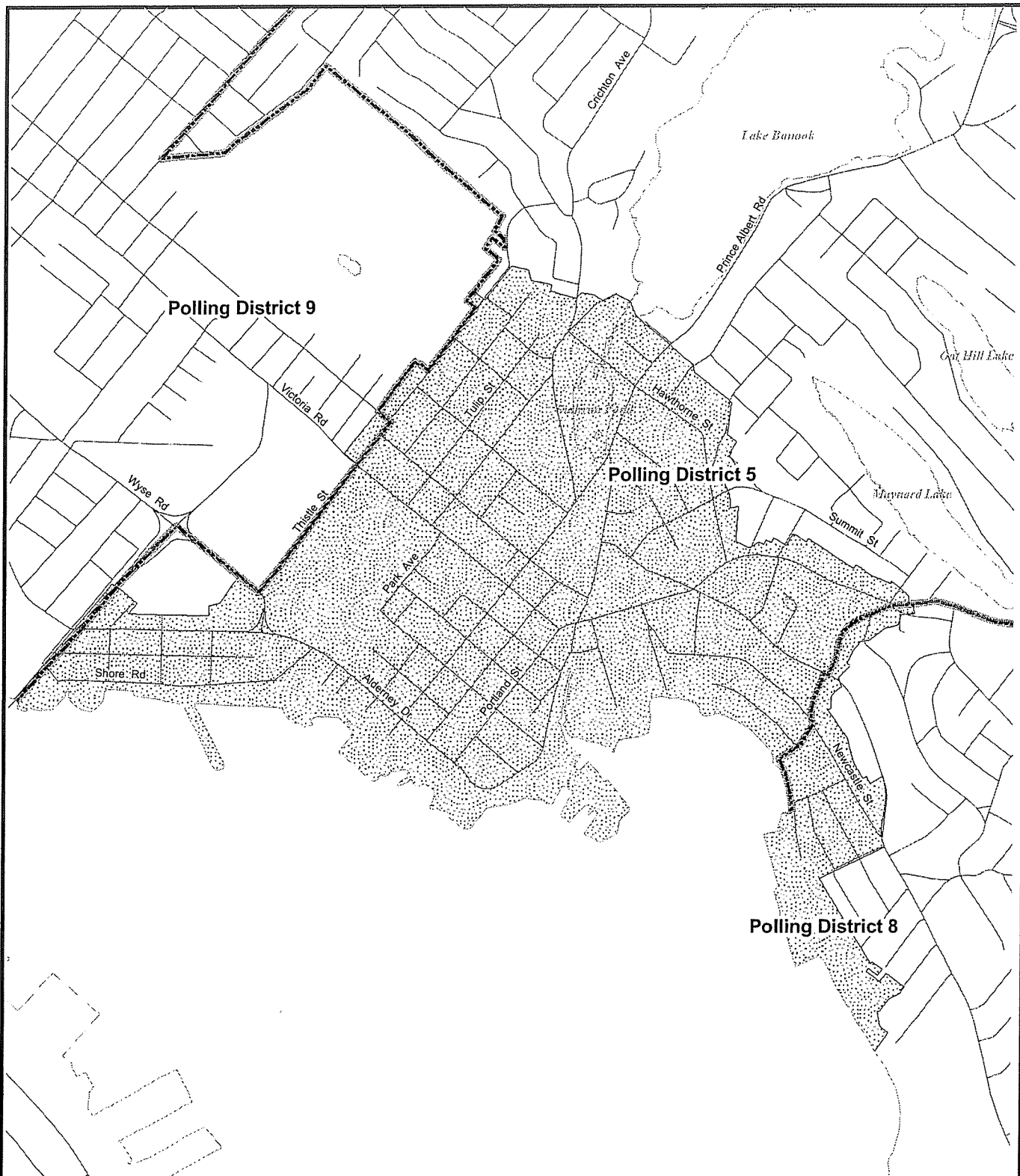
Map 2: Halifax Planning Areas to be Excluded from a Community Council

Map 3: Peninsula North Area 8: Possible Areas to be Excluded from a Community Council

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.

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Report Approved by:  Paul Dunphy, Director of Planning and Development Services



Map 1

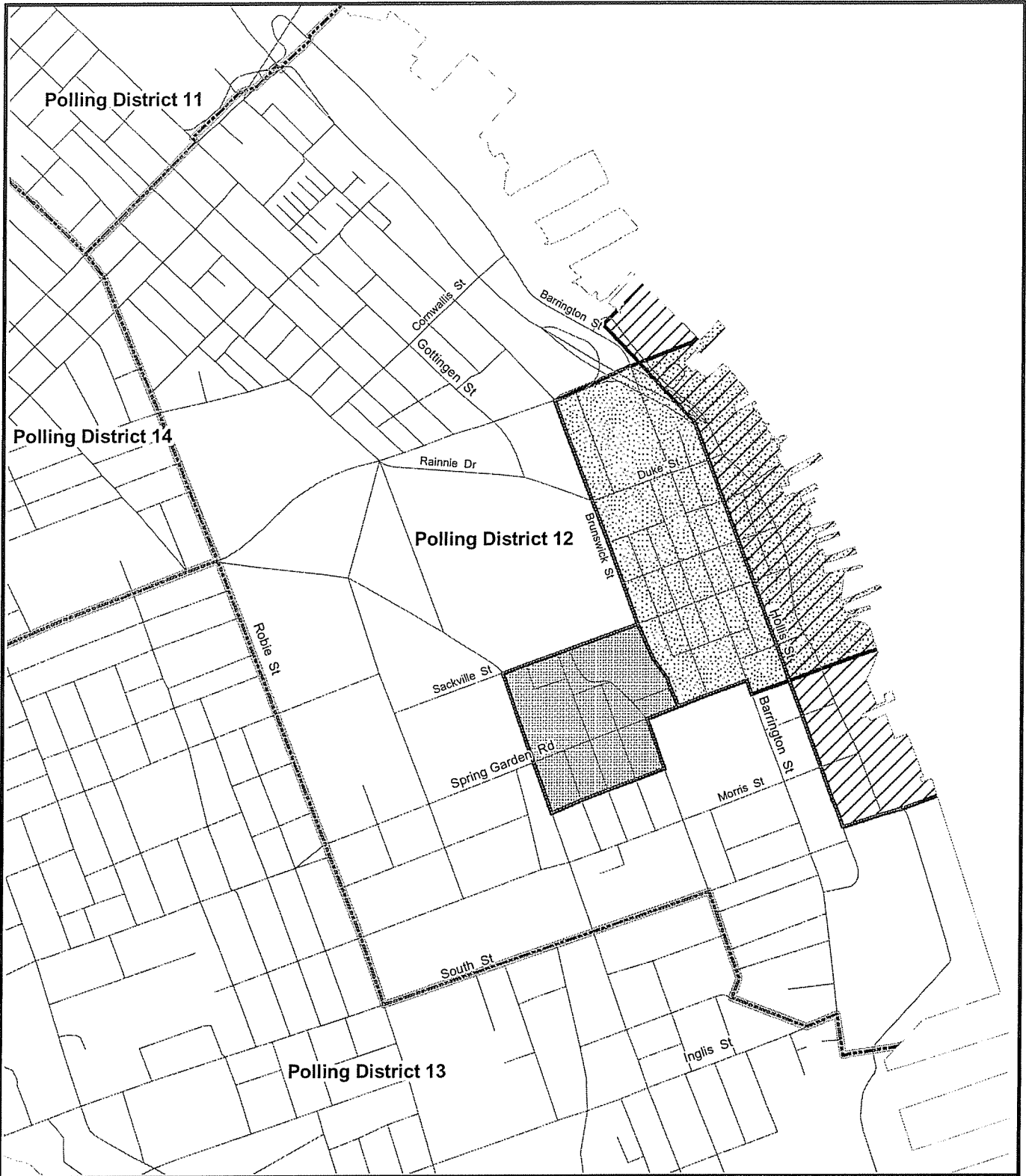
Dartmouth Area to be excluded
 from a Community Council
 Dartmouth Plan Area



Downtown Dartmouth
 Secondary Plan Area



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 of any representation on this plan.



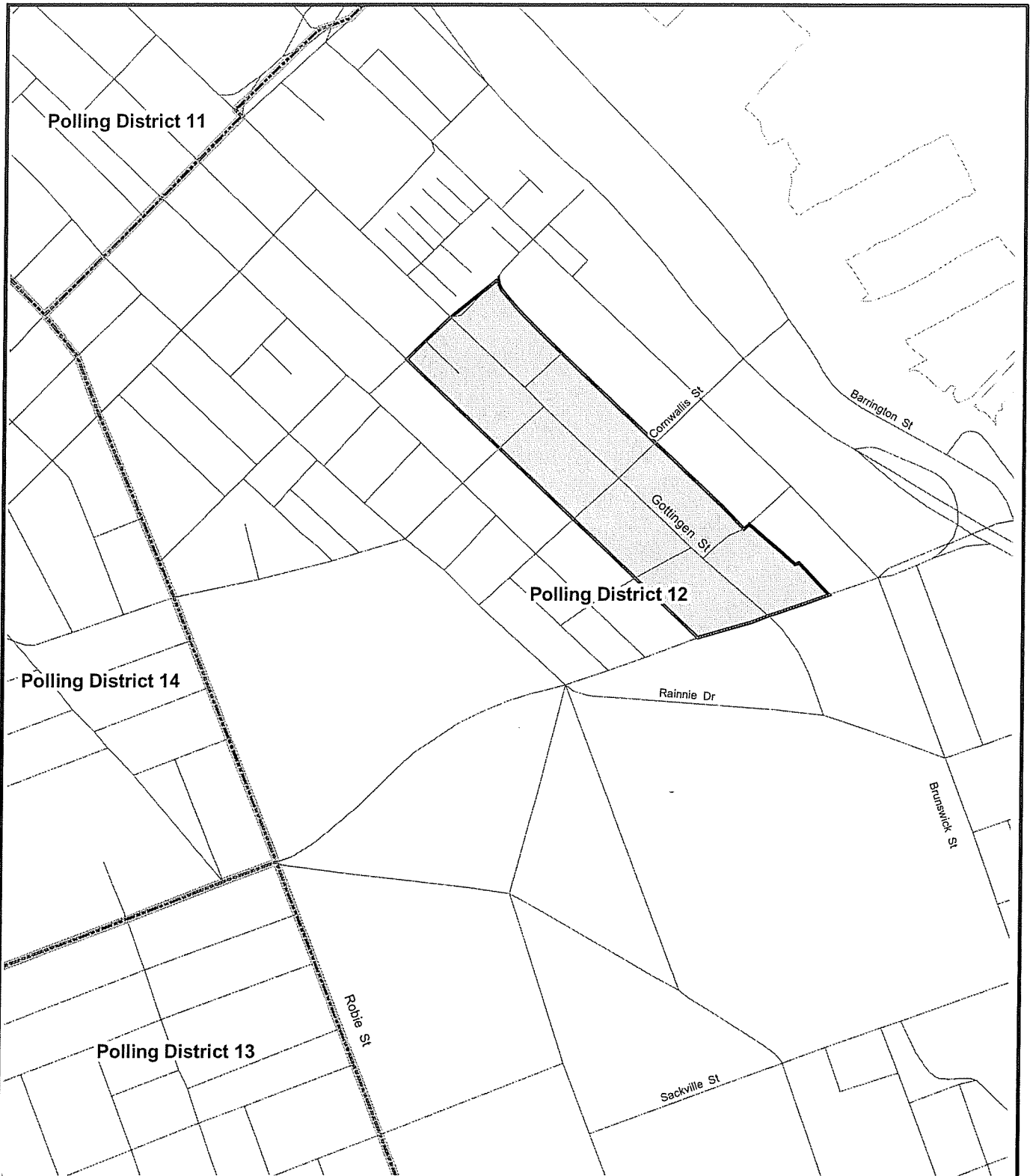
Map 2

Halifax Areas to be excluded
 from a Community Council
 Halifax Plan Area


-  Central Business District
-  Waterfront Development Area
-  Spring Garden Commercial Area Plan

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Map 3
 Halifax Areas to be excluded
 from a Community Council
 Halifax Plan Area

 Peninsula North Area 8

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