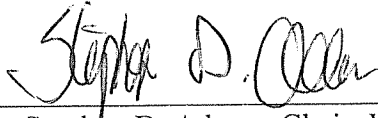




PO Box 1749
Halifax, Nova Scotia
B3J 3A5, Canada

Item No. 11.2.1
Halifax Regional Council
February 2, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Councillor Stephen D. Adams, Chair, Western Region Community Council

DATE: January 19, 2010

SUBJECT: Amendment to the Municipal Planning Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula)

ORIGIN

The January 18, 2010 Western Region Community Council meeting.

RECOMMENDATION

It is recommended that Halifax Regional Council:

Initiate the process to amend the Municipal Planning Strategy and Land Use By-Law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-Law to provide for clear implementation of the land use policy envisaged in the Herring Cove Area Settlement and Servicing Strategy and that staff engage the Herring Cove Steering Committee in regard to this process.

BACKGROUND

As outlined in the staff report dated January 12, 2010, attached as Attachment 1 to this report, the amendment is requested in order to ensure the intent of the 2000 *Herring Cove Area Settlement and Servicing Strategy* is implemented.

DISCUSSION

As outlined in the staff report dated January 12, 2010, attached as Attachment 1 to this report, recent development application requests and concerns raised by area residents have suggested that the Municipal Planning Strategy and Land Use By-Law documents need to be amended to more effectively carry out the intent of the land use objectives.

BUDGET IMPLICATIONS

See staff report dated January 12, 2010.

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. Halifax Regional Council may choose not to recommend initiation of the amendment. This is not the recommended option.

ATTACHMENTS

1. Staff report dated January 12, 2010.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Chris Newson, Legislative Assistant, 490-6732



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
January 18, 2010

TO: Chair and Members of the Western Region Community Council

SUBMITTED BY: 
Cathy J. Mellett Acting Clerk/Manager, Office of the Municipal Clerk

DATE: January 12, 2010

SUBJECT: Extended Planning Advisory Committee for the Herring Cove Community

ORIGIN

December 15, 2009 motion of Western Community Council requesting a staff report outlining the process to implement a Planning Advisory Committee for Herring Cove with an expanded mandate to cover all issues concerning planning matters and beyond with the exception of the Herring Cove Sewage Treatment Plant which is taken care of by the Community Liaison Committee.

RECOMMENDATION

It is recommended that the Western Region Community Council:

1. Establish an Advisory committee, as provided for in Section 25 (b) of the HRM Charter, for matters related to the community of Herring Cove as defined by the boundaries of the Herring Cove Area Settlement and Servicing Strategy, for the specific purpose of providing advice to the Western Region Community Council regarding: 1) the final stage of sewer and water development in Herring Cove; 2) the new fire hall and related recreation and community services; 3) the Latters Lake park development; and 4) improvements to the Herring Cove breakwater, and that the Committee be established for a term not to exceed 18 months; and
2. Recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-law to provide for clear implementation of the land use policy envisaged in the Herring Cove Area Settlement and Servicing Strategy.

BACKGROUND

At its meeting of December 15, 2009 the Western Region Community Council adopted a motion to have staff consider the process of establishing a Planning Advisory Committee with an enhanced mandate. In discussions with the area Councillor staff determined that the intent of the motion was to find the best approach to address and provide advice from the community on a number of initiatives, planning related and otherwise, that will be undertaken in the Herring Cove community over the coming months. Those initiatives include:

- a desire to proceed with amendments to the local planning documents to ensure the intent of the 2000 *Herring Cove Area Settlement and Servicing Strategy* is implemented;
- the new fire hall and related recreation and community services;
- the last phase of sewer and water services to the Herring Cove community
- the Latters Lake park development; and
- the need for improvements to the breakwater in Herring Cove.

DISCUSSION

Some of these community matters are related to land use planning, such as the amendments to the *Municipal Planning Strategy and Land Use by-law for Planning District 5 and the Regional Subdivision By-law*, while others are clearly not directly related to planning matters. Legal Services have advised that the purpose of a Planning Advisory Committee, under the HRM Charter [Section 215 (4)] is specific in both intent and HRM's past practise. Planning Advisory Committees are established to advise only on specific planning matters related to planning applications or documents. The establishment of a Planning Advisory committee could not be expanded under the Charter and establishing a PAC would not serve to address the outcome desired by the Community Council.

Planning staff support the requirements for some amendments to the planning documents applicable to Herring Cove to ensure proper implementation of the community's Servicing and Settlement Strategy. Recent development application requests and concerns raised by area residents have suggested that these documents need to be amended to more effectively carry out their land use objectives.

In regard to options for providing advice to the Community Council on non-planning matters within the Community of Herring Cove, Community Council could consider the following:

Western Region Community Council, under Section 25 (b) of the HRM Charter, may establish an Advisory Committee to provide advise to the Community Council on matters for its consideration While some of the community matters are not directly within the jurisdiction of the Community Council certainly the intent, of providing advice from the community to the Community Council so as to best represent the interests of the Community on those matters can be served, is reasonable.

Western Region Community Council, under Section 32 (1) of the HRM Charter, may request that Regional Council establish a Community Committee for the area. Under the Charter a Community Committee may have a variety of powers such as advice or recommendations. The specific duties

and authorities of a Community Committee must be defined by Regional Council, by policy, at the time of establishing such a Committee. Should Council accept a recommendation of the Western Region Community Council for the establishment of a Community Committee for Herring Cove this would be the first such committee established within HRM.

The Clerk's Office would be required to support either an advisory or community committee as meetings would follow procedural rules of Administrative Order 1 and a record must be kept and be available to the public.

The establishment of either an Advisory Committee to Community Council or a Community Committee of Council would follow HRM's public submissions and appointment process either through appointment by the Community Council (for an Advisory Committee to Community Council) or Regional Council (for a Community Committee).

BUDGET IMPLICATIONS

There are no direct budget implications that would not be covered from existing operating accounts.

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

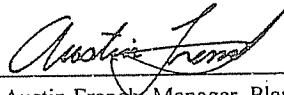
1. Western Region Community Council, under Section 32 (1) of the HRM Charter, may request that Regional Council, by policy, establish a Community Committee for the area defined by the *Herring Cove Area Settlement and Servicing Strategy* and clearly defined responsibilities in accordance with the Charter. This is not the recommended approach at this time as an advisory committee to the Western Region Community Council can achieve many of the same objectives.
2. The Community Council may chose to proceed with either recommendation independently or with neither of the recommendations.

ATTACHMENTS

Extracts of Section 25 (b) of the HRM Charter related to the establishment of advisory committees to Community Council and Section 32 of the HRM Charter related to the establishment of Community Committees.

copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Cathy J. Mellett, Acting Clerk/Manager, Office of the Municipal Clerk



Report Approved by: Austin French, Manager, Planning Services, 490-6717

Extracts from the HRM Charter

Powers of Community Council to establish advisory committees:

25 The powers and duties of a community council include

- (a) monitoring the provision of services to the community and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;
- (b) the establishment of one or more advisory committees;
- (c) recommending to the Council appropriate by-laws, regulations, controls and development standards for the community;
- (d) recommending to the Council appropriate user charges for the different parts of the community;
- (e) making recommendations to the Council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting
 - (i) inadequacies in existing services provided to the community and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised, and
 - (ii) the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community; and
- (f) making recommendations to the Council on any matter referred to it by the Council.

Regional Council's powers to establishment a community committee

32 (1) The Council may establish, by policy, a community committee for an area.

(2) A policy establishing a community committee must

- (a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and
- (b) include such other matters as the Council deems advisable.

(3) The powers and duties of a community committee may include

- (a) monitoring the provision of services to the area for which the committee is responsible and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;
- (b) the establishment of one or more advisory subcommittees;
- (c) making recommendations to the Council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting
 - (i) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,
 - (ii) by-laws or regulations, including those regarding planning, that are required, and
 - (iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.