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Item No. 10.1.2
Halifax Regional Council
November 16, 2010
November 23, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Wayne Anstey, Acting Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: October 25, 2010

SUBJECT: **Amendments to Administrative Order 28 and to the District 12 PAC
Terms of Reference**

ORIGIN

Staff.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve amendments to Administrative Order 28, as contained in Attachment A, to designate Halifax Regional Council as the sole decision making body for amendments to the Downtown Halifax Land Use By-law and on appeals of site plan approvals in the Downtown Halifax plan area.
2. Approve amendments to the District 12 Planning Advisory Committee Terms of Reference, as contained in Attachment B, so that the Design Review Committee and the Heritage Advisory Committee become the only two committees making recommendations to Council on planning matters affecting the Downtown Halifax plan area.

BACKGROUND

With the adoption of the Downtown Halifax Secondary Municipal Planning Strategy (DHSMPS) and the Downtown Halifax Land Use By-law (DHLUB), amendments to Administrative Order 28 and the District 12 Planning Advisory Committee (PAC) Terms of Reference are necessary to reflect the decision-making structure provided for in the documents.

Under the site plan approval process for Downtown Halifax, the Design Review Committee (DRC) is an approval body. Its decision may be appealed to Regional Council. For projects involving municipally registered heritage properties, the Heritage Advisory Committee (HAC) reviews and makes recommendations to Regional Council on substantial alterations under the guise of the *Heritage Property Act*. Furthermore, both the DRC and the HAC also have a responsibility of advising Council on potential amendments to land use planning regulation and policy within the plan area (see Map 1). The Administrative Order 28 and the District 12 PAC Terms of Reference need to be amended to appropriately reflect these reporting relationships.

DISCUSSION

Administrative Order 28

The *HRM Charter* provides that 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 to a community council. Typically, where Regional Council establishes a community council, decisions on rezonings, land use by-law amendments, development agreements, variances and site plan approvals are delegated to it. The most significant planning decisions relate to creating and amending municipal planning strategies, and as such this authority resides with Regional Council.

Administrative Order 28, the Peninsula Community Council Administrative Order, was first adopted by Regional Council on November 13, 2001. At that time, Peninsula Community Council's authority included the entire Halifax Peninsula. However, Administrative Order 28 was amended on December 14, 2004 to transfer back to Regional Council jurisdiction over three former secondary planning areas of the Halifax Municipal Planning Strategy [the Halifax Central Business District (Section III), the Halifax Waterfront (Section IV), and Spring Garden Road (Section IX)] (see Map 2).¹ The change was made in response to public debate regarding high profile projects within Downtown Halifax which were decided by a small majority of Peninsula Community Council. It was felt at the time by Regional Council that major developments having region-wide implications and

¹ The proposed amendments to Administrative Order 28 would adjust the jurisdiction of Regional Council to coincide with the new Downtown Halifax plan area, which replaced previous sub-areas.

economic impacts should be considered by a council body that is capable of representing regional interests.

Although planning decisions by a community council must be reasonably consistent with any applicable municipal planning strategy which is adopted by Regional Council, the location and scale of any particular development may give rise to matters of broader, regional interest. The Downtown Halifax plan area, because of its prominent economic, heritage and cultural position within HRM, represents such a location. It is therefore appropriate for Regional Council to continue to preside over planning matters in the area. Likewise, any jurisdictional split should be avoided in order to promote consistency, predictability and clarity of process. Therefore, it is recommended that the jurisdiction of Regional Council over planning matters be expanded throughout the Downtown Halifax plan area.

District 12 Planning Advisory Committee Terms of Reference

With the coming into force of the new DHSMPS, Regional Council appointed a Design Review Committee to advise Council on potential amendments to land use planning regulation and policy within the plan area. The arrival of the DRC thus renders redundant the role of the District 12 PAC in providing advice to Council on planning issues within the confines of the Downtown Halifax plan area. It is therefore recommended that the Terms of Reference of the District 12 PAC be amended to eliminate this duplication of roles. The District 12 PAC will continue to advise Council on planning matters located within District 12, but outside the Downtown Halifax plan area (see Map 2).

It should be noted that, based on Council's direction of October 12, 2010 regarding Committees of Council Reform, Council has agreed that only one PAC will be established per Community Council. Should additional areas be approved by the Peninsula Community Council to expand the PAC, further amendments to the District 12 PAC Terms of Reference would be necessary.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

Community engagement was not deemed to be necessary in this situation because the matter relates to a change in process that does not impact future public participation. Regardless of whether

Regional Council or Peninsula Community Council has decision making power over planning matters in the Downtown Halifax plan area, the public participation process is identical. Policy and land use by-law amendments will require review by the Design Review Committee and the Heritage Advisory Committee where applicable.

ALTERNATIVES

1. Council may approve the proposed amendments to Administrative Order 28 and the Terms of Reference for the District 12 Planning Advisory Committee. This is the recommended course of action.
2. Council may refuse to amend Administrative Order 28 or the Terms of Reference for the District 12 Planning Advisory Committee. This is not recommended for the reasons outlined above.
3. Council may instead decide to amend Administrative Order 28 to transfer the authority over planning matters within the Downtown Halifax Plan Area to Peninsula Community Council. This is not recommended for the reasons outlined above.

ATTACHMENTS

Map 1	Downtown Halifax Plan Area
Map 2	Area Proposed to be Excluded from Jurisdiction of PCC and District 12 PAC
Attachment A	Proposed Amendments to Administrative Order 28
Attachment B	Proposed Amendments to the Terms of Reference for the District 12 PAC

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: Luc Ouellet, Senior Planner, 490-3689

Report Approved by: _____
Austin French, Manager of Planning Services, 490-3674

Report Approved by: _____
Paul Dunphy, Director of Community Development


Original Signed



Map 1 - Downtown Halifax Plan Area

 Boundary of Downtown Halifax Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 100 200 m





This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

Downtown Halifax
Secondary Municipal Plan Area

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Area Proposed to be Excluded from Jurisdiction of Peninsula Community Council and District 12 PAC

-  Boundary of Downtown Halifax Plan Area
-  Area previously removed from Peninsula Community Council jurisdiction through Administrative Order 28 (effective 2 November 2004) - Spring Garden Road Commercial Area, Central Business District, Waterfront Area
-  Additional area proposed to be excluded from Peninsula Community Council and District 12 Planning Advisory Committee jurisdiction

Downtown Halifax
Secondary Municipal Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 100 200 m


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ATTACHMENT A - PROPOSED AMENDMENTS TO ADMINISTRATIVE ORDER 28

BE IT ENACTED by the Council of the Halifax Regional Municipality that Administrative Order Number Twenty-Eight, the Peninsula Community Council Administrative Order, is hereby repealed and replaced with the following:

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER TWENTY-EIGHT**

RESPECTING THE CREATION OF THE PENINSULA COMMUNITY COUNCIL

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality as follows:

Short Title

1. This Administrative Order may be cited as Administrative Order Number Twenty-Eight, the Peninsula Community Council Administrative Order.

Community

2. There is hereby established a community council to be known as the Peninsula Community Council for the area of the Halifax Regional Municipality that on the 1st day of October, 2010 was included in polling districts 11, Halifax North End, polling district 12, Halifax Downtown, polling district 13, Northwest Arm-South End, and polling district 14, Connaught-Quinpool, with the exception of the area to be excluded as shown on Schedule 1 attached.
3. Sections 29 through 31 of the Halifax Regional Municipality Charter applies to the Community Council.
4. This Administrative Order shall come into effect on the date of adoption by Regional Council.
5. The Community Council shall not pass any resolution or make any decision which could potentially result in financial consequences for the municipality which are contrary to those which would result from a previous decision of the Regional Council, unless and until the financial consequences are presented to the Regional Council and approved by it.

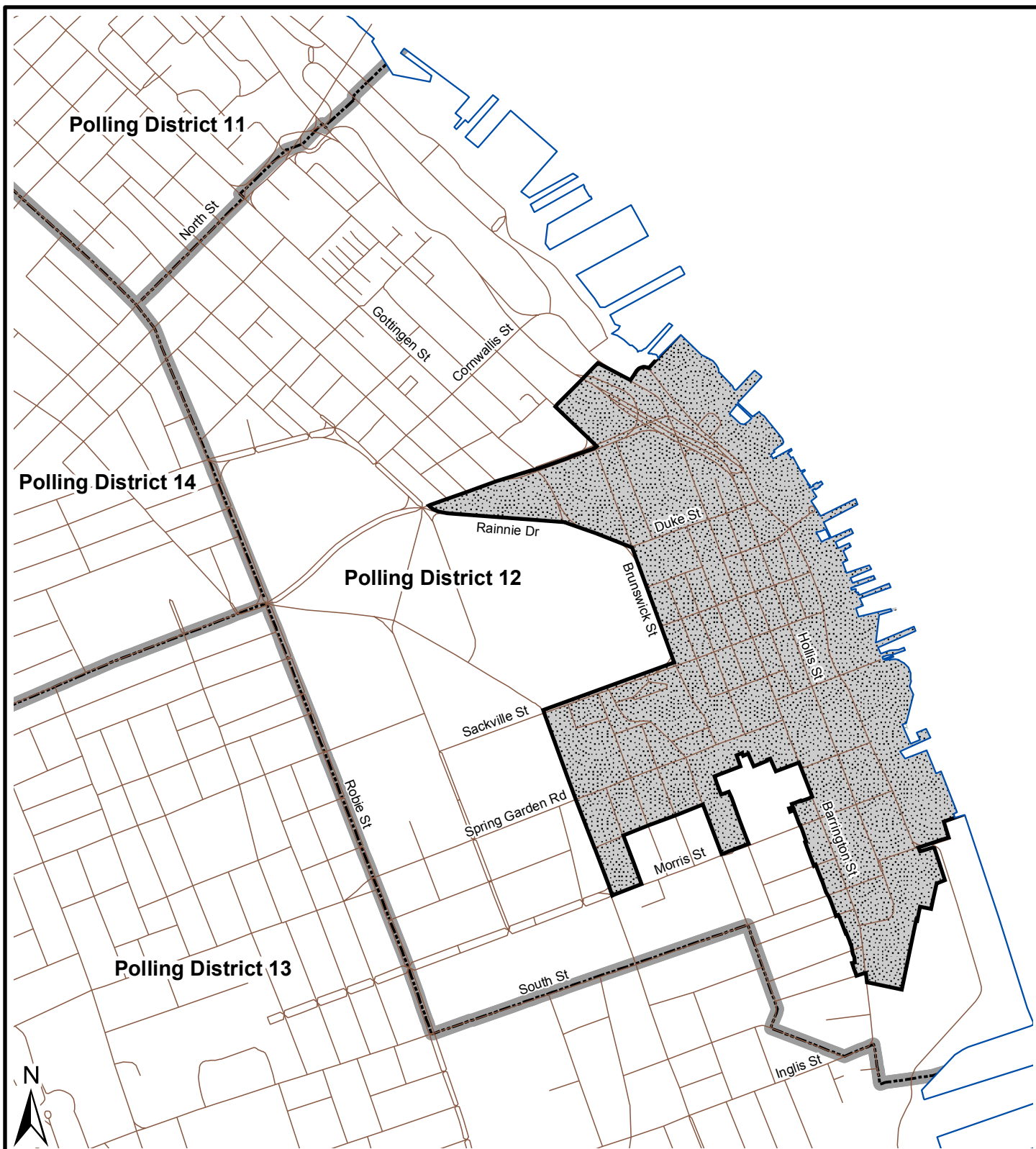
Done and passed in Council this _____ day of _____ A.D. 2010.

MAYOR

MUNICIPAL CLERK

I, _____, Municipal Clerk of Halifax Regional Municipality,
hereby certify that the above noted Administrative Order was passed at a meeting of Halifax
Regional Council held on _____ 2010.

Cathy Mellett, Municipal Clerk



Schedule 1 - Area to be Excluded from Peninsula Community Council



Downtown Halifax Plan Area

Halifax Plan Area
Downtown Halifax Secondary Municipal Plan Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

0 100 200 300 m

HRM does not guarantee the accuracy of any representation on this plan.

**ATTACHMENT B - PROPOSED AMENDMENTS TO THE TERMS OF REFERENCE FOR
THE DISTRICT 12 PAC**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Terms of Reference for the District 12 Planning Advisory Committee, are hereby repealed and replaced with the following:

**Terms of Reference
District 12 Planning Advisory Committee**

The District 12 Planning Advisory Committee is established to advise Peninsula Community Council and Regional Council on specific matters (defined below). The following terms of reference provide the basis for the committee.

Membership

- ▶ Councillor for District 12
- ▶ 6 community citizens, at-large with residency in Halifax Regional Municipality

Appointment

- ▶ Term
 - Councillor - term of office
 - Residents - two years

Appointments shall be made by the Peninsula Community Council and Regional Council.

The committee shall annually elect from its non-council members a Chair and Vice-Chair.

Re-appointment

Citizen members may be appointed for a maximum of two (2) consecutive terms.

Responsibilities

- ▶ Advise the Community Council, and Regional Council, where appropriate, with respect to all rezoning, land use by-law amendments and development agreement applications within or affecting Polling District 12, with the exception of the area under the Downtown Halifax Secondary Municipal Planning Strategy.

- ▶ Advise Halifax Regional Council, via Community Council, concerning municipal planning strategy reviews and amendments within or affecting District 12, with the exception of the area under the Downtown Halifax Secondary Municipal Planning Strategy.
- ▶ Advise Community Council with respect to other planning issues within or affecting Polling District 12, with the exception of the area under the Downtown Halifax Secondary Municipal Planning Strategy.
- ▶ Hold public meetings associated with plan amendments as deemed necessary.
- ▶ Participate with Developers, in conjunction with Municipal Staff, in the preparation of design plans for major developments.

Meetings

- ▶ The Planning Advisory Committee shall, except for any summer recess, meet at least once per month; additional meetings may be held as required or called by the Chair.
- ▶ Meetings shall be held on the fourth Monday of each month.
- ▶ The quorum for regular meetings shall be three (3) members.
- ▶ Members shall advise the PAC Coordinator by 12 noon on the day of a regular meeting if they are unable to attend the meeting.
- ▶ Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.
- ▶ All Planning Advisory Committee meetings shall be open to the public, or as allowed under Section 218 of the Halifax Regional Municipality Charter.
- ▶ The Planning Advisory Committee shall hold a joint meeting with the Peninsula Community Council to generally discuss planning issues and concerns at least once per year.
- ▶ The Committee shall be responsible for the act of Recording Secretary for non-regularly scheduled meetings (does not include any public meeting associated with Municipal Planning Strategy amendments).

Remuneration

Remuneration shall be paid related to travel for attendance at meetings at rates established by Halifax Regional Municipality.

Done and passed in Council this _____ day of _____ A.D. 2010.

MAYOR

MUNICIPAL CLERK

I, _____, Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on _____ 2010.

Cathy Mellett, Municipal Clerk