



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 2
Halifax Regional Council
July 3, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: Councillor Reg Rankin, Chair, Western Region Community Council

DATE: June 5, 2012

SUBJECT: Saint Margaret's Bay Coastal Planning Advisory Committee

INFORMATION REPORT

ORIGIN

March 22, 2010 and September 26, 2011 motions of the Western Region Community Council requesting a staff report on the establishment of a Coastal Planning Advisory Committee for the St. Margaret's Bay area. A staff report dated April 2, 2012 was submitted and reviewed by the Community Council at their April 23, 2012 meeting.

BACKGROUND

The April 2, 2012 staff report was reviewed by the Western Region Community Council on April 23, 2012 at which time the Community Council passed a motion requesting that the St. Margaret's Bay Coastal Planning Advisory Committee be created. They also requested that the budget costs associated with the Committee be forwarded to Regional Council for approval.

The Municipal Clerk reviewed the issue of budget costs associated with the proposed Committee and determined, in consultation with Executive Management, that costs associated with the Committee would be shared between the Office of the Municipal Clerk, Planning and Infrastructure, and potentially the Community and Recreation Services business units.

DISCUSSION

As per the attached April 2, 2012 staff report.

BUDGET IMPLICATIONS

As explained by the Municipal Clerk, the costs associated with this Committee will be shared between the Office of the Municipal Clerk, Planning and Infrastructure, and potentially, the Community and Recreation Services business units.

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

The issue of establishing a St. Margaret's Bay Coastal Planning Advisory Committee was dealt with at public meetings of the Western Region Community Council. The April 2, 2012 staff report is available online as part of the April 23, 2012 Western Region Community Council agenda.

ATTACHMENTS

1. April 2, 2012 staff report.

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



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Western Region Community Council
April 23, 2012

TO: Chair and Members of Western Region Community Council

Original Signed

SUBMITTED BY:

Peter Stickings, Acting Director, Planning and Infrastructure

DATE: April 2, 2012

SUBJECT: St Margaret's Bay Coastal Planning Advisory Committee

ORIGIN

September 26, 2011, Motion of Western Region Community Council:

MOVED by Councillor Lund, seconded by Councillor Rankin, that the Western Region Community Council request that staff prepare a Terms of Reference for a St. Margaret's Bay Coastal Planning Advisory Committee.

MOTION PUT AND PASSED

March 22, 2010, Motion of Western Region Community Council:

MOVED by Councillor Lund, seconded by Councillor Rankin, that Western Region Community Council defer the establishment of the St. Margaret's Bay Corridor Advisory Committee pending the outcome of several other planning related initiatives currently underway or planned in the greater Upper Tantallon area.

MOTION PUT AND PASSED

RECOMMENDATION

It is recommended that the Western Region Community Council await the establishment of the new Community Council structure in November 2012 and the outcome of on-going planning related initiatives in the greater area, before considering the creation of a St. Margaret's Bay Coastal Planning Advisory Committee.

BACKGROUND

Over the past number of years, citizens of the St. Margaret's Bay area, under the leadership of the volunteer Community Forum Organization Committee, has conducted four annual Community Forums, each addressing a variety of planning and environmental related matters affecting the area.

Following the completion of Forum III in 2010, titled "At the Crossroads – Visioning a Village Community Forum", Community Council requested a staff report regarding the creation of St. Margaret's Bay Coastal Corridor Advisory Committee. The report, attached as Appendix B, recommended deferral of the creation of the Committee pending the outcome of several planning related initiatives underway in the area. Community Council approved the staff recommendation (see Origin).

The following provides an update to those initiatives described in the March 2010 staff report:

Tantallon Crossroads – Vision Implementation for the Village

Working with community representatives, a Secondary Municipal Planning Strategy and Land Use By-Law for this small area are nearing completion. Public meeting(s) have been held and staff is now in the process of finalizing the policies and regulations.

Tantallon/St. Margaret's Bay Watershed Study

This consultant's study is nearing completion, and a draft report should be submitted to staff for review in the near future.

Community Visioning Exercise – Upper Tantallon Rural Commuter Centre

As per the direction of the Regional Plan, once the Watershed study is complete, a community visioning exercise will be undertaken for the Upper Tantallon Growth Centre. Although the geographic area for the visioning exercise is proposed to focus on the Exit 5 area, the precise study area will be determined in conjunction with the community as a first phase of the process.

Provincial Coastal Development Strategy

This province-wide project is on-going. Stemming from the 2009 "State of Nova Scotia's Coast Report", six topic areas for future study have been identified. The objective is to create a sustainable coastal development strategy. This is a comprehensive and complex initiative and is likely to take several years to complete.

2011 Community Forum IV: St. Margaret's Bay Coastal Corridor

Forum IV, a two-day event held in May, 2011, attended by approximately 100 Bay residents, resulted in a recommendation to establish a formal committee of Western Region Community Council, to provide advise on planning and development initiatives/proposals that would impact the coastal area of the St. Margaret's Bay communities. More specifically, the report indicates that the committee's role would entail providing advice to Council on "significant or difficult" development decisions within the coastal zone, and particularly on developments that are

proposed to take place within the "red" zones or areas vulnerable to sea level rise, wetlands, rivers, new construction, heritage, major new developments, etc. The Forum IV report was presented to Western Region Community Council at the September, 2011, meeting and lead to its most recent Motion (see Origin).

DISCUSSION

1. Community Council Mandate:

Under Section 30 of the Halifax Charter, a Community Council may appoint a Community Planning Advisory Committee (PAC) whose purpose, as per Part I (Section 30) and Part VIII (Section 215), is to advise (the Community Council) respecting the preparation or amendment of planning documents and respecting planning matters generally. HRM's Administrative Order #26 provides Western Region Community Council (WRCC) with the authority to establish a PAC, as per the relevant sections of the Charter.

2. Rationale for Staff's Advice:

Staff is recommending that Community Council defer consideration of creating a St. Margaret's Bay Coastal PAC for several reasons as follows:

- (a) Council is aware that new Polling District boundaries have been established by the Nova Scotia Utility and Review Board (NSUAR), which will come into effect in October 2012, coinciding with the Municipal election. As a result of the reduced number of Districts, it is likely that a redefined Community Council structure (number and geography) will be determined by Regional Council. In addition, the new Community Council created for the western part of the region may wish to discuss which Advisory Committees it wishes to establish, their mandate and area representation.
- (b) Most of the initiatives described in the "Background" section of this report are still on-going. With particular regard for the Watershed Study and pending process for undertaking the Upper Tantallon Community Visioning Exercise, it may be prudent for WRCC to await the findings and future direction of these projects, including future community/committee engagement, before establishing a PAC for the coastal corridor.
- (c) Establishing a PAC for only a portion of the geographic area governed by the Community Council (St. Margaret's Bay Coastal area) is possible under the HRM Charter, and staff acknowledges the high level of commitment and interest that Bay-area residents have displayed in planning-related matters affecting their area. Understandably, Bay-area residents wish to confine their mandate to the coastal corridor of St. Margaret's Bay, and do not wish to provide advice on planning matters affecting other areas administered by Western Region Community Council. However, staff points out that establishing a PAC for a small geographic area may lead to a desire for other small communities within the larger WRCC area to create their own PACs, which may be a governance model that the Community Council may not wish to consider.

3. Alternative to the Staff Recommendation

In following WRCC's Motion of September 26, 2011, staff acknowledges and respects the Community Council's intent to establish a St. Margaret's Bay Coastal PAC at this time. Staff further acknowledges, given level of dedication and commitment demonstrated through the four Forums hosted by Bay-area residents, that a PAC for the area will provide sound planning advice to the Community Council.

A proposed Terms of Reference for the St. Margaret's Bay Coastal PAC is attached as Appendix A. Should the WRCC choose to establish the PAC now, it would report to the existing WRCC until November 2012, after which it would report to the new Community Council for the area.

The proposed Terms of Reference includes a Map depicting the proposed geographic area under the mandate of the PAC. The eastern limit commences at the Peggy's Cove Preservation Area boundary and proceeds northward, generally following the watershed boundary of St. Margaret's Bay, then linking to the western boundary of the Five Bridges Lakes Wilderness Area as far as Hwy #3. It then follows the western boundary of the Lewis Lake Provincial Park to Hwy #103. From this point, the boundary follows Highway #103 westward to the Municipal boundary in Hubbards.

Regarding the St. Margaret's Bay Coastal PAC's relationship to the Municipality of the District of Chester, the proposed Terms of Reference indicate that such a relationship would be informal, at least in the short term. From the holistic planning perspective, and in viewing the Bay as an entity, it would be logical that one PAC would be formed for the whole of St. Margaret's Bay. This was the recommendation of Forum IV. However, from an administrative perspective, the establishment of a single PAC covering two municipal jurisdictions is problematic. Although the Halifax Charter and MGA enables Regional Council and the Council of the Municipality of the District of Chester to establish a Joint Municipal Planning Strategy and a Joint PAC, this legislative structure has not been put in place. Thus, creating a Joint PAC to advise two Councils having their own Municipal Planning Strategies, the Committee would have to address potentially conflicting policy directions, complicated reporting relationships and possibly conflicting political decisions/outcomes.

Therefore, staff is advising that, at least for the time being, should WRCC wish to establish a PAC that the St. Margaret's Bay Coastal PAC be a standing committee of WRCC of HRM, while maintaining the opportunity for regular liaison and coordination with the Chester PAC and its' Council on matters affecting the Bay as a whole. Reporting relationships, however, would remain independent with each providing recommendations to their respective Councils.

BUDGET / RESOURCE IMPLICATIONS

The introduction of the St. Margaret's Bay PAC will impact HRM in two areas:

- (a) Additional staff time will be required for the PAC Coordinator to arrange meetings, agendas, attendance at all meetings, minute-taking and related duties. Additional staff

time for the planners will be required to prepares for and attend meetings. Budget implications include meeting room rentals, staff overtime and expenses.

A121 - \$3,500 not included within current operating budget envelope

C320 - \$2,000 which can be absorbed within current budget envelope

- (b) The introduction of a PAC will lengthen the planning approval process timeline for all applications in the St. Margaret's Bay Area that necessitate Community Council approval (an added meeting/review/recommendation by PAC).

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

The establishment of a PAC will introduce an additional opportunity for citizen involvement/review of all planning applications within the St. Margaret's Bay Area, by way of a formal review and recommendation by the PAC to WRCC.

ALTERNATIVES

1. WRCC could choose to defer consideration of a St. Margaret's Bay Coastal PAC until the new Community Council structure is determined in November, 2012.
2. WRCC could choose to establish the St. Margaret's Bay Coastal PAC at this time. In doing so, the PAC would report to WRCC until November 2012, and thereafter, report to the new Community Council formed for the area.

ATTACHMENTS

- Appendix A Proposed Terms of Reference: St. Margaret's Bay Coastal PAC
Appendix B Staff Report, dated March 15, 2010: "Creation of St. Margaret's Bay Coastal Corridor Planning Advisory Committee"

A 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: Roger Wells, Supervisor, Community Planning, 490-4373

Original Signed

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

Original Signed

Report Approved by: Greg Keefe, A/Director of Finance & Information Technology/CFO, 490-6308

ATTACHMENT A
(Proposed) Terms of Reference

St. Margaret's Bay Coastal Planning Advisory Committee
(Serving portions of Polling Districts 22 and 23 until November, 2012:
Serving a portion of Polling District 13 after November, 2012)

Membership

- Councillors for Districts 22 and 23 (Councillor for District 13 beginning November, 2012)
- 6 community citizens

Selection of Membership

In considering appointments to the Committee, Community Council shall have regard to the following criteria:

- Willingness and ability to commit to the necessary time over a 2 –year period
- A holistic perspective of St. Margaret's Bay rather than a local perspective
- Knowledge of social, health, cultural, economic and environmental issues and opportunities
- Effective interpersonal and communication skills
- Ability to work effectively as a member of a team
- Ability to bring useful perspective to the deliberations and work of the Committee
- Understanding and willingness to accept the responsibility and accountability of being a member of a planning advisory committee
- Strive to achieve and maintain an appropriate balance of membership, including a mix of people with a variety of interests and perspectives on planning matters, geographic representation throughout the whole of the St. Margaret's Bay Area, age and gender and diversity.

Appointment

- Councillor(s) – term of office
- Citizens – 2 years

Appointments shall be made by the Community Council, by Resolution.

The Committee shall annually elect from its non-Council members a Chair and Vice-Chair.

Reappointment

Citizen appointments may be appointed for a maximum of 2 consecutive terms.

Citizen members may be appointed to more than 2 consecutive terms when there are no other interested and qualified candidates.

Responsibilities

- Advise the Community Council with respect to rezoning, land use by-law amendments and development agreement applications within the St. Margaret's Bay Coastal Area (Map 1 attached).
- Advise Halifax Regional Council, via the Community Council, concerning Municipal Planning Strategy Reviews or amendments, within the St. Margaret's Bay Coastal Area.
- Advise the Community Council with respect to other planning matters within or affecting the St. Margaret's Bay Area.
- Advise the Municipal Council and Planning Advisory Committee of the Municipality of the District of Chester, via the Community Council of HRM, on planning matters of mutual importance to the two municipalities, respecting St. Margaret's Bay.
- If requested to do so by the Community Council, liaise with the senior levels of government and staff of HRM with respect to initiatives the senior levels of government may undertake regarding planning matters affecting the St. Margaret's Bay Area.

Meetings

- The Committee shall, except for summer recess, meet at least once per month; additional meetings may be called under special circumstances as required or called by the Chair.
- A regular meeting schedule shall be determined at the start-up meeting of the Committee.
- The quorum for regular meetings shall be 50% of the current membership.
- Members shall advise the PAC Coordinator of HRM by 12:00 noon on the day of a regular meeting if they are unable to attend.
- Any member who fails to attend 3 consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.
- All meetings shall be open to the public, or otherwise as allowed under Part VIII Section 218 (1) of the Halifax Charter.
- The Committee shall hold a joint meeting with the Community Council to generally discuss planning matters, at least once per year.
- With the consent of both the Community Council and the Council of the Municipality of the District of Chester, joint meetings may be held with the respective Councils and their Planning Advisory Committees to generally discuss planning matters of mutual importance to the two municipalities, respecting St. Margaret's Bay.

Resources

- HRM shall provide recording services (minute-taking) for regular meetings.

Area Description (See Attached Map)

The eastern limit commences at the Peggy's Cove Preservation Area boundary in the south and proceeds northward generally following the watershed boundary of St. Margaret's Bay, then linking to the western boundary of the Five Bridges Lakes Wilderness Area as far as Hwy #3. It then follows the western boundary of the Lewis Lake Provincial Park to Hwy #103. From this point, the boundary follows Highway #103 westward to the Municipal boundary in Hubbards.



PO Box 1749
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Western Region Community Council
March 22, 2010

TO: Chair and Members of Western Region Community Council

Original signed

SUBMITTED BY: Paul Dunphy, Director, Community Development

DATE: March 15, 2010

SUBJECT: **Creation of St. Margaret's Bay Coastal Corridor Advisory Committee**

ORIGIN

Motion of Western Region Community Council, May 25, 2009 (Item 10.2.1):

MOVED BY Councillor Lund, seconded by Councillor Rankin that the Western Region Community Council request an information report regarding the creation of a St. Margaret's Bay Coastal Corridor Advisory Committee. The report is to include a proposed Terms of Reference with Committee Composition for review and approval by the Western Region Community Council and is to follow the Community Forum Report: At the Crossroads -Visioning a Village Community Forum, prepared by the St. Margaret's Bay Stewardship Association (May 2009). MOTION PUT AND PASSED.

RECOMMENDATION

It is recommended that Western Region Community Council defer the establishment of the St. Margaret's Bay Coastal Corridor Advisory Committee pending the outcome of several other planning-related initiatives currently underway or planned in the greater Upper Tantallon area.

BACKGROUND

The request to establish a Coastal Corridor Advisory Committee stemmed from input received through two Community Forums that were held in 2008 and 2009 respectively, and was one of numerous recommendations put forward through the sessions. The Forums were organized and hosted by the St. Margaret's Bay Stewardship Association (SMBSA) in partnership with the Bay's Chamber of Commerce and Tourism Association. The March 2008 Forum was titled "Responding to Change: Defining Core Community Values" and the March 2009 Forum topic was: "At the Crossroads - Visioning a Village".

Perhaps the most important action coming from the 2008 Forum was the initiation of an Municipal Planning Strategy (MPS) amendment process to place better controls on large-format retail development in the St. Margaret's Bay plan area. A Development Agreement process was approved by Regional Council in February, 2009 to effect this community objective.

The 2009 Forum produced a consensus on a shared vision for "Tantallon at the Crossroads" through the development of a series of land use and design objectives. Staff is currently working with community representatives on this initiative, described in more detail in the following section of this report.

The purpose of the Coastal Corridor Advisory Committee, as stated in the Forum recommendations, would be to act as a "negotiator, ombudsman and public voice for community interests with developers and government".

Given on-going and pending planning initiatives concerning the St. Margaret's Bay area, as further outlined below, staff advises it would be prudent to defer the formal establishment of this body until these initiatives are complete or better defined.

DISCUSSION

Current and Pending Planning-Related Initiatives - St. Margaret's Bay Area

1. **2010 Community Forum: Tantallon Crossroads - Vision Implementation for the Village**
Over the past number of months, staff from Regional and Community Planning and Infrastructure and Asset Management have been working closely with the previous Forum organizers (SMBSA/Chamber/Tourism) and other community resource expertise to prepare for the 2010 Community Forum on April 16th and 17th. The purpose of this event is a direct result of the recommendations provided at the 2009 Forum, and will seek consensus from community members and land owners on a series of detailed site design, building design and streetscape design guidelines that will form the basis for new MPS policy and land use by-law regulations for the Tantallon Crossroads village. Staff anticipates the MPS amendment process will commence immediately following the community forum.

2. Tantallon/St. Margaret's Bay Watershed/Servicing Study

Staff is presently evaluating proposals for this study, which will assist in determining the opportunities for future development within the watershed flowing to Head of St. Margaret's Bay, taking into account the environmental capacity of the land and receiving waters. The study is being led by Regional and Community Planning staff in conjunction with the SEMO (Sustainable Environment Management Office) and Halifax Water. It is anticipated the study will take approximately one year to complete and will include considerable public consultation.

3. Community Visioning Exercise - Upper Tantallon Rural Commuter Centre

Toward the completion of the Watershed Study, and using the information from that study, a community visioning exercise will be undertaken for the Upper Tantallon Growth Centre area. It will provide an opportunity for the greater Exit 5 community to think creatively about how it could function, how it might change and what it might look like over a 25-year timeframe. The vision will prepare the way for the official Secondary Plan Review for the area. The visioning process will be community-based, with staff resources provided by a number of HRM business units.

4. Provincial Sustainable Coastal Development Strategy

The provincial government has produced "The 2009 State of Nova Scotia's Coast Report", which describes the physical, ecological and socio-economic characteristics of the coast and examines in more detail six priority coastal issues: coastal development, working waterfronts, public coastal access, sea level rise and storm events, coastal water quality and sensitive coastal ecosystems and habitats. This report will form the baseline on which a Sustainable Coastal Development Strategy will be developed. This is a complex topic and will require more information gathering, public consultation and collaboration with the other levels of government. The time frame for completing the strategy is not known at this time, but is likely to be several years in the making.

5. 2011 Community Forum Theme: St. Margaret's Bay Coastal Corridor

Although only in the preliminary planning stages, community forum organizers are suggesting that the theme for the 2011 forum would focus on the coastal corridor of St. Margaret's Bay. It would seem logical then that the creation of an advisory committee would use the results of that forum as a framework for its mandate.

Conclusion

There are two reasons behind staff's suggestion to defer the establishment of the advisory committee for approximately one year to eighteen months.

First, given the pertinent on-going and pending planning initiatives underway in the greater Upper Tantallon area, it would be prudent to await the completion or substantial completion of these projects. By having the Watershed/Servicing study complete, the Community Visioning exercise complete or near-complete and results of the 2011 Community Forum known, this will

provide additional valuable direction to the role and mandate of the coastal corridor advisory committee.

Second, staff resources within the Regional and Community Planning section are stretched. We are committed to undertaking the Watershed/Servicing Study and subsequent Community Visioning exercise for the greater Upper Tantallon area, since these projects form part of the Council-approved program for Regional Plan implementation. Outreach staff resources have also been provided to assist community representatives prepare for the 2010 Forum. By allocating resources to a coastal corridor advisory committee at this time, it may mean that other Council-directed projects may have to be delayed.

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, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Community Council could choose to instruct staff to establish the Advisory Committee at this time. This is not recommended for reasons described in this report.

ATTACHMENTS

None

A 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 : Roger Wells, Supervisor, Regional and Community Planning, 490-4373

Original Signed

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