
Halifax Regional Council
December 3, 2002

TO: His Worship Mayor Peter Kelly and
Members of Halifax Regional Council

FROM: Sheila Fougere
Councillor Sheila Fougere, Chair
Peninsula Community Council

DATE: November 20, 2002

SUBJECT: Review of Public Participation Program

ORIGIN

Peninsula Community Council November 4, 2002

RECOMMENDATION

Peninsula Community Council recommend to Halifax Regional Council that the 1997 public participation program be reevaluated with a view to identifying and addressing the gaps that exist, specifically, but not limited to, the concerns expressed relative to the Peninsula of Halifax.

BACKGROUND

On April 8, 2002 Peninsula Community Council considered correspondence received from the Coalition of Neighbourhood Associations (Halifax Peninsula) and approved a resolution requesting staff to prepare a report including a detailed review of the public participation process and a comment on the implication that the format staff is following for public participation does not meet the requirements as set out in the Municipal Planning Strategy.

DISCUSSION

Peninsula Community Council received an Information Report dated October 1, 2002 at a meeting held on October 7, 2002. The report responded to two issues:

1. Correspondence received from Coalition of Neighbourhood Associations (Halifax Peninsula) expressing concern that public processes are not being carried out according to the Municipal Planning Strategy for Halifax
2. Enquiry by Councillor Sloane for a report on whether an individual district could have Planning Advisory Committee.

The second of these issues will be dealt with by staff in a separate report to the Peninsula Community Council.

During a brief discussion of the first issue note was made that the concerns expressed by the Coalition of Neighbourhood Associations are valid. Proposals often change dramatically in the time between the Public Information Meeting and the Public Hearing. The public have no opportunity to have input to the changed proposal as the decision is made immediately following the public hearing. Thus, a re-evaluation of the Public Participation Process is in order with a view to ensuring this does not happen.

BUDGET IMPLICATIONS

Although there may be no direct costs involved, the activities associated with sustaining local PAC must be supported within existing business unit budgets and staff resources.

FINANCIAL MANAGEMENT/BUSINESS PLAN

N/A

ALTERNATIVES

N/A

ATTACHMENTS

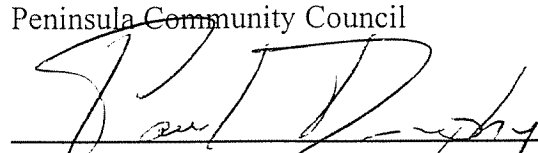
Correspondence from the Coalition of Neighbourhood Associations dated March
Information Report dated October 1, 2002
Draft Extract of Peninsula Community Council Minutes of November 4, 2002

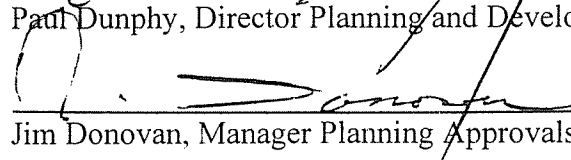
Additional copies of this report and information on its status can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208. Report prepared by: Sherryll Murphy, AMC, 490-6517.
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Peninsula Community Council
October 7, 2002

TO: Peninsula Community Council

SUBMITTED BY:


Paul Dunphy, Director Planning and Development Services


Jim Donovan, Manager Planning Approvals

DATE: October 1, 2002

SUBJECT: Public Participation for Planning

INFORMATION REPORT

ORIGIN:

1. Correspondence received from Coalition of Neighbourhood Associations (Halifax Peninsula) expressing concern that public participation processes are not being carried out according to the Municipal Planning Strategy for Halifax.
2. Enquiry by Councillor Sloane for a report on whether an individual district could have a Planning Advisory Committee.

BACKGROUND

Staff has been requested to report on current processes for seeking public input into planning matters and applications in the Halifax Peninsula area. Specifically, Council has requested a response to a request by the Coalition of Neighbourhood Associations (CNA) (Halifax Peninsula) to establish a Planning Advisory Committee based on concern that current processes related to citizen participation are inconsistent with a process of citizen participation outlined in the Municipal Planning Strategy (MPS) for Halifax.

In addition to the request made by the residents' group, Councillor Sloane has requested that staff report on options for Council to consider in the event that it wishes to establish a committee to advise on planning matters within an individual district. This report therefore:

1. Provides background information public participation in Planning within HRM;
2. Responds to the concerns expressed by the residents' group relative to current participation processes;
3. Provides information on area/project specific planning committees, planning advisory committees and how such committees are structured;
4. Provides terms of reference for various advisory committees established by other community councils for consideration;
5. Identifies a number of options for Council to consider in the event it wishes to establish additional structure(s) for citizen participation.

DISCUSSION:

Citizen Participation in Planning

The *Municipal Government Act (MGA)* provides many ways to encourage and provide for citizen participation in local government. Among these are provisions for participation in matters related to land use and community planning. These extend beyond legal requirements for public hearings to be held on planning applications (ie. rezonings, development agreements, etc), and beyond HRM's current practice of holding public information meetings (PIM's) upon receiving such applications.

There are various forms of citizen participation in planning matters. These vary depending on the nature of the issue for which a council seeks to obtain input and the level of interest that may exist within a community. Among the various forms of citizen participation provisions are those which enable local councils to establish advisory committees. The MGA (Sect. 200) enables councils to establish by policy, various committees to provide advice on planning matters. Advisory committees are generally in the form of:

1. Planning Advisory Committees (PAC's) - A PAC is a standing committee appointed by a council to advise it on planning matters. This may include providing recommendations on the preparation of planning documents or reviewing applications to amend such documents, (ie. rezonings, development agreements, etc.) as well as other planning-related matters within a community.¹ PAC's are comprised of members of the council and individual citizens appointed by the council.
2. Public Participation Committees (PPC's) - The MGA requires municipal councils to adopt a public participation program in conjunction with the preparation of, or amendments to, municipal planning documents (ie. Municipal Planning Strategies, Subdivision By-laws). A PPC is an ad hoc committee created by a council to undertake the preparation of a planning strategy. PPC's work closely with municipal staff to engage a community in focussed

¹ A PAC's role is strictly limited to an advisory one. Hence, PAC's are not able to render decisions on planning applications or hear appeals and decide on matters such as minor variances. Such matters are within the purview of an elected council.

consultation in order to prepare municipal planning strategies and land use by-laws which are ultimately presented to a council for adoption. In instances where existing planning documents are to be amended, Regional Council has adopted a specific program of public participation which recognizes the processes established by existing planning strategies.

3. *Area Advisory Committees (AAC's)* - An AAC is another form of advisory committee created by a council to advise its PAC on area-specific planning matters. Within an HRM context, this generally entails participation by citizens in the preparation of secondary planning strategies, area master plans and the design of comprehensive development districts. Like PPC's, Area Advisory Committees are ad hoc and exist only for a time specified by Council.
4. *Interest-Specific Committees* - Community and land use planning has broad applications. Consequently, planning matters are of interest to citizens who have specific knowledge in areas related to environmental protection, business/economic development, housing and heritage preservation. Consequently, a council may recognize other committees to provide advice on matters of specialized interest. For example, Watershed Advisory Boards (WAB's) review applications relative to potential impacts on watercourses, lakes and waterways. Additionally, a Heritage Advisory Committee (HAC) provides advice to Regional Council on matters related to registered heritage properties. The HAC is a standing committee of Regional Council having representation by both citizen and elected members of Council.

Existing Municipal Policies Respecting Participation

In order to adopt a new municipal planning strategy or undertake amendments to existing plans, a council is required under the MGA to adopt a public participation program. The form and content of a public participation program is at the discretion of Council. In 1997, Halifax Regional Council adopted a public participation program for the preparation of new planning strategies or amendments. Applications to amend existing planning strategies, or to prepare a new planning strategy are required to follow the program adopted by Regional Council.

Additionally, various HRM community councils have established planning advisory committees to advise them on local planning matters. The existing PAC's are established such that their area of influence coincides with that of their respective community councils. However, a PAC can be established for a single district and report to a community council having jurisdictional interest.

In Bedford, the establishment of AAC's are required under MPS policies where comprehensive development projects are contemplated. The Bedford AAC's work closely with developers and planning staff in the preliminary stages of development design to identify and resolve community issues prior to the preparation of development agreements and staff recommendations. The AAC's report to the local PAC and Community Council remains the approval authority for planning decisions. As noted above, an AAC can be established by a community council regardless of whether or not it is required by an MPS.

City of Halifax Provisions

The MPS for the former City of Halifax contains specific policies respecting citizen participation. The policies outline a detailed public participation process which includes the creation of a Planning Advisory Committee, advisory sub-committees as well as other procedures for consulting with the public on planning and development matters. A copy of the MPS policy is provided in Attachment 1 of this report.

Prior to amalgamation, the Halifax PAC focussed on Detailed Area Plans and amendments to the Municipal Planning Strategy and Land Use Bylaws. The Committee did not advise Council on rezonings or development agreements. As pointed out on the previous page, PAC's do not have a role with respect to variance appeals.

The Halifax advisory structure was largely dissolved after municipal amalgamation, when community councils were established for areas comprising the former City. *Although there is a stated intent within the current MPS to establish such advisory committees, Council is not legally bound to establish them. Consequently, the establishment of advisory committees is completely at the discretion of individual community councils.*

Response to CNA Concerns

The Peninsula Community Council acted within its authority when it dissolved its Planning Advisory Committee on December 1, 1998. Since that time, staff have continued to process rezonings and development agreements in accordance with the requirements of the MGA. In addition to these obligations, Public Information meetings are usually held, although these meetings are not required by the MGA. Public participation for amendments to the MPS have been carried out in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997 (Attachment 8).

The holding of Public Information Meetings (PIM) at an early stage of applications to amend or undertake developments within the context of an MPS has become standard practice throughout HRM, and is utilized for applications within the former City of Halifax. The PIM provides:

- developers an opportunity to present their development proposals to neighbouring community interests before committing to a detailed design and significant investment; and
- residents in the vicinity of a development proposal an opportunity to review the proposal, suggest ways to integrate a project within the community and familiarize themselves with key personnel such as the Planner in order to remain in contact throughout the process.

The Coalition of Neighbourhood Associations has expressed concern about current processes related to PIM's, indicating that there is often not enough information provided by developers nor sufficient time afforded to residents to make a reasoned response. *Staff acknowledges the need to establish clear information requirements respecting applications for planning approvals and to communicate to developers and municipal staff, clear expectations relative to information presented at PIM's. Staff will endeavour to work with communities and local developers to improve current processes.*

Terms of Reference and Other Considerations

Any committee established to provide advice and recommendations to an elected council on planning matters must be formally established by resolution of Council. This usually follows the development of a committee terms of reference, soliciting participation by interested citizens and establishing an objective process to appoint committee membership.

Should Community Council agree on an appropriate form of citizen participation for an individual district or any other area(s), staff will prepare a draft terms of reference and outline a process for appointment of committee membership. In order to assist Council in its deliberations, the following example terms of references are attached to this report:

1. Terms of reference for North West Planning Advisory Committee approved, November, 1998;
2. Terms of reference for Harbour East Planning Advisory Committee, approved August, 1997;
3. Terms of reference for Marine Drive, Valley and Canal Planning Advisory Committee, approved November, 1998;
4. Staff report & terms of reference for Paper Mill Lake Advisory Committee, May, 2000;
5. Revised terms of reference for Paper Mill Lake Advisory Committee, September, 2001;
6. Staff report on appointment of an Area Advisory Committee-Brison Developments, March, 2002.

In deciding whether or not to establish a committee structure to advise on local planning matters, Council should consider a number of factors which, in turn, should be addressed through any committee terms of reference. These factors are summarized in the following questions:

1. *What are the major planning issues in the area? Is the community experiencing development pressures? Is the nature of these issues such that citizen participation is needed to address them? Should the composition of the committee represent a diversity of community interests or specific interests?*
2. *Is there a defined community of interest to be served by the committee(s)? Does the community's planning strategy provide clear policy direction which can be used as a basis for committee recommendations? Will the committee be required to review all planning related matters or will provisions be made to create area or project-specific committees such as an AAC?*
3. *What is the level of interest for citizen participation within the community? Are there individuals within the community who are knowledgeable of local planning issues, available to attend evening meetings and prepared to work cooperatively with community interests, council, staff and developers?*
4. *Are there staff resources available to provide administrative and technical support to the committee? Are there appropriate venues in which to hold regular committee meetings? Will committee members be remunerated or compensated for out-of-pocket expenses related to meals and mileage?*

The question related to identifying a community of interest is particularly relevant where, for example, a Planning Advisory Committee was to be established. Establishing a committee for a specific district is an option depending upon the planning issues which Council is trying to address. In the case of a District such as the downtown, which has a strategic importance to the Region, it would be unfair to expect an advisory committee, comprised entirely of District residents, to balance broader regional interests with legitimate local neighbourhood concerns.

Summary

A decision on whether or not to establish one or more advisory committees to provide for citizen participation in planning matters is within the discretion of Council. As indicated above, there are various forms of advisory committee, but the two most commonly used in HRM are Planning Advisory Committees (PAC's), which report directly to Community Councils and Area Advisory Committees (AAC's), which are established by Community Councils to advise local PAC's on area-specific planning projects. Although their jurisdictional boundaries usually coincide with those of their respective community councils, the current legislation does not preclude the establishment of a PAC for a single district. Therefore this option is available to Community Council.

Options for Consideration

Staff is not in a position to recommend any particular approach to Council for extending public participation. This report represents the beginning of a dialogue to discuss this subject. To facilitate further discussion, the following options are offered for consideration:

Option 1:

Establish a Planning Advisory Committee for one or more districts. Council may choose to establish a PAC and request staff to prepare terms of reference for the committee and advertise for expressions of interest to serve on the committee. Council would then establish the committee by resolution and appoint members. In considering this option, Council should clearly determine what the committee's mandate will be by considering the questions cited earlier in this report.

Option 2:

Establish an Area Advisory Committee to review and report on area or project-specific applications. The usual practice in HRM is for a Community Council to establish an AAC which reports to a local PAC. However, where a Council has not established a PAC, it may choose to establish AAC's to work on specific projects and report directly to Council. Should Council decide to proceed on this basis, the specific circumstances under which AAC's would be warranted should be pre-determined and staff would prepare individual terms of references each time an AAC is to be established. A general call for expressions of interest could be prepared and citizens could be appointed from this "roster" whenever a committee is to be established.

Option 3:

Establish a PAC and provide for establishment of AAC's in the future. This is a combination of Options 1 and 2 whereby a PAC would be established to provide advice on ongoing planning matters. In the event a major development project is to be considered, an AAC could be established.

BUDGET IMPLICATIONS:

There are some budget implications associated with establishing and providing support to a Planning Advisory Committee. PAC's require administrative support from the Municipal Clerk's office and Planning & Development Services. There are usually some associated costs related to staff mileage and overtime, and mileage paid to committee members and other meeting costs. These are generally minor costs and capable of being absorbed within existing budgets and staff responsibilities.

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 and utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES:

There are 3 options identified in this report. An alternative to these would be to not establish citizen committees to advise Council on planning matters at this time.

ATTACHMENTS:

Attachment 1: Excerpt From Halifax MPS Re: Citizen Participation

Attachment 2: Terms of reference for Northwest Planning Advisory Committee approved, November, 1998

Attachment 3: Terms of reference for Harbour East Planning Advisory Committee, approved August, 1997

Attachment 4: Terms of reference for Marine Drive, Valley and Canal Planning Advisory Committee, approved November, 1998

Attachment 5: Staff report & terms of reference for Paper Mill Lake Advisory Committee, May, 2000

Attachment 6: Revised terms of reference for Paper Mill Lake Advisory Committee, September, 2001

Attachment 7: Staff report on appointment of an Area Advisory Committee-Brison Developments, March, 2002

Attachment 8: Public Participation Resolution adopted by Regional Council on February 25, 1997

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: Jim Donovan, Planning and Development Services, 490-6782

Attachment 1 - Excerpt From Halifax MPS

12. CITIZEN PARTICIPATION

- Objective Citizen participation as a necessary part of all planning processes within the City, in forms to be developed in consultation with the community.
- 12.1 The City shall legally constitute a Planning Advisory Committee under the Planning Act to review, monitor and advise on any proposed changes in the Plan and to assess any developments in the context of the Plan.
- 12.1.1 The City should create any other advisory sub-committees, including a design review advisory panel, which, upon investigation, it deems necessary to the proper administration of this Plan, such advisory sub-committees in all cases to report to and through the Planning Advisory Committee in Policy 12.1
- 12.2 The City should create area planning offices and shall allocate resources on a priority basis to do neighbourhood and detailed area plans.
- 12.2.1 Such area planning offices should be maintained only in those areas where detailed planning is in progress and only for the duration of that effort.
- 12.3 In the detailed area planning process, the City shall review, consider and respond to any plans prepared by neighbourhood organizations.
- 12.4 The City shall develop procedures for consulting with the public on decisions which will affect the planning or development of the City. These procedures shall pay particular attention to the timing of public access to information, the methods for providing it, and the need of individuals and groups to have an adequate time period for review prior to final City Council decisions.
- 12.5 The City shall encourage citizens to make written submissions on planning issues or items of neighbourhood concern (for example, development proposals, rezoning issues). These briefs will, if possible, accompany staff reports to City Council, but in any case shall be submitted to Council for their information.
- 12.6 The City shall encourage, where necessary, the formation of neighbourhood service and resource facilities which would facilitate awareness and articulation of neighbourhood concerns. The City shall encourage the coordination of existing services and organizations to ensure that citizens will be best able to understand and utilize available resources.

Attachment 2

Terms of Reference
North West Planning Advisory Committee
Serving Polling Districts 19, 20 & 21
(Approved - November 27, 1998)

Membership

- ▶ 2 Community Council members
- ▶ 9 community citizens

Appointment

- ▶ Term
 - Councillor - 1 year
 - Residents - January, 2003

Appointments shall be made by the North West Community 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 with respect to all rezoning, land use by-law amendments and development agreement applications within or affecting Polling Districts 19, 20, and 21
- ▶ Advise Halifax Regional Council, via Community Council, concerning municipal planning strategy reviews and amendments within or affecting Polling Districts 19, 20, and 21
- ▶ Advise Community Council with respect to other planning issues within or affecting Polling Districts 19, 20, and 21
- ▶ Hold public meetings associated with plan amendments as deemed necessary.

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 1st Wednesday of each month.
- ▶ The quorum for regular meetings shall be five (5) 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 203 of the Municipal Government Act.
- ▶ The Planning Advisory Committee shall hold a joint meeting with the North West Community Council to generally discuss planning issues and concerns at least once per year.

Remuneration

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

Attachment 3

Terms of Reference**Harbour East Planning Advisory Committee**

Serving Cole Harbour/Westphal - Eastern Passage/Cow Bay plan areas

(Approved - August 22, 1997)

Membership

- ▶ 2 Community Council members
- ▶ 6 community citizens

AppointmentTerm

- ▶ Councillor - 1 year
- ▶ Residents - 2 years*

* Consideration may be given to adjusting the initial appointments in order to establish a staggered framework for re-appointment.

Except for the initial appointments, members shall be appointed from November 1 to October 31st of any year. Appointments shall be made by the Harbour East Community 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

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 2nd Wednesday of each month.
- ▶ The quorum for regular meetings shall be four (4) 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 203 of the Municipal Government Act.
- ▶ The Planning Advisory Committee shall hold a joint meeting with the Harbour East Community Council to generally discuss planning issues and concerns at least once per year.

Remuneration

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

Responsibilities

- ▶ Advise the Community Council with respect to all rezoning, land use by-law amendments and development agreement applications within or affecting the Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas.
- ▶ Advise Halifax Regional Council, via Community Council, concerning municipal planning strategy amendments within or affecting the Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas.
- ▶ Upon recommendation of PAC and/or upon referral by Community Council, provide assistance concerning other planning issues within or affecting the Cole Harbour/Westphal and Eastern Passage/Cow Bay plan areas.
- ▶ Hold public meetings associated with plan amendments as deemed necessary.

Attachment 4

**Terms of Reference
Marine Drive, Valley and Canal
Planning Advisory Committee**

Serving Polling District 1 (Eastern Shore - Musquodoboit Valley),
Polling District 2 (Waverley - Dutch Settlement),
and Polling District 3 (Preston - Porters Lake)
(APPROVED - March 13, 2002)

Membership

- ▶ community citizens

AppointmentTerm

- ▶ Residents - 2 years

Appointments shall be made by the Marine Drive, Valley and Canal Community 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.

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 3rd Wednesday of each month.
- ▶ The quorum for regular meetings shall be 3 members.
- ▶ No quorum is required for public meetings, however, Committee members are encouraged to attend.
- ▶ Members shall advise the PAC Coordinator by 12 noon on the day of a regular meeting if they are unable to attend the meeting.

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- ▶ 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 203 of the Municipal Government Act.
 - The Planning Advisory Committee shall hold a joint meeting with the Marine Drive, Valley and Canal Community Council to generally discuss planning issues and concerns at least once per year.

Remuneration

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

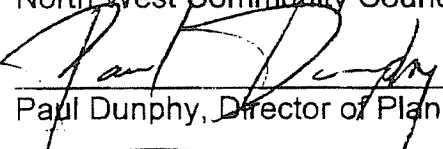
Responsibilities

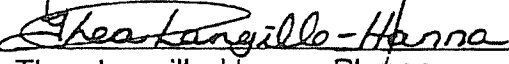
- Advise the Community Council with respect to all rezoning, land use by-law amendments and development agreement applications within or affecting Polling Districts 1, 2, and 3.
- Advise Halifax Regional Council, via Community Council, concerning municipal planning strategy amendments within or affecting Polling Districts 1, 2, and 3.
- Upon recommendation of PAC and/or upon referral by Community Council, provide assistance concerning other planning issues within or affecting Polling Districts 1, 2, and 3.
- ▶ Hold public meetings associated with plan amendments as deemed necessary.



North West Community Council
May 25, 2000

TO: North West Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services


Thea Langille-Hanna, Planner

DATE: May 23, 2000

SUBJECT: **Terms of Reference for the Paper Mill Lake Advisory Committee**

ORIGIN:

The Terms of Reference for the Paper Mill Lake Advisory Community as per Councils motion on April 27th 2000. The motion is as follows:

Establish a Paper Mill Lake Advisory Committee on a one (1) year trial basis provided the Terms of Reference are revised in consultation with Municipal Staff.

Attachment A is revised Terms of Reference which was developed in consultation with Municipal Staff. Attachment B is a list of six individuals who have expressed an interest in being part of the Paper Mill Lake Advisory Committee.

RECOMMENDATION:

It is recommended that North West Community Council:

- (a) **approve the Terms of Reference as per Attachment A.**
- (b) **appoint the six individuals listed on Attachment B as the Paper Mill Lake Advisory Committee.**

ATTACHMENTS:

Attachment A: Terms of Reference for the Paper Mill Lake Advisory Committee

Attachment B: Proposed Membership List

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 490-4208 (fax).

Report Prepared by: Thea Langille-Hanna, Planner (869-4262)

ATTACHMENT A
Paper Mill Lake Advisory Committee
TERMS OF REFERENCE

1.0 PURPOSE

The Paper Mill Lake Advisory Committee is established to advise North West Community Council on specific matters (defined below) related to the Paper Mill Lake RCDD Development Agreement. The Paper Mill Lake Advisory Committee is not intended to be a duplication of effort of the North West Planning Advisory Committee or the Bedford Waters Advisory Committee. This Committee is intended to be complimentary to the existing Committees of North West Community Council.

The Paper Mill Lake Advisory Committee shall have the following roles and responsibilities:

- (a) advise the North West Community Council in consultation with Municipal Staff of violations and/or possible infractions of the Paper Mill Lake Development Agreement;
- (b) assist Municipal Staff in monitoring development activity within the boundaries of the Paper Mill Lake Development Agreement and advise Municipal Staff and North West Community Council of any possible infractions in a timely manner;
- (c) prepare and promote an awareness program and/or information pamphlet in consultation with Municipal Staff which will inform and advise residents and the general public of the importance of environmental stewardship of Paper Mill Lake. The awareness program and/or information pamphlet may include, but not limited to, the protection of the shoreline, watercourses, the Paper Mill Lake watershed, buffer areas and site non-disturbance areas as identified in the Paper Mill Lake Development Agreement;
- (d) to liaise with the Developer in conjunction with Municipal Staff to ensure compliance with the provisions of Paper Mill Lake Development Agreement;
- (e) to review the status sheet provided by Municipal Staff detailing the progress of the development and any amendment (if applicable) the Paper Mill Lake Development Agreement.

1.1 For Clarification, the roles and responsibilities of the Paper Mill Lake Advisory Committee shall not include:

- (a) water testing results of Paper Mill Lake;
- (b) the function or role of the Public Participation Committee as required in Policy R-14 of the Bedford Municipal Planning Strategy;
- (c) the role of a Residents Association.

2.0 COMPOSITION

- 2.1 Committee members shall be appointed by North West Community Council.
- 2.2 The composition of the committee membership shall be based on the following:
- 2.2.1 Non-Voting Members
- minimum of two representatives from HRM Planning and Development Services;
 - one or more representatives from other HRM departments (occasionally if necessary);
 - the Developer(s), from time to time, of the Paper Mill Lake lands; which shall be defined to be those lands described in Schedule A to the current Paper Mill Lake RCDD (95.01)
- 2.2.2 Voting Members
- 4 residents of Paper Mill Lake lands,
 - 1 member of the North West Planning Advisory Committee (Bedford Resident)
 - 1 member of the Bedford Waters Advisory Committee
- 2.3 Duration of membership - appointments to the committee shall be for a period of one (1) year.
- 2.4 Applications for membership - interested individuals can make application for membership to North West Community Council.
- 2.5 Resignations - resignations shall be given in writing to Council through the Chair.
- 2.6 Absenteeism - any member who misses three (3) consecutive meetings without notification may be replaced. Absentee members must first be notified in writing by a letter from the Chair. A quorum of the committee will review the response from the absentee member and vote on replacing the member.

3.0 SUBCOMMITTEES

- 3.1 The Paper Mill Lake Advisory Committee may appoint a subcommittee for 1.0 (c) of the Terms of Reference.

4.0 CHAIR AND VICE-CHAIR

- 4.1 The Committee shall have a Chairperson from among its members. The Chairperson shall hold office for a period of six months from the date of election or for the remainder of his/her term of office as a member of the Committee whichever is less. The Chairperson may be reelected for the remaining six months of the Committee's term.
- 4.2 The Committee shall elect a Vice-Chairperson from among its members, who shall hold office for a period of six months from the date of election or for the remainder of his/her term of office as a member of the Committee whichever is less. The Vice-Chairperson may be reelected for the remaining six months of the Committee's term.

- 4.3 The Committee shall be responsible for the act of Recording Secretary and this act shall not be carried out by Municipal Staff.

5.0 MEETINGS

- 5.1 The Committee shall meet at least every 2 months and as events dictate at the call of the Chair and in consultation with Municipal Staff.
- 5.2 The meetings may be held at Acadia School, Lower Sackville and shall be between the hours of 8:30 a.m. and 4:30 p.m, Monday through Friday, except holidays.

6.0 RULES OF ORDER

- 6.1 All meetings of the Committee shall be open to the public. The Committee shall function by consensus, but where necessary the Committee shall follow the Rules of Order approved for the Committee of Council. In the absence of such approved Rules of Order, the rules shall be identical to those for Community Councils.

7.0 EXPENSES

- 7.1 Committee members shall not receive remuneration for attendance at committee meetings or other committee functions. All participation is on a volunteer basis. No member shall be required to attend functions other than the regularly scheduled committee meetings.

8.0 QUORUM

- 8.1 A quorum shall consist of three (3) voting members.

ATTACHMENT B

Dear Thea:

Thankyou for a very productive meeting this morning. I believe that this advisory committee will compliment the planning process within Paper Mill Lake and possibly serve as a model for other projects within HRM.

As discussed the following individuals have confirmed their desire to serve:

Kevin Dean - 48 French Mast Lane
Robert Kerr - 332 Moirs Mill Road
Douglas Murray - 245 Moirs Mill Road
Sharon Foster - 60 French Mast Lane
Jan Gerrow - 40 Walden Place
Len Goucher - 77 Millrun Crescent

(All of Bedford)

Please pass on to NW Community Council our thanks.

Sincerely

Len Goucher

PAPER MILL LAKE ADVISORY COMMITTEE TERMS OF REFERENCE

-Revised September 2001-

1.0 PURPOSE

The Paper Mill Lake Advisory Committee is established to advise North West Community Council on specific matters (defined below) related to the Paper Mill Lake RCDD Development Agreement. The Paper Mill Lake Advisory Committee is not intended to be a duplication of effort of the North West Planning Advisory Committee or the Bedford Waters Advisory Committee. This Committee is intended to be complimentary to the existing Committees of North West Community Council.

The Paper Mill Lake Advisory Committee shall have the following roles and responsibilities:

- (c) advise the North West Community Council in consultation with Municipal Staff of violations and/or possible infractions of the Paper Mill Lake Development Agreement;
- (b) assist Municipal Staff in monitoring development activity within the boundaries of the Paper Mill Lake Development Agreement and advise Municipal Staff and North West Community Council of any possible infractions in a timely manner;
- (a) continue to work towards the preparation and promotion of an awareness program and/or information pamphlet in consultation with Municipal Staff which will inform and advise residents and the general public of the importance of environmental stewardship of Paper Mill Lake. The awareness program and/or information pamphlet may include, but not limited to, the protection of the shoreline, watercourses, the Paper Mill Lake watershed, buffer areas and site non-disturbance areas as identified in the Paper Mill Lake Development Agreement;
- (d) to liaise with the Developer in conjunction with Municipal Staff to ensure compliance with the provisions of Paper Mill Lake Development Agreement;

1.1 For Clarification, the roles and responsibilities of the Paper Mill Lake Advisory Committee shall not include:

- (i) water testing results of Paper Mill Lake;
- (ii) the function or role of the Public Participation Committee as required in Policy R-14 of the Bedford Municipal Planning Strategy;
- (iii) the role of a Residents Association.
- (iv) the review and/or provide recommendations to North West Community Council or Municipal Staff on any Planning Application, including those involving the Paper Mill Lake area.

2.0 COMPOSITION

2.1 Committee members shall be appointed by North West Community Council.

2.2 The composition of the committee membership shall be based on the following:

2.2.1 Non-Voting Members

- minimum of two representatives from HRM Planning and Development Services;
- one or more representatives from other HRM departments (occasionally if necessary);
- the Developer(s), from time to time, of the Paper Mill Lake lands; which shall be defined to be those lands described in Schedule A to the current Paper Mill Lake RCDD (95.01)

2.2.2 Voting Members:

- 4 residents of Paper Mill Lake lands,
- 1 member of the North West Planning Advisory Committee (Bedford Resident)
- 1 member of the Bedford Waters Advisory Committee

2.3 Duration of membership - appointments to the committee shall be for a period of one (1) year.

2.4 Applications for membership - interested individuals can make application for membership to North West Community Council.

2.5 Resignations - resignations shall be given in writing to Council through the Chair.

2.6 Absenteeism - any member who misses three (3) consecutive meetings without notification may be replaced. Absentee members must first be notified in writing by a letter from the Chair. A quorum of the committee will review the response from the absentee member and vote on replacing the member.

3.0 SUBCOMMITTEES

3.1 The Paper Mill Lake Advisory Committee may appoint a subcommittee for 1.0 (c) of the Terms of Reference.

4.0 CHAIR AND VICE-CHAIR

4.1 The Committee shall have a Chairperson from among its members. The Chairperson shall hold office for a period of six months from the date of election or for the remainder of his/her term of office as a member of the Committee whichever is less. The Chairperson may be reelected for the remaining six months of the Committee's term.

4.2 The Committee shall elect a Vice-Chairperson from among its members, who shall hold office for a period of six months from the date of election or for the remainder of his/her term of office as a member of the Committee whichever is less. The Vice-Chairperson may be reelected for the remaining six months of the Committee's term.

4.3 The Committee shall be responsible for the act of Recording Secretary and this act shall not be carried out by Municipal Staff.

5.0 MEETINGS

5.1 The Committee shall meet at least every 2 months and as events dictate at the call of the Chair and in consultation with Municipal Staff.

5.2 The meetings may be held at Acadia School, Lower Sackville and shall be between the hours of 8:30 a.m. and 4:30 p.m, Monday through Friday, except holidays.

6.0 RULES OF ORDER

6.1 All meetings of the Committee shall be open to the public. The Committee shall function by

consensus, but where necessary the Committee shall follow the Rules of Order approved for the Committee of Council. In the absence of such approved Rules of Order, the rules shall be identical to those for Community Councils.

7.0 EXPENSES

- 7.1 Committee members shall not receive remuneration for attendance at committee meetings or other committee functions. All participation is on a volunteer basis. No member shall be required to attend functions other than the regularly scheduled committee meetings.


8.0 QUORUM

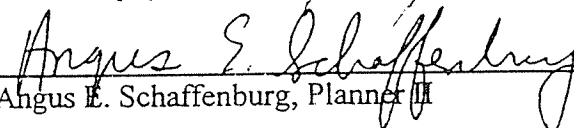
- 8.1 A quorum shall consist of three (3) voting members.



North West Community Council
March 27, 2002

TO: ~~North West Community Council~~

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services


Angus E. Schaffenburg, Planner III

DATE: March 25, 2002

SUBJECT: **Case 00446: Appointment of Area Advisory Committee-Brison
Developments Limited**

ORIGIN

1. An application was received on February 5, 2002 by Brison Developments Limited for a Development Agreement for the above-noted lands.
2. North West Community Council, on February 28, 2002 approved the formation of an area advisory committee and approved the Terms of Reference.
3. Newspaper advertisement of March 16, 2002 for citizen members with a closing date of March 22, 2002.

RECOMMENDATION

It is recommended that North West Community Council:

- a) appoint the list of interested persons to serve on the Brison Developments' Area Advisory Committee as found on page 2 of this report.

BACKGROUND AND DISCUSSION

On February 28, 2002 the North West Community Council directed staff to advertise for expressions of interest from individuals to serve on an area advisory committee for the Brison Developments' application and to request that the other groups recommend a member to be part of the Committee. The Committee membership, as approved by NWCC, is:

1. One representative from the North West Planning Advisory Committee;
2. One representative from the Bedford Waters Advisory Committee;
3. Three representatives from the adjacent residential areas; and
4. One representative from the Bedford Shaman Wilderness Initiative Society.

An advertisement was placed in the Chronicle Herald/Mail Star on March 16, 2002 calling for expressions of interest. Four persons replied to the advertisement. Community Council should choose three as community representatives. The Bedford Waters Advisory Committee suggested that two members be appointed. Community Council should choose one representative as this is what is set out in the original Terms of Reference. Staff recommends the North West Community Council approve the following individuals:

Category	Representative	Address
Community	Hugh Macpherson ¹ or Lynne B. Isnor ²	First Avenue, or Cadogan Street, Bedford
Community	Walter Regan	Candlewood Lane, Sackville
Community	Maggie Stevenson	Sunrise Hill, Bedford
Bedford Waters Advisory Committee	Cedric Pilkington or Rick Hattin	Bedford
North West Planning Advisory Committee	Tony Edwards	Bedford
Bedford Shaman Wilderness Initiative	Shirley Jerram	Second Street, Bedford

¹His application was received on the morning of Monday, March 25.

²Her application was received on the morning of Tuesday March 26.

BUDGET IMPLICATIONS

There are no budget implications associated with this request at this time.

MULTI-YEAR FINANCIAL IMPLICATIONS

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

ALTERNATIVES

None.

ATTACHMENTS

Appendix A: Terms of Reference Approved by North West Community Council February 28, 2002.

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 490-4208.

Report prepared by Angus E. Schaffenburg, Planner, 869-4005

Attachment A: Approved Terms of Reference of the North West Planning Advisory Committee's Public Participation Committee on the Brison Developments Limited

Membership

- One representative from the North West Planning Advisory Committee;
- One representative from the Bedford Waters Advisory Committee;
- Three representatives from the adjacent residential areas; and,
- One representative from the Bedford Shaman Wilderness Society.

Appointment

Term: The Committee shall cease to exist when the report has been tabled with the North West Planning Advisory Committee and a decision on the development has been made by the North West Community Council. Appointments shall be made by the North West Community Council. The Committee shall elect a Chair and Vice-Chair.

Responsibilities

Prepare a report to North West Planning Advisory Committee on the development of the lands abutting the Bicentennial Highway generally between Rutledge Street and Nottingham Drive, Bedford (see Map 1), under agreement to Brison Developments Limited, under the Residential Comprehensive Development District policies in the Bedford Municipal Planning Strategy and Land Use By-law. The purpose of the Committee is to provide a forum in which the land owner/developer, HRM staff, and appointed citizens collaborate to produce a concept plan for development of the lands.

Meetings

- The meetings shall be called as required by the Chair.
- The quorum for regular meetings shall be four citizen members.
- Members shall advise by 12 noon on the day of a regular meeting if they are unable to attend the meeting.
- All meetings shall be open to the public, or as allowed under Section 203 of the Municipal Government Act.

Remuneration

None.

Attachment 8
RESOLUTION REGARDING
A PUBLIC PARTICIPATION PROGRAM FOR
MUNICIPAL PLANNING STRATEGY AMENDMENTS

It was moved by Councillor Uteck, seconded by Deputy Mayor Greenough:

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 this 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 a Planning Advisory Committee is not in place for the area effected 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.

Motion carried.

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 25th day of February A.D., 1997.

GIVEN under the had of the Municipal Clerk under the corporate seal of the said Municipality this _____ day of _____, A.D., 1998.

Vi Carmichael
Municipal Clerk
Halifax Regional Municipality

The Coalition of Neighbourhood Associations (Halifax Peninsula)
c/o S. Esposito
2450 Robie St.
Halifax, NS
B3K 4M4

March 08, 2002

Councillor Sheila Fougere, Chair
Peninsula Community Council
Halifax Regional Municipality
PO Box 1749
Halifax, NS
B3J 3A5

Dear Councillor Fougere and Members of Community Council:

At the March 06 meeting of the Coalition of Neighbourhood Associations (Halifax Peninsula) the representatives of our member organizations voted to request that the Peninsula Community Council establish a Planning Advisory Committee.

The committee would provide a "sober first thought" on planning issues by thoroughly researching planning matters and making a recommendation to Peninsula Community Council.

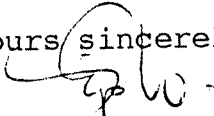
There is concern that the present system of a preliminary public meeting with staff, developer and the neighbourhood followed by a public hearing is not working. There is often not enough information provided by the developer at the initial meeting, nor is there time at that meeting for the area residents to make a reasoned response. The next time there is an opportunity for public input into the project is at the public hearing, by which time the developer and staff, and sometimes the Councillor, have been deeply involved in the project for several months and the citizen input at the hearing has little effect.

The Council of Neighbourhood Associations is a cooperative effort of the Barrington St. South Neighbourhood Association, The Bloomfield Neighbourhood Association, The Brunswick Heritage Area Residents' Association, The Central Halifax Community Association, The Chebucto Area Community Association, The Commons North Neighbourhood Association, The Novalea Concerned Citizens Association, The Peninsula South Community Association, and The Ward Five Community Centre.

A Planning Advisory Committee, representing neighbourhoods around the Peninsula, would avoid these problems by working with staff and developers to ensure that the proposal which comes to a public hearing has met the requirements for public consultation which are laid out in the MPS and that community concerns have been heard.

Thank you.

Yours sincerely,


Stephen Esposito, Chair

Please note: I will be away until the end of June. Please direct your response to Beverly Miller, Secretary of the Coalition c/o 6182 South St. B3H 1T5. Thanks.