



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.1
Halifax Regional Council
June 24, 2025

TO: Mayor Fillmore and Members of Halifax Regional Council

FROM: Cathie O'Toole, Chief Administrative Officer

DATE: April 3, 2025

SUBJECT: **Proposed Amendments to Administrative Order 2023-002-ADM, the Public Participation Administrative Order**

ORIGIN

Staff-initiated amendments to *Administrative Order 2023-002-ADM, Public Participation Administrative Order* (Public Participation AO).

EXECUTIVE SUMMARY

This staff report provides background on proposed amendments to the Public Participation Administrative Order. This report outlines the recent changes to the *HRM Charter* and the purpose of the Public Participation AO. The proposed changes to the Public Participation AO are intended to align the AO with the Charter to allow Council to modify public participation programs outside of the standard stated in the AO by resolution instead of by policy, to support more streamlined processes.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the proposed amendments to Administrative Order 2023-002-ADM, the *Public Participation Administrative Order* as set out in Attachment 1.

BACKGROUND

Public participation is an essential component of the Halifax Regional Municipality's planning matters. Section 219 of the *HRM Charter* contains the legislative requirements for public participation programs in planning matters. HRM implements the requirements for public participation through the Planning and Development Public Engagement Guidebook¹, the HRM Community Engagement Strategy², and the Public Participation Administrative Order. The proposed amendments are intended to align the Public Participation AO with recent amendments to the *HRM Charter*.

Bill No. 329³ from Nova Scotia's 64th General Assembly amended subsection 219(1) of the *HRM Charter* on November 9, 2023 to remove the requirement for a public participation program to be adopted or amended *by policy*. Because of the Charter change and pursuant to subsection 58(2) of the Charter, the adoption or amendment of a public participation program may now be done *by resolution*; however, the Public Participation AO still requires a public participation program to be amended *by policy*.

Section 219A of the *HRM Charter* contains separate legislative requirements for engaging with abutting municipalities. An engagement program for engaging with abutting municipalities must still be adopted by policy, which is consistent with the current Public Participation AO. This report and the proposed minor amendments only address the changes to section 219.

DISCUSSION

The purpose of the Public Participation AO, adopted by Council in 2023, is to identify opportunities and methods for seeking public opinions on planning documents. It also establishes minimum standards for public participation for new development agreements and amendments to a land use by-law where a municipal planning strategy amendment is not required. The Public Participation AO:

- Establishes a minimum standard for public participation for planning documents and planning applications;
- Identifies that additional methods for public participation for planning documents can be further developed using the Planning and Development Engagement Guidebook; and
- Establishes a method for engaging abutting with municipalities, as per the requirements of the *HRM Charter*

Attachment 1 includes the proposed amendments to the Public Participation AO. The amendments are summarized below.

Amendment to a public participation program by resolution

The Public Participation AO requirements for public participation, such as posting information on the municipal website and notifications for public meetings, apply by default. In certain circumstances it may be appropriate to modify the default approach. This often includes comprehensive planning processes, minor amendments, or where the Planning and Development Public Engagement Guidebook requires a more tailored engagement program. If Council wishes to modify the public participation program from the minimum requirements in the AO for a planning process or an application, subsection 5(1) of the AO

¹ [Planning and Development Public Engagement Guidebook](#)

² [HRM Community Engagement Strategy 2024](#)

³ [Nova Scotia Legislature - Bill 329 - Halifax Regional Municipality Charter \(amended\) and Housing in the Halifax Regional Municipality Act \(amended\)](#)

currently states it must be done “by policy” which reflected the previous requirements of the HRM Charter. The proposed amendments reflect the revised wording of the HRM Charter, which now allows Council to adopt a public participation program by resolution.

Under subsection 59(1) of the *HRM Charter*, for any amendments by policy, Council must give at least 7 days notice (Notice of Motion). This applies to amendments to the public participation program to create a more tailored engagement program. The proposed amendments to the Public Participation AO would:

- Streamline the process of adopting modified public participation programs by resolution, thus removing the typical 14-day waiting period between meetings of Council when amendments are done “by policy”; and
- Align the Public Participation AO with Bill 329.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

By continuing to use the current Public Participation AO, Council risks delaying urgent planning files and extending planning processes.

COMMUNITY ENGAGEMENT

The proposed amendments are housekeeping in nature to be consistent with the revised section 219 of the *HRM Charter*. Community engagement activities for the Administrative Order 2023-002-ADM are outlined in the staff report dated April 14, 2023. No further engagement was undertaken for this report. There is no requirement for community engagement when amending an Administrative Order other than providing a notice of motion.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Regional Council could:

1. Adopt the amendments to the Administrative Order 2023-002-ADM with modifications. This may require a supplementary report for Council’s consideration depending on the extent of changes Council directs; or
2. Refuse the proposed amendments to the Administrative Order 2023-002-ADM.

LEGISLATIVE AUTHORITY

HRM Charter, subsections 58(2) and 219(1):

Public participation program

219 (1) The Council shall adopt a public participation program concerning the preparation of planning documents.

Resolutions, policies, by-laws

58 (2) The Council may exercise any of its powers and duties by resolution unless a policy or a by-law is required by an enactment.

ATTACHMENT

Attachment 1:	Proposed Amendments to Administrative Order 2023-002-ADM
Attachment 2:	Showing Proposed Changes to Administrative Order 2023-002-ADM

Report Prepared by:	Byungjun Kang, Planner III, Community Planning, 782-641-0856 Lauren MacDonald, Planner I, Community Planning, 902-497-3847
---------------------	---

Attachment 1

Proposed Amendments to the Administrative Order 2023-002-ADM, the Public Participation Administrative Order

Whereas Bill 329 amended subsection 219(1) of the *HRM Charter* to remove the requirement for a public participation program to be adopted by policy;

Whereas subsection 58(2) of the Charter states that the Council may exercise any of its powers and duties by resolution unless a policy or a by-law is required by an enactment;

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of subsection 59(3) and sections 219 and 219A of the Charter, as follows:

- 1** The first clause in the preamble of the Administrative Order is amended by striking out “, by Policy,”.
- 2**
 - (1)** The portion of subsection 5(1) of the Administrative Order before clause (a) is amended by striking out “, by Policy”.
 - (2)** Clause 5(1)(a) of the Administrative Order is amended by adding “by resolution,” before “a public participation program”.
 - (3)** Clause 5(1)(b) of the Administrative Order is amended by adding “by policy,” before “engagement with an Abutting Municipality”.
- 3** Subsection 5(3) of the Administrative Order is amended by striking out “, by Policy,”.
- 4** Subsection 5(4) of the Administrative Order is amended by striking out “public participation” and substituting “engagement with an Abutting Municipality”.
- 5** Section 8 of the Administrative Order is amended by adding “is appropriate” after “Planning Document” and before the period at the end of the sentence.

- 6 Section 9 of the Administrative Order is amended by adding “the” after “If” and before “Executive Director”.

Attachment 2
(Showing Proposed Amendments to the Administrative Order 2023-002-ADM, the
Public Participation Administrative Order)

ADMINISTRATIVE ORDER 2023-002-ADM
RESPECTING PUBLIC PARTICIPATION FOR PLANNING DOCUMENTS,
CERTAIN PLANNING APPLICATIONS,
AND ENGAGEMENT WITH ABUTTING MUNICIPALITIES

WHEREAS subsection 219(1) of the *Charter* requires Council to adopt, ~~by Policy~~, a public participation program concerning Planning Documents;

AND WHEREAS under subsection 219(2) of the *Charter*, Council may adopt different public participation programs for different types of Planning Documents;

AND WHEREAS under subsection 219(3) of the *Charter*, the content of a public participation program is at the discretion of Council, providing it identifies the opportunities and establishes the ways and means of seeking the opinions of the public concerning the proposed Planning Documents;

AND WHEREAS Council desires to direct public participation concerning certain planning applications;

AND WHEREAS subsection 219A(1) of the *Charter* requires Council to adopt, by Policy, an engagement program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy;

AND WHEREAS under subsections 219A(2) and (3) of the *Charter*, subject to any regulations respecting the content of an engagement program with an Abutting Municipality, the content of an engagement program is at the discretion of the Council;

THEREFORE, BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of subsection 59(3) and sections 219 and 219A of the *Charter*, as follows:

Short Title

1. This Administrative Order may be cited as the *Public Participation Administrative Order*.

Purposes

2. The purposes of this Administrative Order are to:
 - (a) identify the opportunities and establish the ways and means of seeking the opinions of the public respecting proposed Planning Documents as required under the *Charter*;
 - (b) identify the ways and means of seeking the opinions of the public respecting certain Planning Applications; and
 - (c) establish an engagement program with Abutting Municipalities respecting the adoption or amendment of a Municipal Planning Strategy.

Interpretation

3. In this Administrative Order,
 - (a) “Abutting Municipality” means one or more of the following municipalities, the

- (i) Municipality of the County of Colchester,
 - (ii) Municipality of the County of Pictou,
 - (iii) Municipality of the District of East Hants,
 - (iv) Municipality of the District of Chester,
 - (v) Municipality of the District of St. Mary's, and
 - (v) West Hants Regional Municipality;
- (b) "*Charter*" means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended;
- (c) "Council" means the Council of the Municipality;
- (d) "Community Council" means the council of a community established pursuant to the *Charter*;
- (e) "Executive Director" means the position determined by the Chief Administrative Officer to be the head of the department of the Municipality responsible for planning, and who is accountable to the Chief Administrative Officer under section 36 of the *Charter*;
- (f) "Municipal Planning Strategy" means a municipal planning strategy, intermunicipal planning strategy, or secondary planning strategy;
- (g) "Municipality" means the Halifax Regional Municipality;
- (h) "Planning Advisory Committee" means a planning advisory committee created by Council or a Community Council under section 215 of the *Charter*;
- (i) "Planning Application" means
- (i) a land-use by-law amendment that does not require an amendment to a municipal planning strategy, and,
 - (ii) a development agreement under section 240 or 241 of the *Charter* that will be considered by Council, or a Community Council, excluding an amendment to a development agreement;
- (j) "Planning Documents" means
- (i) a Municipal Planning Strategy and a land-use by-law adopted to carry out the Municipal Planning Strategy,
 - (ii) an amendment to a Municipal Planning Strategy and a land-use by-law amendment to carry out the Municipal Planning Strategy amendment, and
 - (iii) a subdivision by-law and an amendment to it;
- (k) "Policy" means a resolution of the Council that is required, pursuant to the *Charter*, to be recorded in the by-law records of the Municipality, except where the context otherwise requires, and includes an administrative order;

(l) "Public Meeting" means a virtual or in person meeting, or a combination thereof, organized to seek the opinions of the public;

(m) "Statement of Provincial Interest" means a statement of provincial interest under the *Municipal Government Act*; and

(n) "Urban Service Area" means the area shown as the Urban Service Area on Schedule 'B' Service Requirement Map of the *Regional Subdivision By-law*, as may be amended from time to time.

Application

4. This Administrative Order applies to the adoption of all Planning Documents and Planning Applications.

5. (1) Nothing in this Administrative Order precludes Council from requiring, ~~by Policy~~:

(a) **by resolution**, a public participation program for Planning Documents that is different, or in addition to, the public participation required by this Administrative Order; or

(b) **by policy**, engagement with an Abutting Municipality that is different, or in addition to, the engagement required by this Administrative Order.

(2) Nothing in this Administrative Order precludes the Executive Director, or their designate, to

(a) waive the requirement for public participation for a Planning Application; or

(b) require public participation for a Planning Application that is different, or in addition to, the public participation for Certain Planning Applications set out under this Administrative Order.

(3) The *Procedures for the Development of Administrative Orders* shall not apply if Council, or a Community Council, adopts, ~~by Policy~~, public participation or engagement that is different or in addition to, the public participation or engagement required under this Administrative Order.

(4) Where Council adopts, by Policy, additional or different **public participation engagement with an Abutting Municipality** the seven (7) day notice requirement under subsection 59(1) of the *Charter* shall apply.

Requirements for Public Participation for Planning Documents and Planning Applications

6. Subject to subsections 5(1) and 5(2), the following public participation shall apply to all Planning Documents and Planning Applications:

(a) information shall be posted on the website of the Municipality respecting

(i) the location where the Planning Document or Planning Application may be viewed, including any available plans, maps, renderings, studies and other materials as appropriate and permitted by copyright and privacy laws,

(ii) the contact phone number and email address for the municipal staff person(s) responsible for the file who will answer questions from members of the public,

(iii) a comment period during which submissions and input from the public can be made, and such period shall be for at least fourteen (14) calendar days in duration, including both the day of posting and the day the comment period ends, and

(iv) information regarding any other means for participation that may be made available during the fourteen (14) day comment period, such as a public meeting or questionnaire; and

(b) where the Planning Document or Planning Application is related to:

(i) a specific property, erecting and maintaining a minimum of one (1) sign along each side of the subject property that fronts on a street and private road, and such sign shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document or Planning Application, or

(ii) a site involving multiple properties, erecting and maintaining one (1) or more notification signs in a manner determined by the Executive Director, or their designate, is best suited to notifying the public, and such sign or signs shall be erected at least 10 calendar days before the public participation commences and remain on the property until Council adopts or refuses the Planning Document or Planning Application.

Additional Public Participation for Planning Documents

7. (1) The Executive Director, or their designate, shall create a Planning and Development Engagement Guidebook.

(2) The Planning and Development Engagement Guidebook shall be reviewed and updated from time to time by the Executive Director, or their designate, and shall be posted on the website of the Municipality.

8. Where a Planning and Development Engagement Guidebook has been created, the Guidebook shall be used to determine if different or additional public participation to support the review of a Planning Document is appropriate.

9. If the Executive Director, or their designate, determines additional or different public participation is appropriate for a Planning Document, a public participation program will be prepared for Council's consideration.

Notice of Public Meeting

10. (1) If a Public Meeting is being held as part of public participation, a notice of the Public Meeting shall be placed on the website of the Municipality for a minimum of seven (7) calendar days prior to the Public Meeting, including the day of the notice and excluding the day of the meeting.

(2) If a Public Meeting is related to a specific property or a site involving multiple properties, a notice will be sent by mail to every assessed owner and residential tenant:

(i) in the Urban Service Area, within 80 meters of the boundary of the land for which the development is proposed, or

(ii) outside the Urban Service Area, within 160 meters of the boundary of the land for which the development is proposed,

or such greater distance as may be determined by the Executive Director or their designate.

(3) The notice referred to in subsections (1) and (2) shall indicate the time, date, and location of the Public Meeting, and the location where the Planning Document or Planning Application may be viewed.

Referrals to Planning Advisory Committee

11. If a Public Meeting is held by a Planning Advisory Committee, the meeting will be held in accordance with Administrative Order 48, the *Community Council Administrative Order*.

Engagement with Abutting Municipalities

12. (1) Where Council is considering adopting or amending a Municipal Planning Strategy, staff shall notify the applicable Abutting Municipality of the adoption or amendment and, if requested, refer the proposal to the appropriate Abutting Municipality.

(2) The notice shall provide a timeline for a response to be received in order to be considered by Council, which may be the same timeline as the period for submissions and input from the public under clause 6(a).

(3) If applicable, the notice shall include topics associated with the Statements of Provincial Interests.

(4) The comments received shall be forwarded to Council in accordance with section 14.

13. The engagement with Abutting Municipality shall be completed before the first notice for a public hearing for considering a proposed adoption of, or amendment to, a Municipal Planning Strategy.

Forwarding Information Arising from Public Comment

14. For a Planning Document, a record of public comment received, any comments from the Abutting Municipality, and any staff reports respecting Public Meetings, shall be kept and provided to Council, in advance of the public hearing.

Transition

15. (1) A public participation program for a Planning Document adopted by Council before the coming into force of this Administration Order shall continue to be held in accordance with that program.

(2) This Administrative Order shall come into force on the same date as that date the Clerk posts the notice on the Municipality's website advising that the amendments to the Regional Municipal Planning Strategy, Secondary Municipal Planning Strategies, and Land Use By-laws, attached to the staff report date April 14, 2023, are in effect.

16. The public participation under section 6 shall not be required for a completed Planning Application that was received by the Municipality prior to or on the date of this Administrative Order coming into force.

Repeal

17. The *Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments* adopted by Council on February 25, 1997, and any amendments thereto, is repealed.

Done and passed in Council on this 20th day of June, A.D. 2023.

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of the Halifax Regional Council held on June 20, 2023.

Iain MacLean
Municipal Clerk

Notice of Motion:

Approval:

Effective:

April 4, 2023

June 20, 2023

October 13, 2023