

# AUDITOR GENERAL

Halifax Regional Municipality



## Management of Development Approvals

July 2018

**July 18, 2018**

Office of the Auditor General  
Halifax Regional Municipality

The following audit of **Management of Development Approvals**, completed under section 50(2) of the Halifax Regional Municipality Charter, is hereby submitted to the Audit and Finance Standing Committee of Regional Council.

Respectfully,

*Original signed by*

Evangeline Colman-Sadd, CPA, CA  
Auditor General  
Halifax Regional Municipality

## Table of Contents

|  |    |
|--|----|
| Summary.....   | 1  |
| Conclusion .....   | 1  |
| Key Take-aways .....   | 1  |
| Recommendations and Management Responses.....                                  | 2  |
| Audit Results.....   | 6  |
| Weak Application Review Practices .....  | 6  |
| No detailed policy manual to guide planning application review processes ..... | 6  |
| Delays and Inefficiencies in Application Review Process .....                  | 6  |
| Planning Applications .....  | 7  |
| Subdivisions .....   | 13 |
| Targets for application review and completion are not used .....               | 13 |
| Planning and Development is behind on its 2015-2019 Strategic Plan .....       | 15 |
| Other Results .....  | 17 |
| Background.....  | 18 |
| Audit Objectives and Scope.....  | 19 |
| Appendix A – Types of Development Applications .....                           | 21 |
| Contact Information .....  | 22 |

## Summary

### Conclusion

Management of HRM Planning and Development's planning and major subdivision application processes requires significant improvement. The current system is inefficient and lacks a common approach across files and between staff members. Planning and Development needs to develop a policy manual to guide application review processes and promote consistency. The file management system has significant data quality issues which must be addressed to provide management with better information to make decisions. The Business Unit has a four-year Strategic Plan (2015-19) aimed at improving its operations, but it is behind schedule on key initiatives by approximately one year.

We acknowledge Planning and Development has had challenges with staffing vacancies and management changes. Moving forward, it is important that management address the issues we have identified in the audit and develop efficient and thorough processes for all application reviews.

### Key Take-aways

- No comprehensive procedure manual for planning application reviews
- Inefficiencies in application approval processes contribute to lengthy timelines
- HRM Charter time requirements to process subdivision applications and site plan approvals not met
- No policy to guide which entities should review applications
  - Staff decide case-by-case
  - Lengthy review periods
  - No agreed-upon deadlines
- Poor communication with developers
  - No clear deadlines for application reviews
  - No regular updates to applicants
- Incomplete files with information stored in various locations
  - On staff's individual hard drives
  - Not accessible to others in Business Unit
- Errors and incomplete fields in the file management system
  - Management said new system needed
- Key initiatives from 2015-19 strategic plan delayed up to a year
- Well-prepared staff reports supported application decisions

## Recommendations and Management Responses

### **Recommendation 1**

Planning and Development should develop and implement a comprehensive procedure manual to guide all planning application review processes.

#### **Management Response**

*HRM concurs with this recommendation. Procedure manuals exist in various stages of completion for all major application types but these documents have generally not been recently updated. Planning and Development staff will immediately undertake a process to update, approve and implement manuals for subdivision, Site Plan approvals and discretionary planning applications.*

### **Recommendation 2**

Planning and Development should work with review team stakeholders to establish reasonable timeframes for planning application and major subdivision application reviews. These timelines should allow HRM Charter requirements to be met.

#### **Management Response**

*HRM concurs with this recommendation. Work on delivery of this recommendation is already substantially underway. Planning staff have collaboratively engaged all internal stakeholder business units at the Director level to develop and gain endorsement of a revised front-end review process that includes defined response times that would accommodate Charter obligations.*

### **Recommendation 3**

Planning and Development should provide timely communication and regular updates on application status within the Business Unit and to the applicant.

#### **Management Response**

*HRM concurs with this recommendation. Work is underway on the development of an on-line tracking system that will allow applicants and internal stakeholders to obtain the most current file status on-demand at a time of their choosing. Until that system is operational, staff will focus on the following approach regarding this recommendation.*

*Much of the active communication and update between staff and the applicant occurs during the review stages. Implementation of a more systematic and timely process as noted in*

*recommendation 2 above will improve meaningful stakeholder communications and reduce the need for routine updates to the applicant.*

*Staff will also develop and implement a business process that includes mandatory milestone updates to applicants. This process will be embedded in the relevant procedure manuals referred to in recommendation 1 above.*

#### **Recommendation 4**

Planning and Development staff should appropriately document communications with application review team stakeholders. Management should periodically confirm this information is included in files.

#### **Management Response**

*HRM concurs with this recommendation. A revised process for internal stakeholder review is already being developed that will ensure formal stakeholder input is recorded in a single document for file records and distribution to applicants. Implementation of this new process will include management oversight of the process and, once fully implemented, a process will be put in place to monitor long term compliance.*

#### **Recommendation 5**

Planning and Development should develop and implement quality control checks on its files. These should be done by a second person not involved with the file to confirm all necessary documents are on file and stored where they can be accessed by staff when needed. A file checklist at the front of each file would help ensure completion.

#### **Management Response**

*HRM concurs with this recommendation. As part of the ongoing departmental process review, staff will develop and implement a more robust file quality control process to support ongoing application processing, file closure and long-term record management.*

#### **Recommendation 6**

Planning and Development should establish and implement procedures that document what is required for staff report review. This should include engaging reviewers and establishing timelines for completion.

**Management Response**

*HRM concurs with this recommendation. As part of the ongoing departmental process review, staff will develop, document and implement business processes to define application-driven staff report review protocols. This process will accommodate input from report reviewers and will include agreed upon timelines and content to be considered by each review agency or department.*

**Recommendation 7**

Planning and Development should review existing processing time targets for reasonableness, develop targets for areas which do not have any, and communicate this information to all employees and applicants.

**Recommendation 8**

Planning and Development should regularly monitor application processing times for each application type.

**Management Response**

*HRM concurs with these two recommendations. As part of the ongoing departmental process review and in conjunction with ongoing efforts related to regulatory modernization (red tape reduction), staff will be updating application processing targets to reflect current resource capacity and application volumes. Once these targets have been rationalized, performance against these targets will be monitored using manual processes until the aforementioned tracking and workflow management system is implemented. Upon implementation of the workflow management system, monitoring and reporting on application timelines will be automated and continuous.*

**Recommendation 9**

Planning and Development should implement a process to confirm data entered in its file management system is accurate. This could include system checks for incomplete fields or other logic checks, and periodic review by another staff member to confirm data entered manually is correct.

**Management Response**

*HRM concurs with this recommendation. Further to file management improvements as noted in recommendation 5 above, staff will develop and implement internal quality control processes to ensure completeness and accuracy for key data fields in the existing file management system. This process will be manually driven to a significant extent until the aforementioned tracking and workflow management system is implemented. Upon*

*implementation of the workflow management system, quality control is expected to be automated and system limited while being augmented by manual audits.*

**Recommendation 10**

Planning and Development should implement its 2015-2019 strategic plan.

**Management Response**

*HRM concurs with this recommendation. While some portions of the plan are out of compliance with the original projected completion timelines, efforts continue toward delivery of all components of the plan.*



## Audit Results

### Weak Application Review Practices

#### ***No detailed policy manual to guide planning application review processes***

Planning and Development does not have a comprehensive policy manual to guide planning application reviews. This has led to an inefficient system which lacks a consistent approach from one staff member to the next. Some of the planning staff we interviewed agreed the lack of a policy manual contributes to variations in process across the division. Examples of differences we noted are highlighted below, with additional details provided throughout the report.

- Planners consider site plan applications complete at different stages of process.
- There is no policy to guide which HRM divisions or external agencies, such as provincial government departments, should be involved in reviewing applications. Each planner decides who to include on an application-to-application basis.
- There are no standard timeframes for review by HRM divisions or external agencies. Planners may set deadlines for individual applications.

#### **Recommendation 1**

Planning and Development should develop and implement a comprehensive procedure manual to guide all planning application review processes.

#### ***Management Response***

*HRM concurs with this recommendation. Procedure manuals exist in various stages of completion for all major application types but these documents have generally not been recently updated. Planning and Development staff will immediately undertake a process to update, approve and implement manuals for subdivision, Site Plan approvals and discretionary planning applications.*

Documented procedures for the subdivision application review process were outdated when we completed our fieldwork. However, management updated these procedures in May 2018.

### Delays and Inefficiencies in Application Review Process

We tested a sample of planning application and major subdivision application files. We found significant inefficiencies in Planning and Development's approval processes which are contributing to lengthy timelines. In some cases, the approval process time far exceeds maximum times established in the HRM Charter. Management told us vacancies in the Business Unit

contributed to long application reviews. Planning staff told us caseloads are now more manageable than in the past. We did not assess caseload levels but identified concerns which need to be corrected to move to a well-functioning division.

### **Planning Applications**

Planning applications take too long to finalize. The eleven development agreements or amendments we tested took between nine months and seven years. While certain cases may have had unusual circumstances, others still took several years.

Four of the six rezoning application files tested took more than fourteen months to complete.

The HRM Charter requires site plan approvals for Downtown Halifax be completed within 60 days. The Planning and Development Business Unit does not follow this requirement. Planning and Development splits the approval into two parts – a pre-application and a full application review stage. Management told us they do not consider the 60-day Charter requirement until the pre-application process is complete.

We found the application review process for site plans was lengthy and inefficient despite the pre-application review phase. Planners are not consistent about when they consider a site plan approval application complete. We tested six files and found the entire review process took from 109 to 347 days.

- The pre-application review phase took between 39 and 249 days.
- The full application review phase took between 62 and 190 days from the date the full application form was submitted.

#### **Planning applications include:**

**Development agreement:** A contract between a developer and HRM which sets the standards and conditions that govern development on a property, and which supersedes the plan area land-use by-law

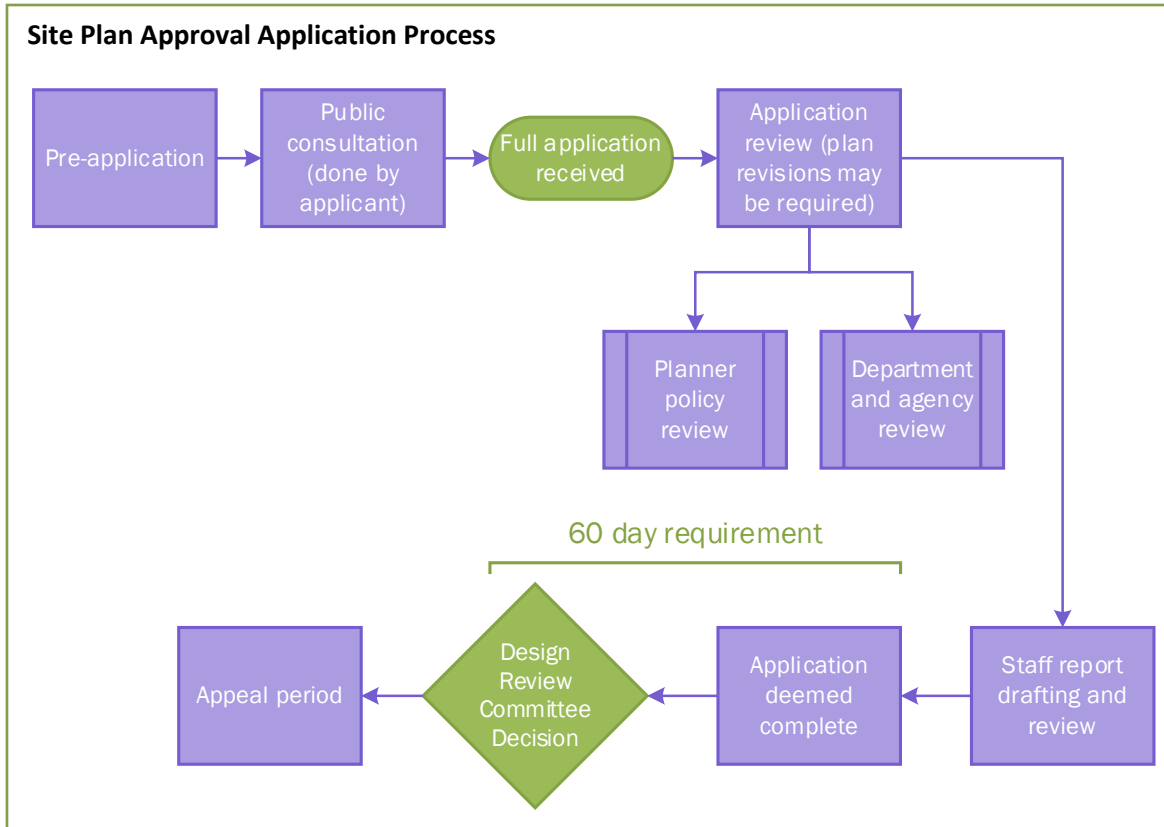
**Amending development agreement:** An amendment to an existing Development Agreement between a developer and the municipality

**Rezoning:** Assigns a specific property to a different planning zone under the same land-use by-law

**Land-use by-law amendment:** A request to revise the requirements in a land-use by-law

**Site plan approval:** A development approval process under the HRM Charter which allows HRM staff and the developer to agree on certain site-related aspects of development before issuing a development permit

**Municipal planning strategy amendment:** A request to revise a municipal planning strategy and applicable land-use by-laws for a particular area



Management told us the purpose of the pre-application review is to confirm the application considers relevant policies and regulations to help speed up the full application review. In practice, we found the pre-application review phase for site plan approval applications does not add value or improve efficiency in the full application phase.

Planning staff engage HRM business units and agencies as well as external agencies (review stakeholders) in reviewing planning applications. However, there is no documented policy guiding which external agencies, and HRM business units and agencies, should be engaged to check submitted applications meet relevant policies, regulations, and standards. The planner decides who to involve on a case-by-case basis. In addition, there is no policy guiding which stakeholders review final development agreements. For example, a development officer and engineer reviewed five of nine development agreements and amendments we examined, but it is not clear whether this should be required for all.

| Potential Review Team Stakeholders   |   |
|--------------------------------------|---|
| <i>Halifax Regional Municipality</i> | <i>External Organizations</i>                         |
| Development Engineering              | Nova Scotia Environment                               |
| Halifax Fire                         | Nova Scotia Transportation and Infrastructure Renewal |
| Halifax Water                        |   |
| Land Development and Subdivision     |   |
| Parks and Recreation                 |   |

Several Planning and Development staff members interviewed noted lengthy review timelines for other HRM divisions or agencies and external agencies for planning applications and major subdivision applications.

Our testing also showed some instances in which it took a long time for other HRM divisions or agencies and external agencies to complete application reviews. For example, reviewing organizations took from two to 49 days to complete their work on site plan approvals for Downtown Halifax. Considering the HRM Charter requires site plan applications be approved or refused within 60 days, longer review timeframes are significant.

Major subdivision application reviews by external agencies and HRM business units and agencies took between two and 210 days for the samples we tested. Further details on the subdivision review process are discussed later in this report.

### **Recommendation 2**

Planning and Development should work with review team stakeholders to establish reasonable timeframes for planning application and major subdivision application reviews. These timelines should allow HRM Charter requirements to be met.

### **Management Response**

*HRM concurs with this recommendation. Work on delivery of this recommendation is already substantially underway. Planning staff have collaboratively engaged all internal stakeholder business units at the Director level to develop and gain endorsement of a revised front-end review process that includes defined response times that would accommodate Charter obligations.*

We found communication from Planning and Development to applicants is poor. Planning staff do not always communicate reviewer feedback to the applicant. Examples of the issues we noted include:

- For three of five rezoning applications, reviewer comments were not sent to the applicant.
- Five of eleven development agreement applications had incomplete reviewer comments on file. Planners told us the reviews were done verbally; however, there was nothing to support this.

The six developers we interviewed noted poor communication from Planning and Development staff. Three said there are no clear deadlines for application reviews and HRM staff do not provide updates or additional information unless the developer requests it. Effective and timely communication is important to foster client relationships, efficient applications, and help ensure applicants understand the review and approval process.

A number of staff members also told us there is a lack of communication between divisions within the Business Unit. For example, planners are not updated on the status of the staff report after it is sent to management for review.

**Recommendation 3**

Planning and Development should provide timely communication and regular updates on application status within the Business Unit and to the applicant.

**Management Response**

*HRM concurs with this recommendation. Work is underway on the development of an on-line tracking system that will allow applicants and internal stakeholders to obtain the most current file status on-demand at a time of their choosing. Until that system is operational, staff will focus on the following approach regarding this recommendation.*

*Much of the active communication and update between staff and the applicant occurs during the review stages. Implementation of a more systematic and timely process as noted in recommendation 2 above will improve meaningful stakeholder communications and reduce the need for routine updates to the applicant.*

*Staff will also develop and implement a business process that includes mandatory milestone updates to applicants. This process will be embedded in the relevant procedure manuals referred to in recommendation 1 above.*

**Recommendation 4**

Planning and Development staff should appropriately document communications with application review team stakeholders. Management should periodically confirm this information is included in files.

**Management Response**

*HRM concurs with this recommendation. A revised process for internal stakeholder review is already being developed that will ensure formal stakeholder input is recorded in a single document for file records and distribution to applicants. Implementation of this new process will include management oversight of the process and, once fully implemented, a process will be put in place to monitor long term compliance.*

We found files were not complete. Some information was stored electronically on planner's individual hard drives, which other planning staff cannot access. Application file information should be accessible to relevant planning staff to avoid delays if files need to be transferred among staff.

Planning staff rarely use checklists to verify application files are complete. Many applications have significant documentation requirements. A checklist would be a good control to verify all documents have been submitted and all reviewer comments received. Planning staff told us documentation and filing need improvement.

**Recommendation 5**

Planning and Development should develop and implement quality control checks on its files. These should be done by a second person not involved with the file to confirm all necessary documents are on file and stored where they can be accessed by staff when needed. A file checklist at the front of each file would help ensure completion.

**Management Response**

*HRM concurs with this recommendation. As part of the ongoing departmental process review, staff will develop and implement a more robust file quality control process to support ongoing application processing, file closure and long-term record management.*

There is no policy for closing inactive applications. Two development agreement amendment files we looked at were open and inactive for extended periods.

- Open for 34 months, inactive for 21 months
- Open for 60 months, inactive for 19 months

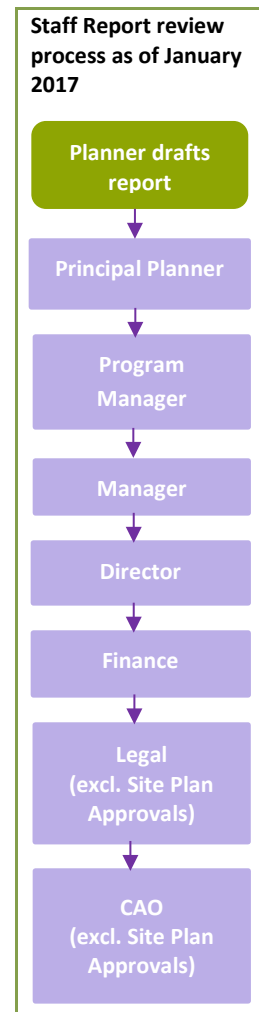
In each case, the planners were waiting for information from the applicant. Recommendation 1 in this report notes the need to develop and implement a policy manual. It should address whether to close inactive files, or otherwise identify them so management can accurately assess workload and performance.

Once Planning and Development completes an application review, a staff report is written. This report is reviewed by Business Unit management, as well as others in HRM. Our testing found this review took between two and 119 days.

- Development agreement – 17 weeks for staff report review: We were told that this was due to multiple levels of review required.
- Two rezoning applications – more than three months for staff report review: Management told us many factors contributed to this situation, including vacation and numerous edits.
- Three site plan staff reports – management review almost a month each: This is significant because the HRM Charter requires site plans be approved or refused within 60 days.

Management told us the length of review is affected by a number of factors, including: vacations, the recent reorganization of the Business Unit, and numerous revisions due to multiple levels of review.

Both the HRM planning staff and external developers we interviewed told us staff reports undergo too many levels of review which they believe are not necessary.



### Recommendation 6

Planning and Development should establish and implement procedures documenting what is required for staff report review. This should include engaging reviewers and establishing timelines for completion.

#### **Management Response**

*HRM concurs with this recommendation. As part of the ongoing departmental process review, staff will develop, document and implement business processes to define application-driven staff report review protocols. This process will accommodate input from report reviewers and will include agreed upon timelines and content to be considered by each review agency or department.*

### **Subdivisions**

We also identified inefficiencies and lengthy timelines with the approval process for major subdivision applications. We tested five applications and found all significantly exceeded the 90-day maximum time requirement in the HRM Charter. One application did not meet the 14-day Charter requirement to decide whether the application was complete; and two did not have sufficient file information to allow us to determine if the requirement was met.

Management told us it is challenging to meet the 90-day timeline due to the nature and volume of subdivision applications in HRM. The 90-day Charter requirement comes from the Municipal Government Act, which applies to all municipalities in Nova Scotia.

As with planning applications, major subdivision files must be reviewed by HRM staff outside the Planning and Development Business Unit, and by external organizations. We found these reviews took between two and 210 days to complete. This is too long given the Charter requirement to approve or refuse subdivision applications within 90 days. Recommendations 2 and 6 earlier in this report address this issue.

### **Targets for application review and completion are not used**

Planning and Development does not monitor the timeliness of planning application or major subdivision application processes. In 2016, Planning and Development updated time standards for certain processes. However, management told us they have not implemented the standards because staff vacancy and turnover rates have been higher than usual. Additionally, they do not plan to implement targets until a number of strategic planning initiatives, which are underway, are completed. The Business Unit's strategic plan is behind schedule. This is discussed later in this report.

The HRM Charter includes maximum time periods for certain application types. Planning and Development's target timelines for major subdivisions exceed the maximum time outlined in the Charter. Site plan approvals only cover a small part of the application process; we found the full process for our sample items also exceeded the maximum allowed by the Charter.

It is important that Business Unit management follow HRM Charter requirements and seek guidance from Regional Council if these requirements cannot be met. Recommendation 2 earlier in this report addresses this issue.

The table below shows the range of actual application times from submission to approval or refusal for our audit samples, compared to Planning and Development's targets and Charter requirements.



| Application type (non-appealed)                            | Audit samples – total time from application date | Target timeframe | Time requirement per HRM Charter                  |
|--|--|------------------|---|
|  | <b>Days</b>                                      |                  |   |
| Concept plan for subdivisions                              | 306  | 120              | 90  |
| Final design plan for subdivisions                         | 201-671  | 180-365          | 90  |
| Site Plan Approvals – pre-application <sup>1</sup>         | 39-249   | 0                | 60 – does not break approval into separate stages |
| Site Plan Approvals – full application <sup>1</sup>        | 62-190   | 60               |   |
| Site Plan Approvals – pre to full application <sup>1</sup> | 109-347  | 0                |   |
|  | <b>Months</b>                                    |                  |   |
| Development Agreements                                     | 15-84  | 10               | Not stated  |
| Amendments to Development Agreements                       | 9-29 <sup>2</sup>                                | Not stated       | Not stated  |
| Rezoning   | 2-19   | Not stated       | Not stated  |
| Municipal Planning Strategy Amendments                     | 14- 33   | Not stated       | Not stated  |
| Land-use By-law Amendments                                 | 9-18   | Not stated       | Not stated  |

<sup>1</sup> All site plan approvals tested were for Downtown Halifax.

<sup>2</sup> Two ADA files in the sample remain open at 34 and 60 months, but have been inactive for greater than 18 months.

### **Recommendation 7**

Planning and Development should review existing processing time targets for reasonableness, develop targets for areas which do not have any, and communicate this information to all employees and applicants.

### **Recommendation 8**

Planning and Development should regularly monitor application processing times for each application type.

### **Management Response**

*HRM concurs with these two recommendations. As part of the ongoing departmental process review and in conjunction with ongoing efforts related to regulatory modernization (red tape reduction), staff will be updating application processing targets to reflect current resource capacity and application volumes. Once these targets have been rationalized, performance against these targets will be monitored using manual processes until the aforementioned tracking and workflow management system is implemented. Upon implementation of the workflow management system, monitoring and reporting on application timelines will be automated and continuous.*

### **Planning and Development is behind on its 2015-2019 Strategic Plan**

Planning and Development's *Strategic Plan 2015-2019* will not be completed by 2019. It is behind schedule by roughly a year. This means important work will not be completed on time, including:

- addressing data quality issues which impact the information available to properly manage the program;
- completion of the Centre Plan; and
- simplifying multiple planning strategies, many of which have existed since before amalgamation.

Additionally, the inefficiencies in processes and a lack of quality data contribute significantly to the lack of good information for management to make decisions.

In 2014, the Planning and Development Business Unit began a renewal project to evaluate and improve its operations. This resulted in a 2015-2019 strategic plan.

Planning and Development has a software system it uses for file management. A strategic planning initiative included considering new software that will better meet the Business Unit's needs. When we started our audit, management told us there were data quality issues with the current system. It took three weeks for staff to provide the planning application data we requested. They told us the current system cannot provide large datasets without additional manual analysis and IT assistance.

While we acknowledge there may be limitations with Planning and Development's current file management system, the Unit's lack of documented processes and inefficiencies in how it reviews and approves applications contribute significantly to the lack of quality information available for management to make decisions. We found errors and incomplete fields in the system. For example, there were differences with planning application start and approval dates in the system when compared with the actual dates. Staff told us not to rely on the dates in the system.

#### **Recommendation 9**

Planning and Development should implement a process to confirm data entered in its file management system is accurate. This could include system checks for incomplete fields or other logic checks, and periodic review by another staff member to confirm data entered manually is correct.

#### **Management Response**

*HRM concurs with this recommendation. Further to file management improvements as noted in recommendation 5 above, staff will develop and implement internal quality control processes to ensure completeness and accuracy for key data fields in the existing file management system. This process will be manually driven to a significant extent until the aforementioned tracking*

*and workflow management system is implemented. Upon implementation of the workflow management system, quality control is expected to be automated and system limited while being augmented by manual audits.*

Currently, there are 21 municipal plan areas with separate land-use by-laws and municipal planning strategies. Many of these have existed since long before municipal amalgamation in 1996. Planning strategies may be quite different for areas which are next to each other. Planning staff told us this can cause significant issues when a property or development overlaps the boundary between two areas.

Two strategic plan initiatives – the Centre Plan and Land-use By-law simplification projects – are meant to help address the frequent need for applicants to apply for amendments because existing land-use by-laws and municipal planning strategies have not been updated.

Management told us there are plans to adopt a portion (part A) of the Centre Plan by the end of 2018. A work plan for the land-use by-law simplification framework and other planning strategies were to be presented to Regional Council's Community Planning and Economic Development Standing Committee at its June 2018 meeting. However, this did not occur, putting the process further behind. Management believes completing the work plan will resolve issues with frequent amendments to land-use by-laws and municipal planning strategies because the existing information is so outdated. Planning and Development staff and management, and external developers, told us these policies are difficult to interpret, outdated, not always relevant, and can be contradictory, particularly the Halifax Peninsula, Dartmouth, and Bedford Land-use By-laws and Municipal Planning Strategies. Our file testing also showed these issues. For example, two applications involved multiple planning areas and took planning staff additional processing time to review policies and get support from legal staff.

#### **Recommendation 10**

Planning and Development should implement its 2015-2019 strategic plan.

#### **Management Response**

*HRM concurs with this recommendation. While some portions of the plan are out of compliance with the original projected completion timelines, efforts continue toward delivery of all components of the plan.*

## **Other Results**

We noted some positive aspects to Planning and Development's work on planning applications.

- For the 32 samples of planning applications which required staff reports, we found the reports were well-prepared, detailing the basis of the Business Unit's review decision. Staff reports were reviewed by the appropriate individuals.
- Minutes were kept for public information meetings, where applicable. Public consultation meetings were held when required by the municipal planning strategy and Planning Advisory Committee meetings were held when required by Regional Council.
- We tested site plan approval applications (for Downtown Halifax) and found the Design Review Committee reviewed all applications before making a final decision. We also noted planners checked that site plan approval applications met design manual requirements.
- We reviewed two appealed and two denied applications. In each case, the files included relevant documentation to support the decisions made.

## Background

HRM's Planning and Development Business Unit manages development application processing, including planning and subdivision applications. According to its business plan, in 2017 there were 289 subdivision applications processed, and by the end of 2017 the Business Unit had 157 active planning applications. Planning applications include applications for development agreements, amendments to development agreements, rezoning, land-use by-law amendments, site plans, and municipal planning strategy amendments. Subdivision applications are for both major and minor subdivisions and can be preliminary, concept, tentative and final. Appendix A provides definitions for various terms used.

### Policies

There is a variety of legislation and policy related to processing planning and subdivision applications.

- HRM has 21 plan areas, each with its own municipal planning strategy, each supported by at least one land-use by-law. These outline the strategy and supporting policies for what is allowed in each plan area.
- The Regional Subdivision By-law governs the subdivision process and includes the delegated responsibility for approval to HRM's Development Officer.
- The HRM Charter includes sections on planning and subdivision applications, which outline specific timelines for processing site plan and subdivision applications.

### Processing Applications

The planning and subdivision application processing steps outlined by the planning staff are as follows:

- Planning staff confirm the submission included all relevant items.
- Various parties review the applications.
  - Planning staff review applications against applicable land-use by-laws and other relevant policies.
  - Planning staff, at their discretion, choose a variety of internal and external departments and agencies to review and comment on applications. Stakeholders include HRM Development Engineering, Nova Scotia Environment, and HRM Parkland Planning.
  - Planning applications also have a public consultation, led by either planning staff or by the applicant (site plans only). This consultation could be a report to a Planning Advisory Committee, a mailout to the surrounding area, or a public information meeting.

- Staff prepare and present a report on planning applications with a recommendation to approve or deny based on the review to the appropriate Council or Committee for the final decision.
- HRM’s Development Officer decides whether to approve or deny subdivision applications based on review and compliance with the Regional Subdivision By-law.

The following table shows the application types we examined, including any legislated timeline for processing, who is responsible to approve the application, and which agency processes any appeals.

| Application Type                                    | Legislated Timeline  | Approve / Deny Decision | Appeal                               |
|---|--|-------------------------|--------------------------------------|
| <b>Planning Applications (other than Site Plan)</b> | N/A  | Community Council       | Nova Scotia Utility and Review Board |
| <b>Site Plan</b>                                    | 60 days  | Design Review Committee | Regional Council                     |
| <b>Subdivision</b>                                  | 14 days to deem application incomplete<br>90 days to process | HRM Development Officer | Nova Scotia Utility and Review Board |
| <b>Municipal Planning Strategy Amendment</b>        | N/A  | Regional Council        | N/A                                  |

## Audit Objectives and Scope

We completed a performance audit of the approval process for planning and major subdivision applications at HRM’s Planning and Development Business Unit. The purpose of the audit was to determine whether HRM efficiently manages its planning and major subdivision application review processes in accordance with applicable guidelines and regulations.

The objectives of the audit were to assess whether the:

- processes involved in the approval of the planning applications and major subdivision applications are efficient; and
- approval processes for planning applications and major subdivision applications are consistent with relevant guidelines, by-laws, and regulations.

We developed criteria for the audit. These were discussed with, and accepted as appropriate by, senior management at Planning and Development.

Our audit period was January 1, 2016 to December 31, 2017. We considered information from outside that period as necessary.

Our sample included 38 planning applications (development agreements, amendments to development agreements, rezoning, land-use by-law amendments, site plan approvals, municipal planning strategy amendments) and five major subdivision applications (both concept plan applications and final design plan applications).

Our audit approach included: reviewing applicable policies, by-laws, and municipal planning strategies; examining a sample of development applications; interviews with representatives from the development community; and interviews with Planning and Development staff and management.

This audit was conducted in accordance with the Canadian Standard for Assurance Engagements (CSAE) 3001 – Direct Engagements published by Chartered Professional Accountants of Canada.

We apply the Canadian Standard on Quality Control 1, and our staff follow the Chartered Professional Accountants of Nova Scotia Code of Conduct.

## Appendix A – Types of Development Applications

### Planning applications:

- **Development agreement** – a contract between a developer and HRM which sets the standards and conditions that govern development on the property and supersedes the plan area land-use by-law
- **Amending development agreement** – changes to a development agreement: substantive require a public hearing, non-substantive can be approved by first reading
- **Rezoning** – used to assign a specific property to a different planning zone under the same land-use by-law
- **Land-use by-law amendment** – a request to revise the requirements in a land-use by-law
- **Site plan approval** – a development approval process under the HRM Charter which allows HRM staff and the developer to agree on certain site-related aspects of development before issuing a development permit
- **Municipal planning strategy amendment** – a request to revise a municipal planning strategy and applicable land-use by-laws for a particular area

### Subdivision applications:

- **Major subdivisions** – the division of any area of land into two or more lots where new infrastructures must be constructed (such as water or road infrastructure)
- **Minor subdivisions** – the division of any area of land into two or more lots where no new infrastructure is required
- **Preliminary** – (optional) limited to minor subdivision applications: applicant can submit a plan to receive feedback from HRM prior to engaging a surveyor
- **Concept plan** – only required when a proposed project involves constructing new roads within the Urban Service Area and is divided in more than one phase
- **Tentative plan** – (optional) builds on and must be consistent with the approved Concept Plan by adding detailed plans and schematics
- **Final design plan** – application for approval of final design plans allowing the applicant to build primary and secondary services



## Contact Information

Office of the Auditor General  
Halifax Regional Municipality  
PO Box 1749  
Halifax NS B3J 3A5

Phone: 902 490 8407

Email: [auditorgeneral@halifax.ca](mailto:auditorgeneral@halifax.ca)

Website: <http://www.halifax.ca/auditorgeneral/>

Twitter: [@Halifax AG](https://twitter.com/HalifaxAG)