

APPOINTMENT OF APPROVING AUTHORITY FOR CHANGES TO MUNICIPAL HISTORIC RESOURCES

EXECUTIVE SUMMARY

This report recommends a change to the approving authority appointed by Council for changes to sites designated as Municipal Historic Resources under Section 26(6) and 26(7) of the *Historical Resources Act*.

This report recommends that the approving authority be changed to that of the position of Coordinator of Urban Design and Heritage rather than following the past practice of appointing the Senior Heritage Planner, by name, as the approving authority.

ADMINISTRATION RECOMMENDATION(S)

That the SPC on Planning and Urban Development recommends that Council:

1. Revoke all previous delegations of power authorizing certain individuals under subsection (6) and (7) of Section 26 of the *Historical Resources Act*; and
2. Delegate to the individual appointed to the position of Coordinator of Urban Design & Heritage, or to the individual authorized to act in that individual's absence, the power and functions under subsection (6) and (7) of Section 26 of the *Historical Resources Act*.

RECOMMENDATION OF THE SPC ON PLANNING AND URBAN DEVELOPMENT, DATED 2015 JULY 17:

That the Administration Recommendations contained in Report PUD2015-0546 be approved.

PREVIOUS COUNCIL DIRECTION / POLICY

On 1996 February 26 Council approved OE 96-12 and appointed the individual in the position of Heritage Planner, as the Council-delegated approving authority for matters outlined in subsections (6) and (7) of Section 26 of the *Historical Resources Act*.

On 2004 July 04 Council approved LPT2004-54 and appointed the subsequent individual in the position of Heritage Planner as the Council-delegated approving authority for matters outlined in subsections (6) and (7) of Section 26 of the *Historical Resources Act*; those subsections address the approval of changes to properties designated as Municipal Historic Resources.

BACKGROUND

In 1996, on the recommendation of the Law Department, it was deemed that the Heritage Planner would be the appropriate approving authority for changes to Municipal Historic Resources. Previously, the Director of the Planning and Building Department was the appointed delegate. The Law Department advised at the time that this created the potential for conflict of interest. The Law Department noted that the Heritage Planner does not sit on the *Calgary Planning Commission (CPC)* or the *Subdivision and Development Appeal Board (SDAB)* and as a result would not be in a conflict of interest with regard to permit applications.

Past practice has been to identify named individuals in the bylaw rather than simply identifying the position that holds the authority. The result of this practice is a requirement for a bylaw amendment whenever the individual holding the position changes – this is inefficient.

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INVESTIGATION: ALTERNATIVES AND ANALYSIS

Section 26(6) and (7) of the *Historical Resources Act* states that:

- (6) Notwithstanding any other Act, no person shall
 - (a) destroy, disturb, alter, restore or repair an historic resource that has been designated under this section, or
 - (b) remove any historic object from an historic resource that has been designated under this section, without the written approval of the council or a person appointed by the council for the purpose.
- (7) The council or the person appointed by the council, in its or the appointee's absolute discretion, may refuse to grant an approval under subsection (6) or may make the approval subject to any conditions it or the appointee considers appropriate.

Rather than appointing a particular person by name as the Council-appointed approving authority for changes to properties designated as Municipal Historic Resources, the position of Coordinator of Urban Design & Heritage, or to the individual authorized to act in that individual's absence, should be appointed to avoid having to return to Council in the future.

Stakeholder Engagement, Research and Communication

N/A

Strategic Alignment

N/A

Social, Environmental, Economic (External)

N/A

Financial Capacity

Current and Future Operating Budget:

None

Current and Future Capital Budget:

None

Risk Assessment

No risks have been identified in appointing the person in the position of Coordinator of Urban Design & Heritage as the delegated Council-appointed approving authority for changes to sites designated as Municipal Historic Resources.

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REASON(S) FOR RECOMMENDATION(S):

The Council-appointed person as the approving authority for changes to Municipal Historic Resources has left the position of Senior Heritage Planner and a Council-appointed approving authority for changes to Municipal Historic Resources under Section 26(6) and (7) of the *Historical Resources Act* must now be appointed.

ATTACHMENT(S)

None