It Takes a Region: A Case Study of Growth and Governance in the St. John's city-region of Newfoundland and Labrador

by

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Abstract

This study is about understanding a less typical Canadian response to metropolitan regional governance in the St. John's city-region of Newfoundland and Labrador. Governance of city-regions has become a prominent concern of urbanizing areas around the globe, yet the political dynamics of the local context significantly impact adoption of regional solutions to this challenge. In this research, content analysis of policy reports and consulting studies were combined with interviews of provincial and municipal leaders, planners and regional organizations. The study found that despite a number of operationally effective single-purpose regional bodies there is a high level of power imbalance, distrust of the centre city, and a history of relations that are not conducive to advancing regionalism. Still, there are ongoing forums that continue to advance the region as a legitimate scale for action and participants see value in the regional approach. This study concludes that Provincial intervention is necessary to steer the leadership of the region toward workable regional solutions. In order to enhance inter-municipal collaboration in regional governance the Province needs to act as a facilitator to move beyond historical power dynamics and build trust. Furthermore, in order to improve relations with its neighbours, the City of St. John's has to seek collaborative solutions and put the amalgamation ghost to rest.

Keywords: City-region; regional governance; regionalism; multilevel governance; provincial-municipal; St. John's; Newfoundland and Labrador

Dedication

I would like to dedicate this research project to my family.

To my wife, who tirelessly supported me throughout this program and specifically during an extra long summer of analysis and drafting. Christina ensured I had the time and space to think and write while in the midst of the madness of work, parenthood and school.

To my three children, who have been an important part of this journey. Thank you for your patience in my absence and for being there to have fun when we all needed it. I owe you lots of undivided attention.

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While my name emerges as the author of this project, several other individuals deserve credit as well.

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I also want to acknowledge all of the local, regional and provincial leaders (both elected and unelected) who dedicate so much time and effort to their communities in the Northeast Avalon region and to the Province of NL, several of whom dedicated time for this project.

It is as a result of the contributions and influence of these individuals (alongside the support of my family) that I have completed this research project, which I believe makes a valuable contribution to the ongoing academic dialogue on city-region governance.

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List of Acronyms

ACOA   Atlantic Canada Opportunities Agency

CBS   Town of Conception Bay South

ECTA   East Coast Trail Association

ERSB   Eastern Regional Services Board

EWM   Eastern Waste Management

FCM   Federation of Canadian Municipalities

GCA   Grand Concourse Authority

HVR   Humber Valley Region

MLG   Multilevel Governance

MNL   Municipalities Association of Newfoundland and Labrador

MUN   Memorial University of Newfoundland

NEAR   Northeast Avalon Region

NEARJC   Northeast Avalon Region Joint Council

NGO   Non-Governmental Organization

NL   Newfoundland and Labrador

RRQVDF   Rennie's River-Quidi Vidi Development Foundation

Chapter 1.

Introduction

More than half of the world's population now lives in urban areas (UN, 2012). Despite the vast wilderness and romantic notions of rural Canada the reality is that the country is primarily an urban country. More than 80% of the Canadian population is already congregated in cities and that number is expected to increase to 86% by 2050 (UN, 2012). It is clear that the future of Canada is largely an urban one. Not surprisingly, the trend toward urbanization presents significant social, economic, environmental, and political challenges to cities and city-regions that struggle to adapt and find ways to strategically manage population growth, land use development, sprawl, and transportation to ensure a sustained quality of life, clean air, and water in the region. Thus, the issues related to city-region growth and development are issues that stretch across multiple jurisdictional boundaries, and municipalities are growing increasingly unable to act alone to address issues that affect the wider city-region.

The success of the urban future will hinge on our collective ability to effectively manage and govern city regions and their growth. The political response to this metropolitan governance problem in the Canadian context has been diverse. Each response has followed its own evolutionary path shaped by local conditions and context; however, the major waves of reform seem to have favoured amalgamation as the typical structural approach. This study is about understanding a less typical local response to regional governance in the St. John's city-region by exploring the central research question: *what are the impediments to and what are the attributes necessary for successful regional governance in the St. John's city-region of Newfoundland and Labrador?* The study seeks to gain an understanding of the dynamics of collaboration in regional governance in the St. John's case with the goal to contribute to advancing knowledge of impediments and successes of regionalism in the city-region context.

1.1. Context - Canada

In Canada today just over 70% of the population lives in 33 Census Metropolitan Areas, city-regions of greater than 100,000 people (Statistics Canada, 2012). City-region governance has become a global concern due to the nature of competition in the world economy and urban concentration of population growth. A leading economic geographer, Michael Storper believes that many answers to why city-regions develop unequally lie in the context of local responses (political, institutional, interactional, and innovational) to city-region economic development (Storper, 2013). While David Wolfe (2010) emphasizes that innovation in the global economy is becoming concentrated in city-regions that have a strong social foundation (quality of place, diversity, culture, creativity) and that potential is shaped by civic engagement and governance.

The problem of governing city regions is one of a mismatch between the regional scale of a social, functional, or policy issue and the local jurisdictional policy boundaries of responsibility to address that issue. This problem highlights the need for effective regional policy coordination that may be placed broadly along two main axes of authority: inter-municipal collaboration (horizontal) or inter-governmental collaboration (vertical). In the Canadian context, attempts to manage the governance challenges of city-regions through metropolitan reform have led to diverse and experimental structures, but the more common approach to metropolitan reform has been amalgamation (Razin & Smith, 2006). This runs in contrast to the response in the US where reforms were met with strong resistance backed by the notions of public choice theory which favour autonomy and identity (Bish, 1971). More recently, theories of 'new regionalism' advocate for an emphasis on networks and partnerships of governance rather than on structural solutions (Savitch & Vogel, 2000).

The response to the problem of regional governance in the St. John's city-region does not exactly resemble a text book case. This is a city-region that has rejected both amalgamation and regional government initiatives, yet continues to collaborate on numerous regional services and policy arenas, and operates from a dated regional land use plan but struggles to revisit it. St. John's presents an interesting case within which to evaluate an evolving set of regional governance structures and contribute to

advancement of understanding the dynamics of new regionalism and multi-level governance in varying local contexts.

1.2. Context – St. John's City-Region

In recent years, Newfoundland and Labrador (NL) has experienced a surge of economic growth linked to oil & gas and mining, with the province now touting the label of "have" rather than "have not" (CBC, 2008). Fueled by growth since 2008, Newfoundland no longer qualifies for payment from the Federal equalization program for the Provinces, but is now a net contributor (Government of Canada, 2011). In 2012, Oil and Gas activity accounted for 32.7% of the Provincial GDP ($10.3 billion), but just 3.0% of employment (Government of NL, 2012). More recently, the release of the 2014-15 Provincial Government budget includes a third straight deficit budget against the highest levels of revenue the province has seen in a decade (Government of NL, 2014). The volatility of the provincial economy's reliance on oil was pronounced in 2009 with the dip in value and concurrent dip in oil production in NL. The 2014-15 budget signals intent to address the shock experienced in recent years, which requires wise planning to channel current prosperity into building the Province and its main city-region's economic future (CBC, 2014b).

Local author Michael Crummey described that the recent wealth is rapidly changing what it means to be a "Newfoundlander". This identity has traditionally been characterized by geographic isolation, tightly knit communities, and a sense of shared adversity (Globe and Mail, 2014a). Challenging these long held conceptions in the heart of Newfoundlanders is the ongoing rural decline coupled with the force of urbanization. The two-decade long cod moratorium continues and cash incentive for rural resettlement is now back on the Provincial strategy agenda. Urban and suburban growth and development is continually redefining the culture, identity and geography of the Province.

St. John's urban region has long been a driving force in the Province and recent growth has furthered the urban/rural divide. As the main growth centre, capital city, home of the "ocean technology cluster", and centre of the oil and gas industry, the St. John's city-region has benefited disproportionately to the rest of the province in this

economic upturn (Greenwood, 2014). Today, approximately 40% of the province's population lives in the St. John's region – an area that has been the main locus of population growth in the Province over the past 10 years (NL Statistics Agency, 2012). While nearly all other regions of the province experienced population decline between 2006 and 2011, the St. John's Census Metropolitan Area (CMA) experienced an 8.8% growth in population reaching just under 197,000 people (Statistics Canada, 2012). At the same time, growth in suburban municipalities neighbouring St. John's accounted for almost two-thirds of the total growth from 2006 to 2011, as illustrated in the table below:

Table 1.1.   Population Growth-St. John's, NL CMA

St. John's, NL CMA		Population			
Census subdivision (CSD) name	Type	2011	2006	% change	% of total CMA change
St. John's	Core	106,172	100,646	5.5	34.9%
Conception Bay South	Suburban	24,848	21,966	13.1	18.2%
Mount Pearl	Suburban	24,284	24,671	-1.6	-2.4%
Paradise	Suburban	17,695	12,584	40.6	32.2%
Torbay	Suburban	7,397	6,281	17.8	7.0%
Portugal Cove-St. Philip's	Suburban	7,366	6,575	12.0	5.0%
Logy Bay-Middle Cove-Outer Cove	Rural	2,098	1,978	6.1	0.8%
Pouch Cove	Rural	1,866	1,756	6.3	0.7%
Flatrock	Rural	1,457	1,214	20.0	1.5%
Bay Bulls	Rural	1,283	1,078	19.0	1.3%
Witless Bay	Rural	1,179	1,070	10.2	0.7%
Petty Harbour-Maddox Cove	Rural	924	915	1.0	0.1%
Bauline	Rural	397	379	4.7	0.1%
Total - St. John's CMA		**196,966**	**181,113**	**8.80%**	
Total - Province-NL		**514,536**	**505,469**	**1.79%**	

Source: Statistics Canada, 2011 Census

A concept commonly used to justify polycentric regions composed of many municipalities, such as in the St. John's region, is the public choice theory. First advanced by Tiebot (1956), the public choice theory supposes that individuals in polycentric city-regions will choose to locate in communities that support their lifestyle preferences. The main critique of this theory is that "not all are equally free to make that

location choice (Lightbody, 2006, p.391)". Choice is highly dependent on social condition of which income and poverty are strong determinants. Appendix A shows the prevalence and distribution of low income in the St. John's city-region by census tract. As an indicator of spatial inequality, this is a concern in the St. John's region where the prevalence of low-income citizens is much higher in the city core than in the more affluent growing suburbs surrounding it.

The St. John's city-region is riding high at the top of the oil and gas fueled economic growth wave. The population is increasing rapidly, its work force is younger than the average for the rest of the province and the country, and real estate development is increasing rapidly. However, with population and economic growth, come regional land use and development pressures such as urban expansion, sprawl, water, transportation. I now turn to review of governance, regionalization, amalgamation, collaboration, and land use planning in the St. John's city-region.

1.2.1.   Governance, Regionalization and Amalgamation in St. John's City-Region

St. John's has been described as a city on the periphery or a city "apart" from the rest of Canada, and indeed the rest of the Province (Dunn & Pantin, 2009; Lepawsky, Phan & Greenwood, 2012). This is in reference to its unique settlement history, isolation, culture, economy, policy development and pattern of municipal government development. Dunn & Pantin (2009) note that "St. John's was the nexus of a fishing trade that was not meant to promote settlement." As a result, Newfoundland was late to achieve self-governing status as a British colony in 1855 and later Dominion status in 1907. Union with Canada was bittersweet as Newfoundland had lost responsible self-government in the midst of the Great Depression from 1933 until confederation in 1949 (Baker, 1988). The narrow victory for confederation in the 1948 referendums (52.3%) highlighted a sharp public divide in the Dominion. The Avalon Peninsula, including St. John's region, strongly supported return to independent responsible government, while the other, rural regions of the Province favoured confederation (Hillier, 1997).

Local government outside of St. John's was slow to develop in the Province in large part due to local resistance to real property taxation (Baker, 1988). That local

resistance has led to a tradition of reliance on centralized decision-making and control by the Province (seated in St. John's) over infrastructure, service provision and economic development (Greenwood, 2014). The first town outside St. John's to incorporate was the Town of Windsor in 1942. Newfoundland's first Premier, Joey Smallwood, produced a revised Local Government Act in 1949 followed by radio and print campaigns. The number of incorporated municipalities soon increased, though still with a high degree of Provincial control over budgets, taxation, and staffing (Baker, 1988).

Despite reliance on the central government for service provision in areas outside the capital city, Provincial involvement has long been viewed with suspicion and distrust (Dunn & Pantin, 2009). The history of mercantilism or merchant capitalism in the Province's fishery resource economy elevated St. John's as the seat of economic power with control of labour and market prices in the outports. As Dunn & Pantin (2009) explain: "This historic hostility to St. John's remains in vestigial form to this day and colours much of the politics of provincial and local government." There is a push and a pull in local governance – a desire for the Province to act, but a level of distrust associated with action. Furthermore, Greenwood (2014) highlights that St. John's city officials feel at a disadvantage as the province responds to more urgent concerns of rural areas to mitigate decline. This unique local-provincial dynamic infuses the social, cultural, and political landscapes conjuring up the common dichotomy of urban versus rural, or in local terms, the "townies" versus the "baymen".

Since confederation in 1949, municipal reform and regional governance have been highly debated topics in Newfoundland with several provincial commissions reporting on the issue (*see Appendix B*). Boswell (2005) describes municipal reform in Newfoundland and Labrador as a tale of cautious evolution – a lightly-stepped provincial approach in both urban and rural areas. Most regional reform recommendations have suffered due to a lack of political will and municipal support for the restructuring options recommended. For example, in 1977, the Henley commission finalized a comprehensive study of regional planning, control, development, and government structure for the St. John's City-region. The commission's recommendations, with modifications based on municipal consultations, were proposed to the Provincial Legislature in Bill 50, *An Act to Establish the Northeast Avalon Urban Region*. The bill supported a two-tier regional

council with 4 seats to St. John's and 6 seats to the surrounding area. The report aroused controversy and the bill was attacked by municipal leaders and the provincial opposition. St. John's was dissatisfied with minority representation and no extension of its boundaries, while the other communities fought the bill and in the end regional government was stalled (Boswell, 2005).

Shortly after the election of Clyde Wells' Liberal government in 1989, came the Province's most extensive and controversial municipal reorganization attempt - the Community Consolidation Program. Out of the Province's 310 municipalities, the policy initially targeted consolidation of 110 municipalities down to 43 municipalities in various regions across the Province (Boswell, 2005). This initiative was met with considerable resistance by the public out of fear for loss of identity and increased taxation (Government of NL, 1990). By the time the consolidation program was put on hold for review in 1992, 33 municipalities had been reduced to 13 (Tindal & Tindal, 2013, p.135). Despite the limited accomplishments of Newfoundland's consolidation initiative it is said to have sparked a series of Provincial amalgamation programs in the Maritime Provinces and in other regions across the country in the 1990s (Heseltine, 2008). On the Northeast Avalon, the final act approved in 1991 fell short of the initial aspirations for urban core amalgamation between St. John's and Mount Pearl, but surrounding communities were consolidated from 19 down to 11 towns (Boswell, 2005). The Province extended the City of St. John's boundaries to include Goulds, Shea Heights, Southlands (a section of Mount Pearl), and the majority of the St. John's Metropolitan Area Board lands. The Northeast Avalon consolidation review recommended a separate regional authority be established for management of regional services. Instead, the Province devolved authority for the regional water supply (previously operated by the St. John's Metropolitan Area Board) to the City of St. John's along with controlling interest of a number of other regional services including regional fire protection (Government of NL, 1991a). As Sancton (2000a) described, the City essentially became a regional service provider responsible for servicing new areas within the city and outside its boundaries to areas of the wider region, a role it did not welcome.

In 1996-1997 the Province initiated another attempt at creating a regional structure for local government across the province. In 1996, the Department of Municipal Affairs released a discussion paper titled, "Reforming Municipal Government in

Newfoundland and Labrador: The Time for Regionalization" (Government of NL, 1996). In 1997, a task force was launched to gauge public response to the two regional governance options proposed in the document: a Regional Council or a Regional Service Authority. The task force found there was very little support for either of these options with municipalities concerned about loss of autonomy and the cost of an added layer of bureaucracy (Government of NL, 1997, p.7-8). However, the task force concluded that the present system was inequitable and inefficient and proposed a system of 20 regional county service boards adapted from BC's Regional District model (Ibid, 1997, p.3). A recent report on regional governance by Municipalities NL (MNL) states: "there has been no follow-up to the task force's work and its recommendations were completely ignored by provincial and municipal governments (MNL, 2010, p.26)."

In 2001, and again in 2011 the City of St. John's released its own study concluding that amalgamation would present substantial economic and financial benefits to the region (City of St. John's, 2001; Ibid, 2011). The Province did not act on either report, and has repeatedly taken the position that there will be no forced amalgamations. The communities surrounding St. John's continue to resist amalgamation mainly due to fear of loss of autonomy and an expensive government structure (Boswell, 2005). The most notable opponents of amalgamation are Mount Pearl, which is now almost entirely surrounded by St. John's, and the fast growing suburbs of Paradise and Conception Bay South. Together with St. John's, these four municipalities form what Statistics Canada has designated to be the urban core of the St. John's CMA (*see Appendix C*).

1.2.2.   Collaboration

Despite evidence of strong opposition to the amalgamation and regional reorganization attempts, there are instances of inter-municipal collaboration in the region. One such example is the Northeast Avalon Joint Council which seeks to represent all of the municipalities in the planning region and acts as a forum to voice common issues. In partnership with the Community Cooperation Resource Centre of MNL, Kelly Vodden (2006) prepared a case study on municipal service sharing in the St. John's city-region. The case study found numerous successes and challenges in formal and informal sub-regional service sharing arrangements. These cases include water

supply management, waste management, fire protection, parks and planning (Vodden, 2006).

There are two key pieces of legislation that govern formal regional cooperation. The *Urban and Rural Planning Act, 2000* outlines the process to establish regional councils and planning authorities (Government of NL, 2013). Another recently revised piece of legislation, the *Regional Services Board Act*, supports establishing regional authorities to oversee multiple services (Government of NL, 2012b). To date only the former regional waste management boards of the province including the one for the Avalon Peninsula, the Eastern Regional Services Board, now exist under this legislation.

1.2.3. Northeast Avalon Regional Planning

Regional planning among the 15 municipalities of the Northeast Avalon Region (NEAR) of Newfoundland is currently guided by the St. John's Urban Region Regional Plan, which was approved in 1976. This plan is a provincially legislated, provincially administered strategic document that laid out a plan for growth and concentration of growth in the region (*see Appendix D – Northeast Avalon Regional Planning Area*). With the 1991 amalgamations of several municipalities on the Northeast Avalon, much has changed in the region and the main infrastructure goals of the 1976 plan have largely been achieved. The 1976 regional plan still has bearing on municipal plans made today. However, recent economic development and urban population growth have placed greater pressure on land use. As a result there have been ad hoc revisions to the 1976 plan via provincial approval on a regular basis without grounding those decisions in a wider land use and growth strategy for the region. Given these amendments and the ongoing development of new municipal plans, a key consideration is: is the vision for growth that was laid out back in the 1970s still a valid objective to pursue today? Part of the problem with the old plan, according to Mount Pearl Councillor Paula Tessier, co-chair of the initial NEAR plan committee, is that it is "outdated and has been rewritten beyond recognition" (The Telegram, 2009).

In 2009, realizing the limitations of the 1976 plan in addressing growth and directing future land use needs, the Minister of Municipal Affairs appointed a committee of elected leaders and planners from member municipalities to work with a planning firm,

CBCL Ltd, to develop a new regional plan. In a press release the minister stated that, "the plan would put in place a land regime that, in addition to meeting the land and basic servicing needs of the regional economy, will respond to the need for cultural and environmental sustainability" (Government of NL, 2009).

While there have been some significant amendments to the 1976 plan over the years, it had not been subjected to a comprehensive review since its adoption. The 2011-2014 Activity Plan produced by the NEAR Plan leadership committee broadly identified the issues the plan intends to address, and lays out a number of timelines with objectives and indicators (Government of NL, 2011a). However, after initial public consultations in May 2009 and a background report in Sep 2009, the review process stalled. This study seeks to understand the factors that contributed to the failure of the 2009 initiative and determine whether there is political will on the part of municipal leaders or the Minister of Municipal Affairs to reengage in that process.

1.3. Purpose

The purpose of this study is to develop an understanding of the dynamics of collaboration in regional governance and to contribute to advancing knowledge of impediments and successes of regionalism in the case of the St. John's city-region.

This study will be of interest to local politicians, citizen groups, and provincial officials responsible for shaping growth and development of the region, as well as policy and governance researchers keenly interested in addressing the hurdles to advancing the regional governance project in this and other similar size city-regions. Researchers in Newfoundland and Labrador have produced a large body of literature on rural governance, cultures and economies. This study will contribute to a smaller, but growing interest in urban studies in Newfoundland (Vodden, 2006; Dunn & Pantin, 2009; Lepawsky, 2010; Greenwood, 2014). St. John's presents an interesting case within which to evaluate evolving regional governance dynamics and structures and contribute to advancement of understanding how the dynamics of new regionalism and multi-level governance are portrayed in varying local contexts.

In order to gain an understanding of the local-regional dynamics, this study explores aspects of regional collaboration in three broad policy arenas in the St. John's region (regional parks/trails, regional services, and regional planning). The key purpose of this is to examine how the arrangements came to be, who governs, how they are governed, and what makes them successful or unsuccessful. Based on this foundational understanding of governance successes and challenges in local regional policy areas, the study's goal is to propose recommendations in the form of key attributes needed to move forward in governing regional planning on the Northeast Avalon.

Chapter 2.

Literature Review

2.1. Introduction

Jane Jacobs (1984) argues that the development of city-regions in an urbanizing society demands particular attention and asserts that all economic life depends on city-region economies and working links with city-regions. Bradford (2002) argues that cities play a pivotal role at the national and local levels as spaces of innovation, economic development, and social and political interaction. However, he describes that both small and large Canadian cities struggle to address current challenges under the existing policy, planning and financial arrangements determined by senior governments.

The challenge of city-region governance and attempts to advance knowledge of how we should most effectively administer cites have given rise to a plethora of literature and ongoing political debates on the best approaches. Structural reform, fragmentation, and coordination are just some of the options noted. In order to develop a conceptual framework for the study, this section will first review the literature on governance as a process separate from government, and then move to a discussion of the literature on new regional geography and new regionalism that emerged in the 1990s. From there I introduce literature on multi-level governance, and finally move to adapt a framework of collaboration to analyse regionalism in the St. John's city-region.

2.2. Government versus Governance

As mentioned previously, the more common approach to metropolitan reform in Canada has been large scale amalgamation (Razin & Smith, 2006). However, this is not the only approach to the metropolitan governance problem and, in fact, one of the most

difficult to achieve. Phares (2009) adaptation of Walker's (1987) classification of regional governance approaches ranks 16 different avenues from the easiest to most difficult (*see Appendix E*). While informal cooperative approaches may be the easiest to achieve and generate success on certain tasks, they can also be a weak link in regional governance in the absence of formal agreements or structures to ensure their continuance (Phares, 2009). Bish (2001) is not a supporter of centralized power structures and argues that flexible city-region structures of numerous local governments and a variety of production arrangements (i.e. Regional Districts in BC) are more responsive to local-regional needs than central structures or amalgamations. He acknowledges that engineering type services (water, sewer, waste) are more conducive to voluntary shared service arrangements at an inter-municipal level than softer services requiring more compromise, such as regional planning.

Amalgamation is often seen as a method to reduce regional fragmentation and contain negative externalities of urban sprawl by expanding single-tier boundaries. This is a contested approach on the basis that widening of boundaries tends to creates large bureaucracy and threaten local government without necessarily achieving the benefits of better governance, cost savings or efficiency (Sancton, 2000b). Amalgamation attempts in the US, and in some Canadian cities, have faced considerable resistance backed by public choice theory advocates (Bish, 1971). This theory resolved that citizens in areas with many local governments could "vote with their feet" to locate in a municipality that best reflects their preference of services and taxes (Tiebot, 1956). The strength of the public choice argument made it clear that new approaches to solving the problem of regional governance would be necessary in order to address fragmentation and improve policy coordination in city-regions. This search has put into focus the 'new regionalism' approaches that emphasize inter-governmental collaboration premised on the notions of governance further described below.

One influential piece on public policy over the past two decades is a book by US authors Osborne and Gaebler, "Reinventing Government" (1992). While there is debate about the entrepreneurial, free-market, and social policy approaches suggested in the book, the authors get right to the heart of what governance is: "Governance is the process by which we collectively solve our problems and meet our society's needs.

Government is the instrument we use (Osborne & Gaebler, 1992, p.24)". As such, the process of governance for Osborne and Gaebler is to "steer" and not "row".

Another often quoted work by Hambleton (2004) further differentiates the influence and decision-making approaches between government and governance:

> Government refers to the formal institutions of the state. Government makes decisions within specific administrative and legal frameworks and uses public resources in a financially accountable way. Most important, government decisions are backed up by the legitimate hierarchical power of the state. Governance, on the other hand, involves government plus the looser processes of influencing and negotiating with a range of public and private sector agencies to achieve desired outcomes. A governance perspective encourages collaboration between the public, private and non-profit sectors to achieve mutual goals (Hambleton, 2004, p.50).

This definition brings us closer to explaining agency, influence and collaboration in the governance model using network theory. Network governance theory suggests that formal government arrangements are less important than collaborative, cooperative approaches that involve both governmental and non-governmental actors (LeSage, 2004). According to Pierre (1999), "governance processes aren't value neutral but reflect and sustain political values beyond partisan conflict". So, the success of a fragmented, or polycentric, approach to regional governance relies heavily on a well-functioning network that captures the values, expectations, beliefs and practices of actors. This is an important point because changes in values and expectations within the network may lead to different policy choices, objectives and outcomes (involving conflict and tension).

Lightbody (2006) highlights that multiple, single-purpose, inter-municipal service arrangements in combination with provincial departmental decentralizations can create a highly fragmented governance milieu. Dupre (1968) described this as "hyper-fractionalized quasi-subordination" in that authority is flattened and dispersed, creating even more difficulty for regional coordination and consensus building. Lightbody (2006, p. 499) concludes that irrespective of place it is a "problematic political task for the individual municipal authorities, acting by themselves, to establish an overall focus on to city-region public policy." This suggests that without some formal structure or process of regional governance, which would include senior government, there is a lack of accountability and policy coordination which are both key to success in regional

governance. In the case of Greater Vancouver, Tennant and Zirnhelt (1973) assert that the multiple successes of ad hoc collaboration in single-purpose bodies paved the way for more comprehensive regional governance. However, despite these governance successes in Metropolitan Vancouver, Smith (2008) suggests that the structure is now facing an "accountability crunch" whereby the regional authority lacks political accountability threatening its longer-term prospects of continued regional planning and governance success.

To finish, I present two of Phares' conclusions across multiple case studies of regional governance: 1) Neither academics nor voters have developed a consensus as to how metropolitan regions should be structured; and 2) local context in which regional governance is discussed significantly influences its prospects (2008, p.6). The next section explores the concepts of local context and regional identify, before moving into a discussion of regionalism.

2.3. Deconstructing the Region and Regional Identity

The governance problems faced by city-regions cut across and transcend local municipal boundaries. The work of Paasi (1991; 2011) is helpful in comprehending how geographers have come to understand and approach the 'region' and 'regional identity' over time. One method of defining and understanding the scale of a region has been through institutional centred processes or based on concrete spatial phenomena of the physical landscape such as watersheds. While settlement patterns (and servicing needs) are explained in part by the natural environment (water access, fertile soil, climate, etc.), Paasi states that regions and regional identities are defined and continually transformed, by the social interactions and cultural developments that occur in these places.

Paasi describes this spatial structuring of social processes as fitting with the 'new regional geography' – that social, cultural and functional interactions dictate the spatial use and patterns of life to be analyzed in defining a region, and are imperative to understanding patterns of historical, present and future land-use. This new regional geography adds layers of complexity to the regional identity and spatial development process that directly challenge the economic-centred public choice theory. Social,

cultural and functional dynamics help to explain how spatial inequality develops in a region over time, such that 'choice' is complex and has limitations for most individuals.

These concepts have implications for governance as Paasi further states that regionalization is a 'process of becoming' through navigation of social, political, and economic factors that form and continually transform into new and shared identities (1991). This notion of forming and transforming links back to the collaborative network governance model where values, expectations and power dynamics are continually negotiated by multiple actors into policy action. This is important for regional governance in that "spaces of engagement" created through the dynamics of the local context impacts the prospects of regionalism.

Porter and Wallis (2002) assert that one of the key ingredients to a successful regional governance model is a developed sense of regional citizenship or stewardship. They state that place-based identity is especially important when the goal of the mobilizing force behind a regional effort is to preserve uniqueness. In a recent case study led by Josh Lepawsky (2010), the key finding was that despite evidence of strong social networks and sense of belonging to the region, St. John's faces unique identity challenges due to its relative isolation and out-migration. The participants of the study indicated a strong place-based regional identity, but struggled economically to stay. In this study on regional governance I investigate whether municipal leaders have developed a sense of regional identity or dedicated vision that would be strong enough to govern regional processes on multi-jurisdictional policy issues that cross boundaries.

In line with Paasi's emphasis on development of regional identity through 'spaces of engagement', Porter and Wallis (2002) conclude that action at the regional level simultaneously involves building a sense of place (emphasizing the functional region), while developing the argument that the region scale is an appropriate place of action. They also emphasize that this is a key task of a regional leader - providing a vision or regional narrative that energizes consensus and action across boundaries (2002, p.16). On the political side, Lightbody (2006, p.480) contends that some regions have become so accustomed to a fractured past that the most powerful pressure militating against emergence of a regional identity is how comfortable councillors and citizens are with the established local government framework. In the context of this study, how do the existing

governance structures and spaces of engagement encourage or deny advancing regional identity and a regional policy agenda? How do municipalities identify with the regional boundaries as defined in the NEAR Plan and are they reflective of the social or functional patterns of daily life in the city-region?

Paasi calls for further research along two main concepts - the effects of culture/identity and history as key variables in the governance and strategic planning of regions. These ideas described above are the basis for 'new regionalism' which emphasizes the ongoing negotiation and collaboration within these networks or spaces of expectation. As we explore the parameters of a 'new regionalism' governance approach below, we see that these concepts of identity and history are an integral component of building trust and creating a 'sense of place' and 'place for action'.

2.4. Old versus New Regionalism

The work of LeSage helps us to further understand the role of the 'new regional geography' through exploring the concept of 'new regionalism' in the case of the Alberta Capital Region Alliance (ACRA). As LeSage (2004) describes, the 'old regionalism' approach favours ambitious structural reforms premised on the idea that extending boundaries would contain urban sprawl, and combat fragmented political approaches in an efficient, cost-effective manner. New regionalism is less concerned with formal structures of authority and coercive capacity than with voluntary, horizontal processes of coordination among existing institutions to achieve common goals (LeSage, 2004). Thus, new regionalism is about the creation of self-governing networks of actors that involve governmental as well as non-governmental regional organizations.

In the Edmonton case, LeSage found that the ACRA's voluntary nature, consensus decision making, and internal power dynamics have led to the organization being labelled ineffective. However, he emphasizes that the ACRA's success has been an improved understanding of mutual benefits of coordinated regional action by providing a regional forum for linking regional actors. While this expression of 'new regionalism' may be in its infancy LeSage concluded that the ACRA's greatest contribution has been to give legitimacy to the concept of the region.

In a survey of public officials to assess their perceptions of regionalism in an Ohio metropolitan area, D'Apolito (2012) found that the significant impediments to regionalism were autonomy (jurisdictional self-interest) and trust. Focused on Canadian metropolitan areas, Lightbody (2006, p.499) contends that there will always be substantial opposition to restructuring from politicians and officials whose careers are tied to those municipalities. He summarizes that "dispersed but entrenched political authority will defeat integrative efforts" (Ibid). D'Apolito (2012) recommends three avenues to promote regionalism and alleviate the frustration caused by previous consolidation schemes: inter-municipal voluntary cooperation, raising regional awareness, and community-based regional organizations. These seem particularly relevant to the St. John's city-region case where the decades-long drive to amalgamate (first by the Province and then by St. John's) has tarnished inter-municipal relations.

In his comparison of old and new regionalism, LeSage makes an important point; that both approaches are aimed at efficient delivery of services and policies for management of regional activities. Stoker (1998) similarly concludes that the outputs of governance are not necessarily different from government, but it is the *process* that is different. LeSage states that while some new regionalists may entertain the validity of the traditional approach to some regional policy issues, it is debatable to what extent and in what matters (2004, p.5). Exploring this grey area between new and old regionalism in the St. John's case will elucidate how and why the region has been able to establish solutions for some aspects of regional governance but not others. A key to understanding action in this grey area is believed to be the Provincial influence in regional governance efforts.

The table below from LeSage (2004) provides six comparisons with which to analyze regional governance according to the dimension of either old or new regionalism:

Table 2.1.   Old and New Regionalism Compared

New Regionalism	Old Regionalism
Governance	Government
Process	Structure
Open	Closed

Collaboration	Coordination
Trust	Accountability
Empowerment	Power

Source: LeSage (2004, p.5)

Gaining insight into these parameters of 'new regionalism' in my study is of particular relevance to the St. John's case. St. John's is a polycentric region that has largely rejected formal regional government structures including amalgamation and two-tier regional government authority. In the absence of a formal regional government structure, there are examples of individual regional governance initiatives that appear to be succeeding in the region, such as the regional services boards, while others attempts have failed or struggle, such as the 2009 NEAR plan. There also exists a Northeast Avalon Joint Council that provides a forum for addressing common regional issues. In order to characterize the dynamics of regional governance in St. John's, this study seeks to identify under what conditions such initiatives have succeeded or failed. The 'new regionalism' favours a governance approach, combining autonomy with collective action. To what extent do the elements of the new regionalism approach fit with the current dynamics of regional governance in St. John's city-region?

One important distinguishing parameter of 'new regionalism' in the table above is *process.* The other parameters noted below it (open, collaboration, trust, empowerment) can be used to describe the governance process in a 'new regionalism' approach. This study aims to understand the local St. John's context in which tradeoffs, values and expectations are negotiated in regional policy development, emphasizing the roles of power and trust in networked governance process.

Analysis along these parameters will bring us closer to understanding the dynamics of regional governance in St. John's – the manner in which politics is exercised and the governance decisions that have impacted the prospects for a comprehensive regional planning process today, for better or for worse. This will be explored further in the following section on Multilevel Governance.

2.5. Multilevel Governance

In both the presence and absence of effective local-regional policy coordination and regional governance mechanisms, senior government levels play an important role in determining the outcomes of regional policy action. Multilevel governance (MLG) occurs when power is dispersed among autonomous agents resulting in the need for coordinated engagement with each other to achieve policy goals (Horak, 2009). In his study of urban policy issues involving municipal government, social organizations and senior levels of government in Toronto, Horak (2009) describes two avenues for policy coordination in the MLG context: the fragmentation of power among multiple levels of government (nested), and the fragmentation of power across governmental and non-governmental organization in a regional context (networked). Hooghe & Marks (2010) label these avenues Type I and Type II multilevel governance. Early MLG work focused on the coordination of multiple levels of government and understanding dispersion of authority in that vertical realm. More recently, the MLG literature is aligning with the 'new regionalism' literature in investigating the coordination of policy action across multiple actors both governmental, and non-governmental.

In their analysis of multilevel governance, Hooghe & Marks (2010, p.17) indicate that the range of literature on multilevel governance agrees that dispersion of governance authority across multiple jurisdictions is more efficient than centralized state power. However, in a study of transportation planning efforts, Weir, Rongerude & Ansell (2007) found evidence that critiques this view. They found that there are very few authoritative regional forums and argue that horizontal collaboration alone does not lead to effective regional policy action because these forums often lack access to vertical centres of power. While the spaces for regional engagement existed, the power for policy action was not dispersed, but held centrally. Hall and Stern's (2009) study on regionalism in Cobalt, Ontario reached a similar conclusion - that there was more to be lost by aligning with the regional policy forums in that region than would be gained by forging relationships with senior levels of government. Horak (2009) agrees that coordinating policy power and agendas is often a considerable challenge that does not always succeed. However, he suggests that strategies of such coordination are central to multilevel governance, and that by focusing research on the nature of the coordination

problem, and how agents address it can help to explain the variation in outcomes of policy efforts across cases.

In the Canadian multi-city MLG project led by Young and Horak, the authors identify city-regions as 'sites' of governance within which policy development occurs across multiplicity of actors that sometimes act autonomously and sometimes in concert (2009, p.3). Cities are viewed as "complex files" that demand multilevel policy in that they call for policy action that is tailored to specific urban conditions but exceeds local jurisdictional authority. The controversial safe injection site in the Downtown Eastside of Vancouver serves as a prime example of a local issue that exceeds the jurisdiction of local agents and involves multiple levels of government and community organizations. In any one region there may be a multiplicity of local governments, regionalized central government departments, and non government actors influencing and providing resources for the development and implementation of policy decisions.

The contribution of Dunn and Pantin (2009) to the MLG project focused on understanding the unique MLG dimensions of four policy areas in St. John's. In order to understand the interactions and type of involvement between federal, provincial and local levels and reveal how policy making happens in these arenas, the researchers relied on document analysis and interviews. In my study on St. John's regional governance, I have employed a similar approach by selecting several policy fields where regional collaboration appears to be successful and at least one in which collaboration has struggled to produce an agreement or arrangement.

The purpose of studying these policy arenas will be to understand the nature of local policy coordination - which institutions influence outcomes and what is the extent to which power for local action is devolved and networked horizontally, or held centrally? My main focus will be on local-regional-provincial dynamics and involvement of non-governmental regional organizations. In particular, by examining these policy fields the purpose is to uncover the dynamics/patterns of local government, who governs, how they govern, the challenges involved and how the agents have acted to overcome them.

These findings are expected to either support or challenge the notions of collaboration in new regionalism and multilevel governance in explaining the St. John's

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case. It is possible that the regional governance of St. John's is a hybrid of dual-type regionalism and MLG models. Based on a foundational understanding of governance successes and challenges local regional policy areas, the aim is to propose solutions in the way of key attributes needed to move forward in governing land-use planning on the Northeast Avalon. This MLG dimension relates to the institutional design and power balance variables of successful collaboration that are described in the next section.

2.6. Attributes of Collaborative Governance

The common thread running between governance, new regionalism and multilevel governance is collaboration. Examining the way in which policy is coordinated across jurisdictional boundaries is an important step to understanding the functioning of multi-level politics within the region. In evaluating the presence and success of collaborative elements of new regionalism and multilevel governance in the St. John's city-region, data analysis will seek to extract critical attributes and variables to successful collaboration in the St. John's context. This approach is in line with the findings of Ansell and Gash in their meta-analytical study of 137 cases of collaborative governance across a range of policy sectors to identify five critical variables that influence successful collaboration: prior history of conflict or cooperation; the incentives for stakeholders to participate; power and resource imbalance; leadership, and institutional design (Ansell & Gash 2007).

Similarly, in a study of governance practices for water sensitive urban design in Australia, eight key enabling attributes were identified: "establishing a narrative [regional identity]; organizational and individual leadership; policy framework and institutional design; regulatory and compliance agendas; an economic and business case; capacity building and demonstration; public engagement and behaviour change; and, research and policy/practice partnerships. Importantly, these eight areas of operational governance demonstrated a strong interplay between core governance structures and processes" (Farrelly, 2012, p.1).

A case study of the effectiveness of voluntary regional councils in two smaller metropolitan areas in the US identified attributes that support a sustaining condition for

effective regionalism. The two regional councils were compared along four factors: intra-organizational capacity, civic infrastructure, inter-organizational networks, and idiosyncratic history. The authors found that voluntary regionalism can produce collaboration, but only in a climate of inter-local trust that doesn't impinge on the autonomy of municipalities (Visser, 2004).

Similarly, to build an understanding of the dynamics of regional governance in St. John's today, my research will seek to elucidate the critical variables and attributes that contribute to regional policy development. For example, perhaps the repeated stance of the City of St. John's that amalgamation is necessary has strained relationships and compromised trust in collaborative policy action. The case studies presented above indicate trust is a key component of successful regionalism. Although, digging deeper may reveal that this stance comes from a place of frustration of devolved responsibility from the Province to the City, coupled with a lack of local capacity or wider recognition of the City's role as a regional service provider in certain areas.

By exploring three particular policy fields I seek to answer - do the policy efforts in these fields of study contribute to sustaining conditions for effective regionalism? Are they active experiments that will eventually give rise to a broadly adopted regional governance structure or process? I will be seeking common threads across the policy arenas that help reveal the local dynamics of regional governance. This investigation therefore uses a descriptive, causal-comparative approach to understanding what factors have played out differently in successful collaborative action that have not played out successfully in other circumstances. How effective are these policy arenas at creating 'spaces of engagement' where a regional agenda and identity is developed?

The findings of these previous studies were used in two ways: to inform themes and categories of questions to be asked in semi-structured interviews, and to help to inform the content analysis by using the concepts and themes to inform analysis and coding of documents. While some of these variables were used at the outset to aid in exploring and interpreting my findings, I remained open to discovery of new ones that surfaced in order to develop a unique set of attributes necessary for regional governance in the context of St. John's city-region.

This insight is used to shed light on the prospects for a broader regionalism and potential for development of a regional growth and land use plan. Based on understanding of the impediments to regional governance this study will highlight attributes necessary for regional success in governing regional land use planning. As policy issues gain intensity, pursuit of collaborative governance approaches requires understanding of the tipping point where disincentives and power imbalances break down and trust begins to build. Perhaps much relies on the leadership of the Province to act as a consensus builder or to provide incentives/disincentives in a region where municipal leaders may have placed trust on the back step.

2.7. Literature Review Summary

In this research project, the stalled NEAR plan represents the convergence of a broader history of political and social action, municipal attitudes toward regional collaboration and amalgamation, and present day growth issues in the region. While there are many instances of apparently effective single-purpose service sharing arrangements among neighbouring municipalities in the Northeast Avalon, these are primarily sub-regional agreements and where the collaborative mechanisms appear to break down is on a comprehensive plan. Perhaps there are "small wins" required to re-establish trust and collaboration among localities before embarking on a comprehensive regional growth strategy. Shrestha and Feiock (2011) view "small wins" as important steps toward building trust, commitment and shared understanding among regional actors. This aligns with the concept of new regionalism as a long-term process or 'project' that is shaped by history and the changing identity of generations in a region over time.

Flowing from the concepts presented above this research project seeks to understand whether 'new regional governance' approaches are being adopted; the range of multi-jurisdictional interests there are in the region; and whether the elements of collaborative governance among key institutional partners appears to be in place. The content analysis and interviews as described in the methodology will provide the core of this investigation. Once an understanding of the dynamics of regional governance in St.

John's city-region is achieved, the project will conclude with proposed governance attributes necessary to move regional governance action forward.

Chapter 3.

Methodology

The general methodological approach to be used in this study is descriptive research aimed at providing a detailed and accurate picture of the phenomenon as a means of generating a hypothesis as to why comprehensive regional planning is challenging, and to pinpoint the attributes necessary to move forward. The research also employs a causal comparative analysis of several policy fields linked to regional governance to understand what causal factors have led to collaboration in some arenas and impeded collaboration in others.

Based on research for literature review and document analysis, I identified several policy arenas with potential for in-depth study: park/trail systems; economic development, transit, water, waste, and land use planning. Further content analysis and initial interviews helped to narrow the selection by revealing the potential for insight gained in these policy areas to explain the impediments and attributes necessary for comprehensive regional governance in St. John's.

Given that the purpose of the research was to gain a deeper understanding of the experience and prospects for collaborative regional governance, employing a case study research design was believed to be the most appropriate way to understand this topic. The key benefit of engaging in a mixed-methods form of case study research is that each method builds on data acquired from other methods in order to validate or fill in the gaps. This helps to form an idiographic depth of understanding of the case at hand - the processes and the actors, the level of trust, and power imbalances. Robert Yin (1998) suggests six sources of evidence that can be used in a mixed methods case study: documentation, archival records, interviews, direct observations, participant observation, and physical artifacts. Yin stresses that a key ingredient in a case study is

the ability to deal with a diversity of evidence, which converges on facts (1998, pg.230-232).

There are a number of formal and informal regional governance collaboration cases that could have been chosen for review. I chose to review a selection of regional governance initiatives that varied on the dimensions of struggle and success, and newly formed or long established. For this study I chose five areas in which to focus on in order to gain an understanding of the dynamics of regional governance:

1) The East Coast Trail Association (ECTA) struggles to achieve trail protection through municipal support and protective zoning. It is largely a volunteer-run, non-profit charity, receiving support from Federal and Provincial government for trails;

2) The Grand Concourse is an interurban trail network that has effectively achieved municipal support and land-use zoning protection. Also a non-profit charity it is more heavily staffed than the ECTA, receives municipal funding support, and has a board of directors representing partner municipalities and other regional organizations;

3) St. John's Regional Water Board was established in the amalgamations of 1991 and serves the main urban and suburban corridor of the region. It is a formal regional partnership though it is heavily controlled by the authority granted to the City of St. John's in the legislation;

4) Eastern Waste Management is a recently created board under the new Regional Services Boards Act and serves the whole Avalon Peninsula. It was developed under Provincial incentive and policy to modernize and regionalize waste management across the province;

5) The Northeast Avalon Regional Plan review was first announced in 2005 with a shared governance structure that would review the existing regional plan and propose a new plan for the region. That process broke down in 2009 amidst conflicting views on future and concerns about the process. A new attempt has been initiated by the Department of Municipal Affairs officially announced as of June 2014.

These five selections provided the most valuable material for this study. In addition, I interviewed the executive directors of both the public transit authority, and regional economic board.

3.1. Data Collection

Method 1: Published Statistics

The social statistics of the region were explored using 2006 and 2011 Statistics Canada census data to gain an understanding of the recent variations in growth, density, income, and housing issues that the region and its municipalities face. This data was used to develop a profile of the region as reported in the opening context section. The purpose of presenting statistics is for problem identification and will also orient the researcher and the reader to the salient issues of land use and growth, and informs other data collection methods

The main purpose for selecting elected leaders is a hypothesis that collaboration is largely dependent on the political decisions and priorities of elected mayors and councillors. The regional planning process as a consensus building process involves political tradeoffs, and at present there is no overall regional governing body in St. John's other than the Province.

Method 2: Documentation/Archival Content and Policy Reports

There are several types of documents and reports that were collected and analysed in order to extract detail on policy decisions - influences, decision makers and processes - in order to gain a better understanding of the historical and current dynamics of regional governance in the policy areas specified and in the region and province in general

Government reports, legislation: the 1976 St. John's Urban Region Plan, reports by the Provincial Government on 1996-97 regionalization initiative, municipal reports, studies and policies such as the St. John's 2011 report on amalgamation, and other policies.

Press Releases, News Articles and Videos: These include press releases published on the Province of NL website regarding the NEAR plan; press releases by regional organizations published on their website regarding regional and strategic initiatives; a review of news articles posted online by The Telegram and CBC regarding the NEAR plan and other regional initiatives; and any other news articles related to the topics of amalgamation, regional policy issues, inter-municipal agreements

NEAR Plan Reports: These include government documents such as Terms of Reference for consulting proposal call, NEAR Plan Activity Plan for 2011-14, and the NEAR Plan Annual Report for 2011-12. Other NEAR plan documents reviewed include the Issues and Analysis consulting report issued in Sep 2009, and documents released in 2014 regarding the new initiative.

These documents proved to be a good starting point to understand the governance dynamics in the region and as a useful reference throughout interview analysis. The interviews were essential in completing the picture of regional governance and highlighting the most important pieces of these documents and legislation.

Method 3: Interviews

When coupled with the content and other research methods, in-depth interviews provide for a solid triangulation of facts and data to understand the narratives of regional governance. The in-depth conversation allowed for follow up and elaboration on specific responses to questions, following threads that may not be visible in documentation or surveys. The respondents provided insight into relationships, interactions, experiences and a sense of the attitudes toward collaboration on regional issues in the Northeast Avalon. In preparing for the interviews the results of initial document content analysis provided essential background data. The incremental knowledge built from each interviewee was essential in fine tuning the interview process and questions until I felt I had reached a point of saturation.

From the document analysis 2009 NEAR plan review committee members named in the Activity Plan I developed an initial list of about 10 desired participants to contact for in-depth, semi-structured interviews. Other suggestions were welcomed from informants and initial interviewees and that they considered important individuals to speak with on the topics of regional governance and the failed regional plan review. I sought a mix of mayors and planners from smaller and larger municipalities to gain the differing geographical perspectives, as well as experienced and less experience elected officials to understand both the historical issues and get a feel for more recent momentum. Furthermore, I interviewed members of regional organizations to hear about their experience with regional governance dynamics, and also planning consultants who

have worked both regionally and among a number of the municipalities. There was also significant representation of provincial planning directors/managers along with the Minister of Municipal Affairs. In all 19 interviews were conducted as listed below:

Table 3.1.   Final Interviewee List

Christine Snow	Director, Northeast Avalon Regional Economic Development Board
Corrie Davis	Manager of Planning for Province of NL
Craig Pollett	Director of Municipalities NL
Dave Lane	Councillor, City of St. John's (founder of Happy City Civic Engagement)
Elaine Mitchell	Director of Planning CBS, former Manager of Planning Province of NL
Harold Mullowney	Deputy Mayor and former Mayor of Bay Bulls
John Kennedy	Mayor of Logy Bay-Middle Cove-Outer Cove, Provincial Land Use Planner, Natural Resources
Judy Powell	Director of Metrobus Transit
Ken Kelly	Director of Eastern Regional Services Board (Eastern Waste Mgmt)
Ken McDonald	Mayor of CBS
Ken O'Brien	Chief Municipal Planner, St. John's
Mary Bishop	Planning Consultant for 2009 regional plan process for NEAR, and Humber Valley Regional Plan in NL, former Provincial Planner
Neil Dawe	Planning Consultant, former director of Grand Concourse Authority
Randy Murphy & Adrian Tanner	Directors, East Coast Trails Association
Randy Simms	Mayor of Mount Pearl
Shannie Duff	Former Mayor, Deputy Mayor, Councillor, St. John's and former MHA (elected to council 1977, served on NEAR plan leadership committee, and regional boards)
Stan Clinton	Former Director of Planning for the Province of NL (led the Urban Rural Planning Act 2000)
Stephen Jewczyk	Director of Planning Mount Pearl
Steve Kent	Former Mayor of Mount Pearl, former Minister of Municipal Affairs (to Jul 2014), Current Deputy Premier
Additional informants	
Rob Greenwood	Director of Leslie Harris Centre of Regional Policy and Development
Chris Sharpe	Professor of Geography Memorial University, Commissioner for Plan

	Amendment consultations (Glencrest/190m contour)
Chris Dunn	Professor Political Science Memorial University
Scott Morton-Ninomiya	City of St. John's Housing Coordinator, Planning Department

A core set of questions was developed to use as a guide for interviews, which were aimed to address the elements of the Ansell and Gash (2007) list, however the main benefit of personal interviews is the ability to ask follow-up questions and encourage participants to elaborate upon certain answers in order to acquire a more comprehensive understanding of that issue.

Interviews were conducted in the St. John's region over a time frame of about two months with the first interview on Feb 7, 2014 and the final interview on Mar 27, 2014. All interviews were conducted at the participants' choice of location with 2 interviews held in a boardroom at the Harris Centre. Outside of the City of St. John's I visited Mount Pearl, Conception Bay South, Logy Bay-Middle Cove-Outer Cover and Bay Bulls to conduct interviews. The interviews were between 45-60 minutes in length.

The interviewees all demonstrated significant interest and a ready desire to discuss the topics of regional governance and regional planning. I felt comfortable and respected in the interviews and able to acquire valuable data from the questions asked to participants. As the interviewer I specifically avoided leading questions but followed narratives to where the interviewee would lead. A list of guiding questions for the semi-structured in depth interviews is included in Appendix F.

A recruitment letter and an introductory message were emailed to about 3-4 potential interviewees in mid-January and I followed up with these individuals shortly after arriving in St. John's to schedule an interview time. In the first week I met with a key informant, Rob Greenwood of the Leslie Harris Centre, who offered to help connect me with a number of the interviewees by forwarding my introductory email and recruitment letter. Of all the potential interviewees contacted only one was not available to participate, this was not detrimental to the study. For that particular person I retrieved audio and video interviews with the local CBC that touched on the same topics, and was able to draw on the data from other participants from that municipality.

Each participant signed the informed consent form before agreeing to participate. The participants were informed that participation is voluntary and they may withdraw at any time or choose not to answer certain questions. Interviewees had the opportunity to request confidentiality meaning that their names will not be published in the report. All interviews were digitally recorded and transcribed following the interview.

Although contact information for most prospective participants was available online, I asked Dr. Greenwood at the Harris Centre to introduce me and my research study to a number of potential interviewees. This helped establish credibility and local support for this research in the eyes of prospective participants and invited a snowball sampling techniques that enriched the quality and quantity of the interview data.

Summary:

In summary, the research combines the results from all methods into a comprehensive set of data that helps to form an in-depth understanding of the challenges and successes of regional policy collaboration in the St. John's context. In particular, I sought to understand how power and trust have surfaced in regional collaboration initiatives and what the prospects are for more comprehensive regional governance structures in the future. I felt confident that I collected enough data to answer these questions when the data I gathered and analysed along the way began to indicate themes and patterns that explained the underlying dynamics of regional governance in St. John's city-region.

3.2. Data Analysis

This section outlines how the data collected during field work was analyzed in order to provide a basis for interpretation and discussion of findings. The overall research design aimed to ensure there is a linkage between the goals of the study, the guiding concepts and themes defined in the literature review, the data collection design and methods, and the data analysis processes. The aim of the analysis is to get closer to formulating answers to the core research question.

I have chosen to combine a number of qualitative methods and some quantitative (statistics) methods within my research design in order to gain a richer and more complete understanding of regionalism in the St. John's city-region. The method of analysis for data collected during field work depended on the data type. There were three main types of data analyzed in my project:

1. **Published Statistics:**

Census data and reports published by Statistics Canada and data presented by the Economic and Statistics Branch of the NL Government were used mainly to understand the dynamics of regional population growth among municipalities within in the St. John's area and on a regional comparison to the rest of the Province. The statistics help to situate the context of the issue with purpose of understanding the geographies of growth and identifying those locations which may be experiencing the most pressure for land-use development due to population growth. With this knowledge, I could ensure my research includes data for those municipalities where the pressures of growth and regional issues may be more of a concern. Enough statistical data was gathered to inform background knowledge of the topic without delving into an extensive statistical analysis. By mapping past and forecasted population and economic trends, this helps to position the relevance and context of my research study and establishes a starting point from which to review published reports, and local newspaper articles on regional planning issues.

2. **Interviews**:

When coupled with statistics and documents data, in-depth interviews with municipal and provincial officials and regional leaders helped round out the picture of regional cooperation in the policy areas selected, and for the region in general. Combining these findings with the other methods of investigating the research question embodies the notion of triangulation.

Each interview was electronically recorded and within two weeks after each interview, each transcript was typed up and initial analysis (re-read) performed. I used

an interpretive analysis technique to review, analyze, and interpret the results of each interview with the help of NVivo coding software. This technique included three parts:

a) **Record:** This involves the written account of the audio recording that was created during the interview with the informant. The process of typing out the audio recording itself tended to be long, but also provided for review and reflection on key phrases or comments by the interviewee. The written record was linked with notes taken by hand during the interview.

b) **Analysis:** This process followed the grounded-theory method which involves sorting, reorganizing and relating the contents of the interview data back to the main objectives of the research, which were: to understand the impediments to regional governance and the attributes necessary to advance the prospects for regional governance in St. John's city-region. This was completed with a sheet summarizing the key concepts, relationships, and themes of the study in front of me, but also bearing in mind that new concepts or attributes may arise. The interview analysis process was as follows:

   i. Read the printed transcript as a whole, make notes and re-read again

   ii. Using NVivo, begin labelling and coding sections of the transcripts for relevant words, phrases, actions, opinions, differences, processes that seem important. The data may be considered relevant because:
      a) It is repeated in several places
      b) The interviewee explicitly states that it is important
      c) It relates to something similar in a previously published report
      d) It relates to a theory or concept relevant to the study

   iii. Decide which codes are most important and create categories (themes) by bringing several codes together, dropping some of the initial codes, and creating new codes (conceptualizing the data)

   iv. Finally label the categories and describe the connections between them, this is the main result of the study

<div align="right">(Lofgren, 2013)</div>

c) **Conclusions and Concerns:** As I coded interviews, I captured my preliminary thoughts, questions and hypotheses. These insights provided an important

<div align="center">34</div>

function for interacting with the data to begin developing categories and themes to conceptualize the vast amount of interview data. These memos also provided a venue to pose initial theories and capture thoughts on linkages among interviewees and other data sources.

Data analysis took substantially longer than initially anticipated in the prospectus work plan for each 1 hour interview it took me approximately 8-10 hours of transcription time and about 10 hours to complete coding analysis using NVivo.

3. Document Content Analysis

The documents collected were analyzed in reference to the themes/concepts identified in the literature review, with overall the purpose to understand the context of local policy action. From concepts in the literature review, here are some questions that helped to guide this analysis: in which policy initiatives did a municipality show leadership in coordination?; in what instances was it a provincial department?; who participated?; who did not?; how has the policy been implemented?; has the effort been sustained over time?; how were challenges overcome in the process?; is there evidence of tradeoffs or power imbalances; what are the disincentives to collaboration?; what are the incentives?. For example, when considering the review of the 1976 regional plan document – what municipalities and government departments are named in the report?; who has responsibility for oversight?; what areas benefit from growth?; has the effort been sustained over time?; what were the tradeoffs?.

The review of key regional collaboration documents available online informed the questionnaire development, the interview questions, and interview sample selection. The document analysis also helped to inform the coding, organization and conceptualization during interview analysis.

After all of my research data was analysed according to the themes and concepts identified, the next step was to bring the findings together. Combining the analysis of policy documents, interviews, news articles and other sources into case studies of regional policy action began to form answers to my central research question. I became confident that I had sufficiently analyzed the data when central themes began to emerge

and the impediments and attributes specific to the St. John's regional governance context started to become clear.

Table 3.2.   Summary Table of Data Sources

Published Statistics: Statistics Canada 2006/2011 Census, and Newfoundland Department of Economics statistics and projections on population growth and other demographics	Quantitative
Document Analysis: Government policy reports; Reports published by the NEAR Plan committee; media reactions to the NEAR plan; online news and reports for other regional planning and land use issues including water, waste, transportation, housing, and natural environmental protection	Qualitative
Interviews: 19 persons approximately 45-60 minutes each – elected municipal officials, city and provincial planners, community/regional agencies in the selected policy fields	Qualitative

Chapter 4.

Findings

Analysis of the research data has illuminated several clear themes that emerge regarding the dynamics of governance and collaboration on the Northeast Avalon. The background and context sections presented an overview of the broader history of regional and municipal governance, structures, amalgamations/boundaries, inter-municipal relations and provincial-municipal relations impacting the region. To build on this broader history and context, the findings navigate through 5 regional scale issues that represent areas of ongoing need for collaboration or engagement. These areas include regional park systems (coastal and inter-urban), regional services (water and waste), and ends with a larger discussion on regional planning, which is the main impetus for this research project. These regional governance sub cases further illuminate historical interactions, ongoing points of contention or collaboration, and attempts at governance or engagement efforts.

4.1. Regional Parks

4.1.1. East Coast Trails Association

Background

The East Coast Trail network is recognized as world class trail system and trail building association with trails in the Northeast Avalon and Southern Shore regions. In 2010, the National Geographic (2010) ranked the Avalon Peninsula of Newfoundland as the Top Coastal Destination in the World. Two years later, in 2012, the National Geographic (2012) rated the East Coast Trail as one of the top 10 adventure destinations in the world. While the urban portion of St. John's region is spreading like

wildfire, within a few kilometres lies an "amazingly wild coast" (Ibid, 2010) accessible for a hike or to kayak. Despite its recognition and success, the East Coast Trail Association (ECTA) is involved in ongoing negotiation with landowners and municipalities up and down the eastern shore of Newfoundland and acts in part as a regional watchdog for coastal lands and development issues that impact it.

The work of the East Coast Trail Association represents a space of regional and multi-governmental collaboration and engagement in land use planning on the Northeast Avalon and the Southern Shore of the Avalon Peninsula in Newfoundland. Since 1994, the charitable organization has focused on maintaining a wilderness hiking trail experience that "showcases the rugged natural beauty and cultural heritage along the eastern edge of the Avalon Peninsula" (ECTA, 2014a). According to President Randy Murphy (2014), the trail passes through the boundaries of 23 municipalities, jurisdiction of 7 Provincial Government Departments, and crosses the land of over 300 individual landowners. The association has now developed 265km of trail from the tip of the Northeast Avalon at Cape St. Francis down the eastern coastline to Cappahayden. It is a network that has taken a lot of commitment and negotiation to establish, though it is fragile in some aspects and in some places.

An interview with East Coast Trails Association board members, and comments from other interviewees highlighted the successes and governance challenges of coastal protection and coordination of land use planning for the trail system within the region.

Success

Tourism

The success of the East Coast Trail stems in part from its ability to secure funding from senior levels of government to develop a world class nature tourism asset that provides economic sustainability for the region and promotes conservation of the coastline. The National Geographic Society's recognition of the trail as one of the world's top 10 adventure destinations in 2012, prompted the Provincial Minister of Tourism, Culture and Recreation to release a statement recognizing that, "the East Coast Trail has contributed to the development and sustainability of tourism businesses along the trail...It is provincial gem which provides both recreational and economic opportunities

(Government of NL, 2012c)." The significance of the trail was also noted by the Provincial Land Use Planning Manager, "the cover of every tourism book over the 15 years has probably has some reference to our coast, that is the image of the Province that we're selling to tourists from outside (Davis, 2014)."

Despite the successes to date - building 265km of coastal trails, receiving international recognition, and provincial and local recognition as a tourism asset - it is clear that the primary focus of coastlines protection with adequate buffer zones for the long term public interest has not met expectations. Randy Murphy stated: "Starting in 1994 was a major coup for us, and we've been working at it for 20 twenty years and still haven't got anything meaningful (Murphy, 2014)."

Engagement and collaboration

The ECTA has been successful at attracting the support of ACOA and the Province. Murphy (2014) stated that the towns were slower to come on board, but once they began to see the economic benefits of the trail in tourism dollars, then the relationship with municipalities began to change dramatically. To further prove the case for the economic value of the trail in an attempt to "sell" the need for its protection, the ECTA, in partnership with ACOA and the Province, recently engaged a firm to conduct a study to quantify the economic value of the trail. The results are expected to be released in fall 2014 and to be used in a strategic engagement process to help towns understand the value the trail adds to their town and to encourage ongoing land protection and financial commitments to help maintain the portion of the trail in their community and collectively as a regional asset. Despite relying heavily on the aesthetic and identity of the coast for tourism and marketing, the desired provincial coastal protection has not transpired to date.

It is within this context that the ECTA engaged multiple stakeholders in a 6-month consultative process in 2012-13 with the end goal to set priorities for a five-year strategic plan. The process engaged diverse and broad participation from multiple stakeholders and consideration of the funding model, trail protection, trail maintenance and governance. The process and the parties involved are outlined in the final strategic plan document (ECTA, 2013). Murphy (2014) reflected on this process stating that the process engaged volunteers on various committees, members, municipal partners and

other major stakeholders: "We had good participation from both of the Joint Councils, the destination management organizations and businesses, the Province, the Federal government. All of the major stakeholders were there at the table discussing issues and giving feedback it was very engaging and involved process." There was representation from at least four Provincial Government departments, ACOA, regional tourism industry sector business and tourism marketing associations, and the Northeast Avalon and Southern Avalon Joint Councils (ECTA, 2013). This was an exercise that resembled collaborative multi-level governance as draft issues reports were released and discussed in focus groups and the same with the final draft strategic plan was released as a draft to members and finalize through the membership a board. The end result is a 5-year plan that refocuses the ECTA on sustaining the trails that it has developed and secured long-term maintenance plans, funding, and protection for them before continuing to develop the remainder of the trail system.

ECTA has been proactive in securing ongoing funding to maintain the existing trail. The organization is now seeking to secure longer-term financial commitments from municipalities for financial sustainability and maintenance of current trail system. The federal government, through Atlantic Canada Opportunities Agency (ACOA), provides 45% of the annual revenue for ECTA, roughly equivalent to funding from the Province. However, the funding direction of ACOA has recently shifted. For example, in 2012 the Regional Economic Development Boards across the Province had their federal funding pulled which was a shock to regions across the Province (CBC, 2012). The potential for government policy to shift has prompted the East Coast Trail Association, which has relied heavily on the Federal Government for funding, to consider diversifying their funding streams. There is no indication that ACOA will pull its funding for ECTA at this point, but the association does not have a multi-year funding agreement with ACOA – it is funded on a year-to-year basis. As per the 2013 Canada Revenue Agency charities report for the ECTA, only $25,000 (2%) of the operation revenue for ECTA was from municipalities and that amount was from St. John's alone (Government of Canada, 2014). In light of the regional plan review failure, the ECTA has initiated a process to gain support of each municipality in the region through a jointly signed Memorandum of Understanding that is being rolled out to each municipality that the trail passes.

The ECTA has been able to influence at least one Provincial legislative act, the *Pedestrian Trails Liability Protection Act* of 2010 (Government of NL, 2010). This act protects Crown and private landowners where the trail crosses their property, but at this point the Trail Liability Protection Act would not extend to a municipality that is willing to take on the maintenance of a section of the trail that crosses its jurisdiction. This lack of liability protection may prove to be a limitation in getting municipalities on board to share responsibility for trail maintenance.

Cultural heritage and regional identity

Despite tourism success, however, the struggle over land use protection for the trail remains. Recent recognition by the National Geographic for both the Avalon Peninsula and the East Coast Trail is a marker of the organization's success, but the primary focus has been on protection of the coast as a public asset - recognizing the cultural heritage of the ocean, and preserving traditional paths connecting inlets and staging grounds. Beyond the tourism benefit, in the face of growing development pressure the East Coast Trail is focused on protecting cultural heritage (regional identity) by preserving access to coastal trails through natural areas for future generations. It is pushing to preserve natural beauty of coastlines for the free public benefit, which is a reflection of the cultural heritage of the Province. The coastal trail is recognized as having significant cultural value

According to president Randy Murphy (2014), starting 20 years ago on designating and building the trail was a major coup for them and he is not so sure they would have the same success if they had started today in the current housing and development boom. The proactive approach has been successful, as Murphy notes that in Nova Scotia, only 5% of the coastline is on Crown Land, now that Province is trying to purchase back land in some cases to preserve for the public. As one of the current and founding ECTA board members, Adrian Tanner specifies:

> In many cases these were traditional trails between small communities based at the heads of inlets. That was where the pattern of settlement on the Avalon occurred, communities nestled at the head of an inlet, and then the headlands were used for hunting, berry gathering and that sort of thing...

So we took advantage of the fact that these traditional trails were what we considered to be right-of-ways. That's another concern, we don't have strong right-of-way legislation in this Province, but they did to some degree respect them by the courts. The trouble is that you'd have to go to court for every time somebody blocked what we considered a right of way, and we don't have the money to do that. So we're still vulnerable there, but that was how the trail started. Basically we opened up what had by then become neglected coastal trails, mainly trails between communities (Tanner, 2014).

The association is largely volunteer-driven with approach of having membership and citizen supporters of the trail. This has successfully rooted the organization in citizenry, as a promoter of lifestyle of nature open space, ocean - many of the things that Newfoundland is known for and many of the aspects of identity that people adhere to. Furthering the idea of the East Coast Trail as an expression of cultural heritage resonates with the identity of most Newfoundlanders and especially in tourism marketing ads. The National Geographic wrote about the response of one of its panelists: "Professor Michael Hall, who teaches tourism and marketing at New Zealand's University of Canterbury, contends that the Avalon Peninsula has struck the right balance, extolling its 'stunning natural and cultural integrity' (National Geographic, 2012)."

The 2009 NEAR Plan Issues Analysis report developed by the planning consulting firm also found that the region strongly values natural and cultural heritage:

Cultural and natural heritage resources should be carefully considered as development occurs in the Northeast Avalon, as they are very important contributors to the character of the communities in the region. These resources contribute directly to the quality of life for residents and the attractiveness of the area for tourists (CBCL Ltd, 2009, p.5)

While the trail association has a wide membership base and supporters, this approach may be reaching some limits when it comes to influencing policy and legislative protection. Corrie Davis, Provincial Manager of Land Use Planning, regards the East Coast Trail as more of a volunteer or community agency that is not rooted in government, and as a result some of the municipalities do not share their vision in term of how the trail should be protected and how it enhances the community (Davis, 2014).

With just two staff persons the ECTA is largely a volunteer and membership driven organization that relies heavily on the expertise of its board to monitor land use and development issues facing the trail from time to time. Through its membership structure and annual "hike-a-thon" the organization engages citizens and develops community and a network of trail supporters. This enhances regionalism and regional buy-in to the cause of coastal protection. In June, 2014 the annual "Tely Hike" event raised just under $200,000 from public, business, community supporters to sustain the efforts of the association (ECTA, 2014b).

Challenges

Limited protection in municipal, regional and provincial planning and legislation

When the East Coast Trail officially opened in 2001, it had been 25 years since the adoption of the (still active) 1976 regional plan, and 10 years since the municipal amalgamations and annexations of the St. John's Metropolitan Area Board lands on the Northeast Avalon. Now with the upturn in the economy since about 2006, development pressures and coastal land protection have emerged as the primary foci of the East Coast Trail Association to ensure adequate protection of the regional asset it has developed over the years.

Despite the successful development of these trails through economic partnerships with the Federal, Provincial and Municipal Governments, Murphy (2014) signals that adequate protection of this coastal regional asset is lacking and appears to be subject to the will of municipal plans and individual landowners:

> As of right now, on the trail protection side, the local protection that is currently in place for the trail is very fragile. There is no government policy in place governing the trail, there is no current legislation in place supporting the trail, and the land-use management policy of the province is basically delegating it down to the local towns. So, they are very subject to the councils and their town plans and the level of protection that they are willing to put in there for us.
>
> What happens is whatever agreement you have embedded in a town plan is only as good as the current council and their agenda and mandate. Every four years it changes over and you're subject to high risk. For instance, if you look at Portugal Cove-St. Philips there 3 councils ago, they had a fairly good conversation zone there along the coast, anywhere from 50 metres to 300. And the council there 3

councils ago they moved to just 15 metres above the high water mark and we've been fighting ever since with those councils to try and get back a reasonable buffer along that section of coastline (Murphy, 2014).

The Newfoundland and Labrador Provincial Lands Act (Chapter 36, Section 7) provides for a 15 metre Crown Land reservation/buffer from the high water mark of any body of water, freshwater or marine, to allow for public access (Government of NL, 1991b)[1]. This reserve area is intended to restrict private ownership of shorelines and was widened in 2000 from 10 metres to 15 metres. As we will see, this legislation has proved effective for the Grand Concourse trail development and protection of riparian zones along urban rivers and ponds, but it proves to be an inadequate width to create a protective zone for the trail along the coastline. Adrian Tanner (2014) noted that protected agricultural and sometimes forestry lands can be a positive complementary use to the trail in that they provide a buffer between the coast and private residential land.

Growth and development – coastal attraction

The association at times has had to fight to retain easements on private lands based on traditional right of ways. They have often been successful with negotiating public access and right-of-ways by proving the trail follows traditional paths, but the reality of growth and development places the coastline in demand and the conflicts are increasingly more difficult to stay on top of and potentially costly to address. Ongoing protection from a regional or provincial entity is what the organization desires in order to have municipal plans feed up to and comply with the regional or provincial policies.

Neil Dawe, landscape architect and former Executive Director of the Grand Concourse Authority stated concern for the coastal trail: "We are running into challenges with how we manage our coastline and those folks [ECTA] have put in so much work, to see that they are not getting the support they need is a little disheartening (Dawe, 2014)."

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[1] See also: http://www.env.gov.nl.ca/env/faq/lands/index.html#q12: "Does a Person Have Title to Land to the Water's Edge?"

The coastal lifestyle that tourism ads have promoted serves to instill value in the real estate sector for development of land on the coast with ocean views. It is a possible conundrum for the trail, that attracting people to the coast to experience its heritage and beauty may be its greatest detriment to protection. Without inclusion in a regional plan or Provincial policy statement that strikes a balance between development and coastal protection, the East Coast Trail is left to rely on promoting its cultural heritage to build community support.

The development threats have been many - one of the most unfortunate is the "castle" built in Logy Bay. Murphy (2014) noted that was unfortunate because the town has been so strongly supportive of the trail, but a private landowner did not share the vision and effectively forced the trail to be diverted. In another case in Outer Cove a developer bought land and it was determined that his claim would obstruct the trail. The ECTA was able to intervene and show the traditional rights-of-way through the land and was able to negotiate a reasonable, hard fought buffer to protect the trail. In another case in Witless Bay a person discovered ownership of family land along the coast in an area called Ragged Beach and wanted to develop the land. The developer had the support of council, but the community was strongly opposed to it. This led to a major turnover of council members in the next election and the proposal was rejected by the new council with the mayor citing overwhelming opposition of a large proportion of the residents.

Murphy highlights the ongoing concern over development of valuable coastal properties by private owners:

> The number of issues we have along the coast are significant and some are pending, they're out there, we know they're going to come and some that are in our face right now... we've got 300 plus landowners along the coast and all of them discovering the real value of that piece of property right now and want to develop it (Murphy, 2014).

Tanner points out the conundrum that some land owners see value in their property in part due to the success of the East Coast Trail:

> A lot of coastal landowners are very supportive of the trail, and they realize that the trail gives their land additional value. And the reason

they like the land along the coast is the same reason we [ECTA] do, and will work with us. But there are municipalities and individual land owners that see an opportunity, partly due to the success of the East Coast Trail (Tanner, 2014).

So, the ECTA has to be attuned to each sale or private land on the coast, municipal plans, rezoning, development application and any relevant provincial policy such as amendments to the regional plan. In some ways the ECTA might be considered a regional coastal land authority – as it is closely monitoring development and planning along the stretch of coast that would impact its designated trail. This includes municipal and regional plan amendments and provincial policies. While the organization has continued to develop positive relations with the municipalities, it is in a position of persistent scrutiny of coastal development, which means monitoring municipal planning and development applications at a time when coastal real estate has a high market value and there is potential property tax benefit to municipalities. Adrian Tanner (2014) noted that one challenge is that the East Coast Trail is perceived by some smaller towns as a St. John's-centred organization with urban folks trying to influence or control their town's section of the coast. This is where the broad membership base and partnering with local citizens or groups becomes very important to the ECTA's approach to trail protection.

Former St. John's Mayor and Deputy Mayor Shannie Duff pointed out the potential conflict or irony of the ECTA's position:

> East Coast Trail and Grand Concourse are both successes and serve as strong proponents in their areas of land use and parks/open land protection. The issue for these groups is that Provincial and Federal funding has dwindled. In the absence of a new regional plan these groups have acted as advocacy groups, but they are not well positioned to do so. It is a delicate balance because while they may monitor and weigh in on development plans and amendments, they are also highly dependent on municipalities for ongoing funding (Duff, 2014).

Lack of champion at the provincial level

A main challenge highlighted by Tanner and Murphy was that the organization has never had a champion or leader at the Provincial level. They noted that the biggest recognition and support at the Provincial level comes from the Department of Tourism.

The financial commitment from the province has been consistent and the Department of Tourism is keen to demonstrate the economic and social value of the trail which justifies the investment in the asset. What the ECTA is referring to is the need for a champion at the provincial level for protection of the coastal land.

In the absence of a regional plan, the ECTA is now pursuing a strategy to align municipal support to protect the trail and hopefully send a message from the bottom up to the Province that the towns desire a board regional policy to protect the coastline. Over the years the municipal financial support has not been as significant as the Association would like, so they are shopping around a memorandum of understand to each town to seek funding support to maintain the trail on the basis of its value to the community, and seeking municipal protection.

> We had a good meeting with the Town of Torbay on Monday night past, we introduced what our ask was, what our expectation was from them versus what we are getting, and it got good reception, so hopefully over the next couple of months we'll negotiate with them and then move that out to all towns, and start working then collectively. Because what we were hoping for in the regional plan is a more integrated approach to managing assets that are critical to all of us and not having one town decide, basically, what happens to a portion of that asset (Murphy, 2014).

When the Northeast Avalon Regional plan review was announced the ECTA saw an opportunity to finally achieve the coastal protection they desire through a new regional plan. The ECTA directors interviewed expressed a sense of hope that they would be able to achieve protection of the trail and the coast in a new regional plan, which is consistent with their letter to trail members and supporters and their submission to regional plan consultations in May 2009 (ECTA, 2009). Representatives of the ECTA attended the NEAR Plan Review public consultations and encouraged members to attend, submitted an open letter during the planning process. Support for the East Coast Trail, the coastline, and wildlife and natural area protection was made in the 2009 NEAR Plan Issues & Analysis Report:

> Areas of significant forest cover for resource use, habitat or aesthetic value should be protected and preserved. The preservation of a large natural area connected with natural areas in other parts of the province will provide wildlife corridors and help sustain ecological diversity in the

region. As urbanization and development continues a linked system of open spaces should be maintained. The East Coast Trail will be a key component of this system and should continue to be supported (CBCL Ltd, 2009, p.iii).

Adrian Tanner (2014) noted that the ECTA had much hope for the regional plan process to give them one authority to talk to rather than several. They consider a regional plan to be an essential piece of overall governance for the region:

> We were somewhat optimistic that this Northeast Avalon plan would give us the opportunity to make that argument strongly and hopefully the plan would incorporate some recognition and protection of the trail as it is would prevention of erosion, but as you know it stalled, so we still have to fight these battles municipality-by-municipality and it's very time consuming (Tanner, 2014).

In summary, the East Coast Trail demonstrates ongoing collaboration, encourages regionalism, regional governance, and engages citizens to experience the region's rich coastal heritage. The coastal trail is a social, economic, and environmental asset that navigates multiple jurisdictions on the Avalon Peninsula. However, it struggles to achieve its full potential due to limited protection and integration in municipal, regional and provincial planning policy.

4.1.2. Grand Concourse Authority

Background

While the East Coast Trail Association focuses on coastal wilderness and nature trails, the Grand Concourse Authority (GCA) focuses on connecting trails, waterways, and park systems in the urban and sub-urban areas within and adjacent to St. John's. The expanding trail network of 160km connects St. John's, Mount Pearl, Paradise, and CBS, with additional trails in Torbay and Portugal Cove-St. Philips. The organization has focused its work on connecting large urban parks such as Pippy Park and Bowring Park in St. John's, historical streets and designated heritage walks in downtown St. John's, streams that flow through multiple municipalities, such as the Waterford River, as well as numerous other trails and parks in the region (GCA, 2014a). A map of the Grand Concourse Trail system is included in Appendix G.

The origin of the Grand Concourse Authority is rooted in the late 1980s when the St. John's city-region became recognized for its unique network of rivers and water bodies, all under public ownership (GCA, 2014a). The precursor to the Grand Concourse Authority was the Quidi Vidi/Rennie's River Development Foundation (QVRRDF) established in 1985 to clean up the urban river, improve the river habitat, build an interpretation centre, and place 7.5km of walking trails along the river from Long Pond on the University campus to Quidi Vidi Lake (QVRRDF, 2014). Based on the success of this initiative and the riparian zone legislation, Paul Johnson of the Johnson Family Foundation initiated a number of studies to investigate the potential of interlinking these waterways with a trail corridor extending from Signal Hill in St. John's in the east, to Octagon Pond in Paradise in the west. The GCA has benefitted from strong leadership that has engaged a network of organizations in a partnership governance model that is supported by Provincial legislation, and financially sustained by partners to support the ongoing financial requirements to maintain existing trail network. The continued work of the GCA in areas on and off the trail places the organization in competition with other landscape planning consultants.

Success

Leadership

The success of the Quidi Vidi-Rennie's River Foundation and the Johnson Foundation's work on Signal Hill generated the vision of Mr. Paul Johnson, a local insurance business owner and philanthropist, who saw the potential for an inter-urban trail network in the region. At the outset, the GCA project was primarily funded by the Johnson Family Foundation which kick started the demonstration projects and development of a master plan which would then guide their work for about 15 years until completion in 2005. A key element of Johnson's leadership was to engage partners in the vision of a "Walker's Paradise" and generate buy-in to the concept. These partnerships were established early on with multiple levels of government, as well as institutional and community partners to govern and fund the trail's development. This partnering nurtured development of a significant community asset and provided economic training and employment in a time of economic hardship in the Province.

Neil Dawe, landscape architect and current President of Tract Consulting, was responsible for overseeing the design and building as the first Executive Director of the Grand Concourse. He worked closely with Paul Johnson and the Johnson Family Foundation in the visioning, designing and eventual funding and building stages of the trail network. Dawe (2014) acknowledged the leadership and vision of Paul Johnson to develop partnerships and lead the writing the Provincial Act to incorporate the Grand Concourse Authority in 1994:

> The Grand Concourse idea came from Paul Johnson, a very successful business man who owned Johnson's Insurance... he took what Quidi Vidi Rennie's River Development Foundation did as a start and he basically made it mega. Mr. Johnson saw that and he developed a network of about 130 kms that is around the St. John's urban region. There were 13 partners and we based the model for the Grand Concourse in part on the model for the walking system in the Hudson's River Valley Authority in the United States where there is something like 134 municipalities that have come together (Dawe, 2014)

In an interview with Steve Kent (2014) he commented that leadership was a big part of the success of the Grand Concourse Authority and is a major factor in regional governance or inter-municipal collaboration initiatives:

> I think it's got a lot to do with leadership. You know in the case of Grand Concourse there were some visionaries who drove that process, who drove that vision, who got everyone excited about possibilities that existed, to do something that would have a long-term positive impact on the region (Kent, 2014).

Corrie Davis (2014) highlighted the Grand Concourse as an example of success in regional collaboration that demonstrates governance potential:

> So you have the big picture idea of, we have all of these green spaces thanks to good legacy legislation in this province of protecting riparian areas along waterway and wetlands and water bodies where it remains for the most part crown land, and the ability to connect them. So that vision, that very simple vision has evolved into a world class recreational asset that is regionally shared. Mount Pearl, St. John's, Paradise and I think right now they're looking at incorporating some of the other municipalities and some of their own informal trail networks into that as well and bringing them up to the Grand Concourse Authority (GCA) standard (Davis, 2014).

In 2004, Paul Johnson received the Order of Newfoundland and Labrador in recognition for his involvement in community organizations and philanthropy to enhance the capital region in particular in appreciation the natural beauty and cultural heritage of the area (Government of NL, 2004). In 2011 the GCA was awarded the Canadian Institute of Planners award for Vision in Planning, and has also won a number of landscape design awards including an American Society of Landscape Architects award for the design of the Walkway Maintenance Manual (GCA, 2014a). Not only has the organization focused on connecting the Northeast Avalon region with inter-urban trails, but it is now becoming recognized as a leader in landscape design services for other municipal parks outside of the existing trail system.

Partnerships

One of the unique features of the Grand Concourse Authority is its partnership governance model that was established at the outset of organization and written into the provincial Grand Concourse Authority Act. Section 4 of the GCA Act states:

> 4. (1) The members of the authority may include those departments and agencies of the governments of the province and of Canada, municipalities, corporations, groups and organizations who support the concept of the Grand Concourse and wish to participate in its establishment and maintenance.
>
> (2) Notwithstanding subsection (1), on the coming into force of this Act, the province, represented by the Department of Tourism and Culture and the Department of Works, Services and Transportation, the City of St. John's, the municipality of Paradise, the Memorial University of Newfoundland, the C.A. Pippy Park Commission and the Newfoundland and Labrador Housing Corporation shall be members of the authority.
>
> (Government of NL, 1994)

The first partners to engage in the concept were Memorial University, City of St. John's, Parks Canada, and the Quidi Vidi/Rennie's River Development Foundation (Atlantic Planners Institute, 2011). Following the initial demonstration projects there were 13 partners that signed on to the board of directors, each with a single vote (Dawe, 2014). Today that governance partnership includes governmental (municipal and provincial) and non-governmental partners (park commissions/foundations and Memorial University). The Grand Concourse has been a successful collaborative initiative bringing six municipalities to the table, four Provincial Government departments, Memorial

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University and a number of community groups to create a unique space of engagement for governance of this inter-municipal, regional asset. The following governmental and community organizations are currently represented on the board:

Table 4.1.   Grand Concourse Authority Board of Governance

Johnson Family Foundation	St. John's Fluvarium (Quidi Vidi Rennie's River Development Foundation)
Pippy Park Commission	Memorial University
Bowring Park Foundation	City of St. John's
Downtown St. John's (BIA)	City of Mount Pearl
St. John's Port Authority	Town of Conception Bay South
Newfoundland and Labrador Housing	Town of Paradise
Newfoundland and Labrador Department of Transportation and Works	Town of Portugal Cove-St. Philips
Newfoundland and Labrador Department of Environment and Conservation	Town of Torbay
Newfoundland and Labrador Department of Tourism, Culture, Recreation	

Source: (Grand Concourse Authority, 2014a; Government of NL, 1994)

When asked about the collaborative process while the trail was under development, Neil Dawe (2014) described that the GCA would agree on sections of the trail that would be built each year based on the master plan, and they would present that to the each council to fund it, in partnership with the Province and the Federal Government through ACOA. He described the work as very time intensive – being constantly involved in building trails, seeking funding, or planning future work.

> Every other night I was giving presentation, for every part that we did we had a public consultation. We didn't do anything in any neighborhood anywhere without going into that neighborhood, having a public forum, showing the public what it was that we were going to do, getting their approval and then doing it. Nothing was top down (Dawe, 2014).

The funding of the Johnson Family Foundation provided significant leverage that encouraged and gave incentive for other funding partners to come to the table.

I was at that for 13 years and we spent a lot of money, but the way it worked is that Mr. Johnson was putting so much money, the municipalities, we had a deal with them, we fund 50% of the money they put in 50%, so it was 50-50 funding. But in order to get that each of the municipalities had to agree based on population to put so much money into the operating overhead. That operating overhead then paid my salary and our administration which wasn't very big (Dawe, 2014).

The collaborative structure and multi-level governance of the Grand Concourse Authority characterizes a successful new regionalism governance approach on the Northeast Avalon.

Provincial policy

In addition to leadership and partnerships, the other contributing success factor for the Grand Concourse is provincial legislation. While the Grand Concourse was well recognized and regarded by community groups and municipalities, it was the Provincial Government enacting the Grand Concourse Authority Act that gave the organization its powers. This was described Provincial Land Use Manager Corrie Davis: "The Grand Concourse Authority is rooted in Provincial legislation – there is a Grand Concourse Authority act, and then the municipalities that are part of the system actually pay into the system and manage it. They appoint the GCA board (Davis, 2014)."

In addition to the GCA Act, the previously mentioned Section 7 of the Provincial Lands Act designates a Crown Land Reserve to protect riparian zones located within 15m from the high water mark. While this legislation appears to be inadequate to protect the coastline and the East Coast Trail, it had proved valuable for the streams and ponds further inland. This legacy legislation protecting land along waterways allowed much of the Grand Concourse to take shape more easily, although former GCA director Neil Dawe described that there were challenges with some privately owned sections that pre-dated the Lands Act:

The success of the Grand Concourse is in large part based on the Newfoundland Lands Act of maybe 1858 something like that, that said fifteen meters from the high water mark is public realm, that you can have no permanent structures within that. So you could put trails in, so it meant that we can put, unlike in New Brunswick where everybody owns rivers, you don't here. There is a fifteen metre right of way that is for the public good and you can put a trail on that and nobody can build there. Now sometimes people do but basically it made putting

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the trail system in a little easier, but there was tons of areas where people owned the land prior to that Lands Act which meant that they owned the land the water's edge so then we had to negotiate access. The hardest part of the trail system, any system is negotiating linkages (Dawe, 2014).

Having built out its original master plan the success of the Grand Concourse has positioned it as a go to organization for inter-urban trails and parks. The organization now seeks to move beyond its current partners to contract for park and trail development consulting services beyond the Northeast Avalon.

Challenges

Funding model

Based on 2012 and 2013 CRA charities report (Government of Canada, 2014) the current funding source for the Grand Concourse Authority is primarily municipal with very little provincial or federal funding or private donations. This signals the success that the GCA has had in garnering sustained municipal support for trail maintenance. As per the GCA Act the governance structure also offers each partner municipality a seat on the board of directors. As the organization seeks to branch out into new projects outside of the existing trail network, however, the current reliance on municipal funding could pose a challenge with regards to balancing future priorities. Under the current funding and governance model, the partner municipalities' main priority is likely going to be their ongoing contracts for maintenance of the existing trail over new project development. So, the capacity for Grand Concourse to take on this new line of business without compromising the existing municipal funding model and partnership structure needs to be carefully evaluated.

New business

Following the completion of the original master plan for the Grand Concourse in 2005, the focus of the GCA shifted to providing ongoing support and enhancement of existing trails and walkways. More recently, the organization has also been pursuing new projects including landscape design on the grounds at The Rooms in St. John's, and development of a major section of the new "T'Railway" trail system that passes through the Town of CBS (GCA, 2014b). The "T'Railway" is a provincial trail system that

re-purposes the former Newfoundland railway track bed close in 1988 for public recreational use, mostly for all terrain vehicle (ATV) use (Newfoundland T'Railway, 2014). As noted by St. John's Planner Ken O'Brien (2014), involvement of the Grand Concourse in the T'Railway system meant that the trail would have to be closed to ATV traffic as that use conflicts with the Grand Concourse mission to provide pedestrian trails.

On their website, the GCA states that they are now looking to shift to a Provincial focus which would mean expanding their work beyond current municipal and institutional partners (GCA, 2014b). Until now, the focus has been in the areas of the existing trail network that serves the municipalities that are represented on the board of directors. This expansion may require alteration in the provincial legislation (the Grand Concourse Authority Act), or perhaps a separate for-profit enterprise to be created for this landscape design and consulting arm. The expanded work also places the Grand Concourse in direct competition with other landscape planners, such as the company operated by former GCA executive director Neil Dawe. It was Dawe's firm Tract Consulting that completed the initial conceptual layout and development plan for the T'Railway system in Conception Bay South (Tract Consulting, 2012). Now the Grand Concourse is on board to build out that plan, which presents some confusion to Dawe as indicated below:

> Effectively they have become a construction consulting firm. The Grand Concourse, in some ways, has become a competitor of mine. I'm seeing them out doing stuff, they have taken a lot of plans that we have done and now they are out building the work we have done. Which, I support the Grand Concourse but I am trying to figure out what their strategy is. They're not only building - they got their own design team and they are like a company (Dawe, 2014).

Whether there is as much confusion on the part of the current Grand Concourse leadership was not determined in this study, but this serves as a cautionary tale that to outsiders the GCA vision may seem muddled and require more clear communication of the brand and new strategy.

4.2. Regional Services

4.2.1. Water

Background

Water service is another area of inter-municipal collaboration on the Northeast Avalon. The St. John's Regional Water Services Committee (SJRWSC) oversees water service for the following municipalities in the Northeast Avalon region: St. John's, Mount Pearl, Paradise, Conception Bay South and Portugal Cove-St. Philips (SJRWSC, 2014). The regional water system is operated by the City of St. John's, and its governance was assented in legislation in 1991 with an addition to the City of St. John's Act, in Section 402.1 titled *Regional Services* (Government of NL, 1991a). The committee consists of the Mayor and Council from the City of St. John's (11 members) and the Mayor from of each municipality receiving service. Similar to other regional services governed under this act, there is concern with the power balance in this legislated governance structure, which puts control in the hands of the City of St. John's at an 11:4 ratio.

Bay Bulls-Big Pond is the major regional water source serving the west end of St. John's and four additional municipalities. Torbay and Pouch Cove have their own water supply systems while the other areas of the region rely on wells and septic systems for water and sewer. The City of St. John's also has control of another water source that serves only the east end of St. John's called Windsor Lake. The watershed boundaries for the regional water sources are all within St. John's city limits for municipal planning and development control purposes. This was not always the case. In the 1970s when the regional water supply of Bay Bulls-Big Pond came on board it was governed on behalf of the Province by the St. John's Metropolitan Area Board (Vodden, 2006). With the municipal amalgamations of 1991, responsibility for regional service boards including water, sewer and fire were essentially transferred to the City of St. John's. The Metropolitan Area Board, which had previously operated the regional water supply, was eliminated and its lands annexed by neighbouring municipalities with St. John's the recipient of the majority of that land (Government of NL, 1990; Ibid., 1991a).

Success

Planned infrastructure

According to Corrie Davis (2014), one of the major success of the 1976 regional plan was to lay out a plan for infrastructure and growth within the region, this included water, sewer and transportation infrastructure. For water, that meant all the piping, pumps and gravity flow function for the system was designed according to the vision for growth that was laid out in the regional plan. The regional plan also specified the potential sources of water that would have to be brought on board as the region grew. A challenge is that the growth pattern in the 1976 plan has not proceeded as envisioned, and one of the water sources for the growing community of Torbay has been deemed unfit. Still, the benefit of advance planning for regional growth and infrastructure was a major success in protecting watershed areas from development and securing senior level government investment in the major water systems that currently serve the region – Bay Bulls-Big Pond, Petty Harbour-Long Pond, and Windsor Lake (St. John's only)

Mayors interviewed from towns that are connected to the regional water supply are generally satisfied with the quality of operations and indicate value in the regional approach to service sharing for water. Participants also signalled the importance of the watershed protection policies that have been put in place. Stan Clinton (2014), former Director of Provincial Planning, indicated that the 1976 regional plan and subsequent land use policies have been successful in protecting the watershed areas from development.

The successes of building and protecting the regional water system are tempered by the ongoing tension in governance structure and conflicting visions for future growth in the region further described below.

Challenges

Power imbalance

In the interviews with planners and municipal leaders of the region it was clear that there is lingering resentment of the Province's decision to hand over many of the regional services to be run and mainly controlled by St. John's. This transfer of authority was outlined in the 1991 provincial legislation, "An Act to Facilitate the Amalgamation of

Certain Municipal Authorities and Municipal Services in Relation to the Northeast Avalon Region (Government of NL, 1991a)." Governance is granted to the full council of St. John's, plus the mayor or other a single delegated council representative from each participating town. For the regional water board this means a total of 15 members with St. John's holding 11 along with full responsibility for the operations of the water and sewer treatment plants.

In discussion with the CBS and Logy Bay-Middle Cove-Outer Cove mayors the balance of power and control that St. John's has over this regional committee is seen to be an impediment to regional governance. It's not necessarily that they believe that St. John's isn't operating the service well, but the fact that the governance heavily favours St. John's majority is a problem for them (MacDonald, 2014; Kennedy, 2014). The control of St. John's in regional authorities was commonly mentioned to be an impediment to collaborative relations. This concern rings through in other regional authorities under the City of St. John's Act (Government of NL, 2014b) including the wastewater and regional fire departments boards, as well as the more recent regional waste management board further discussed in section 4.2.2.

Serviced versus unserviced development

In the regional plan review discussion in 2009 one of the main concerns about future growth was linked to development in rural areas without water and sewer services. The central concern is that if growth and develop advances too rapidly or too densely, this increases the possibility of groundwater issues in the long-term resulting a major cost to bring in piped water and services after the fact in a public health emergency situation.

Many towns on the urban periphery are realizing growth after a long period of stagnation, and want to capitalize on that opportunity for their town, despite the lack of water or sewer servicing. The rate of residential growth in these areas of the region is said to have been unanticipated in the 1976 regional plan. This issue was noted as one of the main topics of disagreement that led to the failure of the regional plan review of 2009. In the executive summary of the regional plan review background report, the consultants outright question the sustainability of unserviced growth and development:

Some smaller communities have chosen not to invest in water and sewer services; development in these communities proceeds on an unserviced basis. Whether such development is sustainable and future servicing investment avoidable, is unknown, although past experience would suggest that it is not. (CBCL Ltd, Sep 2009, p.iii)

Interviewees felt that this statement leaned toward pursuing an "urban-centric" plan that would negatively impact the desire for municipalities that are not connected to the regional water/sewer systems to grow. As discussed further below in the section on the 2009 regional plan review, it was felt that this was a biased statement that came too early in the process, causing tension between urban and rural communities and leading to breakdown in talks. John Kennedy (2014), Mayor of Logy Bay-Middle Cove-Outer Cove stated that there is nothing wrong with unserviced development that is done well. While there may be valid concern for the environment or public health based on historical experience, a policy that restricts municipal autonomy and severely limits the type of growth that municipalities can pursue is highly conflictual in nature.

190-metre contour

Another major issue regarding water and development has taken shape since the failure of the 2009 regional plan review - development above the 190 metres above sea level contour. At the request of the City of St. John's a major amendment to the 1976 plan was approved by the Province that releases a large section of land for development that had previously acted as a growth boundary for the region. The 190 metre contour is explained by Corrie Davis, Manager of Land Use planning for the Province:

The original idea behind the 190m was a reasonable limit where we can put infrastructure and investment in the ground to accommodate development. So, it did serve as a growth boundary. That growth boundary impacted Mount Pearl, Paradise and St John's. They are the three municipalities that have substantial lands above the 190m above sea level (Davis, 2014).

Opening up this land for development in 2012 represents a major policy shift for land use and growth in the region which many planners and leaders in the region are not in support of. To the Mount Pearl planner this represented a sudden shift in policy that St. John's had held a firm ground on for a long time until 2012:

The city of St. John's, about five or six or seven years ago, was adamant that there would be no development above the 190-meter Contour. There's a lot land below the 190-meter contour, it is serviced, so the infrastructure is there. Suddenly they turn around a couple of years ago and ask for this change in Kenmount Road area and Southlands. So we are now pursuing a change in our boundaries and we have actually gone to the regional water supply saying we want to check and make sure there is enough capacity in the system for the land above the 190m in Mount Pearl, which is a very small area. They say they will have to do a regional water study to see if they have capacity for all the land above the 190-metre contour (Jewcyzk, 2014).

While it was previously set as a technical boundary for pumping water further uphill, the boundary also served as a growth boundary and protected the forested hilltop from development. The amendment primarily benefitted St. John's and in particular allows for the development of land owned by former Premier, Danny Williams. The process and impetus for this amendment further demonstrates local governance dynamics of influence and power balance land use planning. It also demonstrates the interconnectedness in how local governance and land use decisions can broad impact on the strategic growth of the region as a whole

There is concern that the recommendations of the commissioner assigned to the rezoning, Chris Sharpe a Geography Professor at Memorial University, were not followed. For example, Mount Pearl is concerned that that a full water impact or assessment study was not properly done to assess the impact on water system capacity before allow rezoning of the growth boundary. This has now come to surface with Mount Pearl wanting to develop on its lands above 190m contour, but the City of St. John's denied that servicing without adequate assessment:

We argued against opening all the lands, Chris Sharpe was the commissioner at the time and he was right on, he said, 'do this work first before we change it'. So now we're going in for our lands and the regional water supply says we have to do this report before we do it. Who manages and operates the regional water supply? The City of St. John's. Yet their lines can develop and go ahead but Mount Pearl can't. So what's that all about?

The decision with the 190-meter Contour, I believe, is going to cost the taxpayers significantly in the future. It definitely is because if you take a look at the infrastructure requirement to accommodate land that was not even contemplated for development in this region. To me, was it Provincial interest to take a look at that? You're damn right

it was. Did the province take a look at it? No. They just let it go (Jewcyzk, 2014).

The public consultation included a number of other submissions that and questioned the need to open up this large area of land for redevelopment and highlighted concerns about the rising cost of housing in the region (Sharpe, 2012). The land size opened represents a significant area for potential redevelopment, estimated at 12,000-15,000 people, within the City of St. John's. This will be a major factor to consider in the regional plan review since there is now a significant swath of land where St. John's can develop housing, quite likely at the expense of other areas. Mayor of Mount Pearl, Randy Simms noted concern about the rezoning:

> We had a limit of service that said nothing could go above the 190 contour, no development above that height because you'd have to pump water and you'd have to pump sewer. So, all development was geared to happen below the 190. That got changed, now it's 220. Now all of a sudden there is more that we can grow. I'm not sure that we should have ever allowed it… what are we doing to the lands that are not yet developed below the 190 when we allow that to happen (Simms, 2014).

The NEAR Plan consultant's report in September 2009 anticipated the possible rezoning of the land above the 190m contour. In their assessment opening up that land above the boundary was not necessary to meet the future demands of population growth based on the land already available for development:

> The approximately 1,796 ha of land currently planned for residential development in the region is more than 2 times the amount needed to accommodate the projected demand of 865 ha for the next 25 years. Should additional areas proposed for future residential development be approved (i.e. above the 190m. contour, the Fowler Road area in Conception Bay South, and the ADA area in Portugal Cove-St. Philip's), this factor increases to more than 3 times. Growth is occurring throughout the region, particularly at the periphery of the urban core and outlying rural communities. Given the ample supply of land, the regional plan will need to consider whether or not new growth should be channeled to particular areas or be allowed to continue until existing areas are built out. (CBCL, 2009, p.iv)

On the one hand, those on the regional water system are concerned about growth in areas which are not on the water system and whether that is a sustainable way

to grow. On the other hand, those areas without service note the cost of running pipe is not feasible and are concerned with the control that St. John's has over the regional water system and its long term capacity. A major consideration for future regional planning or growth strategy efforts, therefore, will be managing the supply of developable lands so as to gain consensus as to concentration of growth for effective and economical servicing, infrastructure location, transportation, industrial land, coastline and open space/parks, agricultural land, and forestry. Designations such as rural, suburban, urban, etc have to be considered carefully and may require revision from the designations put forth in the 1976 plan.

4.2.2. Waste Management

Background

Another area of regional collaboration on services is in the area of waste management. Following a series of consultations in 2001, primarily led by the Province of NL's Department of Environment, the Provincial Waste Management Strategy was released in 2002. The strategy focuses on improving environmental health with the main goals to achieve 50% waste diversion current disposal, reduce the number of disposal sites by 80%, eliminate open burning, and operation of unlined landfills (Government of NL, 2002). Economically, the Province took the approach of not to burden municipalities and local service districts with cost of capital projects to meet the strategy, but the capital is to be 100% covered by province in order to ensure reasonable user fees (Government of NL, 2014c). The Waste Management Strategy is heralded by the Province as an interdepartmental initiative (Government of NL, 2014c) and via federal funding and implementation of the integrated regional approach regional at initiative at the regional and local government levels can also be consider an intergovernmental and collaborative initiative.

The Provincial-led strategy with capital funding and incentive to close landfills gave the impetus necessary for action and regional collaboration. The Eastern Waste Management (EWM) committee was initially established as a ministerial committee tasked with implementing the Provincial Waste Management Strategy for the Avalon Peninsula of Newfoundland. From the outset the provincial strategy envisaged a

collaborative regional approach to integrated waste management across the Province. The Eastern Waste Management Authority, since legislated as the Eastern Regional Services Board, has successfully delivered on that regional approach, with exception, as some of its members report, to the governance structure. The service area has a much larger boundary than the Northeast Avalon and in fact encompasses the whole Avalon Peninsula plus the Clarenville area outside the Avalon Peninsula. The waste management boundary is just slightly beyond the Statistics Canada Census Division boundaries show in Table 5. For the 270,000 people within its service region, the Eastern Waste Management has identified 8 sub-regions for operational purposes and board representation. The sub-regions of the waste management service boundaries are shown in Table 6. On this regional board the City of St. John's holds the majority of power with 10 seats of 20 elected seats, and he Province appoints an additional member as the Chair making it a 21 member board. The defining of boundaries for service delivery was noted by the Chief Administration Officer, Ken Kelly (2014), to be an important component in achieving economies of scale and development of the regional governance model.

Table 4.2.   Statistics Canada Newfoundland & Labrador Census Division No. 1
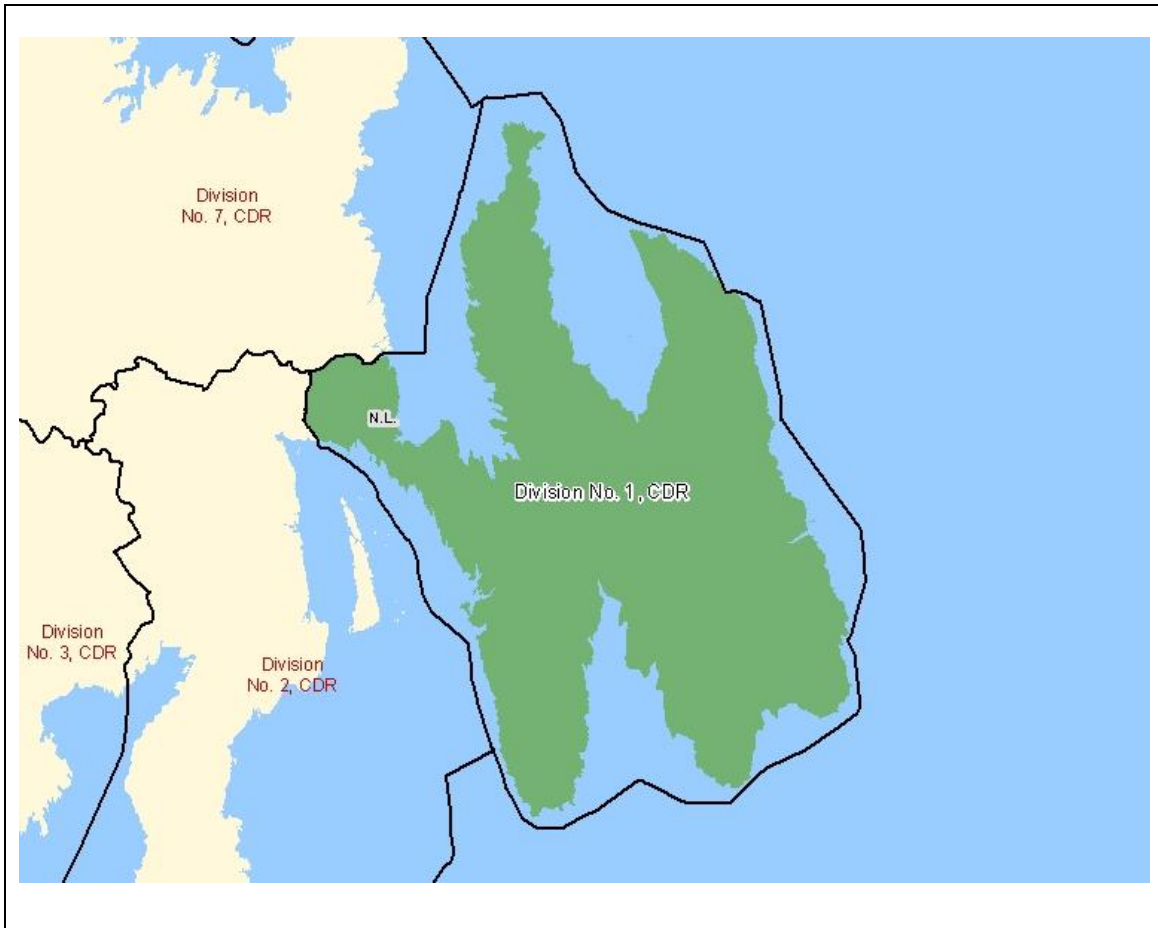
Source: Statistics Canada, Census Division Maps

Table 4.3.   Eastern Waste Management Service Region and Sub-regions
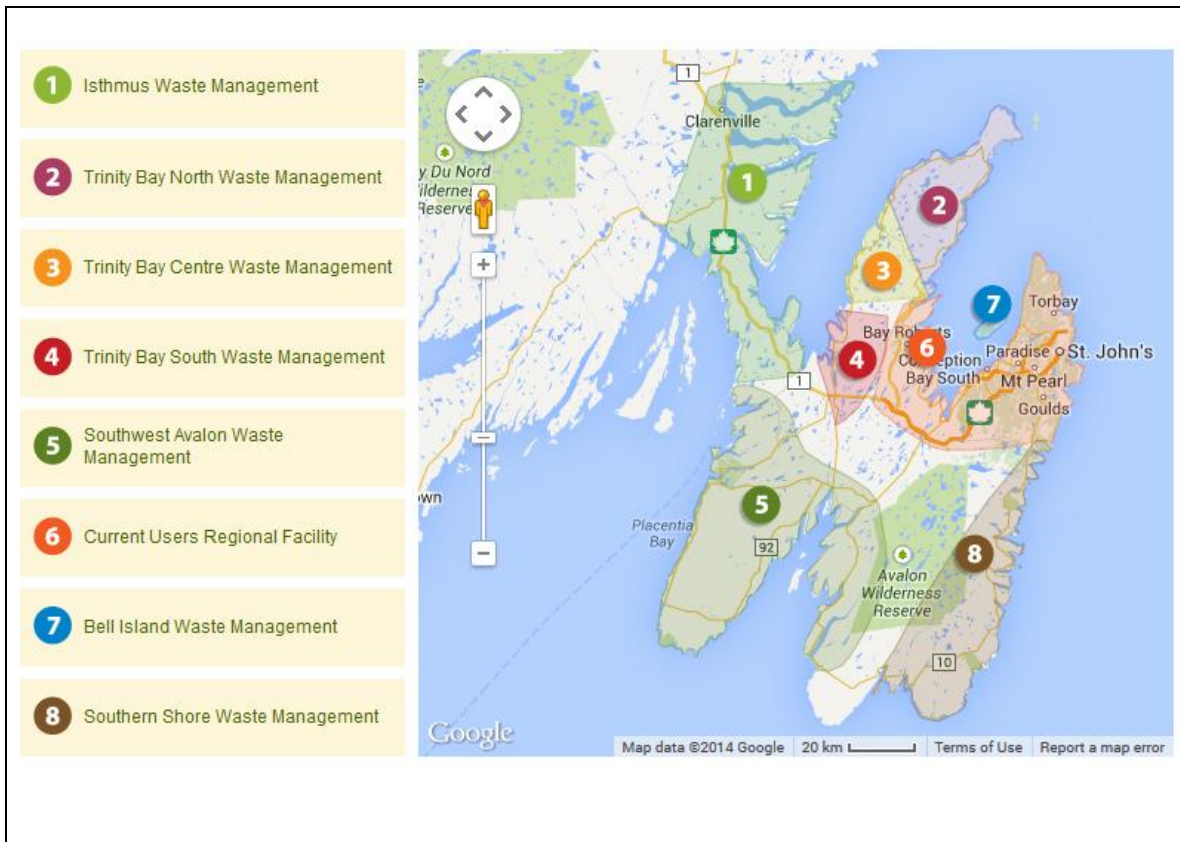
Source: Eastern Waste Management, Regions (http://easternwaste.ca/regions)

Following the release of the Provincial waste management strategy in 2002 some important planning and development groundwork was completed by a ministerial committee led by Judge Wicks to determine boundaries, closures, service levels, cost, siting of regional waste, and upgrades to existing facilities (Kelly, 2014). But it wasn't until the Federal Government announced a five-year graduated distribution of $5 billion in gas tax revenues back to Provinces in their 2005 budget titled, "A New Deal for Canada's Communities (Government of Canada, 2005)", that the NL waste management strategy received funding necessary to move forward (Kelly, 2014). The federal plan provided NL with $82.3 million over the initial five year period from 2005-2010 (Government of Canada, 2005). The Gas Tax redistribution to Provinces was specifically intended to support "environmentally sustainable infrastructure projects" with focus on transit, water and sewer, community energy, and solid waste (Ibid.).

A number of interviewees provided accounts of their experience with EWM including discussion with the CEO of Eastern Regional Services Board, several mayors in the region and Harold Mullowney, Deputy Mayor of Bay Bulls and Vice Chair of EWM.

Successes

Provincial leadership

The successful establishment of the regional authority for waste owes much of its credit to Provincial leadership through consultation, release of the Provincial Strategy, and ministerial implementation committees. The added infrastructure revenues from the Federal gas tax and commitment from the Province to cover the cost of new infrastructure and closure of old sites was also vital for successfully adopting regional, inter-municipal collaboration on waste management. The EWM Chief Administrative Officer, Ken Kelly, highlights the importance of having higher level policy perspective, in this case from the Province. He states that that policy directive, or "the impending doom that the landfill was going to be taken away", necessitated collaboration on a new initiative (Kelly, 2014). Although the legislative or regulatory directive was not there to give EWM official authority to close landfills, the Provincial strategy and the funding to close landfills gave the regional board the ability to gain consensus among municipalities that closing landfills and shifting to a regional solution made sense (Kelly, 2014).

Negotiated regional cooperation

Through joint service agreements and creation of sub regional committees, an integrated regional waste system using the Robin Hood Bay facility was established well in advance of creation of the regional waste authority. Kelly (2014) notes the establishment of service boundaries was important, but challenging as the areas had to make rational economic sense in regard to how the services should be packaged and effectively delivered. Some sub region boundaries coincided with provincial electoral areas, while others coincided with the already established Joint Councils, for example the Southern Shore Joint Council which services Bay Bulls to Trepassey. In sub regions where a joint council already exists the EWM governance model was linked with the joint council to have the municipal official elected as the board chair for the regional joint council also appointed as that area's representative on the Waste management

committee. In other sub regions the municipalities and local service districts decide on an elected representative to serve their area on the board.

Prior to enactment of the Regional Services Board act in 2012 all the operational agreement and service delivery structure was put in place through the joint service agreements: "All in place and all working, with joint service agreements; all because of cooperation. It wasn't because there was a regional authority or anything like that; it was simply because of cooperation (Kelly, 2014)." Subsequently, in 2012, the service agreements were transferred over to the Eastern Regional Service Board which presently has authority over waste only.

The complexities of negotiating service delivery requirements while seeking economies of scale were highlighted by Harold Mullowney, Vice Chair of EWM, Chair of Southern Shore Joint Council, and Deputy Mayor of Town of Bay Bulls:

> When we got involved we said we would join up with Eastern Regional Services Board and we would collapse our waste management organization and become part of theirs but we had some demands and a couple of them were around transfer stations… So we demanded and we got a transfer station for Bay Bulls. That serves much of the region. There's another one at Renews and we also demanded that one (Mullowney, 2014).

Provincial investment and service cost balancing

Former City of St. John's Mayor and Deputy Mayor, Shannie Duff, considers regional waste management to be a major success in collaboration, and also highlights the required change in perspective for the City of St. John's in regionalizing the service. However, she also acknowledged some challenges with the governance structure for Eastern Waste Management:

> Solid waste is a huge success. It took the provincial government enacting strict environmental legislation to close landfills, thereby forcing the municipalities to work together to find a solution. It was a big learning process for St. John's. Required more openness of the books, more transparency and letting go of control for St. John's. I sat on the board for Eastern Waste. Eastern waste governance structure is a challenge (Duff, 2014).

In reality, it was government policy or strategy rather than regulatory legislation that led to closure of landfills, as noted by Kelly previously, but Duff's comments again point to the influence of Provincial government to drive the process forward with policy action and financial incentive for municipalities to come up with regional solutions and infrastructure.

Retired Director of Provincial Planning, Stan Clinton, also linked the success of implementing the provincial strategy with the investment necessary by the Province to do so:

> You know, the regional waste management policy has removed a lot of what was environmentally unsatisfactory practices and essentially removed dumps. So, it is doing that, but at a cost of course. Government is putting a lot of money into that in terms of building transfer stations and all of the improvements that have happened at Robin Hood Bay. The municipalities seem to have bought into that because they had to get rid of their waste anyway. The problem of course is that it now costs more - you are shipping garbage from Clarenville to Robin Hood Bay. You equalize that, but it means it costs more for everybody in that sense (Clinton, 2014).

Alignment with the Provincial strategy meant a significant positive environmental impact by shutting down 42 landfill sites in the Avalon Region, considered a major success by interviewees and from the Department of Environment's perspective. However, the main concern for municipalities was noted to be cost and rational service delivery:

> From our stand point Eastern Waste Management is out trying to do the right thing for the environment, yes, but you go to municipal councils and their main concern is, 'what's it going to cost me?'. That's the main stand point from the municipal governments, so it's a dynamic of balancing cost and trying to put things in place (Kelly, 2014).

Another cost balancing factor mentioned was that the communities in the St. John's City-Region are not willing to subsidize the cost for smaller sub-regions or towns. They do not want to see their costs increased as a result of bringing on communities further out, as noted by Kelly:

> So you actually have the communities out here have the same level of service as in here and it's all on the regional tipping fee. That was negotiation based. That wasn't a principle that somebody said yeah it

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has got to be the same. That was a cost and economics negotiation and if it wasn't beneficial to the metro region then it wouldn't happen (Kelly, 2014).

Shannie Duff, who sat on all of the regional authority boards until her retirement in 2013, expressed a level of financial transparency on the part of St. John's as operator of the regional waste facility, and indicates there is an opportunity for other towns to determine the fee structure: "I think, you know, they have a say in setting the tipping fee, they also have a say, and they have total access to the books and everything so you know, so the level of misunderstanding that was there, that the City of St. John's was just operating these things sort of at profit has I think disappeared (Duff, 2014)". While the transparency may be present, the ability to influence fees does not seem to be a common view, as will be discussed later.

Overall it seems that municipalities are satisfied with the service and operations. Despite increases in rates they are pleased with what has been accomplished and have some degree of comfort that the rate increases are coupled with improvement in services, capital and an integrated, long-term structure. Mount Pearl Mayor Randy Simms commented:

> Regionalization makes sense for water because it saves everybody money, and we get a good service for that – that works. Waste water works, and even regional waste management, one might argue, works even though we're paying more for it than we ever did before (Simms, 2014).

Bay Bulls Deputy Mayor, Harold Mullowney, also sees a benefit in a regional approach and balancing out costs across the larger service region:

> We had our own waste management facility here in Bay Bulls. We use to trade off garbage for fire fighting with Witless Bay and that worked nicely for a few years. Then when we got involved with the joint council we said if we are going to do something sensible for the area we have to do it regionally, so it means some people will pay more and some people will pay less but we'll balance it out across the area (Mullowney, 2014).

Challenges

Siting of regional facility

The operational, and collaborative success of the Eastern Waste Management authority is somewhat restrained by the ongoing concerns about the degree of influence that St. John's has in yet another regional service. The process of selecting St. John's waste facility to function as the regional facility is seen as a decision process that appears to have bypassed the general board and happened behind the scenes in a negotiation between the Province and the City. It is not that the decision was a bad choice, operationally speaking, but that the process bypassed other municipalities on the established governance board which had already begun exploring a more central site that would serve the region well into the future. Craig Pollett, Executive Director of the Municipalities Newfoundland and Labrador (MNL) Association described that decision-making process:

> When the regional waste management strategy was put in place there was a committee for all of the Avalon that was looking at where to put the new landfill facility, composting and everything. They picked an area out by Soldier's Pond called Dog Hill, that was the closest to the centroid and it was far enough out that nobody would see it. But the City of St. John's would have had a significant cost to essentially shut down Robin Hood Bay which is a massive dump/landfill facility, huge costs. So they pitched to the Province, 'why don't we use Robin Hood Bay? It's still got 25 years', or something like that. Essentially that is what happened, but the Province went around the existing committee that was working on this, had a separate study done, and that study said, 'yeah, you've got enough natural attenuation, there are rocks under the soil and there's ways to capture and leachate that might leak out to Conception Bay and we think this is viable'. So that was a problem because now you've got all the communities that were involved in this thing saying we want to go to this Dog Hill area and the Province and the City it appears are saying, 'no, no we're going to the use the existing dump in Robin Hood Bay'. So there were questions about the study, the engineering and that sort of thing, and then when it finally happened, Eastern Waste Management is using the facility, but the City of St. John's still owns and operates the facility (Pollett, 2014).

Since all infrastructure capital for the waste management project was to flow from the Province, it is foreseeable that the Province would hold significant interest in the decision for siting of the regional waste facility. While it may have been a financially

prudent decision at the time to upgrade the existing facility in St. John's, the fact that the Province stepped in, ordered its own study, and chose to upgrade the facility in St. John's and have the City operate it caused discord among other municipalities. This created a lack of trust in the collaborative dynamic and became a source of tension from the outset, adding to the discontentment with St. John's control over many of the other regional services. Shannie Duff describes the tension and Provincial assertion:

> The most contentious one was solid waste, for reasons that, you know, there was a really big push to have a governance board, and that's still there in sort of an underlying way, although the province has been pretty clear that it's owned and operated by the City of St. John's (Duff, 2014).

Governance and operations control

Aside from the decision to use the St. John's operated waste facility on a regional scale, there is an ongoing source of tension with the influence and degree of control that St. John's has over the governance board and the operation of the facility. The former head of Provincial Planning and current Planner for the Town of CBS, Elaine Mitchell (2014), commented on the issue of inequality in board representation on regional services boards:

> EM: from a municipal perspective, those kinds of regional boards have their issues, because of inequality of representation.
>
> BB: Right, yeah I did see that on the Waste board St. John's has a 50% contingent...
>
> EM: As well as the regional water board has a heavily weighted St. John's contingent, so some of the smaller municipalities feel that they don't have representation or opportunities for input, so I think that would be one of the weaknesses (Mitchell, 2014).

As Mitchell notes there are concerns about board governance particularly St. John's representation. This concern was echoed by many of the interviewees. While there are stated issues of representation on the other regional boards created in 1990, Craig Pollett of MNL noted that the regional authority that is presently causing the most tension is the Eastern Waste Management Authority (or Eastern Regional Services Board):

> The City has half of the seats on the board. That alone, the fact that the city has 50% of the seats is a source of tension, and the fact that they changed where the facility is going to be is a source of tension.

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Those two plus the fact that they still own and run the facility that everyone else it now forced to use is another layer of tension (Pollett, 2014).

Frustration was expressed by the Mayor of CBS, Ken MacDonald regarding the control of St. John's in regional services including the waste and water authorities, and the decision to hand over regional operations to the City:

They currently have the lion's share of control of the waste facility for the North East Avalon which is at Robin Hood Bay and they control the board that does the Regional Water Authority. So they set the rates, they tell us what we have to pay. They have the most people on the board, so they basically have total control.

There is some tension I think. I'll use the waste management facility as an example. They determine the tipping fees for bringing our garbage to that facility, we have no real control. If they increase the amount we pay because of wages or whatever, we have no control over expenses at that facility. So expenses can be sky rocketing but we all have to pay a share of it, even though expenses are skyrocketing because it's under control of the city. If it was a separate entity controlled by a regional board with everyone having a fair say it might be different. It would be hard to do that now because it is under the City union and you'd never get it out from underneath that grass now, unless it had been placed somewhere in the region other than the City of St. John's (MacDonald, 2014).

A similar sentiment was echoed by Logy Bay-Middle Cove-Outer Cover Mayor, John Kennedy:

What they need is to have proper representation and not have St. John's saying 'this is a regional board, but we are controlling it'.

They [St. John's] control Robin Hood Bay. I am going to say there are twenty seats on the board. I am not sure of the exact number, but St. John's has ten. There's one representative for all the towns from here to Pouch Cove. Where's the fairness and balance in that? There is none. This is the problem we got (Kennedy, 2014).

Kelly notes that while St. John's clearly has the balance of power based on board representation and as operator of the regional waste facility, the City hasn't necessarily pushed its weight at the board level. Duff mentioned previously that there is transparency in setting the cost structure. Still Kelly questions whether the composition and dynamic of the regional authority's board is structured in a way to encourage inter-municipal collaboration:

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The City has ten members and if all ten members show up they almost have the majority. They [the board] would need every other member to show up just to keep things even. We never had a situation where the city showed up en mass and voted and did that, but you could see that is a worry because there is potential. You get into those situations where now you have a board composition that as a member of a regional service for inter-municipal cooperation is this board structured to facilitate inter-municipal cooperation? It is, as long as it doesn't cost the metro communities anything (Kelly, 2014).

Kelly (2014) also notes the paradoxical relationship whereby municipalities on the Northeast Avalon express frustration with St. John's control and representation on regional boards but also recognize the City's capacity and operational expertise: "everyone wants the city to take the lead because they recognize their capacity, but no one likes it (Kelly, 2014)". Kelly described that the City of St. John's was a key resource for organizational and operations matters when he was tasked by the Minister with setting up Eastern Waste Management to implement a regional waste system (Kelly, 2014).

The notions highlighted by Duff around lack of incentive for St. John's to release control and pass over to regional board, demonstrates an impediment to regionalization since, for example, it may not be in their best interest cost and service wise to turn what was a city facility into a regional one. Given the significant control that St. John's has been delegated over regional services, it would be a major step for the City to relinquish governance and operations control. The long process to finalize the memorandum of understanding between Eastern Waste Management and the City of St. John's to use the Robin Hood bay facility as regional facility is an indication of the complexity in negotiating control (Eastern Regional Services Board, 2014).

Pollett (2014) indicated that the facility decision and the development of the waste management operation and governance board were all happening around the same time as the regional plan review initiated in 2009. He believes that the tensions rising from the waste management governance process played a significant role in the dynamic of discussion at the regional plan committee meetings and eventual failure in the regional plan review.

Regional services board enactment

In 2012, the Province of NL enacted new legislation covering the creation, governance and authority for regional services boards titled "An Act Respecting Regional Service Boards in the Province" (Government of NL, 2012b). The Eastern Waste Management authority is one of several regional service boards centred on waste management in the Province to fall under this new legislation. As such, the board was subsequently reformed as the Eastern Regional Services Board. To date the board oversees just one function, waste, but the legislation is broad enough to encompass a range of other possibilities (see table below). At least one other regional services board in the Province, the Northern Peninsula Regional Services Board, has also taken on oversight of a second service - the fire services for a portion of the region. Interestingly, regional planning is not listed a possible option under the current legislation.

Table 4.4.   NL Regional Services Board Act of 2012 (excerpt)

Powers of board
19. The minister may, by regulation, prescribe the powers that a board may have for the region or a portion of the region governed by the board, including powers regarding
a)   the construction and operation of regional water supply systems, regional sewage disposal systems, regional storm drainage systems, regional waste management systems and including a facility designated in the regulations as a regional facility;
b)   the provision of regional police services, ambulance services, animal and dog control, and other similar services within a region;
c)   the operation of a regional public transportation system;
d)   the determination and change of street and road names in a region so as to avoid a duplication of those names within a region;
e)   the provision of regional recreational facilities;
f)   the provision of regional fire protection services;
g)   the provision of other facilities or services of a regional nature; and
h)   the charging of fees in accordance with section 24.

Source: Government of NL (2012b)

Legislation had been in existence in the Province since the 1990s to allow for Regional Services Board but it was not until the implementation of the Provincial Waste Management Strategy that it been acted on. As a key partner in policy and governance development for local government in the province, Municipalities NL expressed concerns about the legislation in relation to the actual degree of authority assigned to board. Based on the evaluation of Pollett, the regional services boards would closely fit the

definition of quasi-subordination, due to having so much Provincial oversight vested in the operations and governance structures. In contrast to the other regional services boards across the Province, there is the additional twist on the Avalon in that St. John's is the facility operator rather than the regional authority. St. John's also holds 50% interest in the board. As Pollett explains:

> When all of these things were first conceived they had no legislation to create them. So we said, 'well we'll work with you on creating some legislation', but instead they yanked out this old piece of legislation from 1990 that has been created and passed by the house, but hasn't been enacted under Royal Assent. It was called the Regional Services Board Act. It was horrible – paternalistic and the minister decided everything, and all that kind of stuff. They brought that in and said we're going to create these things under this. So we wrote a paper saying, 'this is nuts, it goes again basic democratic principles, and so on', so they said, 'we'll fix it as we go'. But we're still in a place where the chair is appointed by the minister. Everybody is appointed by the Minister, technically. In practice, most of the members of the board are selected by the municipalities and presented to the minister and he says 'yes'. The Chair, that's not really the case – the minister decides who the chair is going to be and they make a lot of decisions around how these things are going to run. That's a real issue for us because in our minds it holds back the development of real regional governance. It's not regional governance owned by the region, it's regional administration that comes from Provincial power. You don't really have a group of municipalities coming together to make decisions with one another based on their authority; you have a group of municipalities coming together to take direction from the Province on how things should go, and that's a whole different ball game (Pollett, 2014).

From Pollett's view the structure developed through the Regional Services Board Act represents a half-hearted attempt to enhance local/regional governance. In this instance it appears that the Provincial government is reluctant to release full governance control to the local authorities. Perhaps because it is the Province's first such experiment with regional services boards and because there is significant investment by the Province, it wants to hold the reins of accountability tight until the model has proven successful. Steve Kent (2014) notes that he is encouraged by the success and sees an expanded role for the regional services boards or some form of regional governance approach in the province:

> I think the issue of regional government is bigger than the planning and development issue. Some of these issues, like developing a new

regional plan, would be easier if there was some kind of regional government structure. So I personally believe that we need to move towards some kind of regional structure. I think it's the most practical way to ensure better coordination of services and to ensure sustainability of communities. When I look at what we've done with waste management, the waste management strategy has been another major challenge for us, now in most regions of the province we have regional service boards in place that contain representatives appointed by the municipalities, in some cases with an independent chair, and in other cases not. It's already showing there's merit to that kind of approach, so maybe we need to modify and expand that approach, or maybe we need something different (Kent, 2014).

Other municipal leaders are unsure of what the Province's intent is in creating the regional services boards and what might be envisioned for their future. The mandate of the regional services board has the legislative backing to extend far beyond the present single-purpose of Waste Management. Duff states that is unclear whether the Province or the region has any intention to push for a multi-purpose authority on the Avalon at this point:

They were working to help with the closure of 19 environmentally unacceptable landfills and to get the smaller regions outside to cooperate on transfer stations and that sort of thing – that was their main job, but I now see there's a little ambition there, you know, to go beyond that. What the province actually means by calling it a regional services board is not quite clear (Duff, 2014).

Kelly provides perspective on the intent and purpose of why the government would move in the regional services board direction. It signals that the Provincial government favours regional cooperation, which for the Northeast Avalon is particularly significant in light of historical amalgamation discussions and the ongoing fear that St. John's has a hidden amalgamation agenda. Kelly discusses the decisions around how regional service delivery is evolving and the choices that are being made in terms of governance structure. He compared the intent of the recent regional service board approach in NL to the Province of British Columbia's creation of regional districts.

That kind of goes back to regional service boards and how you create them and why you create them, and how you make a choice between regional service boards like BC did, like we've done here in Newfoundland, versus a county structure. There's a big difference in a county structure and what you actually end up with. The ends of what

you end up with as a structure verses regions in regional service boards. Regional service boards are geared toward inter-municipal cooperation. Trying to be a facilitator. So even though you were a committee, the idea was you are still getting people to talk together and bring people together for sharing of services (Kelly, 2014).

If the mandate for the regional services board is expanded, which is allowed for under the legislation, the Avalon could see more regional or sub-regional cooperation on other services or initiatives under one authority. Kelly (2014) notes that rethinking of boundaries for individual services (i.e. who is in and who it out) could make expansion a challenge governance-wise, though he does see the potential for regions outside the Northeast Avalon to become more integrated on matters such as planning and regional cooperation.

The mayor of Logy Bay-Middle Cove-Outer Cove expressed concern over any expanded authority of the regional services board, essentially that it would not be acceptable to their town under the status quo:

> If they are going to have the representation that they have on it now, then I don't want to see it. Like I said, we have one representative for five towns and St. John's has ten or eleven. We have to be represented properly. I don't expect control of the board and I certainly don't expect them [St. John's] to control the board that's out there, but that's what is being done now (Kennedy, 2014).

Most interviewees acknowledged the benefit of taking a regional approach to services, tourism, and investment attraction in general. Harold Mullowney, Deputy Mayor of Bay Bulls and Vice Chair of the Eastern Regional Services Board (ERSB), is tentatively encouraged that the creation of the ERSB may encourage more cooperation on the regional scale:

> The other thing is the Eastern Regional Service Board for waste, which I sit on. When that was enacted into legislation the mandate of that goes far beyond waste. So I'm encouraged, but not terribly encouraged, because if it were given its full mandate it could very closely approximate what we are looking for in terms of a regional government. It has the waste as part of its mandate, but it can also do things like fire and policing and on and on (Mullowney, 2014).

The efforts of the waste management and other regional boards contribute to the "community partnership" and "regional cooperation" components of the Department of Municipal Affairs "Strengthened Municipal Capacity" strategic direction (Government of NL, 2014, p.12, 17). They promote a sense of regionalism by providing a space of engagement for solving problems and cooperating on a regional scale, but as mentioned some of the concerns of power imbalance within current structures may hold back the full potential for a multi-purpose regional authority. While there is no specific mention of planning in the regional services board legislation, the Urban and Rural Planning Act 2000 does allow for communities to come together of their own accord to generate a regional plan. Amidst the governance problems though there is willingness to promote or encourage a sense of regional in problem solving together across boundaries and cooperating on solutions to common problem. For the Province to strong hand the removal or reduction in the influence and governance powers of St. John's in the formal regional authorities might very well mean political suicide.

4.3. Regional Planning

4.3.1. Background

Municipal, regional and provincial planning in the Province of NL is currently guided by the *Urban and Rural Planning Act, 2000* (Government of NL, 2000) which is administered by the Department of Municipal Affairs. This legislation was enacted under the leadership of Stan Clinton, former Director of Provincial Planning (Government of NL, 2003). Within the Department of Municipal Affairs, land use presently falls under the Engineering and Planning Division. In October 2005, the Urban and Rural Planning Division merged with the Engineering Division to form the Engineering and Land Use Planning Division (Government of NL, 2006). The Land Use Planning Division reviews and approves each municipal plan created in the province and provides support to municipalities in implementing their plans. Prior to the current planning legislation, Municipal Affairs was heavily involved in creating the actual plans for the municipalities as well as overseeing them. Clinton (2014) explained that the current act introduced a policy shift whereby towns are now responsible for that process and the Provincial government's job is to review and approve proposed municipal plans and subsequent

amendments. In accordance with the planning act, every municipality is required to have a town plan registered with Municipal Affairs. The department is also responsible for overseeing regional planning and provincial land use policy in cooperation with other Government departments such as the Department of Environment and Conservation which administers the Lands Act governing crown and public land.

There is concern among several planners interviewed that the departmental structure infers or indicates a lack of appreciation for planning in the Province and holds back the planning function from reaching its full potential. Stephen Jewcyzk (2014) stated:

> What's happened is the senior executive level of that department has no planners involved and there's a lack of appreciation of planning as more of a holistic piece and they see planning as really a local community piece - just how you organize your land uses in your area. They don't take the broad picture; I don't think they really understand what planning is truly about. So what happens is that you now have a department of qualified planners who for the most part handle process. They handle the amendment process, they handle crown land referrals, they handle the appeal board process, but in terms of real, true planning… and by the way they have the authority, which I find absolutely amazing that the government is not taking advantage of them, of developing land use policy in this province, because we have no land use policy here. In that act, the Urban and Rural Planning Act, they have the authority to do it. A provincial land use policy would be very effective in creating regional policies. Making all the municipalities move towards the greater good for society rather than deal only with their local land use issues (Jewcyzk, 2014).

Stan Clinton, former Director of Planning for the Province also commented on concern for this structure as his position was not replaced after he retired and the land use division was subsequently rolled in with engineering (Clinton, 2014). More significant than the structure, but embedded in the departmental structure, is the sentiment that there is a general lack of appreciation of the value of planning function. This was also expressed by planning consultants Mary Bishop (2014) and Neil Dawe (2014). Likewise, Duff (2014) and Clinton (2014) noted that the 2011 organizational restructuring of the City of St. John's, which tucked the Planning department under the Engineering department, did not reflect a true understanding or appreciation of the planning function. Following the Province's lead, the City of St. John's also did not fill the director position when the previous director retired in 2012.

Sections 6 to 9 of the *Urban and Rural Planning Act, 2000* (Government of NL, 2000) outline the process for designation of regional planning areas, consultation and plan development, and the assignment of a regional authority (or the Minister) to administer and implement the plan. According to the act there are essentially two ways that a regional plan can be created: one, by an area being designated by the minister as a planning region; or two, by resolution of participating municipalities voluntarily coming together as a region with a desire to create a regional plan. To date, three regional planning areas have been designated in the Province. While the regional services board act does not include a provision for creation of a regional planning authority, the planning act does, with ministerial approval.

4.3.2.   Success

1976 St. John's Urban Region Regional Plan

Plan development

The first and only regional plan in effect in the Province is the St. John's Urban Region Regional Plan which was enacted in 1976 under the Moores government, with Brian Peckford as Minister of Municipal Affairs at the time. The process to develop the regional plan took approximately 7 years from the release of the first study of the St. John's Urban Region in 1969 and involved two studies and a Provincial Commission of Enquiry before adoption of the Regional Plan for St. John's Urban Region. The St. John's Urban Region Study was commissioned in 1972 through a joint project between the Federal and Provincial Governments. On the basis of the 1972 study, the Province formed a Commission of Enquiry appointing Alex Henley, businessman and former St. John's city councillor, as chair of a four person Commission charged with reviewing the study's recommendations and conducting a series of public consultations to determine public opinion on the recommendations of the study. Following the public hearings a revised plan was developed by the Provincial Planning Office taking into account the recommendations of the Henley Commission and received approval by the Minister of Municipal Affairs in August 1976 (Government of NL, 1976; Archives Canada, 2014).

Table 4.5.   Timeline of 1976 St. John's Urban Region Regional Plan Development

St. John's Peninsula Urban Region Study	1969
St. John's Urban Region Study	1972
Commission of Enquiry - St. John's Urban Region Study ("Henley" commission)	Jan 1974 to Oct 1976
St. John's Urban Region Designated a Regional Planning Area	May 1976
Ministerial Approval of St. John's Urban Region Regional Plan	Aug 1976

O'Brien (2014) noted that the regional plan was developed during a time of population growth and increased housing demand, but matched with economic hardship in the Province. This is in line with the fact that Government of Canada funding for the 1972 study came from the Department of Regional Economic Expansion (Archives Canada, 2014). Around the same time there was also a new focus on cities at the national level prompted by the creation of the Federal Ministry of Urban Affairs that was active from 1971 to 1979 (Tindal & Tindal, 2013, p.219). In the end, the enquiry process that led to the final adoption of 1976 regional plan was governed by the Province. At the heart of the commission of enquiry was a public engagement process, though it was developed at a time when there was a weaker local governance structure as a result of fewer incorporated areas on the Northeast Avalon in 1976 (Jewcyzk, 2014). Thus, there was very different governance dynamic encountered in the early 1970s than in the region today with all areas now under municipal incorporation. Evident in the 1976 approach though was recognition of individual community identities and a desire to maintain distinct townships that would be guided and integrated through the regional plan, rather than a large scale amalgamation of the region, such as the one which was happening in Winnipeg in 1972.

Content

The key goals of the St. John's Urban Region Regional Plan were to lay out a plan for infrastructure investment in major roads, water, and sewer; to distinguish between urban and rural areas based on services; and to designate growth centres and areas of concentration. Former Provincial Planning Manager, Elaine Mitchell described:

> Well as you probably know, the regional plan was developed back in the 70s, and it certainly had an infrastructure focus, making the regional systems work particularly the regional transportation system, but also built in that were the regional sewer and water systems. Those works are now just about completed; I think that there is one more link that's currently under construction. But in essence it has been finalized (Mitchell, 2014).

Several interviewees responded positively regarding the success of the inaugural regional plan. In particular, several were impressed with the regional road network that was envisioned in the plan (Kennedy, 2014; MacDonald, 2014), and the infrastructure goals that have been achieved. Clinton (2014) also noted the success in protection of watershed areas:

> I think its success there is the road infrastructure – things that are happening now like the Team Gushue Highway, the Outer Ring road and these kinds of roads, they were all in that region plan. The watershed protection policies I think were successful in protecting water supplies for this region (Clinton, 2014).

Mary Bishop (2014) commended the comprehensive research pieces such as population forecasting and growth management strategies that formed the foundation for that plan, and noted the plan as a major success for the region at the time. St. John's planner Ken O'Brien (2014) observed that the region is just now reaching the population that was envisioned in the regional plan:

> It foresaw a higher population growth, because in the 1970s things were booming population wise. It foresaw a much more compact development though, that most of the urban growth would be along a corridor through St. John's, Mount Pearl, Paradise, and into the shore of Conception Bay – that would be the main development area (O'Brien, 2014).

The 1976 regional plan envisioned an "Urban Core" where multi-level government investments in regional water and sewer infrastructure would be focused to accommodate growth in those areas (Government of NL, 1976). The Urban Core included Downtown St. John's, Southwest to Mount Pearl and out through Paradise to CBS, which Jewcyzk (2014) described as a "skewed s" shape. Despite common recognition of the success and benefits of the 1976 plan by interviewees, there is also

common acknowledgement that the plan has now outlived its intended lifespan, and has not been subject to successful revision in its 38 years (Government of NL, 2007).

4.3.3. Challenges

Administration of 1976 plan

The current Provincial planning department is seen to have taken seriously its mandate to guide growth and development in the region in accordance with the regional plan legislation that is in place. However, it is reported that with prior administration there was a general understanding that the region plan was dated, and as a result numerous town and city plans were approved which contain unresolved conflicts with the regional plan:

> Certainly the planners prior to that had really not been implementing the regional plan in any consistent fashion. There was kind of a general recognition that it wasn't necessarily meeting the needs of the municipalities. There was a recognition that it was dated and we were taking a very gentle approach in using the regional plan. We were just using it very much on an ad hoc basis depending on what the proposals were coming in and from which municipalities and what those involved (Mitchell, 2014).

On the one hand, the approach by the current administration has surfaced tension among municipalities and a concern about "slowing down development" as a result of the numerous conflicts that exist between municipal and regional plans. On the other hand, the current review process has been successful in bringing to light the conflicts between municipal and regional plans. This incongruence highlights the need to have a current plan to integrate regional growth and guide development in the region, rather than the patchwork of town plans currently in place that struggle with conforming to an outdated regional plan that has not been successfully reviewed in a comprehensive manner. Planning Consultant Neil Dawe emphasized the incongruence in conforming to an outdated plan:

> I mean, we're doing plans that we are trying to make comply with a document that was prepared in 1976. Think about it. I know the folks up in the planning department in the province are busy as bees just trying to keep up because there is now a requirement that communities do plans (Dawe, 2014).

Under the Planning Act the typical lifespan of a municipal plan is 10 years with a review required at the 5 year mark. The Logy Bay-Middle Cove-Outer Cove mayor noted that the lack of regular review process for the regional plan has caused it to be a major drawback to addressing current land use planning issues in the region:

> The regional plan, that's the worst one. That is the biggest drawback to any rational land use planning on the North East Avalon. That plan was created in 1976... We are required by municipal affairs to review our town plan five years after it comes into effect and do a new one ten years after that. Municipal Affairs is responsible for the regional plan and they haven't touched it since 1976. It is absolutely insane (Kennedy, 2014).

Other interviewees were concerned that planning in the region is now being guided by growth and the municipal plans rather than by a relevant regional plan:

> I think that other municipalities have had to undertake regional plan amendments in order to bring their municipal plan into effect, so I think that local growth is leading regional planning rather than regional planning impacting the growth of the whole area. So, it's on a much more ad hoc basis rather than a comprehensive perspective (Mitchell, 2014).

Three regions of the Province started regional plans around the same time all with a slightly different governance and different path or outcome. Two were completed and the Humber Valley plan considered a success by many, but both the Labrador Inuit Settlement Area (LISA) and the Humber Valley Regional plans have been sitting with the Province for a number of years stuck in the gears of interdepartmental review without a champion to push the review process forward. Minister Steve Kent has been pushing those review processes forward. He has also revived the stalled Northeast Avalon Regional Plan which stalled after inter-municipal conflict and disagreement following the consultant's background report.

Limitations of existing policy

The success of the 1976 regional plan to guide and direct infrastructure development and growth is well recognized among municipalities and planners in the region. However, the age and growing irrelevance of the 1976 plan has become a recognized impediment to planning and governance of growth in the region. There was general agreement among interviewees that a new regional plan is necessary for the

region, not simply because the plan is old and out of date, but it was also recognized that the municipal plans alone cannot accomplish integration of the activities of multiple municipalities and multiple Provincial government departments. In other words, a comprehensive regional plan is greater than the sum of its parts. It sets direction for such things as economic growth, private and public investment, and addresses diverse land use priorities to create an overarching growth and development strategy that municipal plans then dovetail into and complement.

A number of caveats that call for comprehensive review were included in the 1976 regional plan including:

- "will be revised from time to time as may be necessary to reflect changes in policy and has, by law, to be reviewed every five years (Government of NL, 1976, p.ii)";
- "should be subjected to periodic review so that it remains a realistic and up-to-date policy statement guiding current development (Ibid., p.2)"; and
- "anticipated growth of the region for the planning of major services is assumed to be from 150,000 to 215,000 – an increase of 65,000 persons. Factors which may cause this assumption to become invalid will require that the plan be reviewed (Ibid., p.5)."

Review of these caveats signals that the regional review is long overdue. Since its inception, the regional plan has been amended 30 times with about 15 more amendments pending (Davis, 2014). Some major amendments have occurred such as the recent rezoning of land above 190m sea-level contour in 2012 which has opened up 2,400 acres of land for development in the Western edge of the City of St. John's. St. John's Mayor Dennis O'Keefe considers this $5 billion development one of the largest in the City's history (CBC, 2011). In March 2014, the Conference Board of Canada released economic projections that the population of the Province will fall by about 8.5% in the next twenty years as a result of an aging demographic and outmigration of workers due to declining oil production (Globe and Mail, 2014b). Former premier Danny Williams, owner of the rezoned land above the 190m contour, discounts the projections and stands firm on his investment in the St. John's city-region (CBC, 2014a).

It is clear that the magnitude of this rezoning bears a major impact on regional planning and it is not clear whether Williams is being brought onside to support the regional concept. The Mount Pearl Mayor and Planning Director also note that impact of

this rezoning on growth and development in the region has not been fully studied or reviewed: "what are we doing to the lands that are not yet developed below the 190 when we allow that to happen (Simms, 2014)". More land is now made available for a population that hasn't grown at the intended rate and densities as the original regional plan intended. Former Director of Provincial Planning Stan Clinton sees this amendment as a major policy shift (Clinton, 2014).

In the time since the 1976 plan was enacted, amalgamations have altered the municipal boundaries, regional services have taken on varied governance models, and municipal plans have been approved and revised that are in conflict with the regional plan either through ad hoc amendments or through inadvertent approval of municipal plans without consideration of the regional plan. This incongruence has caused common frustration among municipalities for example in Logy Bay-Middle Cove-Outer Cove:

> A lot of communities are held up on doing development now because the plan is so old. Some complain that they have projects on hold because the old plan doesn't allow it to happen, although they've adopted a municipal plan that was approved by Municipal Affairs that does allow it. But it still has to go to government for approval. So, Government is going by the old regional plan and saying "No", even though the Municipal Affairs Department approved the municipal plan from the community. Looking at it from their perspective it's probably too much red tape, or not-updated-enough red tape (Kennedy, 2014).

Growth in the peripheral communities and some suburban areas is linked in part to new highway infrastructure and regional economic growth (Government of NL, 2008). However, growth in these areas may be an unforeseen consequence of the regional road network linkages outlined in the 1976 plan. Several interviewees asserted that the residential development pattern has proceeded differently than envisioned in the plan, and that the economic prosperity linked with oil and gas sector has impacted the cost and demand for housing, causing towns on the periphery of the urban core, within approximately 30 minutes drive to St. John's, to grow more significantly than expected:

> The regional plan also had some visions about different municipalities that they had a clear vision that they would be an urban centre, a vision for growth, that there would be specific growth centres with the majority of the growth focussing into St. John's and Mount Pearl. I think that that vision is no longer true and it really underestimated the potential for growth in places like Conception Bay South and Paradise

and also the demands for growth that have occurred in recent years in some of the more periphery communities like Torbay, Flatrock, Bay Bulls and Witless Bay. So I think that that vision no longer reflects the reality that we have (Mitchell, 2014).

In the City of St. John's both the chief city planner and the director of the public transit system Metrobus noted that the rate of development of new dwellings is outpacing the population growth. This phenomenon puts into question the densities necessary for efficient transit service, infrastructure investment, and neighbourhood planning. This type of development sprawl coupled with an aging population in the region further validates calls for review of the 1976 regional plan. The 2009 Study issued by CBCL on the Northeast Avalon Region also noted the concern with projected pattern of development:

> As household growth in the Northeast Avalon Region continues to outpace population growth over the next 25 years, the regional plan should address the growing demand for new housing. A forecast 15,000 new housing units will be required to accommodate this demand and much of that demand will continue to be for single-detached units. However, over the long term, the changing demographics of an aging population will dramatically reduce the demand for the traditional single family home. The question should be asked—is the current rate and pattern of housing growth that is unfolding in the region desirable? If not, how might growth be redirected to:
>
> • Make efficient use of existing infrastructure;
>
> • Protect the natural environment;
>
> • Protect the character of communities; and
>
> • Ensure housing affordability   (CBCL Ltd, 2009)

With the intent to integrate municipal planning under the umbrella of a new regional plan, a number of municipalities put their municipal plan review process on hold during the regional plan review - the most significant one being the City of St. John's. Following the failure of the regional plan review, and at least two years of silence on the matter, the City initiated its own municipal plan review in 2012 and released a draft plan to the public in July 2014. A number of interviewees were concerned with the incongruence now occurring in the governance of planning in the region whereby the municipals plans are leading the region rather than an overarching regional plan setting the course. Now that the St. John's municipal plan review process is well underway,

Dawe (2014) questions how effective that order of planning will be and how that will be integrated or impact the regional plan review which has recently been revived:

ND: I think it [the regional plan] will happen, but we're a ways and so we've got the City of St. Johns doing their own plan and I don't blame the city for doing their own planning – I don't have a problem.

        But yet from a regional perspective, you know, how do you integrate fire fighting? How do you integrate transit? How do you integrate highway infrastructure? How do you integrate water servicing? All those factors play into the regional plan. So, is St. John's going to have to modify their plan once the regional one comes out? Or is the province going to say: let's use the plan for the City of St. John's as the build-out model? I don't know, but that plan really should be done by now.

BB: And it will have some impact on the region obviously - it's the biggest place...

ND: I think they will - they are the biggest player and full marks to them for taking the lead and saying, 'look we just can't wait anymore'.

        I mean, we're doing plans that we are trying to make comply with a document that was prepared in 1976.

                                                            (Dawe, 2014)

4.3.4.   2009 regional plan review

In 2005, given the mounting concerns about the validity of the existing regional plan policy framework and its impact on long-term planning in the city-region, the Province announced it would partner with municipalities in the Northeast Avalon region to conduct a comprehensive review of the plan (Govt NL, 2005). The caveats for review of the plan had largely been ignored up to that point. Interviewees commonly indicated that the request to review the regional plan was initiated by St. John's who put forth the recommendation to the Province that the regional plan should be comprehensively reviewed. The minister at the time, former Logy Bay-Middle Cove-Outer Cove mayor Jack Byrne, agreed to proceed, but only if all municipalities in the planning region were on board with the review. The Minister invited all 15 municipalities to partner in the regional plan review and share the cost. The call was successful and all agreed to contribute to cover 50% of the cost, weighted by population, estimated at $500,000 to

conduct the region plan review. From the outset, the approach by the Province demonstrated a desire to have municipal buy-in beyond just St. John's. On the Municipalities' side the partnership signalled a willingness to engage in a collaborative regional plan review process with a shared leadership structure.

The structure consisted of a leadership team composed of one council member or mayor representing each city or town along with a technical team composed of a planner or town manager from each city or town. In conjunction with the Provincial Planning Department the technical team developed a request for proposals document that laid out the context for the review, identifying the limitations of current policy and broad goals for future policy (Government of NL, 2007). The planning consulting firm CBCL Ltd led by Mary Bishop was chosen by the leadership and technical teams to lead the review process.

In accordance with the terms set out in the RFP, the consultants held three 3 public consultations in different parts of the region in May 2009. In addition, they conducted several interviews with municipalities, accepted written submissions, and offered online surveys (CBCL Ltd, 2009). The resulting submission was a culmination of the data analysis from document research efforts and the public engagement and feedback processes. It was commonly reported that the regional plan review process began to break down following the release of the background issues and analysis report from the consulting firm to the Province and the municipalities in September 2009. Interviewees identified some specific issues with the content and direction the report suggested, and felt that the resulting conflict was not processed well. Others described problems with the structure, provincial involvement (or lack of), and historical trust issues that factored into the relational dynamics all leading to the failure of the plan.

The release of the consultant study in fall 2009 matched a critical point in the conflict resolution process, but was also met with major illness on the part of the Minister of Municipal Affairs, Dianne Whelan, who was seen as a champion for the regional plan. See passed away one year later, and after a period of stagnancy under Minister Kevin O'Brien from 2010-2013, the Northeast Avalon regional plan review and other stalled regional plans were revived by a new Minister of Municipal Affairs, former Mayor of Mount Pearl Steve Kent. In an interview with Kent (2014), he advised development of a

new governance model for the NEAR plan review that includes Municipalities NL, and all mayors of the region. This structure is confirmed by an official activity plan released June 30, 2014 to move the review process ahead (Government of NL, 2014e). This new structure places more emphasis on the political leadership of the minister and the region's mayors to collaborate in the regional plan review process.

The following sections present findings from interviewees directly involved in the 2009 review on either the leadership or technical committee which explain the failure of the regional plan review process. The findings are organized into three categories related to the failure: process, structure and external/historical dynamics. Based on this experience and in light of the recent initiative to revive the review process, interviewees were asked to provide insight as to the critical attributes necessary for success in the new regional plan review.

4.3.4.1. Failure of the Regional Plan Review

Process

It was commonly expressed that the main point of the failure or breakdown of talks in the review came following the release of the consultant's report in 2009 and were directly related to two aspects of that report: serviced versus unserviced development, and the vision of the urban core. Due to the resulting conflict and disagreement among municipalities, the Issues and Analysis report from 2009, which cost over $200,000, was not released to the general public until March 2014 at the same time as documents relating to the new review initiative were released (Government of NL, 2014). Other process related impediments identified by interviewees include the lack of a conflict resolution mechanism, and concern that it was a St. John's directed-process.

Bias toward serviced development

The issue of serviced versus unserviced development, as previously identified in section 4.3.1, was a major conflict in the regional plan review process and has essentially become an urban versus rural issue on the Northeast Avalon. Regarding the review, Mayor Simms noted, "The biggest problems were in the outlying areas which are now under development pressure because of the boom we spoke about (Simms, 2014)."

It is feared that any regional policy restriction to accommodate growth only in areas with water and sewer service will eliminate the ability for several smaller communities to realize growth. The Mayor of Logy Bay-Middle Cove-Outer Cove indicated that a number of towns took issue with the assertions in the background report around service versus unserviced development: "There was a bias toward serviced development. Again there is nothing wrong with serviced development but un-serviced development can take place if it is done in the proper manner (Kennedy, 2014)." The proper manner to which Kennedy and other interviewees refer includes development regulations in relation to groundwater assessment for wells, as well as minimum ½ acre lot sizes in order to place a septic field. One area of concern noted is the Town of Torbay where the development pattern has not followed this standard and has proceeded with smaller, suburban-type lot sizes under ¼ acre, and only about half the town on piped water service that is now nearly at capacity.

Logy Bay and Bay Bulls officials are confident that limited growth can occur based on these regulations which they have been firmly applying to development in those towns. Bay Bulls Deputy Mayor Harold Mullowney (2014) indicated that well and septic systems for his town are much more economical and can be properly done with environmental assessment and provincial groundwater regulations. He questioned the need and ability to afford water and sewer infrastructure noting the significant cost as an impediment to rural areas. While the 1976 regional plan identified areas such as Bay Bulls as a local centre growth area it depended on water servicing, which is not a direction that Bay Bulls intends to pursue. In response to development pressure and in opposition to Provincial regulation that allows raw sewage to be piped directly into the ocean in a limited capacity, the town has passed a by-law to protect the harbour by requiring all development to have on-site septic systems (Mullowney, 2014).

The Chief Planner of St. John's indicated that unserviced growth in rural areas is his main concern for the region due to the potential cost of future infrastructure for unserviced areas that grow too rapidly (O'Brien, 2014). Regulation around lot size seems to be left to municipalities to assert through municipal planning legislation, with minimal provincial standards for unserviced development aside from groundwater testing. For St. John's and other jurisdictions concerned with unserviced development, including the Department of Municipal Affairs, they hope to see the issue addressed in a

region plan with a policy statement or development regulations that set a standard for that type of land use. The potential cost for unplanned infrastructure investments to bring in piped water and sewer service is significant and usually borne by the Province and occasionally with funding assistance from the Federal Government for major projects. As identified by Mount Pearl's planner it seems that the consulting report was responding to historical concerns of poorly managed growth in rural areas:

> Eventually, certainly in this region, on site wells and septic tanks, if they are not maintained properly and if you're not careful with the density of development, they have to be replaced by piped water and sewer. That's been kind of the history here (Jewcyzk, 2014).

The desire for concentration of growth in areas with water servicing was a regional policy identified in the 1976 region plan (Government of NL, 1976, p.14). However, the plan also recognized that some people will prefer to live in rural areas without piped water; as such it stated that "the density of development in rural areas should not exceed that which could conceivably lead to a requirement, on public health grounds, for the installation of municipal services (Government of NL, 1976, p.21)."

Vision of growth focused on urban core

It became clear in the review process that carrying forward the hierarchical concept of urban, sub-urban, and local growth centres from the 1976 plan to today without substantial discussion and re-visioning was a step that should not have been assumed. There were fundamental concerns with assumptions and vision of growth concentration that was presented in the issues analysis report. While some participants felt that this was carrying forth common assumptions established in 1976, others did not support it. The Manager of Provincial Land Use Planning described:

> Some municipalities didn't like the fact that an urban core was envisioned or described in that background report which was merely bringing forward the same concept that was established in the 1976 plan, and from my perspective there is an urban core (Davis, 2014).

The Chief Planner for St. John's confirmed the problem with the growth vision in the report and its link to the 1976 plan:

> We got to the point where we had a draft report and I thought it was a pretty good draft report with some excellent information on the region,

and it went astray partly over the way it presented a draft vision for the layout of the region, which I thought was simply based on the 1976 plan (O'Brien, 2014).

The Planning Director for Mount Pearl, Stephen Jewcyzk (2014) also noted that the background report was very well done, but that the vision for urban development was presented too early in the process and had not been adequately debated by members of the region. He acknowledged that there is an urbanized area of the region, but that he takes exception to the approach of using municipal boundaries rather than land use form. In the time since the 1976 plan came into effect St. John's has annexed the less urbanized areas of the Goulds and the area around two major watersheds. The Mayor of Mount Pearl clearly articulated the tension in designing a growth strategy that will suit all areas of the region:

> Torbay, Flat Rock, Logy Bay-Middle Cove, Witless Bay, the upper end of Conception Bay South and Holyrood all of those areas. They're under development pressure, but understand their success means a loss of potential to, I'll call it, the urban core. That led to the kind of conflict in trying to design a strategy that everyone could buy into at the time. You can't come forward with a proposal that says 'we'll only allow development in this area', and start taking away people's right to public choice and all the other battles that go on. That kind of stalled the process (Simms, 2014).

Rather than carry forward the vision from the 1976 plan that was under review it is clear that there was a desire to revisit that vision and consider its impact given the current scenario and moving forward. Still, for effective land use management that addresses growth, sprawl and aging demographic projections for the next 20 years hard decisions remain about the control of rural growth in light of urban and suburban areas looking to reach densities necessary to support things like transit, schools, economic activity, and community. In their draft municipal plan released in July 2014 for public discussion, the City of St. John's specifically makes it clear that its goal is to "recapture" growth in the fringe areas (City of St. John's, 2014). This stated objective will undoubtedly be poorly received outside the City based on the history of conflict and tension that played out in the 2009 regional plan review.

Disagreement and conflict resolution

It was commonly reported that the lack of an appropriate mechanism or process to constructively work through conflict was detrimental to the process. Given the history and significance it should have been anticipated that conflicts would arise in the process so that the governance structure would have a clear terms of reference outlining how the leadership and or technical committee would work through those conflicts. The St. John's planner stated, "There was no surprise that there would be disagreement, I was expecting that, it would be surprising if there was none. But unfortunately the outcome was that the whole thing kind of went over a cliff (O'Brien, 2014)."

The Logy Bay-Middle Cove-Outer Cove mayor expressed frustration with resolving conflict and felt that the consultant was not responsive to particular concerns that some non-urban centres such as his had expressed:

> There was no dealing with the consultant basically. She wasn't changing anything. We all went back and said this statement can't be in it because none of these towns support it. But she said she wasn't changing anything. It was like, we are paying you to write a report, but unless you can prove to us that the report is true, take it out. That was it. There was a bias toward serviced development (Kennedy, 2014).

While Kennedy's comments point to a concern about the extent to which the report's analysis was objective or unbiased, his expectation appears to be that the consultant would address the conflicts or disagreements among the parties. The problem noted by the consultant was that there was a lack of decision making or conflict resolution process built into the review structure. That was the responsibility of the leadership team and fell outside the scope of the consulting contract (Bishop, 2014). So, while some towns may not have agreed on an issue, it needed a resolution process to come to agreement on the best approach to deal with that conflict.

In an interview with Dave Lane (2014), a recently elected St. John's city councillor with a background in civic engagement, he suggested that the committee should have released the report to the public for discussion, acknowledged conflicts and then proceeded to work through them. He identified this as the responsibility of the leadership in terms of instilling accountability, but also acknowledged that there was a

lack of leadership to move the process forward. This was also echoed by Mary Bishop (2014), the lead consultant on the NEAR plan review, who indicated a concern that there was a public expectation set based on the media announcements, public consultations and people who put a lot of effort into the process. She feels that it was irresponsible for the leadership to not show accountability to that public expectation and that the plan's failure is not well publicized.

Responsibility on the part of the Province to help resolve conflict in the regional planning process was commonly stated. For example, former St. John's Deputy Mayor and representative on the NEAR Plan Leadership Team Shannie Duff stated: "Yeah at that point I think there needed to be some guided conversations – you know the province sort of stood back as an observer rather than trying to pull that together (Duff, 2014)." St. John's Chief Planner identified that ultimate decision-making responsibility rests with the Province:

> In the same way, when we came to disagreements over formulating a new regional plan, well we just disbanded the whole process. That's not a way forward, right, you can't operate a planning process like that where we'll just take our marbles and go home. So, you have to really figure out a decision making process, which in the end, I think, ultimately has to rest with the Province as being the entity that creates all of the municipalities and gives them life and funding and all that. So, in the end, they, kind of, rule (O'Brien, 2014).

Mitchell noted that just as she was exiting her role as lead planner with the Province and moving into a municipal planning position, that there was an attempt by the Department of Municipal Affairs to revise the consultant's report to remove contentious pieces, but she was concerned that this was a political move and not a technical one:

> Municipal Affairs actually took the background report and edited the contentious issues, but that editing didn't happen by planners, but by someone reading the document and removing contentious passages, or contentious words... in my opinion that kind of editing doesn't get to the root of the problem, which really needed to be talked about. The background report was only intended to identify the issues, the plan is supposed to be the document that addresses those issues. Where we couldn't get beyond the background report, we couldn't actually address some of those contentious issues (Mitchell, 2014).

Lane suggests that even in a collaborative, intergovernmental initiative there needs to be accountability and a leader to turn to when conflicts impede the process:

> My sense is that there was just no ownership over it. There wasn't a person, sometimes you need a person an evangelist so to speak, or a department, or a government - you know, you need a leader. Yes collaboration means everyone is involved, but you still need a structure of some sort to say, 'who do we turn to when things are going bad to tell us what to do or suggest?' (Lane, 2014).

That lack of accountability for clear decision-making and conflict resolution was noted by the lead consultant to be absent in the review process from the outset (Bishop, 2014).

St. John's-directed process

A final major theme identified by interviewees was the sense that the NEAR plan review process was being directed or heavily influenced by the City of St. John's. The influence or control of the centre city is seen as a major impediment in other aspects of regional collaboration, particularly on regional authorities. Several interviewees expressed their belief that St. John's was driving the agenda or pushing forth its policies into the regional planning process (Mullowney, 2014; Kennedy, 2014; MacDonald, 2014; Dawe, 2014). Mount Pearl's planner describes the concern about the process being St. John's driven:

> The problem with that process is it was seen by most of the municipalities in this region as a St. John's-focused regional plan which did not respect the interests of the surrounding municipalities. That was the big issue. Most of the policies that were in that report were St. John's policies. An example is how growth should be in serviced land within existing serviced areas. Well a number of municipalities have no services, so that means no growth in those municipalities. Then they questioned the consultants as to why on site servicing was not acceptable or suitable, providing the proper environmental and health standards and requirements were met. The consultants made the statements, but had no scientific evidence, which is what the municipalities wanted in order to say 'you were right' in basically not allowing it. They didn't have it (Jewcyzk, 2014).

Stan Clinton former Director of Provincial Planning at the time when the municipalities were being brought on board to partner in the NEAR plan review suggests that there may have been a knowledge gap or lack of understanding by some of the municipalities outside of St. John's as to what the regional plan was intended to achieve:

> I don't believe that the majority of the municipalities were really interested in or really knew what the regional plan was supposed to be. You get that feeling just from the kind of comments that you hear around the table and I am going back years when the thing first started when I was involved in it. I won't say their arms were twisted to get into it, but somewhat were. But I don't think by and large that most of them understood it (Clinton, 2014).

Interviewees commonly noted that the review was initiated at the request of the City of St. John's to which the Province agreed. The process was viewed as being directed by St. John's who officially held the contract and were responsible to pay the consultant's fees - a problem with the terms of engagement according to the Mount Pearl Mayor:

> I believe that the rules of engagement were wrong and it led to difficulties. Here we had a situation where we said, 'well, the capital city is the biggest dog in the park, so we'll let them run with this'. So we ended up with the biggest dog in the region cutting the cheques for the consultants, being involved directly and they came out with a background report that was so urban core-centric that a lot of the adjacent municipalities outside of the city felt that they were being hard done by – that their needs, wishes, desires or strategies were not being taken into account. It led to a collapse of the talks, and the thing stalled (Simms, 2014).

This comment links back to the dynamic identified earlier in which Ken Kelly pinpoints the paradoxical relationship in which municipalities on the Northeast Avalon express frustration with St. John's control and representation on regional boards but also recognize the City's capacity and operational expertise: "everyone wants the city to take the lead because they recognize their capacity, but no one likes it (Kelly, 2014)".

Craig Pollett (2014) noted that some municipalities felt that St. John's was dominating the technical committee which put the smaller towns at a disadvantage because they do not have planning staff that could be assigned to the technical team. However, he questions whether that perspective reflects reality - whether the process was indeed unevenly influenced by the City of St. John's:

> I am not sure to what degree that was perceived or whether it was real. I have seen some of the documents and there are certainly some things that the city would want versus everybody else, but it didn't seem to me that the City was pushing its weight around or that sort of thing. But the fact is there is all sorts of things in there about a strong urban core, and developing the centre before you develop the periphery, infill before you start sprawling out, and that sort of thing,

which is all good new urbanism stuff. I think the smaller communities saw that as a threat. So rather than trying to work through it they all just abandoned the process (Pollett, 2014).

It is clear that any future initiative to review the Northeast Avalon regional plan will benefit from better defined conflict resolution and decision making processes that will address embedded power dynamics and accountability or control of the process.

Structure

Interviewees identified several concerns about the structure of governance in the regional plan review attempt that impeded effective collaboration. These structural issues contributed failure in the process due to lack of an effective conflict resolution structure, and the lack of provincial political will to push the agenda for consensus or conflict resolution.   Specific concerns centred on the lack of clear provincial involvement and the structure of leadership and technical committees.

Provincial involvement not clearly defined

The structure of the NEAR Plan review was an experiment in new regionalism with emphasis on collaborative governance, and an attempt by the Province to delegate authority to a horizontal governance structure with decision-making shared among the region's municipalities. This approach represented a shift from the way the Province has historically devolved control to the City of St. John's to effectively operate as a regional authority for water, sewer, and fire, and a shift from the structure of the waste management board which has a Province-appointed chair and significant St. John's control. The NEAR Plan governance structure was designed to share control and power equally among the 15 municipalities, as indicated by St. John's Planner: "It wasn't voting based on population, it was just one municipality - one vote, and in the end we just couldn't agree on a majority position (O'Brien, 2014)." Mitchell (2014) described that the Department of Municipal Affairs was quite involved in determining the model for regional plan review and that there was disagreement within the department about the best approach – province-led or municipality-led. The Province chose not to take the lead in the review process and envisioned an inter-municipal collaborative effort that it would provide technical support to.

Despite the flattened governance structure, however, several participants expressed concern that the influence of St. John's was much very present in the process and the background report favoured St. John's policies (Kennedy, 2014; Jewcyzk, 2014). As noted previously, Simms (2014) and Davis (2014) indicated that the City of St. John's officially held the contract with the consultants along with the project funds and was responsible for processing the payments to the consultants. Kelly (2014) signalled this as a capacity issue: "We have the North East Avalon Regional Plan review, but when it got down to it the province didn't even want to manage the project from a capacity stand point. They pushed it out to the biggest municipality, St. John's. Now the city has capacity (Kelly, 2014)." The default province-to-city dynamic of delegating regional control to the City found its way into the planning process and hindered the trust and balanced power dynamic envisioned in the collaborative model.

The Province holds a major interest as funders for regional infrastructure and regional services, regulators for the economy, and promoters of tourism and heritage in the Northeast Avalon, yet the provincial interest in the NEAR Plan review was not represented structurally on the leadership team. One interviewee noted that the structure inadequately placed Provincial responsibility for the NEAR plan on the plate of a single senior planner with no authority for decision making or processing conflict (Bishop, 2014). The NEAR Plan Activity Plan for 2011-14 confirms that only one designated technical representative from the Province is included on the regional plan committee (Government of NL, 2011a). In sharp contrast, one of the other regional planning process that commenced around the same time as the NEAR Plan, the Humber Valley Regional (HVR) Plan, had the head of Provincial Land Use Planning placed on the technical committee. In addition, the HVR Plan Committee included representation from 6 Provincial departments or branches other than Municipal Affairs, along with political and technical representatives from the 7 municipalities (Government of NL, 2014g). The Humber Valley Regional Plan structure demonstrated a multi-level governance effort that clearly acknowledges the Provincial interest while collaborating across multiple municipal and provincial jurisdictions. This level of Provincial interest was not reflected well in the structure of the Northeast Avalon Regional Plan review. Despite the successful completion of the Humber Valley Regional Draft Plan with involvement of

Provincial departments in the structure, the draft plan has been sitting with the Province for review since 2011 without enactment, indicating fragmentation at the Provincial level.

The lack of Provincial involvement in the NEAR planning process was felt most strongly at the point of major conflict following the release of the consultant's background report. Interviewees commonly claimed a provincial responsibility for regional planning and the need for provincial leadership in the review process. As one planner described, these were major pieces missing in the 2009 review:

> We ran into a lot of trouble last time because the province said now you municipalities deal with the regional planning and us, as a department, we'll just process. We'll arrange the meetings for you guys and that kind of stuff. But there was no real provincial input until there was a problem. Then the province suddenly looked at the document and they had problems with it. They didn't really look at it that carefully and then when they did they said 'wow there's an issue here'. The issue was a direct criticism of provincial policy in this area. Why didn't they pick it up? Because they didn't think they should be involved. So that was one of weaknesses and when the province found out... There were a number of things that stopped that process. That's why the province has to be involved in the public dialogue and public discourse – it has Provincial implications (Jewcyzk, 2014).

Mitchell (2014) explained that there were some attempts by Municipal Affairs to revise the contentious sections of the background report and convene "problem solving" meetings, but they were not successful at bring everyone back on board at that time. She further described the province taking a soft approach in the aftermath as the higher levels of the Province held strongly to the idea of a partnership with municipalities taking the lead. At the 2013 regional mayoral candidate's debate, elected mayor Dennis O'Keefe of St. John's noted that one of his biggest disappointments of the prior term was that the new regional plan did not come to fruition. He strongly indicated that a regional plan is important and that it is the responsibility of the Province:

> 'Absolutely, absolutely necessary and imperative, a regional plan. One of the biggest disappointments in my term of office currently is the lack of a regional plan. That is the responsibility of Municipal Affairs and it has been delayed and delayed and delayed so we now do not have a municipal plan what we now have is all the communities, St. John's, Mount Pearl and Paradise and so on doing their own planning separately and individually. The whole concept was that we would have a regional plan and then municipal plans would dove tail into the regional plan so that we would have comprehensive development

rather than the hopscotch development that we now have' (CBC, 2013a).

So while the regional plan governance experiment envisioned municipalities working things out together to come to agreement on a draft plan, the reality is that the foundations of trust and incentive to resolve conflict were not sufficiently present for a successful process. Interviewees indicated a clear desire for the province to be part of the discussions, help lead through conflicts, and build consensus where attainable or push forward where necessary.

Leadership committee structure

The second main concern about the structure of the NEAR Plan review relates to the interaction between the two separate committees: the leadership committee which was comprised of a political representative from each location, and the technical committee made up of planners and city managers from each municipality. On paper the structure of this partnership appeared be a positive step toward more balanced inter-municipal collaboration. Mitchell (2014) noted that there were some successful consensus decisions along the way, for example, achieving municipal buy-in to engage in the review in the first place, deciding on a structure, developing the RFP, reviewing submissions, and selecting the consultant that would provide the issues analysis report. The leadership committee of politicians were involved in some of these decisions, but most of the collaboration in those stages rested on the side of the technical committee that were involved in the day to day. Ken Kelly who helped lead the visioning process in the lead up to choosing a review structure described the structure like this:

> We worked with the technical group and the technical group was tasked with doing it - this is where it was actually going to get done. The leadership committee was to be the one to say, 'what do we want to see, we will guide it that way', the vision and things like that. The technical group was to determine 'are we going to bring somebody in, what's the data we are going to look at, who is going to guide them on a day to day basis' - the guts, the grunt work, so to speak (Kelly, 2014).

This separation did not necessarily sit well with the elected politicians, there was concern became that the technical team was driving the process rather than the team of elected officials, as Jewczyk (2014) explained: "There is a view that the last time there

was too much authority given to the technical committee, which was the planners and not enough to the political leadership."

Mitchell (2014) attributed part of the structural failure to overlap in the two committees, especially in smaller areas that lacked the technical capacity of larger areas. She explained that the mayors or politicians became involved in issues that were supposed to be discussed and resolved by the technical committee:

> The way it was originally envisioned when I was involved was that the technical team would sign off on something - we would have the heated discussions amongst ourselves and come to some sort of consensus and then involve the politicians. I think some of the municipalities were early off the mark in involving the politicians which really muddied the waters (Mitchell, 2014).

Kelly further explained the breakdown in collaboration between the two committees, particularly within the leadership committee: "The technical group could see the benefit of working together. The politicians were saying, 'we're not going to give up control; that is not going to happen' (Kelly, 2014)."

Developing a regional plan for a multi-jurisdictional area such as the Northeast Avalon is a political process that requires compromise and trade-off in order to come to decisions on long-term growth and governance strategies. According to the Minister of Municipal Affairs, Steve Kent (2014), who has revived the NEAR plan process, the only way to move things forward is to have the mayoral leadership at the table making the key decisions, and not appointed councillors or staff. Mayor Randy Simms (2014) further acknowledged the influence of the political leadership and the need to have a structure to handle competing interests at the political level:

> Every council had a member appointed to a steering committee and it was at the political level to some degree really this thing fell of the rail. Because you had people on the technical committee which was made up again of that senior staff from the towns that were pushing the interest of their community, but they were pushing it to and against each other. There wasn't a separate body to push it to there wasn't somebody to be the honest broker or the mediator in the discussion (Simms, 2014).

Given the tension and apprehension present in regional governance dynamics in the city-region, it may have been short sighted to distance political leaders from being

involved in key regional policy discussions that have major impact on their jurisdiction. Further, before discussion on areas of tension can yield successful outcomes, municipalities have to buy into the value of a regional approach that considers the impact on their community and its future autonomy.

Externalities

Other regional governance structures

Long standing discontent over the control granted to St. John's for regional services in the 1991 NEA Amalgamation Act and the City of St. John's Act, as well as in recent decisions on the structure and operation of Eastern Waste Management impacted the governance milieu at the time of the regional plan process. The history of devolving responsibility for regional services to St. John's is one that other municipalities view as an impediment to collaborative regional governance. At the 2013 regional mayoral candidate's debate, elected Mayor Ken McDonald of CBS noted the lack of influence partner municipalities have over St. John's-operated regional services and specified that an even playing field is what is required for the regional plan process to be successful:

> 'We currently have regional waste with the city of St. John's and we have regional water. The only problem with that is if you want a regional plan to happen, everybody has to have an equal say at the table. We don't have a say in the tipping fees at the waste management facility. That is set by the city of St. John's and we have no control over it. We have no say in the water rates that we are charged. The water authority will notify us and tell us what we are being charged for water. No input, no nothing, so only when we come to the table together, as equals, will we solve the problems' (CBC, 2013a).

As described in section 4.2.2, the waste management governance structure and operations model were being determined at the same time as the regional plan review process was occurring. The Province bypassed the established waste management board to commission its own assessment into the use of the St. John's-operated land fill to support the region. This was seen as another strike against collaborative regional governance and a teaming up of the Province and the City of St. John's which had

overspill effects in the concurrent regional plan review process, as explained by Pollett (2014):

> All of that feeds into, for example, why the Northeast Avalon Regional Plan didn't work. The things that were coming up in that process, had everything else been equal, probably could have been overcome, but here you had this very recent open wound (Pollett, 2014).

The leadership structure of the 2009 regional plan review initiative attempted to balance the inter-municipal power dynamic at least structurally, if not procedurally. However, it was commonly indicated that the review was a St. John's driven process. Given the size and influence and monetary investment of St. John's one might question the ability to truly level the playing field in a regional planning review.

History

In addition to the issues with existing regional governance initiatives, the City of St. John's long-standing emphasis on amalgamation with its neighbours was noted to have played a factor in the regional plan review process. On the heels of the NEAR plan review failure, the City of St. John's released its 2010-2013 Corporate Strategic Plan in June 2010. In keeping with the City's historically entrenched position, one of the key strategic objectives in this document was a commitment to support and advance amalgamation in the city-region:

> *Strategic Direction 2 - Support and advance amalgamation of communities in the St. John's CMA:*
>
> The City will continue to support and advance amalgamation of communities in the St. John's CMA and capture the opportunities to reduce urban sprawl, capitalize on efficiency and effectiveness gains in the delivery of services, and reap the collective benefit of higher returns on investments and greater competitiveness nationally (City of St. John's, 2010, p.6).

In line with this objective, and perhaps as a result of the fall out with the 2009 regional plan review, the City of St. John's released another regional amalgamation study in 2011 that recommended the amalgamation of St. John's, Mount Pearl, and a small portion of Paradise (City of St. John's, 2011). This was the fourth such study commissioned by City of St. John's on amalgamation; the first having been in 1999 (Ibid.).

The amalgamation plans announced by the Province for the region in 1989, which would have seen St. John's combined with Mount Pearl among other combinations, were subsequently scaled back due to strong public opposition, particularly around issues of autonomy and community identity (Government of NL, 1990). Amalgamation with Mount Pearl was strongly advocated for by former St. John's Mayor Andy Wells during his mayoral leadership between 1997 and 2008, and at the same time strongly opposed by Mount Pearl (CBC, 2007). Despite scaling back the 1991 amalgamations, the final act included a highly controversial decision to grant St. John's control of a valuable section of Mount Pearl known as the Southlands. This transfer was seen to be in compensation for the anticipated costs of expanding the City's water and sewer infrastructure into areas, such as the Goulds, that were annexed in the 1991 amalgamations. Subsequently, in January 2007, the Department of Municipal Affairs announced a review of the City of Mount Pearl's municipal boundaries at the request of Mount Pearl which hoped to assume a section of land under St. John's control. Mayor Wells was quick to rebut the suggestion by resurfacing the amalgamation argument for the two abutting cities and in the end the request was unsuccessful (CBC, 2007).

The entrenched position combined with recent reports, and defined strategic objectives further cemented the notion that St. John's is not fully committed to regional collaboration, but prefers an agenda of amalgamation for the region. With the absence of provincial political will to force municipal consolidation, the City's stance is detrimental to collaborative regional governance. Duff (2014) noted that the "amalgamation ghost" was an impeding factor present in the room during the 2009 NEAR Plan review discussions. She also identified the Province's preference for cooperation over amalgamation for the Northeast Avalon as a fundamental conflict with the City of St. John's:

> I think in a way there was some fundamental underlying issues, like the fact that the province was seriously getting to push regional cooperation and not amalgamation, even of the urban core. So, I guess that had a little bit of a conflicted, political approach to it (Duff, 2014).

In a memo sent to St. John's City Manager just before public release of the 2011 amalgamation report, Duff stated that continued pursuit of amalgamation without provincial or regional support is a lost cause and will only prove to be detrimental to advancing effective regional cooperation. She highlighted that the City should reconsider

its stance, since the Province has no interest in backing an amalgamation initiative for the city-region unless all municipalities are in agreement (Duff, 2011).

More recently, in the draft municipal plan for the City of St. John's released in July 2014 the pursuit of amalgamation has not been stated as an objective. Instead the City now states a desire to "re-capture" individuals and families who choose to live outside the city by improving the quality of life in the urban setting:

> The City's goal is to increase the number of people who live and work within the City and to "re-capture" those individuals and families who have moved to suburban locations outside the City.

> This will be accomplished by improving the quality of residential areas and their accessibility to goods and services in mixed-use, pedestrian-friendly commercial centres. The aim is to reduce traffic congestion, support transit, and improve quality of life in the City (City of St. John's, 2014, p.8).

Tension in inter-municipal relations will continue to impact the dynamic and power imbalance of regional governance negotiations, and stands as a major factor to be addressed in future regional governance efforts.

4.3.4.2. New Regional Plan Review Initiative - 2014

Background

Shortly after being appointed to the Municipal Affairs cabinet posting in Oct 2013, Steve Kent took initiative to revive the three recently stalled regional plans in the Province – Labrador Inuit Settlement Area (LISA), Humber Valley Region (HVR), and the Northeast Avalon Region (NEAR). Each planning process had a different governance structure and while the LISA and the HVR planning efforts had reached the point of a draft regional plan, the NEAR plan did not. The two draft plans had reached a bottleneck in the process having been stuck at the point of Provincial government review for several years (Clinton, 2014; Government of NL, 2011b; Nunatsiavut Government, 2014). Kent (2014) expressed his view that regional planning is particularly important for the Northeast Avalon and Humber Valley regions:

> I believe in those two regions where a significant portion of the province's population live, it's important to have a current and relevant

regional plan to guide development and land use in the region. Most regions of this province aren't covered by regional planning, which, I think, from an urban and rural planning prospective, is a gap (Kent, 2014).

The first meeting of the minister and the region's mayors to reengage the Northeast Avalon Planning process took place in December 2013 (CBC, 2013). In Jan 2014 it was reported that the 6 mayors of the region's largest communities met to discuss the feasibility of a regional transportation plan, the Northeast Avalon region plan, as well as the provincial-municipal fiscal framework (Telegram, Jan 2014). In an interview with CBC, City of St. John's Mayor Dennis O'Keefe discussed the benefits of a regional approach to address common concerns such as recreation, planning and transportation on regional roads that connect with the city (CBC, 2013b). Pollett (2014) indicated that there is a pressing need for a regional transportation plan that is linked with planning for future development. As described in an interview with the director of Metrobus, the region's public transit authority, many of the transportation issues are linked to low density development, changing demographics and car-oriented land use patterns across the region, something that the NEAR plan review hoped to address (Powell, 2014).

At the time of field research there had been two meetings between the Minster and region's mayors, and an initial framework for a new governance structure was in discussion. This framework was officially released on June 30th by the Department of Municipal Affairs as the Terms of Reference for the Northeast Avalon Regional Plan Development Oversight Committee (Government of NL, 2014e). Feedback from interviewees and review of the documents released on this new governance structure and review process are presented below.

Structure

The Minister has restructured the leadership committee placing the Minister of Municipal and Intergovernmental Affairs as the chair, and appointing each of the Mayors of the 15 municipalities to serve as members of the Northeast Avalon Regional Plan Development Oversight Committee. This heavier political structure addresses what Minister Kent (2014) identified as the lack of leadership in the previous plan process to push the process forward and achieve agreement on some fundamental principles. Kent

(2014) strongly believes that having all the mayors at the table rather than appointed council representatives is crucial for success in the NEAR plan review.

The Minister will have direct involvement and leadership in the governance structure as the chair. According to Kent (2014) it is unusual to have the Minister chair a regional committee, but it is clear that he wants to send a strong message that his department along with all of the mayors are committed to moving the regional plan review forward. The planners and politicians interviewed commonly emphasized the Minister's involvement as chair to be a positive next step. There is recognition that provincial leadership is required in order to cement the groundwork required to resolve conflicts, settle on some of the fundamentals for a vision, and move the process forward. All interviewees voiced a need for a new regional plan that will guide current and future growth and development, while preserving heritage and protecting areas of importance. Further, they commonly expressed confidence that Minister Kent would be the one to advance the plan and praised involvement of MNL as the project manager (Dawe, 2014; Kennedy, 2014; MacDonald, 2014; Mullowney, 2014; Pollett, 2014; Simms, 2014). Mayor Kennedy (2014) further expressed that having a formal municipal leader as the Minister of Municipal Affairs is essential in understanding the unique governance dynamics, and some of the historical sources of conflict that face the region.

The separate technical committee is now out of the picture, but instead the Province has placed Municipalities Newfoundland and Labrador (MNL) as the project manager for the review. MNL serves an important role in policy development and implementation in the Province. The association is often called on to represent municipal interest in Provincial initiatives or is seen to be a partner in developing a vast array of provincial policy that has bearing on each municipality and, ultimately, each citizen of the province. MNL sponsors others and conducts its own research into local government issues including regional collaboration and regional government, finance and infrastructure, and every four years conducts a municipal census survey across the Province. The annual convention, urban summit and other forums and committees that MNL hosts provide a space for engagement between municipal and provincial leaders with the intent to influence local government policy development.

MNL is viewed in high regard by the interviewees who feel that having MNL on board as the project manager for the NEAR plan review will be an integral component of success for moving the regional plan review forward. Mayor Simms noted that with MNL as the project led the power dynamic in the previous process with St. John's effectively project managing the process, from a capacity point of view, is eliminated: "So that's where MNL is now going to play that role and that sense or fear that the big dog in the park is calling the shots gets removed because the honest broker here is our own organization that we own. That's the theory (Simms, 2014)." There is a smaller committee piece that will be developed to draft the terms of reference for a new consultant proposal call, review the proposal submissions, and make a recommendation to the oversight committee. That will be a joint committee comprised of representatives from MNL, MIGA, and 3 technical staff from municipalities in the region (Government of NL, 2014h).

When asked about the potential for a regional structure such as a regional authority or a regional government to govern the regional plan, Craig Pollett (2014), CEO of MNL, suggested that a structure to contain the multiple single-purpose entities would provide value and lead to better integrated planning, but he feels that municipalities do not have the political desire to do so. Pollet highlighted that the historical tendency to create stand alone entities or agreements to share just the specific pieces as they come up may be a challenge in the long term:

> The challenge for me is the Northeast Avalon getting more integrated and becoming more complicated and creating more and more stand alone entities... All that stuff should be pulled together. And they will say that they do that now, but they don't really. They work with one another, but I don't think anyone has a good grasp of how those things are going to affect one another 20 years from now. Until you pull all of them together in a single plan, you're never going to (Pollett, 2014).

His concern here is that without a single regional authority or comprehensive regional plan regional governance will become hyper-fractionalized and uncoordinated. Duff summed up this concern as well: "I think if we set up too many boards and authorities that are not responsive to the elected authorities in the region, you know, too many separate little entities, then it's bound to cause trouble – you get little empires going (Duff, 2014)."

Process

According to the Terms of Reference, the work of MNL as the project management lead will be directed by the political oversight committee. In turn MNL will serve as the key liaison to the planning consultant to advise issues to be addressed, help develop a public consultation process, and provide an arena to address comments on drafts of the regional plan (Government of NL, 2014h). It is understood that a key part of the role for MNL is as facilitator to address conflict by inviting dialogue about the hot button issues and working through them. Pollett sums up that intended role:

> What they're expecting from MNL is that we'll be able to pull these people together and get past the mistrust and the history to actually get something done. Sometimes that just happens purely based on personalities - the personalities around the table change or you insert a new personality. So, I'm shoved into the mix and they may not trust each other, but they trust me and they're willing to accept things from me that they wouldn't accept from one another (Pollett, 2014).

In order to build a sense of trust and appropriately address conflict that arises in the process Pollett (2014) identified two strategies: communication and regular meetings. Pollett described that one of the issues last time was that there were very few meetings and very little information communicated in between meetings regarding the activities underway. He commented that municipalities will be "overwhelmed with information from us (Pollett, 2014)" and that there will be regular meetings with the first part of every meeting focussed on dispute resolution activities in order to tackle the issues head on.

Pollett (2014) and Kent (2014) both emphasize the importance of resolving conflict and striving to achieve consensus, however, as identified in the terms of reference for the new regional plan committee, a simple majority may apply where there is no consensus (Government of NL, 2014h, p.3). Kent (2014) indicated that the St. John's mayor did not attend the second meeting of the mayors and minister on restarting the regional plan review. While he did not mention why the mayor did not attend, Kent (2014) specified that his message to the mayor made it clear that the regional plan process is moving forward and was not going to be held up by his lack of attendance. In a focused effort to develop and maintain trust in the process, the "simple majority" clause may receive seldom use. Therefore, while it offers a fallback, it is not likely to fully address the concern mentioned by Clinton (2014) that a collaborative approach to

regional planning may lead to watered down policy due to a focus on achieving consensus through compromise. With accountability more clearly assigned to the Minister in this review structure it will be interesting to see how power dynamics develop and whether the Province continues to pursue a new regionalism approach to dispersion of power in decision-making.

Given that the other two regions of the Province have had their draft regional plans tied up in the process of inter-departmental review by the Province, interviewees were asked whether they are concerned about similar delays in the NEAR plan process, if it gets to the point of a draft plan. Kent (2014) specifically discussed the task of requesting and coordinating responses from Provincial Government Departments as part of his job:

> Well there is some coordination between departments but it tends to be one of the things that slows down the planning process we are going through. We were waiting for other government departments to provide responses... In the case of the Humber Valley Plan we needed input from Environment and Conservation, Tourism, Culture & Recreation, Natural Resources, and the Forestry and Agri-Foods Agency. Only after that was compiled could we understand the challenges to overcome. In some cases there were conflicting views between departments. So our role was to work our way through all of that and come up with a coordinated government response to the draft plan and that took months (Kent, 2014).

Bishop (2014) also noted concern regarding coordination at the Provincial-level stating that there used to be an active intergovernmental land use committee that would review land use decisions in a comprehensive manner but that is no longer active today.

There was further concern about the timing of the process and whether it can accomplish a meaningful draft regional plan in such a short time frame. Pollett and others (Kent, 2014; Simms, 2014) explained that there is some interest in just creating a plan that overlays each of the region's approved municipal plans and develops a conflict resolution mechanism to address specific issues at the boundaries where communities abut one another, often with conflicting land use designations at those boundaries. Pollett explained that there is a desire for a more comprehensive strategic plan for the region, but that the time frame of two years will not be adequate to develop a full review.

Instead he anticipates that what they will achieve will be an important start that allows for additional work or pieces to complement the review in the future:

> So I think where we're going to end up is not just a dispute resolution mechanism, something more advanced than that, but not the full meal deal. But it will allow for every 5 years we're going to review the plan and if we need to add transportation in, we're going to add it in (Pollett, 2014).

A second concern about timing relates to the uncertain Provincial political climate at this time. Recently elected City of St. John's Councillor Dave Lane highlighted the challenge of restarting the regional plan review process right now:

> At the end of a political tenure which is potentially happening now – you have complete uncertainty with the provincial political landscape and you've got some energy now, 'Let's do a regional plan', well jeez, you know, you might be gone in four months and there could very well be a shuffle in leadership even if the government [party] stays in (Lane, 2014).

Lane's comments were foretelling. In a second call for candidates to replace the interim Progressive Conservation party leader (and become premier), Minister Kent decided to step down from his Municipal Affairs cabinet posting in July 2014 to run for the party's leadership (CBC, 2014c). His bid for leadership of the party was not successful; however, on Sep 30, 2014 Kent was named Deputy Premier and assigned the Ministry of Health cabinet post (CBC, 2014d). As part of the new cabinet announcements the Department of Municipal Affairs was assigned its third Minister, Keith Hutchings, in less than a year (see Appendix H - Minister of Municipal Affairs Timeline). Interviewees had indicated a high-level of confidence in Kent as the Municipal Affairs Minister to be able to move forward the regional plan review process. Whether there was enough momentum established by Kent, the Mayoral oversight committee, and MNL before he stepped down in July 2014 to run for leader of party is to be determined.

In summary, the revised regional plan governance structure released in June 2014 demonstrates a mix between the ministerial committee approach to developing the regional plan in 1976, and the 2009 inter-municipal, collaborative approach to regional plan review. The 1976 regional plan was characterized by a province-directed commission approach, but with weaker local municipalities and less incorporated areas

at the time. The review attempt in 2009 resembled more of a new regionalism approach focussed on municipal-led collaboration with the province mostly hands off, and resulted in conflict and failure. The revised structure announced in 2014 resembles a mix of new and old regionalism and mixed MLG model. There is a clear desire by the Minister to lead the municipalities through the process, but at the same time there is emphasis on the importance of collaboration among the mayors, with conflict resolution support from Municipalities NL association.

The Northeast Avalon appears to be one of those cases alluded to by LeSage (2004) where the past history and lack of trust will impede a true horizontal governance approach and progress can only be achieved through a senior Government directed approach. Local leaders and planners interviewed look firmly to the Province for leadership – this may be the result of relational dynamics over time, or possible recognition that the municipalities themselves are unable to come to a negotiated agreement and they need a mediator or arbitrator to steer them through the conflict.

Chapter 5.

Discussion/Conclusions

The findings presented provide a comprehensive picture of the inter-municipal and provincial-municipal dynamics of governing in the St. John's city-region. This investigation has uncovered several insights into the impediments that limit success and the contributing factors that promote success in regional governance and regionalism in the region. The findings support the notions put forth by Phares (2008) that "the local context in which regional governance is discussed significantly influences its prospects (2008, p.6)", and that "neither academics nor voters have developed a consensus as to how metropolitan regions should be structured".

The St. John's city-region case exemplifies the concepts of "reluctant regionalism" described by Hall & Stern (2009), and regionalism as a long-term project or process discussed by Paasi (1991). It has been an experimental and evolving project that continues to be molded by the local context in a cautious manner, responsive to provincial-municipal political dynamics and a developing sense of regional identity. With multiple attempts at formal regional governance reform and cases of collaborative arrangements, officials on the Northeast Avalon seem to value a broad regional solution, but have not yet been able to achieve it. There is reluctance among suburban and rural municipalities to engage in more integrated regional governance due to dissatisfaction with current processes and structures. This draws similarities to the finding of Hall & Stern (2009) that the regional scale policy issues that often draw localities together may simultaneously push them apart and undermine regionalism rather than build it up. The outcomes of regional solutions are likely to be dysfunctional, if not designed to address local dynamics through the process. This explains the outcome in a recent experiment with regional planning in which the Province stepped back and assigned the responsibility for regional plan review process to a regional committee of municipal

representatives. The outcome, unfortunately, was failure, but it is clear that there are lessons to be learned from that failed process.

Conflict resolution mechanisms, on many levels, rings clear as the primary attribute necessary for successful regional governance on the Northeast Avalon. This is an important point to consider for the St. John's case since the existing structures and historical tensions are strong barriers to collaborative regional governance arrangements. Bish & Ostrom (1973) note that conflicts among authorities at different levels are a natural component of polycentric regions and thus that conflict resolution is an important component of polycentricity. Lightbody (2006) also notes that legitimate conflict exists within city politics since the modern city is conceptualized as a social and political association of enclaves and neighbourhood communities.

A key concern identified in this study is that there is no established process or structure for municipal leaders in the St. John's city-region to address those conflicts. Lightbody (2006) argues that rather one-off regional authorities governed by local governments, the regional functions should be shifted onto the shoulders of the government with the fiscal resources and geographic authority to respond effectively and that only the purely local and bounded services should be entrusted to the towns. In the 1991 consolidation effort for the Northeast Avalon, the Province disbanded the regional board that would have addressed Lightbody's concerns and placed the responsibility squarely on the shoulders of the central city.

Meanwhile Bish (2001) is not supportive of centralized power structures arguing that flexible structures and arrangements are more responsive to local needs than central structures or amalgamations. These arguments may fit well in a pure rational service delivery model, but on the more difficult, strategic regional efforts the effectiveness of the voluntary cooperation/dispersed authority model seems to diminish. The question that then remains is how to effectively address policy coordination and strategic regional planning in a conflicted polycentric region.

For an evolving city-region governance model, such as in St. John's city-region, there is clear need for an intermediary structure between the new and the old regionalism; between the vertical and the horizontal multilevel governance. Finding such

a 'sweet spot' that balances the legitimatization of provincial power with desire for local autonomy is something that other Canadian city-regions struggle with - both polycentric (eg. Edmonton) and unitary (eg. Winnipeg). Sancton (1994) notes that the unique dimension of each city-region defies any singular approach to governance (as does Phares, 2008).

Addressing polycentric regions that have multiple historical barriers to regional cooperation and policy coordination demands a provincial strategy on urban governance or regional governance. Municipalities acting in their own self-interest can become entrenched in their positions and accustomed to a fractured past that defines future regional dynamics. In Newfoundland and Labrador, the province has taken a light-footed approach in both amalgamation and regionalization efforts. While the Province has continually promoted regional collaboration over unitary amalgamation for the region over the past two decades, there is clear authority delegated to the central city. Central city dominance has marred the potential for collaborative local politics in the region and continues the historic establishment of St. John's as the seat of power in the Province. The following sections discuss more specifically the impediments and attributes necessary for advancing regional governance in the polycentric St. John's city-region.

5.1. Impediments to Successful Regional Governance

The findings illuminate the dynamic of existing regional governance structures and arrangements - how they are governed, who holds power, and how they are viewed by participating or affected members. The key impediments to successful regional governance in the St. John's city-region include: existing regional structures; dominance of the centre city; lack of provincial leadership; historical tension and distrust; and limitations of existing policy.

While it was commonly held that the actual services provided by the regional service boards are satisfactory, it turns out that the governance structures incorporate a power imbalance that causes resentment toward St. John's and stifles regional relations. Thus the regional services boards may not be the collaborative regional governance success that some might consider them to be. Specifically, the sub-regional authorities

created for water, sewer and fire as part of the 1991 amalgamations reflect a devolved responsibility from the Province to the City of St. John's. The governance structure for these regional services essentially places St. John's in a position of the being the regional authority to govern and operate the services on behalf of the region with limited involvement by the other municipal stakeholders or "customers" of the service. This presents an interesting hybrid of vertical multi-level governance where instead of a delineated department of the Provincial government providing regional services to municipalities, the authority has largely been assigned to the largest municipality in the region through provincial legislation. The regional boards have been in place functioning that way for nearly 25 years, but this is clearly not a governance structure supported by the other municipalities of the region. The City of St. John's has built the capacity to operate these services and there is very little incentive for them to relinquish governance control to its neighbours via a more power-dispersed regional services board. Without incentive or voluntary compromise by the City of St. John's, this places the Province in a position of having to enact new legislation to revise the governance structures outlined in the City of St. John's Act in order to make the change. Given the Province's reluctance to step on toes by forcing action on regional issues this is a step that seems unlikely without strong leadership or until the cost of inaction, in the form of pressure from the growing suburban communities, pushes the Province to act.

The recently created Eastern Regional Services Board, which presently has a sole mandate for waste management, has a more balanced governance structure, but it too assigns St. John's the balance of board control and further influence as operator of the regional facility. The Province maintains a level of control over the Eastern Regional Services Board by appointing the chair and previously appointing the chief administrative officer to run the organization. Pollett of the Municipalities NL association noted the "quasi-subordination" (Andrew, 1995; Lightbody, 2006) inherent in this structure: "it's not regional governance owned by the region, it's regional administration that comes from Provincial power (Pollett, 2014)". While users of the waste management services are reasonably satisfied with the operations and the regional approach, the governance structure of this board, like other regional boards, is considered problematic and not reflective of the areas that it serves. While the Eastern Regional Services Board has the potential to encapsulate other single-purpose entities under its umbrella, the problematic

governance dynamics signal that this will not occur in St. John's any time soon. This new regional governance arrangement further increases the complexity and fragmentation of governance in the region. As Lightbody (2006) suggests that multiple, single-purpose, inter-municipal service arrangements can be fracturing in that it flattens and disperses authority, creating even more difficulty for regional consensus building.

While the regional service boards on the Northeast Avalon encourage a regional approach to common issues, the governance structure of these boards is an impediment to advancing regional governance. This is in contrast with the often highlighted Metro Vancouver case where the multiple successes of ad hoc collaboration in single-purpose bodies are believed to have paved the way for more comprehensive regional governance (Tennant and Zirnhelt, 1973). In the long-term, this may be possible for the St. John's metro region, but interviewees are clear that more regional governance under the status quo of current structures is not acceptable.

In the Northeast Avalon regional plan review attempt, the Province and the region's municipalities experimented with a new regionalism governance structure that emphasized collaboration and placed responsibility on the municipalities for the outcome. The *structure* of the NEAR plan review dispersed power authority; however, the dynamics noted to be present in the *process* did not reflect the intentions of the structure. St. John's assumed the contract and acted as the project manager with a direct link to the consultant in the process. Given the ongoing concern around power imbalance and influence of St. John's in other regional authorities this was a major concern to those involved. Assumptions as to the vision for growth, distrust in the process due to St. John's historical position favouring amalgamation, and the lack of a dispute resolution process to work through conflict all led to process failure.

The municipalities look to the Province for leadership while the province appears to defer to St. John's in many aspects of regional governance. However, it is clear that all municipalities, including the City of St. John's, felt strongly that the Province was too far removed from a key role in the regional plan. The Province played a key role in 1991 amalgamations, and in the 1997 regional government effort, but since then has been relatively hands off on the regional governance scale, until bringing in the revised Regional Services Board act in 2012.

The regional planning and East Coast Trail cases highlight the limitations of existing policies and regional structures to promote successful regional governance. The ECTA clearly looks to the Province to enact legislation for coastal protection, and had hope that this legislation might surface through the regional planning talks. In contrast, the Grand Concourse Authority is likely the best example of a successful new regionalism and Type II multi-level governance effort in the region, with legislation to support protection of the inter-urban trails, and a multi-stakeholder governance structure.

Tension and power imbalance in inter-municipal relations will continue to impact the dynamic of regional governance negotiations. These stand as major factors to be addressed in future regional governance efforts.

5.2. Attributes Necessary for Successful Regional Governance

Continued development of trust and regional identity through regional forums and acknowledging and addressing governance dynamics in existing regional governance structures is necessary. Regional reform has been discussed for the Northeast Avalon in various proposed forms several times since the Urban Region Study in 1969 – regional government, amalgamation, and shared governance structures. The continued discussion of regional approaches to address issues at a regional scale is evolving the regional identity and sense of the need for regional action, even if there are vast disagreements and failures in achieving reform. The regional governance project continues to evolve as leaders look to each other and to the Province for solutions. There is no clear path determined as yet, but as the region evolves it will be sure to be an approach that is very much tied to the dynamics of the regional context that may also shift over time. St. John's is a case of reluctant regionalism – there is a desire to act regionally and a perceived benefit to doing so, but without the foundation of trust there is a reluctance to engage, where there is little incentive to do so.

The Province's role is to steer and not row the mayoral leadership into a shared regional vision that will foster regional solutions and approaches. In a Province like Newfoundland and Labrador with a single major city, the political matters of the main

city-region have tremendous importance to the Province and have to be managed as such. The one dominant city is essential to the economy and well-being of province such that the Provincial Government has to take action when the cost of inaction is detrimental to the long-term success of the province. At this point, firm action may mean political suicide, so the stakes are too high to force a regional solution.

The case for change has to be clearly articulated, understood and supported by those involved and affected in order to gain buy in. Evidenced by the sub-cases, action seems to be taken regionally when there is a Provincial push or incentive and struggle or stall when there is not. This does not discount the evidence of successful inter-municipal partnerships that were not produced by Provincial influence, but emphasizes the Province's central role in effecting legislation and influence for larger scale change. Solutions have been achieved when Provincial incentive or policy has pushed the agenda forward, or when the cost of inaction is high, such as in the case of waste management.

The Provincial Government plays a strong role in bridging the gap between action and inaction. While the history and development of local governance in Newfoundland and Labrador is somewhat unique to the rest of Canada, the confederate commonality of municipalities being "creatures of the Province" holds true in NL. The interviewees place reliance on the Province to direct regional planning efforts by helping to build consensus among municipalities and resolve long standing conflicts between urban, suburban and rural locales. There is a desire to address issues on a regional scale but due to the power imbalance in current structures there is reluctance and hesitation toward action.

Pursuit of coordinated regional governance solutions that involve the Province and the local governments is necessary. The Northeast Avalon is seen by MNL to be a unique case in the province where regional *government* is not recommended or believed to be a possible venture. Since the conclusion of the controversial Community Consolidation Program in 1992, the Province has been firm that no amalgamations will take place without municipal agreement. So, the fall back for the City-region is collaborative regional governance. Development of regionalism has been at odds with the control of St. John's over regional entities and the strong push by St. John's to

amalgamate parts of the region. There is a sign that things are changing. The regional plan review of 2009 was an experiment in new regionalism or horizontal MLG – there was intent to level the playing field and bring municipalities into a collaborative discussion on the region's future. However, the region was not ready for this flat structure. It underestimated the amount of trust and relationship building necessary to address the long held view of the central city as the dominant and prevailing authority in the region. The absence of provincial leadership in the 2009 NEAR plan review was commonly considered a major element of failure. The renewed regional planning initiative announced in 2014 also characterizes a collaborative governance structure and attempts to address the problems in the previous review by engaging the Minister of Municipal Affairs as the chair, and MNL as the project manager.

In order for regional planning to succeed, the Minister of Municipal Affairs has to see its value and be committed to the task of coordinating provincial government departments' responses to draft plans and final approval of legislation. The timing of provincial government and local government elections is unfortunate at present. While there is a new slate of municipal politicians and a number of new mayors elected in the fall of 2013, the provincial political climate is more uncertain over the next couple of years. The Municipal Affairs cabinet position, which is seen as a key role to advance the regional plan review, has shifted two times since Minister Kent stepped down in July 2014. While regional planning was a major priority for Kent, it remains to be determined if the current Minister holds regional planning in the same priority or if Kent, as Deputy Premier, still has some influence to keep the momentum going until fall 2015 elections. As Andrew (1995) indicates, the multitude of provincial government departments adds to the hyper fractionalization of regional governance.

To summarize, when considering Walker's (1987) classifications in Appendix E, a number of the easier forms of regional governance are present in the St. John's city-region – joint council, regional tourism, regional forums and committees hosted by MNL. Other non-governmental organizations such as the East Coast Trails Association and the Grand Concourse Authority are examples of collaborative regional governance. A number of middling governance arrangements also exist, but the trouble with these arrangements is that the governance structure yields power to the central city. The recently created Eastern Regional Services board is a slight step toward improving the

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power dynamics and has the potential to combine multiple single-purpose authorities under one authority, but that will depend on the willingness of City of St. John's to concede control. It is hoped that the more balanced multilevel regional governance effort of the 2014 NEAR Plan review will achieve its desired outcome and contribute to the long-term project of advancing regionalism in the St. John's City-Region. Success of the current regional plan initiative has the potential to invigorate regional governance that has struggled to advance over the past 25-30 years. Failure of the current regional plan process may further undermine the capacity for advancing regional governance on the Northeast Avalon and force the issue to slip off the radar for another few years.

5.3. Recommendations

Flowing from the findings and conclusions of this study, several recommendations for advancing regionalism and regional governance processes and structures in the St. John's city-region are presented below. The recommendations are targeted to the provincial Department of Municipal Affairs, Municipalities Newfoundland and Labrador, and to the region's municipal leaders.

Overall Recommendation: Strengthen the principles of governance, planning, and capacity building in local, regional and cross-boundary fields of policy

Continue to facilitate and support formal and informal regional forums that serve to promote discussion on regional issues and continue to develop a regional identity including: MNL; regional joint council; regional services boards; regional economic development board; regional tourism board; and the East Coast Trail and Grand Concourse Authority boards. A shared vision for the region needs to be developed that considers both the urban and the rural as equal voices in the process.

There is a desire to act regionally and adopt regional solutions on the Northeast Avalon, but there is significant need to address mistrust and structural imbalances that exist presently. It is recommended that the Minister of Municipal Affairs seek to address the power imbalance in the governance of regional boards that fall under the City of St. John's Act including water, sewer, and fire. This will involve negotiated compromise on

the part of the City of St. John's to improve governance structures, while at the same time recognizing the City's expertise and capacity in operating the regional services.

Coordinated Provincial involvement will be the building block for increasing regional governance capacity and improving regional structures. This extends beyond just the Department of Municipal Affairs and into the multiple provincial government departments that have jurisdiction in the region. Other departments such as tourism, agriculture and environment should be integrated into the regional planning process early-on. This could be either in a technical or advisory capacity, or as members of the board committee.

Conflict resolution mechanisms are absolutely necessary in regional governance initiatives, especially for the polycentric St. John's city-region. The mechanisms have to build trust and provide value for those involved. Leaders and planners cannot assume that past policy will be acceptable for the future; municipalities desire a fresh re-visioning for a growth strategy on the Northeast Avalon.

The new structure organized by former Municipal Affairs Minister Steve Kent has addressed a number of the impediments and attributes necessary for advancing collaborative regional governance in the planning process:

- Minister as Chair provides clear Provincial involvement and direction;
- MNL as project manager and mediator to work through issues and address past history of mistrust and conflict; and
- Mayors as committee members to have leadership of municipalities.

Power is again intended to be shared equally, though it must be recognized that external and historical factors cause some municipalities to carry significantly more influence and more concern than others. The Province and MNL fill essential roles as facilitators and conflict negotiators to move past stumbling blocks.

With pressure placed on the Minister of Municipal Affairs to steer the planning process, there is a concern about maintaining continuity and momentum with the Minister changing so frequently. The regional plan process will only succeed with the commitment and buy-in of the Minister and the region's Mayors. It is recommended that Deputy Premier Kent maintain involvement over the next year, or in a shorter transition

period, to introduce the new minister to the process and instill a sense of priority. MNL will play an important role to keep the process alive through briefings with the new minister and future ministers as the provincial elections ensue.

Finally, with regard to implementation and ongoing governance of a completed regional plan, it is recommended that the Province and municipalities investigate the potential for a regional planning authority or committee with members of provincial planning and local planning offices to oversee the new plan. A regional authority with jurisdiction over several services including planning might be an ideal for the future, but what is clear in the St. John's case is that regional governance is a long-term project that requires many steps along the way.

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Appendix A.

St. John's CMA - Percentage of Low Income by Census Tract Map
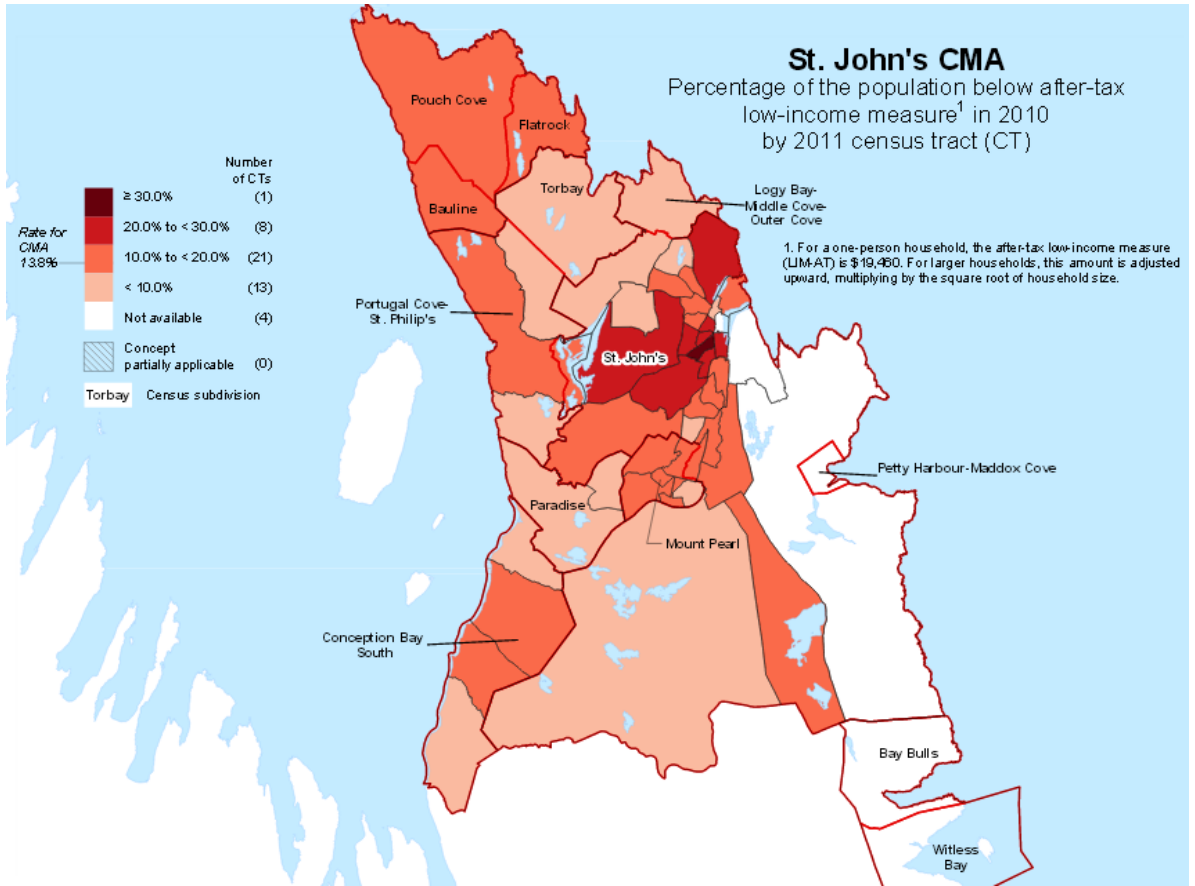
Source: Statistics Canada, 2011 National Household Survey, Geography Division, 2013.

Appendix B.

# List of Premiers and Summary of Governance Actions

Premier	Year	Action
Joseph Smallwood 1949-1972 (Liberal)	1949	Newfoundland joins Canada, Elects first Premier after 15 years without responsible government Strong rural vote in favour of Canada narrowly usurped the pro-independence vote near the capital of St. John's
	1963	St. John's Metropolitan Area Board established to services areas adjacent to the capital city
	1969	Study on St. John's Urban Region
Frank Moores 1972-1979 (PC)	1972	Study on St. John's Urban Region
	1974	Whelan Commission on Regional Government across Province
	1976	St. John's Urban Region Regional Plan - Adopted following "Henley Commission" (follows earlier study)
	1978	"An Act to Establish the Northeast Avalon Urban Region" - regional government for the city-region - rejected.
Brian Peckford 1979-1989 (PC)	1985	Atlantic Accord - Federal-Provincial offshore oil revenue sharing agreement
Thomas Rideout 1989 (PC)		
Clyde Wells 1989-1996 (Liberal)	1990	Report on Municipal Reorganization of the Northeast Avalon
	1991	Amalgamation and Annexation Municipalities and Service Authorities (Regional Water, Sewer, Fire, Transit, Waste)
	1992	Cod Fishery Moratorium
	1995	Creation of Regional Economic Development boards across Province (Federal/Provincial funding)
Brian Tobin 1996-2000 (Liberal)	1996	Southlands annexation review
	1997	Provincial Task Force on Regionalization Commission (recommended two-tier indirect regional gov't, no action)
	1999	Andy Wells elected mayor of St. John's until 2008, strong supporter of amalgamation of urban core
Roger Grimes 2001-2003 (Liberal)	2001	St. John's commissioned report supporting regional amalgamation with St. John's
	2002	Provincial Solid Waste Strategy - with regional delivery approach
Danny Williams 2003-2010 (PC)	2005	Announcement of agreement to review St. John's Urban Region regional plan
	2007	Request by Mount Pearl for municipal boundary review, linked with request

		to assume a section of land from St. John's
	2009	Decision to use St. John's-operated waste facility for entire Eastern Waste Management region
	2009	Northeast Avalon Regional Plan Issues and Analysis Report issued - plan review breaks down
Kathy Dunderdale 2010-2014 (PC)	2011	City of St. John's commissioned 5th amalgamation study, recommending amalgamation of "urban/suburban core" - no action
	2012	Enactment of Regional Services Board Act, creation of regional services boards across Province to operate waste management
Tom Marshall 2014 (PC)	2014	Announcement of new structure to review Northeast Avalon regional plan
Paul Davis 2014-present (PC)		

Multiple sources including: http://www.premier.gov.nl.ca/premier/formerpre.html; Boswell (2005); Municipalities NL (2010).
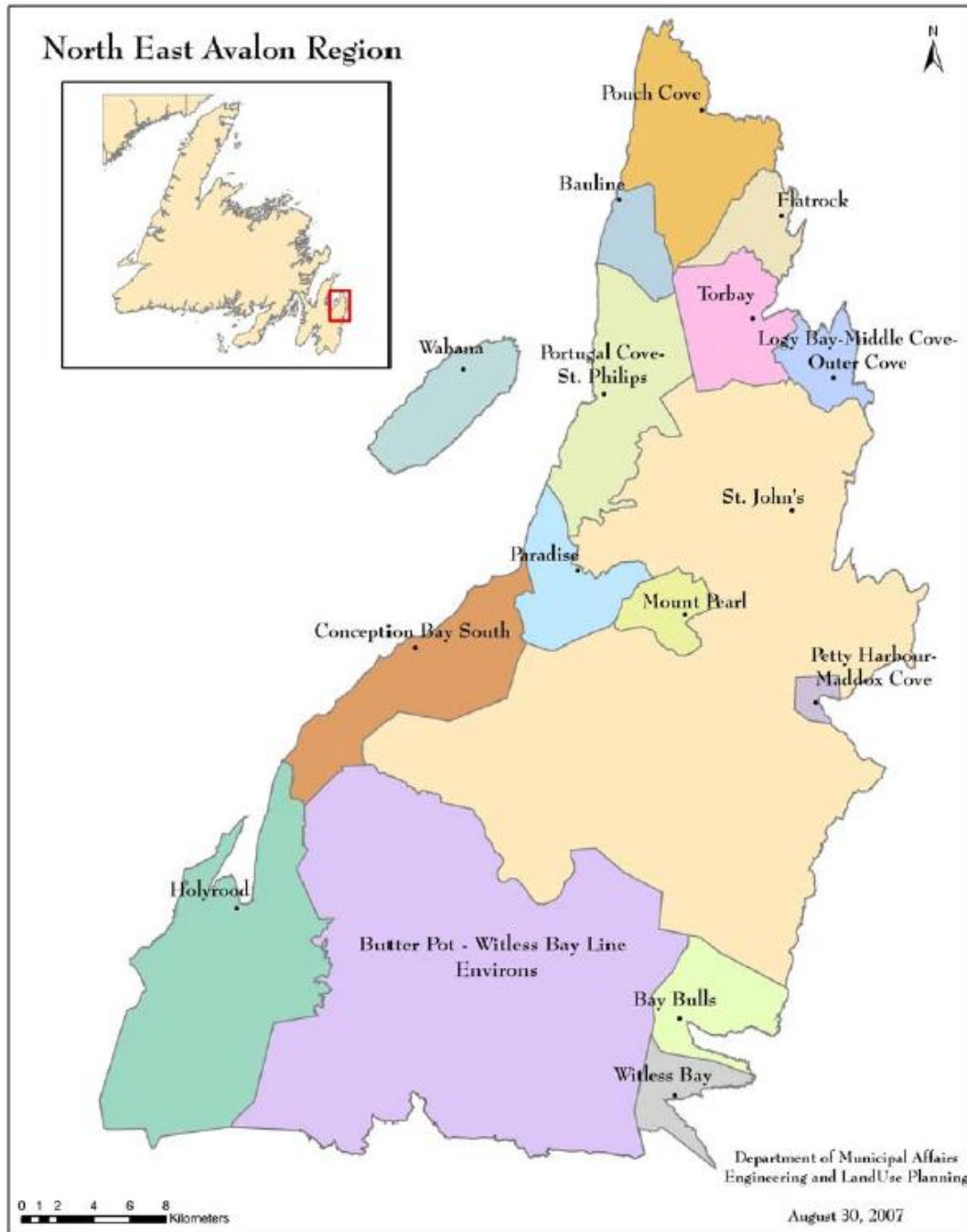
Appendix C.

St. John's Census Metropolitan Area (CMA) Map
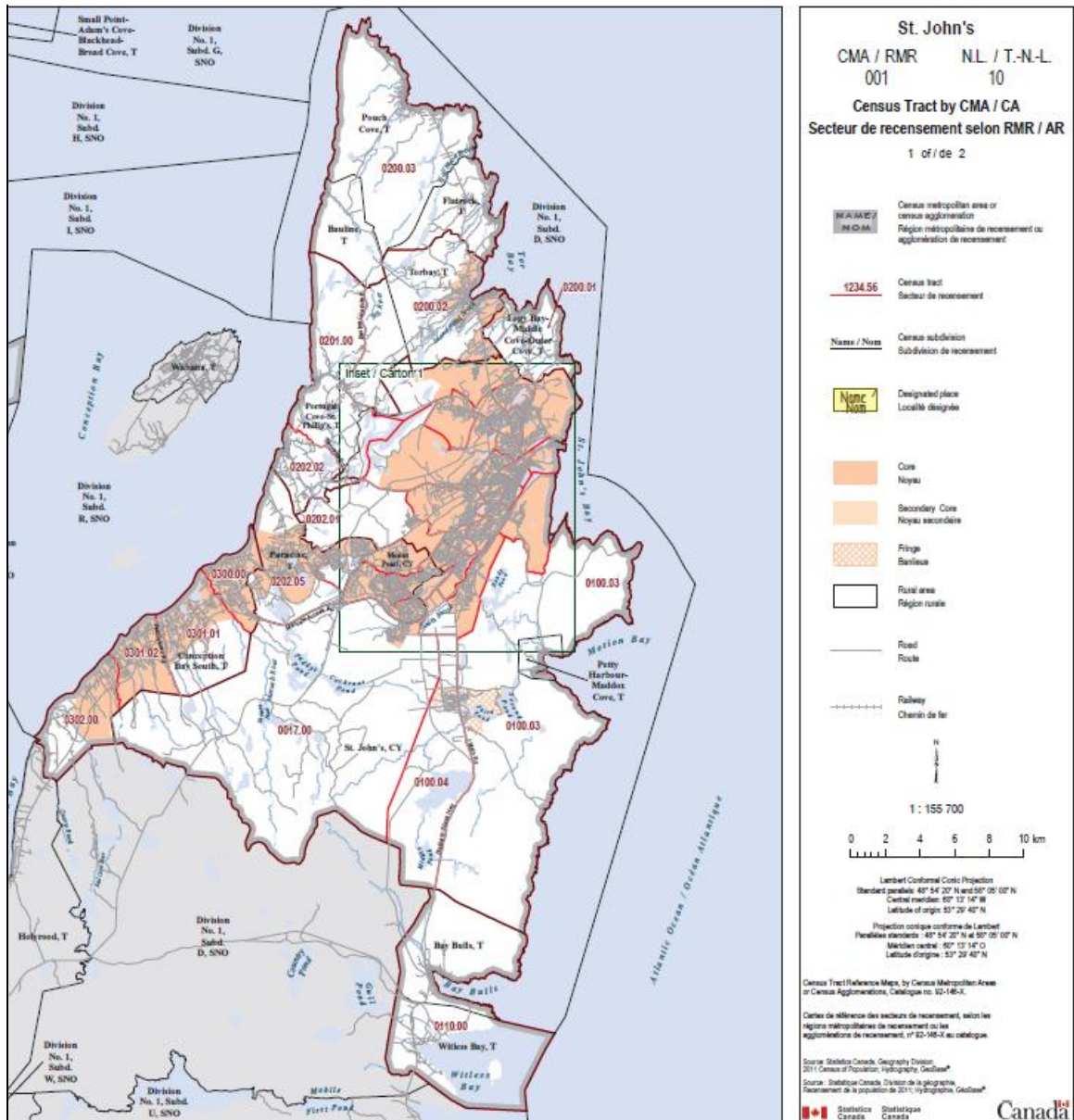
Source: Statistics Canada, Geography Division, 2011 Census of Population; Hydrography, GeoBase.

Appendix D.

Northeast Avalon Regional Land Use Planning Area

Source: Department of Municipal Affairs NL, 2007

Appendix E.

Walker's Classification of Regional Governance

Regional Governance Approaches: Walker's Classification	
Easiest	
Informal Cooperation	Collaborative and reciprocal actions between two local governments
Interlocal Service Agreements	Voluntary but formal agreements between two or more local governments
Joint Powers Agreements	Agreements between two or more local governments for joint planning, financing, and delivery of a service
Exterritorial Powers	Allows a city to exercise some regulatory authority outside of its boundary in rapidly developing unincorporated areas
Regional Councils	Local councils that rely mostly on voluntary efforts and have moved to regional agenda-definer and conflict resolver roles
Federally Encouraged Single Purpose Regional Bodies	Single-purpose regional bodies created when tied to federal funds
State Planning and Development Districts	Established in US to bring order to chaotic creation of federal special purpose regional programs
Contracting (private)	Services contracts with private providers
Middling	
Local Special Districts	Provides a single service or multiple related services on a multijurisdictional basis
Transfers of Functions	Shifting of responsibility for provision of a service from one jurisdiction to another
Annexation	Bringing an unincorporated area into an incorporated jurisdiction
Regional Special Districts and Authorities	Region wide districts for providing a service (eg. transit, sewage)
Metro Multipurpose Districts	A regional district to provide multiple functions
Reformed Urban County	Establishment of a charter county
Hardest	
One-tier Consolidation	Consolidation of city and county (surrounding towns)
Two-tier Restructuring	Division of functions between local and regional
Three-tier Restructuring	Agencies at multiple levels of government that absorb, consolidate, or restructure new and/or existing roles and responsibilities

Source: Walker (1987), as adapted in Phares (2009).

Appendix F.

# Question Guide for Semi-Structured Interviews

Interview guide:

1. In what ways are the current regional governance structures and land use policies struggling to meet today's policy needs for (housing, transportation, economy, green space, agriculture, etc)? (provincial/municipal)

2. Do you believe there is a need for a new comprehensive regional plan for the Northeast Avalon? What might a regional plan accomplish that could not be accomplished by municipalities acting alone?

3. Could you describe some of the sources of tension between urban, suburban, and rural localities in the region? How does that tension surface in policy action? How are these conflicts addressed? Is there a shared regional identity?

4. Could you tell me about your involvement in the 2009-10 NEAR plan? What are the barriers to progress on a regional growth strategy like this? (trust, autonomy)

5. How might these barriers be overcome for improved collaboration/progress on a regional growth planning process? Under what circumstances would regional governance be successful?

6. How should a regional plan be implemented and governed in the long-term? And by whom? (considering past attempts to reorganize, what are the likely steps to a new formal regional structure?)

7. Despite the challenges of regional governance in land use planning, what are some of the existing places of collaboration? Have you been involved with any of these? Tell me more about how these are governed (structure, process, history, success, challenges).

8. Could you identify examples of how regional policy actions have successfully overcome difficulties with collaboration, and comment on the structure or capacity place to deal with conflict and disagreement?

9. What are the attributes necessary for successful regional governance moving forward

Appendix G.

Map of Trail System on Northeast Avalon

The green trail routes are the trails and walks designated by the Grand Concourse Authority. The thinner blue lines are other trail walks in the region including municipal trails and the East Coast Trail system along the eastern coastline.

Source: http://www.grandconcourse.ca/map/map.html
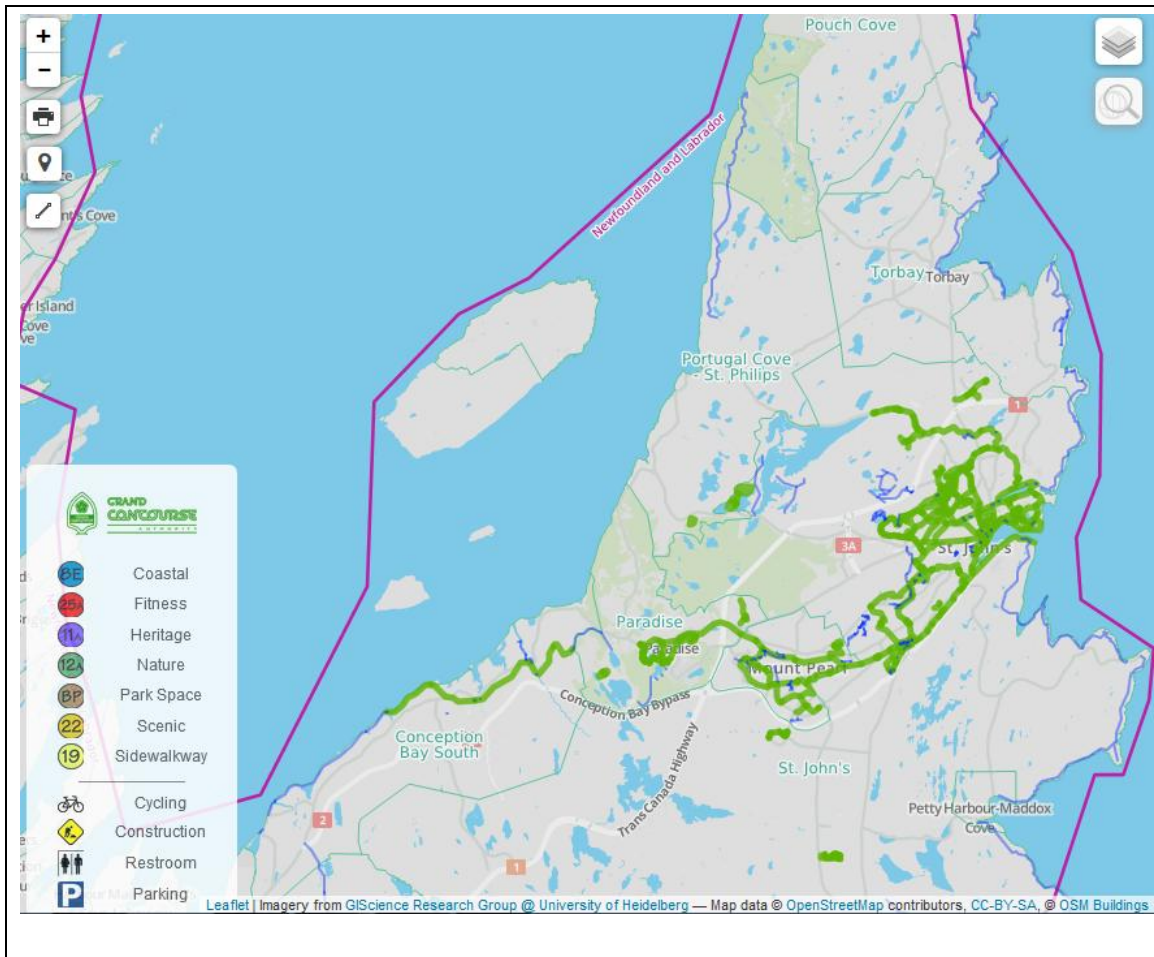
Appendix H.

List of Municipal Affairs Ministers from 2003 to 2014

The following is list of elected members of the Newfoundland and Labrador House of Assembly holding the cabinet posting of Minister of Municipal Affairs, from 2003 just prior to the announced of interest to review the regional plan in 2005 and up to recent cabinet announcement Sep 30, 2014. Previous involvement with municipal politics is indicated in name column where applicable.

Date	Name	Portfolio
2003 November 06	Byrne, Jack (former Mayor of Logy Bay-Middle Cove-Outer Cove)	Minister of Municipal and Provincial Affairs, Registrar General, and Minister Responsible for the Newfoundland and Labrador Housing Corporation
2005 November 02	Byrne, Jack (former Mayor of Logy Bay-Middle Cove-Outer Cove)	Minister of Municipal Affairs with responsibility for Emergency Preparedness and Registrar General
2006 September 15	Ottenheimer, John	Minister of Municipal Affairs with responsibility for Emergency Preparedness and Registrar General; Minister of Intergovernmental Affairs
2007 October 30	Denine, Dave (former Mayor of Mount Pearl)	Minister of Municipal Affairs, Minister Responsible for Emergency Preparedness, and Registrar General
2008 October 31	Whalen, Dianne C. (former Mayor of Paradise)	Minister of Municipal Affairs, Minister Responsible for Emergency Preparedness, and Registrar General
2010 October 13	O'Brien, Kevin	Minister of Municipal Affairs, Minister Responsible for Emergency Preparedness, and Registrar General

2011 October 28	O'Brien, Kevin	Minister of Municipal Affairs, Minister Responsible for Fire and Emergency Services - NL, and Registrar General
2013 October 09	Kent, Steve (former Mayor of Mount Pearl)	Minister of Municipal and Intergovernmental Affairs; Minister Responsible for Fire and Emergency Services – Newfoundland and Labrador, and Registrar General
2014 January 29	Kent, Steve (former Mayor of Mount Pearl)	Minister Responsible for the Office of Public Engagement Minister of Municipal and Intergovernmental Affairs, Minister Responsible for Fire and Emergency Services – Newfoundland and Labrador, and Registrar General
2014 July 3	Crummel, Dan	Minister Responsible for the Office of Public Engagement Minister of Municipal and Intergovernmental Affairs, Minister Responsible for Fire and Emergency Services – Newfoundland and Labrador, and Registrar General
2014 Sep 30	Hutchings, Keith	Minister of Municipal and Intergovernmental Affairs, Minister Responsible for Registrar General

Source: Personal communication with Ministry of Municipal Affairs (Mar 3, 2014), and online: http://www.miga.gov.nl.ca/department/minister.html