

MGA Changes

Planning Advisory Committee

Planning and Development Department
January 21, 2025



EAST HANTS

Background

- Royal Assent was given to *Bill No. 419, An Act Respecting Certain Financial and Other Measures* in April 2024.
- This Bill made several amendments to the Municipal Government Act (MGA) that impact a number of processes relevant to planning applications, development agreement processing and site plan approval.
- Staff are recommending corresponding changes to municipal processes that will save applicants and the municipality money as well as improve efficiency.

Public Consultation

MGA Change:

Authorize posting on a municipal website as an alternative method of notice. This applies to the following notices:

- *Public Hearing for Sale or Lease of Municipal Property*
 - *Special purpose tax accounts*
 - *Sale of Distraigned Goods*
 - *Tax Sale Advertisement*
 - *Adoption of By-laws*
 - *Planning documents (MGA only, changes already made to HRMC)*
 - *Notice of sale land no longer required for parks, playgrounds, or public purposes*
 - *Notice of Public Hearing for Street Closures*
- Staff propose to discontinue use of Chronicle Herald and utilize the municipal website, social media and locally circulated print media, where available.

Public Consultation

Proposed MPS Amendments:

Development Applications

CE17. Council shall, when considering amendments to the Land Use Bylaw, Subdivision Bylaw or approval of a development agreement, require the following: a) Council shall, upon receipt of an application other than an unsubstantial development agreement amendment, place a notice ~~in the newspaper & online~~ on the municipal website.

CE18. Amendments to the Subdivision Bylaw or Land Use Bylaw, which are not site specific, shall not require a questionnaire but will require an initial notice and public hearing notice published using ~~an area newspaper and~~ the municipal website, social media and may include community print media where available. In addition, notices shall be sent to any identified stakeholders and adjoining municipalities as deemed appropriate.

Disposal of Open Space Lands

CE22. Council shall, when considering the disposal of open space lands, require the following: a) Council shall, upon consideration of the disposal of an open space parcel, place a notice ~~in the newspaper & online~~ on the municipal website, at least 14 days prior to the Council meeting where the disposal of open space is expected to be voted on, describing the location and reason for the disposal, and indicating the date, time, and location of the Council meeting.

Development Agreement - Non-Substantive Amendments

MGA Change:

Allow non-substantive development agreement amendments to be approved by the Development Officer rather than Council (authority exists for council to define substantive and non-substantive amendments within a development agreement).

- Staff propose that the Development Officer be given the authority to approve non-substantive amendments to a development agreement where they are defined in existing and future development agreements.

Development Agreements

- Proposed MPS Amendments:

IM36 Development Agreement - Non-substantive Amendment

Applications for non-substantive amendments to a development agreement shall be submitted to the Development Officer. The Development Officer shall approve non-substantive amendments to a development agreement where:

- a) The proposed amendment is listed as a non-substantive amendment within the development agreement; and
- b) The proposed amendment is in keeping with the development agreement, this strategy and all other municipal bylaws, regulations and standards; and
- c) The proposed amendment is in keeping with all relevant provincial and federal law and regulation.

Development Agreement - Discharge

MGA Change:

Allow the Chief Administrative Officer (CAO) to discharge a completed development agreement in part or in whole rather than Council.

Draft MPS policy IM37 has been prepared for consideration in keeping with this change.

Development Agreement - Discharge

- Proposed MPS Amendments:

IM37 Development Agreement - Discharge

When exercising their authority under section 229 of the MGA, the Chief Administrative Officer (CAO) shall consider discharge of a development agreement, in whole or in part, upon advice of planning staff.

Other Changes

- Remove requirement for certified copies of planning documents/amendments and clerk certificate to enable electronic submission. (will implement when regulations passed by Province)
- Require that appeals to site plan approval state grounds for appeal and limit appeals to substantive matters. (will implement when regulations passed by Province)
- Clarifies Council's ability to approve Development Agreements in principle with administrative contractual details to be dealt with by CAO. (proposing not to use)
- Enable the municipality to require financial contribution within a development agreement for off-site improvements. (next plan review)

Other Changes

- Allow councils to provisionally approve a development agreement or an amendment to a development agreement during the same public meeting when the Council passes a:
 - Supporting amendment to the municipal planning strategy;
 - Supporting amendment to the land-use by-law; and
 - Supporting amendment to the municipal planning strategy and the supporting amendment to the land-use by-law.

(current practice based on legal advice)

- Allow performance bonding for site plans (next plan review)

Public Participation

- Amendments to the MPS would usually require a public information meeting unless they are housekeeping in nature.
- Staff believe these amendments fall within that definition and are therefore not recommending a PIM for these amendments.
- If a public hearing is authorized it will be advertised using the Chronicle Herald, social media and the municipal website in keeping within current policy.

Alternatives

- The committee may choose to recommend some or none of the amendments prepared by staff or request additional research.

Recommendation

That first reading be given to amendments to the Municipal Planning Strategy that would:

- Discontinue the use of the Chronicle Herald for planning applications/public hearings;
- Authorize the Development Officer to approve non-substantive amendments to development agreements; and
- And authorize the CAO to discharge development agreements.

Recommended Motion

The Planning Advisory Committee recommends to Council that Council give first reading to housekeeping amendments to the Municipal Planning Strategy as outlined in the staff report “MGA Changes” dated January 9, 2025 that:

- *Discontinue the use of the Chronicle Herald for planning applications/public hearings;*
- *Authorize the Development Officer to approve non-substantive amendments to development agreements; and*
- *Authorize the CAO to discharge development agreements.*

The Planning Advisory Committee further recommends to Council that Council authorize staff to schedule a public hearing.