



Subject: *MGA Changes*
To: CAO for Planning Advisory Committee, January 21, 2025
Date Prepared: January 9, 2025
Related Motions: None
Prepared by: John Woodford, Director of Planning & Development
Approved by: John Woodford, Director of Planning & Development

Summary

This report deals with proposed changes to municipal processes related to planning applications, development agreements and site plan approvals as a result of amendments to the Municipal Government Act (MGA).

Financial Impact Statement

Approximately \$5,000 in municipal newspaper advertising expenses could be avoided annually if the staff recommendation is approved.

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.

Background

Recent amendments to the MGA impact a number of processes relevant to planning applications, development agreement processing and site plan approval. As a result, staff are recommending corresponding changes to municipal processes that will save applicants and the municipality money as well as improve efficiency.

Discussion

Royal Assent was given to *Bill No. 419, An Act Respecting Certain Financial and Other Measures* in April 2024.

The Bill contains a number of amendments to the Municipal Government Act relevant to planning applications, site plan approval and development agreements. The table below highlights the relevant changes and proposed municipal action as a result:

MGA Change	Note	Proposed Municipal Action
Remove the requirement for certified copies of planning documents to enable electronic submission of planning documents to the provincial Director of Planning and Minister of Municipal Affairs and Housing. Add regulation-making authority for Minister for submission/filing, review, and approval of documents.	Province hasn't adopted regulations to implement this section yet.	Staff will switch to electronic submission once regulations are enacted. No Council action required.
Require an electronic statement from the Clerk to verify that planning documents/amendment to by-law/development agreement are a true and original copy where no certified copy is required, and remove requirement for the Province to return two copies (written notice as per the Act will be returned).	Province hasn't adopted regulations to implement this section yet.	Staff will switch to an electronic statement once regulations are enacted. No Council action required.
Require that appeals for site plan and variances must A) state grounds for appeal, and B) limit an appeal to substantive matters. This includes regulation-making authority for the Minister to prescribe non-substantive matters to which appeals may not be made.	Province hasn't adopted regulations to implement this section yet.	Staff will communicate this information to potential appellants once regulations are enacted. No Council action required.
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. Draft policy IM36 has been prepared for consideration.
Allow the Chief Administrative Officer (CAO) to discharge a completed development		Draft MPS policy IM37 has been prepared for consideration in keeping with this change.

agreement in part or in whole rather than Council.		
Clarify council's role regarding substantive matters and "approval in principle" of a development agreement where the final administrative contractual details will be dealt with by the CAO without triggering a need to return to Council.		Staff are not proposing any change to current municipal practice.
Enable the requirement of off-site improvements necessary to support the development or the payment of money-in-lieu for the contribution of off-site improvements through a development agreement.		None at this time - issue will be reviewed in next plan review.
<p>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:</p> <ul style="list-style-type: none"> • 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. <p>This provisional development agreement or amendment to a development is approved once the supporting amendment to the municipal planning strategy and/or land use by-law takes effect. Appeal period runs from the provisional approval.</p>		<p>This section mirrors the practice that has been followed in East Hants for several years.</p> <p>No Council action required.</p>
<p>Authorize posting on a municipal website as an alternative method of notice. This applies to the following notices:</p> <ul style="list-style-type: none"> - 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 		<p>Staff propose to discontinue use of Chronicle Herald and utilize the municipal website, social media and locally circulated print media, where available. Circulation for the Chronicle Herald has been dropping and the municipality spends approximately \$5000 per year on advertising in it.</p> <p>Draft amendments have been made to MPS policies CE17, CE18 & CE22 for consideration.</p>
Allow performance bonding for site plans.		None at this time - issue will be reviewed in next plan review.
Clarify deemed easement on a plan of subdivision is retroactive to the date of the		Administrative clarification for Development Officer.

survey or approval of the plan of subdivision, even if that pre-dates the Act.		No Council action required.
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Proposed Amendments

PUBLIC CONSULTATION

Amendments to Public Participation policies CE17, CE18 and CE22 would enable the municipality to discontinue the use of the Chronicle Herald to advertise the receipt of an application, public hearings, public information meetings and hearings for the disposal of Open Space Lands. The amendments would instead allow the use the municipal website, social media and local print media where available.

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 AGREEMENTS

The following amendments contain two new policies that would enable the development officer to approve non-substantive development agreements and the CAO to exercise her authority under section 229 of the MGA to discharge development agreements.

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 terms and conditions of 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.

IM37 Development Agreement - Discharge

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

Public Consultation

Amendments to the MPS would usually require a public information meeting unless they are housekeeping in nature. However, 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.

Attachments

Bill 419, posted separately.