



BILL NO. 58

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

CHAPTER 39
ACTS OF 2018

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 11, 2018**

The Honourable Chuck Porter
Minister of Municipal Affairs

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 18
of the Acts of 1998,
the Municipal Government Act,
and Chapter 39 of the Acts of 2008,
the Halifax Regional Municipality Charter**

Be it enacted by the Governor and Assembly as follows:

MUNICIPAL GOVERNMENT ACT

1 Section 190 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by adding immediately after clause (b) the following clause:

(ba) ensure that every municipality develops and adopts one or more municipal planning strategies to govern planning throughout the municipality and fulfill the minimum planning requirements;

2 Section 191 of Chapter 18 is amended by

(a) adding immediately after clause (g) the following clause:

(ga) “minimum planning requirements” means the requirements respecting a municipal planning strategy prescribed by Section 214 and the regulations made under that Section;

and

(b) striking out “inter-municipal” in the second line of clause (m) and substituting “intermunicipal”.

3 (1) Subsection 192(1) of Chapter 18 is amended by striking out “Housing and” in the second line.

(2) Subsection 192(2) of Chapter 18 is amended by striking out “Housing and” in the second line.

4 (1) Subsection 198(2) of Chapter 18 is amended by striking out “a prescribed time, adopt or amend its planning documents so that they are” in the second and third lines and substituting “the time prescribed by the Minister, amend its planning documents to be, or adopt new planning documents that are,”.

(2) Subsection 198(3) of Chapter 18 is amended by striking out “a prescribed area” in the last line and substituting “an area prescribed by the Minister”.

(3) Subsections 198(4) to (7) of Chapter 18 are repealed.

5 Chapter 18 is further amended by adding immediately after Section 204 the following Section:

204A (1) A council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the council is adopting or amending a municipal planning strategy.

(2) Subject to the regulations, the content of an engagement program is at the discretion of the council.

(3) The Minister may make regulations respecting the content of an engagement program.

(4) The exercise by the Minister of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*.

6 (1) Subsection 207(1) of Chapter 18 is amended by striking out “inter-municipal” in the last line and substituting “intermunicipal”.

(2) Section 207 of Chapter 18 is further amended by adding immediately after subsection (1) the following subsection:

(1A) The councils of two or more municipalities may agree to hold a joint public hearing regarding the adoption or amendment of a municipal planning strategy by one or more of the municipalities if each of the councils determines that its municipality may be affected by the adoption or amendment.

7 Subsection 208(3) of Chapter 18 is amended by

(a) striking out “or” at the end of clause (c); and

(b) adding immediately after clause (c) the following clause:

(ca) in the case of a municipal planning strategy, may fail to fulfill the minimum planning requirements; or

8 Section 212 of Chapter 18 is repealed and the following Section substituted:

212 (1) A council shall adopt one or more municipal planning strategies in accordance with the requirements of this Section.

(2) There may be separate municipal planning strategies for different parts of the municipality.

(3) All land within a municipality must be the subject of a municipal planning strategy.

(4) A municipal planning strategy must

(a) be reasonably consistent with every statement of provincial interest; and

(b) fulfill the minimum planning requirements.

9 Section 213 of Chapter 18 is amended by

- (a) adding “consistent with the minimum planning requirements” immediately after “policy” in the second line; and**
- (b) striking out “planning” the second time it appears in the second line of clause (d).**

10 Section 214 of Chapter 18 is repealed and the following Sections substituted:

214 (1) A municipal planning strategy must include statements of policy respecting

- (a) the objectives of the municipality in respect of its physical, economic and social environment;

- (b) the future use, management and development of lands within the municipality;

- (c) the implementation and administration of the municipal planning strategy and the periodic review of the municipal planning strategy, its implementing land-use by-law and the extent to which the objectives set out in the municipal planning strategy are achieved;

- (d) the engagement by the municipality with abutting municipalities when amending the municipal planning strategy or adopting a new municipal planning strategy to replace the existing one; and

- (e) any other matter prescribed by the regulations.

(2) In addition to the statements of policy required under subsection (1), a municipal planning strategy may include statements of policy respecting any matter permitted by the regulations.

(3) A municipal planning strategy must fulfill any additional requirements prescribed by the regulations.

(4) The Minister may make regulations

- (a) prescribing matters in respect of which the inclusion of statements of policy in a municipal planning strategy is either mandatory or discretionary, which may include matters respecting

- (i) public health and safety,

- (ii) the protection of the natural environment,

- (iii) the protection of resource lands,

- (iv) the identification, preservation and protection of landscape features,

- (v) the division of land into zones and the permitted and prohibited uses for each zone,

- (vi) infrastructure,

- (vii) transportation services and networks,

- (viii) the subdivision of land,

- (ix) matters of a local nature,
 - (x) the land-use by-law that implements the municipal planning strategy,
 - (xi) the physical, economic and social environment of the municipality, and
 - (xii) procedures, not inconsistent with the public participation program established under Section 204, to be followed when amending or reviewing the municipal planning strategy, including procedures for public consultation and notice;
- (b) prescribing requirements that a municipal planning strategy must fulfill, including requirements respecting
- (i) the development, content, administration, implementation and review of the municipal planning strategy and the implementing land-use by-law,
 - (ii) the content, development and administration of development agreements, variances, site-plan approval areas and other planning tools, and
 - (iii) studies to be carried out before undertaking specified developments or developments in specified areas of the municipality.
- (5) A regulation made under subsection (4) may not
- (a) require or authorize a municipal planning strategy to include a statement of policy that is inconsistent with any enactment; or
 - (b) require a municipal planning strategy to fulfill a requirement that is contrary to any enactment.
- (6) The exercise by the Minister of the authority contained in subsection (4) is regulations within the meaning of the *Regulations Act*.

214A (1) Where a municipal planning strategy does not fulfill the minimum planning requirements, the Minister may request that the council, within the time prescribed by the Minister, amend the municipal planning strategy to fulfill, or adopt a new municipal planning strategy that fulfills, the minimum planning requirements.

(2) Where a council does not comply with a request pursuant to subsection (1), the Minister may, by order, establish an interim planning area for an area prescribed by the Minister.

214B (1) Within an interim planning area established under Section 198 or 214A, subdivision, development or certain classes of subdivision or development may be regulated or prohibited, in whole or in part, to protect the provincial interest or give effect to the minimum planning requirements.

(2) No permit or approval of any kind may be issued that is contrary to an order establishing an interim planning area or an order regulating or prohibiting subdivision or development in the interim planning area.

(3) The Minister may withhold any grant or other funding otherwise payable to a municipality under any enactment or agreement while an order establishing an interim planning area within the municipality is in effect.

(4) The Minister shall

(a) send a copy of an order establishing an interim planning area and any order regulating or prohibiting subdivision or development in the interim planning area to the clerk of each municipality affected; and

(b) give notice that an order is in effect in a newspaper circulating in the area affected.

(5) Where a council amends its municipal planning strategy in relation to an interim planning area to be reasonably consistent with the statements of provincial interest and fulfill the minimum planning requirements, or adopts a new municipal planning strategy to do so and, where the amended or new municipal planning strategy is in effect, the Minister shall revoke the order establishing the interim planning area.

(6) The Minister may recover any costs incurred in the course of establishing an interim planning area within a municipality or regulating or prohibiting subdivision or development in the interim planning area from any money otherwise payable to the municipality under the *Municipal Grants Act*.

HALIFAX REGIONAL MUNICIPALITY CHARTER

11 Section 208 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by adding immediately after clause (b) the following clause:

(ba) ensure that the Municipality develops and adopts one or more municipal planning strategies to govern planning throughout the Municipality and fulfill the minimum planning requirements;

12 Section 209 of Chapter 39, as amended by Chapter 41 of the Acts of 2008, Chapter 18 of the Acts of 2013 and Chapter 10 of the Acts of 2018, is further amended by

(a) adding immediately after clause (g) the following clause:

(ga) “minimum planning requirements” means the requirements respecting a municipal planning strategy prescribed by Section 229 and the regulations made under that Section;

(b) striking out “inter-municipal” in the second line of clause (h) and substituting “intermunicipal”; and

(c) striking out “inter-municipal” in the first and second lines of clause (l) and substituting “intermunicipal”.

13 (1) Subsection 214(2) of Chapter 39 is amended by striking out “a prescribed time, adopt or amend its planning documents so that they are” in the first and second lines and substituting “the time prescribed by the Minister, amend its planning documents to be, or adopt new planning documents that are,”.

(2) Subsection 214(3) of Chapter 39 is amended by striking out “a prescribed area” in the last line and substituting “an area prescribed by the Minister”.

(3) Subsections 214(4) to (7) of Chapter 39 are repealed.

14 Chapter 39 is further amended by adding immediately after Section 219 the following Section:

219A (1) The Council shall adopt, by policy, an engagement program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy.

(2) Subject to the regulations, the content of an engagement program is at the discretion of the Council.

(3) The Minister may make regulations respecting the content of an engagement program.

(4) The exercise by the Minister of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*.

15 (1) Subsection 222(1) of Chapter 39 is amended by striking out “inter-municipal” in the last line and substituting “intermunicipal”.

(2) Section 222 of Chapter 39 is further amended by adding immediately after subsection (1) the following subsection:

(1A) The Council and the council of one or more municipalities may agree to hold a joint public hearing regarding the adoption or amendment of a municipal planning strategy by the Municipality or one or more of the other municipalities if the Council and each of the councils of the other municipalities determines that its municipality may be affected by the adoption or amendment.

16 Subsection 223(3) of Chapter 39 is amended by

(a) striking out “or” at the end of clause (c); and

(b) adding immediately after clause (c) the following clause:

(ca) in the case of a municipal planning strategy, may fail to fulfill the minimum planning requirements; or

17 Section 227 of Chapter 39 is repealed and the following Section substituted:

227 (1) The Council shall adopt one or more municipal planning strategies in accordance with the requirements of this Section.

(2) There may be separate municipal planning strategies for different parts of the Municipality.

(3) All land within the Municipality must be the subject of a municipal planning strategy.

(4) A municipal planning strategy must

- (a) be reasonably consistent with every statement of provincial interest; and
- (b) fulfill the minimum planning requirements.

18 Section 228 of Chapter 39 is amended by adding “consistent with the minimum planning requirements” immediately after “policy” in the second line.

19 Section 229 of Chapter 39 is repealed and the following Sections substituted:

229 (1) A municipal planning strategy must include statements of policy respecting

- (a) the objectives of the Municipality in respect of its physical, economic and social environment;
- (b) the future use, management and development of lands within the Municipality;
- (c) the implementation and administration of the municipal planning strategy and the periodic review of the municipal planning strategy, its implementing land-use by-law and the extent to which the objectives set out in the municipal planning strategy are achieved;
- (d) the engagement by the Municipality with abutting municipalities when amending the municipal planning strategy or adopting a new municipal planning strategy to replace the existing one; and
- (e) any other matter prescribed by the regulations.

(2) In addition to the statements of policy required under subsection (1), a municipal planning strategy may include statements of policy respecting any matter permitted by the regulations.

(3) A municipal planning strategy must fulfill any additional requirements prescribed by the regulations.

(4) The Minister may make regulations

- (a) prescribing matters in respect of which the inclusion of statements of policy in a municipal planning strategy is either mandatory or discretionary, which may include matters respecting
 - (i) public health and safety,
 - (ii) the protection of the natural environment,
 - (iii) the protection of resource lands,
 - (iv) the identification, preservation and protection of landscape features,
 - (v) the division of land into zones and the permitted and prohibited uses for each zone,
 - (vi) infrastructure,
 - (vii) transportation services and networks,

- (viii) the subdivision of land,
 - (ix) matters of a local nature,
 - (x) the land-use by-law that implements the municipal planning strategy,
 - (xi) the physical, economic and social environment of the Municipality, and
 - (xii) procedures, not inconsistent with the public participation program established under Section 219, to be followed when amending or reviewing the municipal planning strategy, including procedures for public consultation and notice;
- (b) prescribing requirements that a municipal planning strategy must fulfill, including requirements respecting
- (i) the development, content, administration, implementation and review of the municipal planning strategy and the implementing land-use by-law,
 - (ii) the content, development and administration of development agreements, variances, site-plan approval areas and other planning tools, and
 - (iii) studies to be carried out before undertaking specified developments or developments in specified areas of the Municipality.
- (5) A regulation made under subsection (4) may not
- (a) require or authorize a municipal planning strategy to include a statement of policy that is inconsistent with any enactment; or
 - (b) require a municipal planning strategy to fulfill a requirement that is contrary to any enactment.
- (6) The exercise by the Minister of the authority contained in subsection (4) is regulations within the meaning of the *Regulations Act*.

229A (1) Where a municipal planning strategy does not fulfill the minimum planning requirements, the Minister may request that the Council, within the time prescribed by the Minister, amend the municipal planning strategy to fulfill, or adopt a new municipal planning strategy that fulfills, the minimum planning requirements.

(2) Where the Council does not comply with a request pursuant to subsection (1), the Minister may, by order, establish an interim planning area for an area prescribed by the Minister.

229B (1) Within an interim planning area established under Section 219 or 229A, subdivision, development or certain classes of subdivision or development may be regulated or prohibited, in whole or in part, to protect the provincial interest or give effect to the minimum planning requirements.

(2) No permit or approval of any kind may be issued that is contrary to an order establishing an interim planning area or an order regulating or prohibiting subdivision or development in the interim planning area.

(3) The Minister may withhold any grant or other funding otherwise payable to the Municipality under any enactment or agreement while an order establishing an interim planning area within the Municipality is in effect.

(4) The Minister shall

(a) send a copy of an order establishing an interim planning area and any order regulating or prohibiting subdivision or development in the interim planning area to the Clerk; and

(b) give notice that an order is in effect in a newspaper circulating in the area affected.

(5) Where the Council amends its municipal planning strategy in relation to an interim planning area to be reasonably consistent with the statements of provincial interest and fulfill the minimum planning requirements, or adopts a new municipal planning strategy to do so and, where the amended or new municipal planning strategy is in effect, the Minister shall revoke the order establishing the interim planning area.

(6) The Minister may recover any costs incurred in the course of establishing an interim planning area within the Municipality or regulating or prohibiting subdivision or development in the interim planning area from any money otherwise payable to the Municipality under the *Municipal Grants Act*.

20 (1) Subsection 230(1) of Chapter 39 is amended by striking out “inter-municipal” in the second line and substituting “intermunicipal”.

(2) Subsection 230(2) of Chapter 39 is amended by striking out “inter-municipal” in the second line and substituting “intermunicipal”.

EFFECTIVE DATE

21 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
