

October 1, 2018

## **Bill 58: Mandatory Planning**

### **HRM Law Amendments Presentation**

Thank you for the opportunity to present to you today on this important issue.

Land use planning is a key municipal responsibility, and HRM supports a move to ensure municipalities have comprehensive land use policies in place. However we have some concerns about the approach this legislation takes.

The Department of Municipal Affairs consulted on proposed amendments during the summer. The information shared at that time was high level and spoke to general land use planning requirements and inter-municipal consultation.

HRM provided feedback indicating support for these two concepts but noting concern about legislation being overly prescriptive.

Bill 58 proposes using Ministerial regulation instead of legislation to establish minimum planning requirements and consultation processes between municipalities.

Municipalities have no influence or authority over the adoption of regulations. Ministerial regulations are not captured by the Charter duty to consult with municipalities. This direction could have the effect of requirements being imposed that are not capable of being achieved or worse, changing requirements during on-going planning processes. The use of regulation in this form for planning matters runs contrary to the goal of planning to be a transparent and participatory decision-making process.

The legislation also allows the Minister to impose financial penalties in cases where minimum planning requirements are not fulfilled, by withholding grants and other funding.

Withholding funds appears to be an excessive way to achieve minimum planning in all municipalities. Given that minimum planning requirements are to be prescribed by regulation, which may change without notice or municipal involvement, it leaves us in a potential situation where we may be unable to meet minimum requirements.

HRM has already adopted a comprehensive set of official planning documents that cover the entire Municipality. Our understanding from provincial staff is that the intent of the legislation is to require those municipalities who haven't yet adopted plans, to do so.

We request that the amendments to the HRM Charter be removed from the bill and that efforts be focused on the new HRM Charter that has previously been requested. Failing which we request that the matter be deferred pending amendments that respond to our concerns.