

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

COMMITTEE OF THE WHOLE AGENDA

Tuesday, October 2, 2018, 6:30 pm

Council Chambers

Municipal Administration Building

285 Beech Hill Road

Beech Hill, NS B2G 0B4

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1. **Call to Order – Chairman, Warden Owen McCarron**
 2. **Approval of Agenda**
 3. **Approval of September 18th Committee of the Whole Minutes**
 4. **Business Arising from the Minutes**
 5. **New Business**
 - a. **Amendments to the Municipal Government Act Related to Planning**

On September 25th, the Nova Scotia Legislature gave first reading to Bill 58, which expands the stated purpose of Part VIII (Planning and Development) of the *Municipal Government Act* to include ensuring that every municipality develops and adopts a municipal planning strategy to govern planning throughout the municipality and fulfill the minimum planning requirements prescribed by that Part and the regulations.

- b. **Consideration of a Nuisance By-law**

Councillor MacFarlane has requested a Committee discussion on how the Municipality might deal with nuisance complaints, specifically concerning dust.

In October 2013, the Municipality rescinded its Nuisance Bylaw on the basis of the content being antiquated and many aspects of the bylaw being regulated under provincial statute; this previous bylaw did not regulate or control dust. In 2015, Municipal Council discussed the issue of nuisance dust and considered a nuisance bylaw. At that time, Council did not move forward with a nuisance bylaw to control dust based on the experience of other municipalities, which have been challenged to successfully administer and defend in court the provisions relating to dust. It was also noted that the County doesn't have a by-law officer to enforce a nuisance bylaw.

Another option Council may wish to discuss is regulating the activity of nuisance dust through the Municipality's existing land-use bylaw. For the past three years the Municipality has issued a letter to the property owner on which the dust is being produced, informing him that this activity is not permitted under the Fringe Land-Use Bylaw. However, without a deputized special constable, the Municipality cannot follow-up this notice with any further action. A special constable would be able to issue summary offense tickets for land-use bylaw and building code violations.

The Committee is asked to discuss this issue and staff can then prepare next steps based on this

feedback.

c. Approval of An Excused Absence

Since May, Councillor Mattie has been in Halifax for medical treatment. For reasons beyond Councillor Mattie's control, his stay in Halifax has taken longer than initially anticipated. The Committee is being asked to formally excuse Councillor Mattie's absence.

6. Reports from Inter-Municipal Boards, Committees and Commissions

- a. **Antigonish Heritage Museum Board**
- b. **Antigonish Arena Commission**
- c. **Antigonish Crime Prevention**
- d. **Eastern District Planning Commission**
- e. **Eastern Regional Solid Waste Management Committee**
- f. **Eastern-Strait Regional Enterprise Network**
- g. **Pictou Antigonish Regional Library**
- h. **RK MacDonald Nursing Home**

7. Community Events

This item provides Councillors with an opportunity to briefly bring to the attention of Council events that are taking place in their communities.

8. Additions to the Agenda

9. In Camera Items

This subject matter falls within Section 22(2) of the Municipal Government Act as that which a committee may discuss in a closed session. It is recommended a motion be made to initiate an in-camera session to discuss Contract Negotiations and the Acquisition, Sale, Lease and Security of Municipal Property. Materials will follow.

10. Adjournment

MUNICIPALITY OF THE COUNTY OF
ANTIGONISH

Committee of the Whole Meeting Minutes

Tuesday, September 18, 2018, 5:30 pm
Council Chambers
Municipal Administration Building
285 Beech Hill Road
Beech Hill, NS B2G 0B4

Present were: Warden Owen McCarron
Councillor Mary MacLellan
Councillor Donnie MacDonald
Councillor Vaughan Chisholm
Councillor Remi Deveau
Councillor John Dunbar
Councillor Neil Corbett

Regrets: Deputy Warden Hugh Stewart
Councillor Gary Mattie
Councillor Bill MacFarlane

Staff Present: Glenn Horne, Clerk-Treasurer
Beth Schumacher, Deputy Clerk
Allison Duggan, Director of Finance

Also Present: Sonny MacDougall, MGM

1. Call to Order – Chairman, Warden Owen McCarron

The meeting of the Committee of the Whole was called to order by the Chair, Warden McCarron, at 5:32pm.

2. Approval of Agenda

Warden McCarron called for any additions or deletions to the agenda. There was one addition: an update on the Vital Signs Report request made at a presentation to Council earlier.

Moved By Councillor MacDonald

Seconded By Councillor Corbett

That the agenda be approved as amended.

Motion : Carried

3. **Approval of September 11, 2018 Committee of the Whole Minutes**

Warden McCarron asked whether there were any errors or omissions in the minutes of September 11, 2018.

Moved By Councillor Deveau

Seconded By Councillor MacLellan

That the Committee of the Whole minutes of September 11, 2018 be approved as presented

Motion : Carried

4. **Business Arising from the Minutes**

There was no business arising from the minutes.

5. **Delegations**

a. **Presentation of Audited Financial Statements**

Mr. MacDougall provided the Committee with a presentation of the 2018-2019 Consolidated Financial Statements, reviewing the document in detail. Mr. MacDougall noted that there wasn't a management letter for response required this year; staff were thanked for their full co-operation with the audit.

The floor was then opened for questions and comments. Mr. MacDougall noted that the figures for the Municipality depict a healthy operation. Discussion followed. Warden McCarron thanked Mr. MacDougall for his presentation and his team's work, and thanked Ms. Duggan and the Finance Team for all of the work that they have done both with the audit and with general financial operations.

Councillor Dunbar joined the meeting at 5:49 pm.

Moved By Councillor MacLellan

Seconded By Councillor Deveau

The Committee recommends that Municipal Council approves the 2017/2018 Audited Statements.

Motion : Carried

6. **New Business**

a. **2018/2019 Water Utility Budget and Statement of Estimates Approval**

Ms. Duggan provided an update on the progress being made with staff training and the implementation of software for water meter reading, in preparation for a water rate study in the near future. July 2019 is the targeted date for the implementation of a new rate structure that reflects consumption-based billing using the water meters.

Ms. Duggan then provided a review of the Water Utility Budget. Warden McCarron asked staff to explore possibilities for paying down any Municipal Finance Corporation (MFC) debts early, to minimize the interest that they Municipality is paying to outside organizations. Discussion about the importance of building a new pump house for Well #7, as well as the possibility of amalgamating the County's water utilities, was also discussed.

Ms. Duggan was thanked for all of the work that she has done to generate this budget.

Ms. Duggan then reviewed the Statement of Estimates process, which is a form that compiles two previously approved documents and submitting them to the Province in their template.

Moved By Councillor MacDonald

Seconded By Councillor Chisholm

The Committee recommends that Municipal Council approves the 2018/2019 Water Utility Budget

Motion : Carried

Moved By Councillor Corbett

Seconded By Councillor Dunbar

The Committee recommends that Municipal Council approves the 2018/2019 Statement of Estimates

Motion : Carried

b. Approval of the Financial Information Return

Mrs. Duggan noted that the Financial Information Review (FIR) is a template data entry form that is completed and sent to the Province each year, populated with the Municipality's most recent fiscal year audited Financial Statements.

Moved By Councillor Deveau

Seconded By Councillor MacLellan

The Committee recommends that Municipal Council approve the 2018/2019 Financial Information Return.

Motion : Carried

c. Consideration of a Streetlight

Mrs. Schumacher provided some background on the request made by Councillor Mattie regarding the desire for a streetlight to be installed on a sharp bend on Delorey's Road in his district.

Moved By Councillor Deveau
Seconded By Councillor MacDonald

The Committee recommends that Municipal Council approve the installation of a streetlight at the sharp bend on Delorey's Road in Monastery.

Motion : Carried

d. Skatepark Discussion

Mr. Horne provided an overview of the Skateboard Park project to date, including anticipated costs and a projected breakdown of how those costs might be shared among the project partners. Grant and other funding opportunities from Federal and Provincial bodies were also reviewed.

Questions were asked regarding the position of the skateboard association with their share of the fundraising; Mr. Horne noted that the skateboard association will be providing an update at Joint Council tomorrow evening. Funding and grant opportunities from the Province and Federal programs were also reviewed.

7. In Camera Items

Moved By Councillor Deveau
Seconded By Councillor MacLellan

That the Committee of the Whole Meeting be adjourned to an In-Camera Session to discuss the Acquisition, Sale, Lease, and Security of Municipal Property at 6:50 pm.

Motion : Carried

Moved By Councillor Dunbar
Seconded By Councillor Chisholm

That the In-Camera session be adjourned at 6:57 pm

Motion : Carried

8. Reports from Inter-Municipal Boards, Committees and Commissions

a. Antigonish Heritage Museum Board

There were no updates from this Board

b. Antigonish Arena Commission

Mr. Horne noted that a grant of \$15,000 was received from Communities, Culture and Heritage to carry out the work being done with the Commission. An update was given regarding the funding for the paving work being done at the arena.

c. Antigonish Crime Prevention

There were no updates from this Board.

d. **Eastern District Planning Commission**

There will be a Board meeting later in September.

e. **Eastern Regional Solid Waste Management Committee**

Household hazardous waste collection is happening this weekend at Market Square.

f. **Eastern-Straight Regional Enterprise Network**

There are no updates from this Board.

g. **Pictou Antigonish Regional Library**

A meeting happened this past week, but Councillor MacLellan was not able to attend due to a conflict with a meeting at the RK Nursing Home.

h. **RK MacDonald Nursing Home**

The Board met as part of an exercise to review and update policies.

i. **Antigonish Poverty Reduction Coalition**

Councillor MacDonald read a statement provided from an event that was held earlier in the day. Upcoming session and report release timelines were also reviewed for the Committee.

9. **Community Events**

The following community events were shared by Councillors:

- Saturday night - Chase the Ace in Pomquet
- PowWow in Paqtnkek this weekend
- Saturday (22nd) - Concert at Heatherton Community Centre
- Saturday at Antigonish Walmart Parking Lot - yard sale fundraiser for a District 7 resident for a wheelchair accessible van
- Harvest Fest at St. Joseph's Community Centre
- Fundraiser / auction in Arisaig for new playground equipment at the H.M. MacDonald School

10. **Staff Reports**

Staff reports were reviewed for the Committee's information.

11. **Additions to the Agenda**

a. **Vital Signs Update**

Warden McCarron provided an update on a request that had been received from Irene MacLeod representing a group looking to undertake a vital signs report

for the community. A request has been received for a modest financial contribution from the Municipality.

Moved By Councillor MacDonald

Seconded By Councillor Dunbar

The Committee recommends that Municipal Council approve a contribution of \$2,000 towards the creation of the Vital Signs Report.

Motion : Carried

12. Adjournment

Moved By Councillor Deveau

That the Committee of the Whole meeting be adjourned at 7:11 pm.

Motion : Carried

Warden Owen McCarron

Glenn Horne, Municipal Clerk/Treasurer

BILL NO. 58

(as introduced)



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

Government Bill

Municipal Government Act (amended) and Halifax Regional Municipality Charter (amended)

The Honourable Chuck Porter
Minister of Municipal Affairs

[First Reading](#): September 25, 2018

[\(Explanatory Notes\)](#)

Second Reading:

Third Reading:

Explanatory Notes

[Clause 1](#) expands the stated purpose of Part VIII (Planning and Development) of the Municipal Government Act to include ensuring that every municipality develops and adopts a municipal

planning strategy to govern planning throughout the municipality and fulfill the minimum planning requirements prescribed by that Part and the regulations.

[Clause 2](#) adds a definition of "minimum planning requirements" applicable to Part VIII and standardizes the spelling of "intermunicipal".

[Clause 3](#) updates references to the Department of Municipal Affairs.

[Clause 4](#)

(a) clarifies references to a "prescribed time" and a "prescribed area" by stating that the Minister of Municipal Affairs may prescribe the time and area;

(b) improves the clarity of a provision; and

(c) repeals provisions that are being moved to later in the Act.

[Clause 5](#) requires a council to establish a program for engaging with abutting municipalities when the council is adopting or amending a municipal planning strategy and allows the council to determine the content for such a program, subject to any content requirements prescribed by the regulations.

[Clause 6](#)

(a) standardizes the spelling of "intermunicipal"; and

(b) provides for joint public hearings regarding the adoption or amendment of a municipal planning strategy that may affect more than one municipality.

[Clause 7](#) makes a municipal planning strategy subject to the approval of the Minister if the Provincial Director of Planning determines that the strategy may not fulfill the minimum planning requirements.

[Clause 8](#)

(a) requires the adoption by municipal councils of municipal planning strategies; and

(b) sets out requirements for municipal planning strategies and their adoption and amendment.

[Clause 9](#) provides that a purpose of a municipal planning strategy is to establish policies consistent with the minimum planning requirements and deletes a redundant word.

[Clause 10](#)

(a) sets out the minimum planning requirements for a municipal planning strategy and authorizes the inclusion in the strategy of statements of policy on other matters;

(b) allows the Minister to request the council of a municipality to update or replace its municipal planning strategy if the strategy doesn't fulfill the minimum planning requirements and, where the council fails to do so, authorizes the Minister to establish an interim planning area; and

(c) adds and expands the scope of provisions being moved from Section 198 of the Act that govern interim planning areas established under that Section and the provisions being enacted by this Clause.

[Clause 11](#) expands the stated purpose of Part VIII (Planning and Development) of the Halifax Regional Municipality Charter to include ensuring that Halifax Regional Municipality ("HRM") develops and adopts a municipal planning strategy to govern planning throughout the

municipality and fulfill the minimum planning requirements prescribed by that Part and the regulations.

[Clause 12](#) adds a definition of "minimum planning requirements" applicable to Part VIII and standardizes the spelling of "intermunicipal".

[Clause 13](#)

(a) clarifies references to a "prescribed time" and a "prescribed area" by stating that the Minister of Municipal Affairs may prescribe the time and area;

(b) improves the clarity of a provision; and

(c) repeals provisions that are being moved to later in the Act.

[Clause 14](#) requires the Council of HRM to establish a program for engaging with abutting municipalities when the Council is adopting or amending a municipal planning strategy and allows the Council to determine the content for such a program, subject to any content requirements prescribed by the regulations.

[Clause 15](#)

(a) standardizes the spelling of "intermunicipal"; and

(b) provides for joint public hearings regarding the adoption or amendment of a municipal planning strategy that may affect HRM and more than one other municipality.

[Clause 16](#) makes a municipal planning strategy subject to the approval of the Minister if the Provincial Director of Planning determines that the strategy may not fulfill the minimum planning requirements.

[Clause 17](#)

(a) requires the adoption by the Council of HRM of municipal planning strategies; and

(b) sets out requirements for municipal planning strategies and their adoption and amendment.

[Clause 18](#) provides that a purpose of a municipal planning strategy is to establish policies consistent with the minimum planning requirements.

[Clause 19](#)

(a) sets out the minimum planning requirements for a municipal planning strategy and authorizes the inclusion in the strategy of statements of policy on other matters;

(b) allows the Minister to request the Council of HRM to update or replace its municipal planning strategy if the strategy doesn't fulfill the minimum planning requirements and, where the Council fails to do so, authorizes the Minister to establish an interim planning area; and

(c) adds and expands the scope of provisions being moved from Section 214 of the Act that govern interim planning areas established under that Section and the provisions being enacted by this Clause.

[Clause 20](#) standardizes the spelling of "intermunicipal".

[Clause 21](#) provides that this Act comes into force on proclamation.

**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.

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