

MGA Changes

Public Hearing

Planning and Development Department

May 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 Distressed 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*
-
- The proposed changes would maintain the use of the *Chronicle Herald* while also enabling the use of the municipal website, social media and locally circulated print media, where available.

Public Consultation

- Proposed MPS Amendment:

Development Applications

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.

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)

Citizen Engagement

- 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.
- Public hearing was authorized at April Council and advertised in keeping within current policy.
- Council's decision on this proposal is not appealable to the Nova Scotia Regulatory and Appeals Board as it involves amendments to the MPS.

Conclusion

In keeping with recent changes to the MGA, draft amendments to the Municipal Planning Strategy have been prepared that:

- Continue the use of the Chronicle Herald for planning applications/public hearings but also enable the use of community print media where available;
- Authorize the Development Officer to approve non-substantive amendments to development agreements; and
- Authorize the CAO to discharge development agreements.