



**Subject:** *MGA Changes*  
**To:** CAO for Planning Advisory Committee, May 13, 2025  
**Date Prepared:** May 6, 2025  
**Related Motions:** C25(150)  
**Prepared by:** John Woodford, Director of Planning and Development  
**Approved by:** John Woodford, Director of Planning and Development

---

### Summary

This is the second report dealing 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

There are no immediate financial impacts associated with the recommendations of this report.

### Recommendation

That second reading be given to amendments to the Municipal Planning Strategy that would:

- Enable the use of community print media 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.

### Recommended Motion

*The Planning Advisory Committee recommends to Council that Council give second reading to housekeeping amendments to the Municipal Planning Strategy as outlined in the staff report “MGA Changes” dated May 6, 2025 that:*

- *Enable the use of the community print media 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.*

---

## 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 agreement in part or in whole rather than Council.		Draft MPS policy IM37 has been prepared for consideration in keeping with this change.
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"> <li>• Supporting amendment to the municipal planning strategy;</li> <li>• Supporting amendment to the land-use by-law; and</li> <li>• Supporting amendment to the municipal planning strategy and the supporting amendment to the land-use by-law.</li> </ul> <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"> <li>- Public Hearing for Sale or Lease of Municipal Property</li> <li>- Special purpose tax accounts</li> <li>- Sale of Distressed Goods</li> <li>- Tax Sale Advertisement</li> <li>- Adoption of By-laws</li> <li>- Planning documents (MGA only, changes already made to HRMC)</li> <li>- Notice of sale land no longer required for parks, playgrounds, or public purposes</li> <li>- Notice of Public Hearing for Street Closures</li> </ul>		<p>Staff originally proposed to discontinue use of <i>Chronicle Herald</i> and utilize the municipal website, social media and locally circulated print media, where available. Circulation for the <i>Chronicle Herald</i> has been dropping and the municipality spends approximately \$5000 per year on advertising in it. However, Council decided there is still value in this advertising for those that still receive the paper but would also like to utilize local print media where available. As a result, draft amendments have been made to MPS policy CE18.</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 survey or approval of the plan of subdivision, even if that pre-dates the Act.		Administrative clarification for Development Officer.  No Council action required.

## Proposed Amendments

### PUBLIC CONSULTATION

Amendments to Public Participation policies CE18 would enable the municipality to continue 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 while also enabling the use the municipal website, social media and local print media where available.

### **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 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.

---

## Citizen Engagement

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.

A public hearing was authorized at April Council. The May 21<sup>st</sup> hearing is being advertised using the *Chronicle Herald* (May 7<sup>th</sup> & 14<sup>th</sup>), social media and the municipal website in keeping within current policy.

Council's decision on this proposal is not appealable to the Nova Scotia Regulatory & Appeals Board as it involves amendments to the MPS.

---

## Recommendation

That second reading be given to amendments to the Municipal Planning Strategy that would:

- 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.

## Amendment Sheet

The Municipality of East Hants  
Official Community Plan  
Municipal Planning Strategy

### Part B: Citizen Engagement

---

Policy CE 18 is hereby amended by adding the following text in green and removing the following text in red:

**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.

### Part D: Realizing the Plan

---

Policies IM36 and IM36 are hereby added as follows:

#### 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.