



Municipal Planning: Council Obligations

The Presentation

- Background
- Legislation
- The planning process
- Council vs Provincial responsibility
- Council Responsibilities
 - Planning
 - Development Control
 - Enforcement
 - Communication

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- **Room poll**
 - **Regions?**
 - **Planning authority under URPA?**
 - **Planning, Development or Building Committees?**

Background

- **MNL Convention 2014**
- **MNL Symposium 2015**
- **PMA Training Forum 2016**
- **Department Training Programs**
 - **October 17, 2016: St. John's**
 - **October 19, 2016: Deer Lake**
 - **November 16, 2016: Gander**

Background

- **1995, Changes to service delivery**
- **2001, Changes to legislation**
- **Gas Tax Agreement**

Background

- **Municipal Council Autonomy**
- **164 of the 271 Municipal Councils have planning authority**
- **154 have Municipal Plans in legal effect**
- **9 preparing a 1st Municipal Plan**
- **88 Municipal Plans are more than 5 years old**
- **63 Municipal Plans are more than 10 years old**
- **January 29, 1988: oldest active Municipal Plan**

- *Urban and Rural Planning Act, 2000*
 - Part III (sections 12 through 30)
 - **S12:**

“A plan and development regulations are binding upon (a) municipalities and **councils** within the planning area governed by that plan or those regulations; and (b) a person undertaking a development in the area governed by that plan or those regulations.”
 - **Fettered Council autonomy**
 - Department review for “Provincial Interest”
 - Ministerial registration where “not contrary to policy or law of government”

- **Minister's Registry of municipal planning documents**
 - All Municipal Plans & Development Regulations
 - All Amendments
 - Downloadable interactive mapping
 - <http://www.ma.gov.nl.ca/registry/index.html>

Planning Process

- Council decision to “Plan”
- Hire a Planner (MCIP / FCIP)
- Consultation (council, public, government, other stakeholders)
- Draft a plan
- MA Review for “provincial Interest”
- Release with or without recommendations

Planning Process

- **Adoption by Council**
- **Appointment of Commissioner**
- **Notice of Adoption and Public Hearing**
- **Receipt of Objections**
- **Public Hearing**
- **Commissioner's Report**

Planning Process

- **Approval / Modification / Rejection of Plan**
- **MA review for policy and law compliance**
- **Registration**
- **Notice of Registration**
- **Published on MA's Website**

- **Planning**
 - Legally binding on Council once in effect
 - 10 year vision
 - Amendments may be necessary
 - Formal review after five years (s28 of URPA)
 - Council can retain existing plan through review

- **Development Control**
 - s12, URPA
 - S194, Municipalities Act
 - **Plan policy statement:**

“All development must conform with the goals, objectives and policies of this plan”
 - **Development Regulations statement:**

“No development shall be carried out except in accordance with these regulations”

Council Responsibility

- **Enforcement**
 - S12 of URPA
 - Council cannot be willfully blind
 - Enforcement Policy & Procedure
 - Permit Application forms
 - Inspection schedules
 - Follow up

- **Enforcement**
 - **Progressive engagement**
 - Verbal notification
 - Written request for compliance
 - Formal Order (Municipalities Act s404 or URPA s102)
 - Appeal periods
 - Injunctive & declaratory relief (URPA s104)
 - Summary conviction (URPA s106)
 - **All stages should be documented**

- **Communication**
 - Policies and Motions for decisions
 - Decisions in writing
 - Refusals must state reasons
 - Right of Appeal, and how to Appeal
(<http://www.ma.gov.nl.ca/for/appeals.html>)

- All decisions related to development, building, and occupancy must arise from statutory authority:

Decisions & Actions ->

Operational procedures ->

Development Regulations ->

Municipal Plan ->

MA / URPA

Thank you



- Questions or Comments?

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