

Comprehensive Review or Amendment to an existing Municipal Plan and Development Regulations

The Urban and Rural Planning Act, 2000, came into effect on January 1, 2001. “Registration” is the formal process by which the Department of Municipal and Provincial Affairs makes sure that Municipal Plans, Development Regulations, and Amendments have been prepared in accordance with the Act, and in conformance with provincial policies and laws.

Under the Urban and Rural Planning Act, 2000, (the Act) Municipal Councils have assumed responsibility for:

- Providing public consultation opportunity for interested parties to provide input
- Adopting Municipal Plans, Development Regulations, and Amendments to them, subject to provincial review and registration
- Appointing a Commissioner to hold the Public Hearing
- Writing and inserting the advertisements for the Public Hearing in the local newspaper
- Organizing and holding the statutory Public Hearing
- Approving Municipal Plans, Development Regulations, or Amendments
- Bringing Municipal Plan, Development Regulations, or Amendments into legal effect by inserting a notice of registration in the Newfoundland and Labrador Gazette and local newspaper

In general, the steps to registration are:

- Preliminary public consultation
- Provincial review and release
- Formal resolution of Adoption by Council
- Statutory Public Hearing
- Formal resolution of Approval by Council
- Final review and registration
- Coming into legal effect

Technical Tip:

For a “stand alone” Development Regulations amendment to change zoning or text (where the change is not contrary to a Municipal Plan policy or future land use designation), Council is only required to give notice in a local newspaper and consider any submissions before submitting the adopted documents for registration. In these cases, a Public Hearing is not required, but may be held if Council wishes.

Adoption

Before Council makes a formal resolution to **adopt**, the draft documents must first be submitted to the Department for provincial review of provincial interests in accordance with the Act. Once determined to be in the required form, the documents are released from provincial review. Council may then consider for adoption and only pass its “resolution to adopt” when it is fully satisfied with the documents at this stage.

Public Hearing

After Council has made its formal resolution to adopt, the municipality is responsible for organizing the statutory Public Hearing. Please note that the Public Hearing process should be as open and transparent as possible. Council should try to avoid conflicts with holidays or local events when choosing a date, time, and location. The venue must be a convenient location that is accessible to residents and within the municipal jurisdiction.

The Public Hearing is an important part of the approval process because:

- it is the last opportunity for residents to raise issues about the Plan
- residents can make their objections known to an independent Commissioner
- it raises public awareness that a Municipal Plan, Development Regulations or Amendment has been adopted
- it provides a chance for the adopted documents to be viewed by the public

Choosing a Commissioner

Council must appoint its own Commissioner to hold the Public Hearing. In choosing a Commissioner, Council should be careful to select someone who is impartial with no connection to any of the parties. Other qualities that Council should look for in its Commissioner are: good communication skills, experience managing feedback at a meeting, ability to synthesize input and provide recommendations in a written report, and, ideally, knowledge of planning and/or the relevant Municipal Plan and Development Regulations.

When approaching someone to serve as Commissioner, Council should discuss the candidate's suitability, availability, as well as costs. It is up to Council to negotiate suitable remuneration. Council may have to pay a retainer to the Commissioner whether or not the Public Hearing goes ahead. Council may also be responsible for various expenses such as travel, printing/copying, and venue rental fees. Council may also wish to discuss a deadline for submission of the Commissioner's report, which is typically requested within a month from the Hearing date. According to Section 19 (6), the Commissioner cannot be a member or an employee of any Council in Newfoundland and Labrador.

More Technical Tips:

- Council must advertise the Public Hearing twice. The first ad must appear no fewer than 14 days before the Public Hearing. The earliest that the Public Hearing can occur is the 15th day after the first public notice.
- The advertisements must appear at least twice in the local newspaper.
- The adopted documents should be on public display from the date that the first Public Hearing ad appears.
- Objections must be submitted no fewer than 2 days before the date of the Public Hearing.

Holding a Public Hearing

Council must make arrangements for the Public Hearing, including, writing and arranging ads to appear in the local newspaper, booking the room, and deciding who will represent Council.

A representative of Council should be prepared to speak. Council may wish to ask its planning consultant to attend; however, it is not mandatory that the planner attend. The Land Use Planning office has examples of Public Hearing ads. Section 21 allows Council to cancel the Public Hearing if no objections are received. Council may then pass a resolution to approve at the next public meeting of Council.

Commissioner's Report

If the Public Hearing goes ahead, the Commissioner will document recommendations in a report for Council's consideration. After reviewing the report, Council may decide to make changes, withdraw the documents, or hold another Public Hearing. Council can then make a resolution to **approve** the documents, with or without changes.

Registration

The approved documents are sent to the Department of Municipal and Provincial Affairs for registration. The Department's role is to make sure that Council completes all the steps outlined in the Act. The Department also reviews the approved documents to make sure that they are not contrary to provincial interests, law, or policy.

Selecting consultants for planning work:

The Act requires that land use planning documents be prepared and certified by a professional planner. Professional qualifications are not specified for commissioners.

Municipalities engaging professional services are subject to the Public Procurement Act, administered by the Public Procurement Agency.

For more information about the planning Act or registration process, please contact Land Use Planning at (709) 729-3090!