

Guide to The Planning Amendment and City of Winnipeg Charter Amendment Act: Regional Planning and Major Developments

Part A - Introduction

The Planning Amendment and City of Winnipeg Charter Amendment Act – Bill 37 (The Act) received Third Reading and Royal Assent on May 20, 2021. On October 29, 2021 the appeals and performance standards were proclaimed see: *Guide to The Planning Amendment and Winnipeg Charter Amendment Act: Appeals and Performance Standards*.

This guide explains the sections of The Act that have not yet been proclaimed and is intended for primary stakeholders - municipalities and planning districts. It provides an overview and explanation of key changes to planning processes introduced by The Act. The guide will also be useful to the general public, the development community and others with an interest in land use planning and permitting.

The Act delivers on Manitoba's commitment to modernize planning and permitting processes and reduce red tape on development, while balancing the public interest. The Act introduces a number of changes to improve efficiency, transparency and accountability of planning and permitting, while also enhancing opportunities for economic growth in across the province.

Through improved collaboration and coordination of planning, permitting and development, The Act helps build a solid foundation for ongoing economic success and position Manitoba to encourage investment and compete on a global scale.

Regulations will be drafted to support proclamation of the regional planning sections and remaining sections of The Act. Regulation making powers are outlined in Appendix B. As proposed regulations become available they will be posted on the Government of Manitoba's Regulatory Consultation Portal for feedback and comments from the public.

Additional information on The Act, including Fact Sheets and FAQs, are posted on the Department's website in the Quick Links section at <https://www.gov.mb.ca/mr/index.html>.

Note: In this *Guide*, the term '**planning authority**' means an appointed or elected body, or a person, enabled to receive and process applications, hold hearings and/or make decisions on planning and development matters, and includes: municipal councils, planning district boards, applicable council committees, planning commissions and designated employees or officers.

Part B - Planning Regions

Application and scope

1. '**Planning Regions**' replace '**Regional Strategies**' - The existing *Regional Strategies* division of *The Planning Act* is removed and replaced with a new *Division 2: Planning Regions*. This new division provides for the establishment and operation of planning regions in Manitoba.

1. **Winnipeg subject to *Planning Regions* sections** - The City of Winnipeg is subject to the new Planning Regions portions of *The Planning Act*.

Capital Planning Region

1. **Capital Planning Region created** – The Capital Planning Region is established by The Act. When the Capital Planning Region is established, The Partnership of the Manitoba Capital Region Act will be revoked.
2. **Municipalities in Capital Planning Region** - The Act specifically legislates 18 municipalities to be a part of the Capital Planning Region. They are:
 - the Cities of Winnipeg and Selkirk;
 - the Towns of Niverville and Stonewall;
 - the Village of Dunnottar; and
 - the Rural Municipalities of: Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, Springfield, St. Andrews, St. Clements, St. Francois Xavier, Taché and West St. Paul.

These are the same 18 municipalities that are members of the current Winnipeg Metropolitan Region. The municipalities of the Capital Planning Region may be varied by the minister by regulation.

Planning regions - Formation

1. **Other planning regions** - The minister may, by Regulation, establish planning regions elsewhere in the province.
2. **Reasons for forming a new planning region** – The minister will consider the following when considering forming a new planning region:
 - a. the enhancement of economic and social development of the proposed region;
 - b. the improvement of sustainable land use planning and coordination of planning within the proposed region and across the province;
 - c. the economic and social integration of the proposed region; and
 - d. the need to include at least one area that has sufficient population density, infrastructure and services to serve as the centre of the region.
3. **Consultation** – When determining whether to establish a new planning region, the minister must consult with the council of each municipality expected to be in a proposed new region.
4. **Municipal Board hearings for new regions** - The minister may refer a request to form a new region to the Municipal Board for a report. If it receives such a referral from the minister, the Board must hold public hearings in at least two locations in the proposed new region.

Mandate and powers of a planning region

1. **Mandate of a region** – The mandate of a planning region is to enhance economic and social development by improving and coordinating sustainable land use and development in the region through:
 - a. adopting a regional plan;
 - b. facilitating and promoting regional considerations in providing infrastructure and services;
 - c. leading the development of regional responses to the planning issues of member municipalities; and

- d. identifying and promoting opportunities for member municipalities to cooperate in the cost-effective development of infrastructure and provision of services on a regional basis.
2. **Region may administer municipal planning and building by-laws** - A planning region may, by agreement with one or more member municipalities, administer and enforce the planning and building by-laws of respective member municipalities.
 3. **Powers** – Subject to any restrictions specified in the regulations, a planning region:
 - a. has the powers of a ‘natural person,’ and is a non-share capital corporation;
 - b. may acquire, own, sell or lease land or personal property, and may acquire land by expropriation only for the purpose of implementing its regional plan;
 - c. may receive, spend, borrow, lend or invest money; and
 - d. may enter into agreements with any person or organization for the development of land in the region.

Regional plans – content and adoption

1. **Regional plan to be adopted in 2 years** - Within 2 years of its formation, a planning region must adopt a regional plan.
2. **Contents of regional plan** - A regional plan must include maps and statements of objectives and policies to assist in providing direction for the plan, including, among other things:
 - a. the physical, social, environmental, economic and fiscal objectives for the region over a 30 or more-year time span;
 - b. sustainable land use and development in the region, considering:
 - major commercial and industrial development,
 - the protection of agricultural land and agricultural operations,
 - residential development and housing,
 - regional parks and other regional recreational opportunities,

 - protection against flooding, other hazards and nuisances, and
 - responses to the effects of climate change;
 - c. the provision of infrastructure, services and facilities including drinking water, wastewater, storm water, drainage, solid waste, recycling, transportation, transit and emergency services;
 - d. the protection, management and enhancement of the environment including its water sources, water quality and quantity, sensitive and natural lands, renewable resources, mineral resources and areas of natural, rare or historic significance;
 - e. the coordination of planning and development by regional member municipalities; and
 - f. measures for implementing the plan.
3. **Plan must be consistent with PLUPs** - A regional plan must be generally consistent with the *Provincial Land Use Policies*.
4. **Plan adoption similar to Development Plan adoption** - The process for adopting and amending a regional plan must be generally consistent with the process for adopting or amending a development plan by-law, and in accordance with the regulations and the procedures of the planning region.

5. **Minister to approve plan** - A regional plan and any amendments to it must be approved by the Minister.
6. **Individuals cannot apply to amend plan** - A regional plan amendment may only be initiated by:
 - a. the minister;
 - b. the planning region itself;
 - c. a member municipality; or
 - d. a planning district within the region.
7. **Review process for regional plan in regulations** – A regional planning board must review its regional planning by-law at the times and in the manner set out in regulation.
8. **Referral to Municipal Board** – The minister may refer a regional planning by-law or amendment to the Municipal Board for advice.

Compliance with regional plan

1. **Local planning by-laws cannot be inconsistent with plan** - The planning by-laws (development plans, secondary plans and zoning by-laws) of a member municipality, or planning district in the region (or any drinking water or wastewater management plans in the Capital Planning Region), cannot be inconsistent with the regional plan.
2. **Local by-laws to be made consistent within 3 years** - Member municipalities and planning districts in the region, must review their planning by-laws within 3 years of the adoption of a regional plan to ensure they are consistent.
3. **Development proposals and by-laws to be consistent with plan** - A member municipality or planning district in the region, must not give final approval to a planning by-law or any developments (including subdivisions) that conflict with the regional plan. The regional planning by-law takes effect immediately upon approval.

Upon approval of the regional plan, any planning or development application that has been made to a planning authority that has not been disposed of must be consistent with the regional planning by-law.

Regional planning board – role, membership and operations

1. **Board to have 1 director from each municipality** - The regional board must include at least 1 representative of each member municipality. Details of board composition, voting and operations of the region are to be determined in accordance with the regulations.
2. **Planning region board is a ‘local authority’** - A planning region board is considered a ‘local authority’ or a ‘local government body’ under a number of Provincial acts listed in the The Act.

Part D - Other changes (not proclaimed)

Agreement may be required for a permit - As a condition of approving a development permit, a planning authority may now require the applicant to enter into a development agreement. However, this is intended only for developments for a 'prescribed major development' (to be further detailed in regulation), or which would require the expansion of a public service, such as: sewer, water, waste removal, drainage, public roads, connecting streets, street lighting, sidewalks, or traffic controls. Further details on this matter may be provided in regulation.

APPENDICES

Appendix A – Proposed Planning and Development Approval Process Flow Chart for Regional Planning

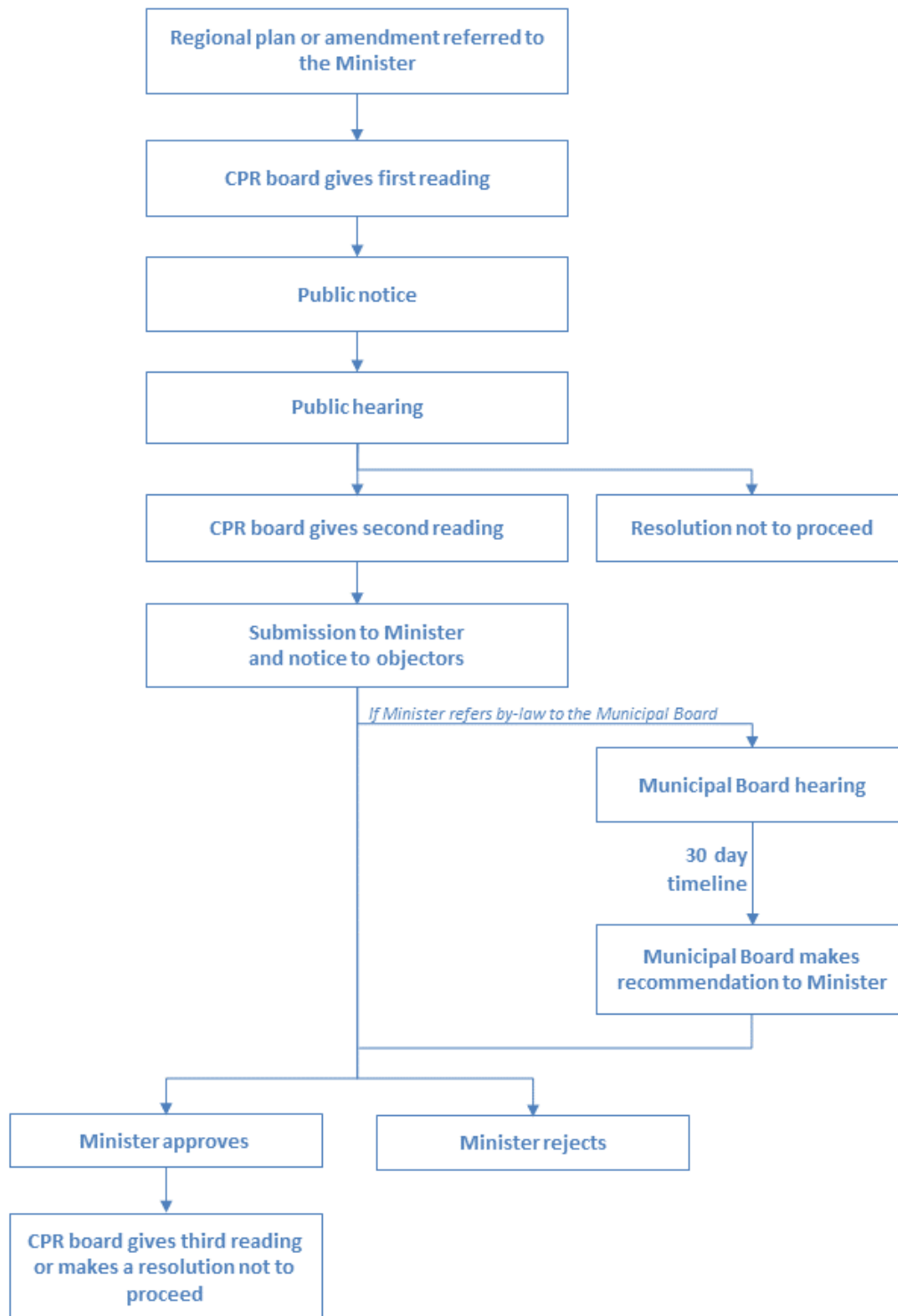
Appendix B – Regulation Making Powers for Un-Proclaimed Parts of The Act

Appendix A:

**Proposed Planning and Development
Approval Process Flow Chart**

The Planning Act

Regional Plan Approval Process



Appendix B: List of Regulatory Making Authorities Created Under the Un-Proclaimed Parts of The Act

The following is a list of regulation making authorities created under the un-proclaimed portions of The Planning Amendment and City of Winnipeg Charter Amendment Act.

Planning Act

Planning Regions

8 (3) Municipalities of the Capital Planning Region may be varied by the minister by regulation.

9(1) The minister may, by regulation, establish a planning region for any other region of the province

9(4) A planning region regulation must include the name of the region and establish its boundaries.

10.2(2) Subject to the regulation, a planning region has general powers, such as hold interest in real or personal property, loan and invest money, and borrow money.

10.4(1) A planning region must adopt, and make any amendments to, its regional plan by by-law in accordance with the regulations and the procedures of the planning region.

10.4(4) An amendment to a regional planning by-law must be initiated in accordance with the regulation.

10.5 A regional planning board must review its regional planning by-law at the times and in the manner set out in the regulations.

10.7(2) The minister may prepare a regional planning by-law or an amendment to the by-law if the planning region fails to conduct a review of its regional plan as required under the regulations.

10.13(1) The composition of a regional planning board is to be determined by regulation, and is to include at least one director from each of the regional member municipalities

10.19(1) The minister may, by regulation, dissolve or amend the boundaries of a planning region.

10.21(1) The minister may make regulations:

- a) prescribing the number or method of determining the number of members of a regional planning board.
- b) prescribing the time and manner for how vacancies on a regional planning board are to be filled;
- c) prescribing term limits for members of a regional planning board;
- d) specifying the member who is to serve as the chair or the vice-chair of a regional planning board;
- e) establishing the voting structure for the planning region, including providing votes of the respective regional member municipalities be weighted in approximate proportion to their relative populations, land values, degree of development activities or any other factor considered relevant by the minister;
- f) prescribing quorum for the purpose of a regional planning board;
- g) prescribing matters that must be addressed in a regional planning by-law;

- h) prescribing the time and manner in which the regional planning board is to review its regional planning by-law;
- i) respecting the process to be followed by the regional planning board in adopting, reviewing or repealing its regional planning by-law;
- j) respecting the process to amend a regional planning by-law, including the process to be followed in considering applications and approving, refusing or rejecting applications;
- k) respecting appeals of decisions made in respect of the matters in adopting or amending the regional plan, including designating the Municipal Board or another entity to hear and decide the appeal;
- l) respecting the form and manner in which an appeal must be made, the time within which an appeal must be made and the consequences of not making an appeal in accordance with the regulations;
- m) respecting procedures and notice requirements for the hearing of appeals and other matters if a planning region enters into an agreement to enforce by-laws of member municipalities or planning districts;
- n) prescribing the portion of the amount required for the operation of a planning region that is to be raised by each regional member municipality, or the manner in which the portion may be determined;
- o) respecting information a planning region must make public, and the manner in which the information is to be made public;
- p) respecting the extent to which *The Corporations Act* applies to a planning region;
- q) respecting transitional matters when land in an area of a municipality is prescribed to be in a planning region;
- r) respecting any other matter the minister considers necessary or advisable for effective and efficient land use planning in a planning region.