

# New Brunswick Association of Planners Symposium

for modernizing planning legislation in New Brunswick  
March 1, 2018





TABLE OF CONTENTS

<b>Executive Summary</b>	<i>iv</i>
<b>Section 1 Background</b>	<i>1</i>
1.1 Introduction	<i>2</i>
1.2 Symposium Details	<i>2</i>
<b>Section 2 Presentations and Panel Discussion</b>	<i>3</i>
2.1 Presentations	<i>4</i>
2.2 Panel Discussion	<i>5</i>
<b>Section 3 Interactive Session</b>	<i>9</i>
3.1 Methods	<i>10</i>
3.2 Results Summary	<i>10</i>
3.3 Survey Results	<i>10</i>
<b>Section 4 Conclusion</b>	<i>14</i>
4.1 Conclusion & Next Steps	<i>15</i>



## EXECUTIVE SUMMARY

The New Brunswick Association of Planners (NBAP) seeks to encourage planning for issues of provincial significance and issues that extend beyond local boundaries through the development of modernized planning legislation in New Brunswick, including the adoption of Statements of Provincial Interest. To this end, NBAP commissioned a “Phase 1” report to build the business case for modernizing planning legislation in New Brunswick. Phase 1 included the development of draft Statements of Provincial Interest. They address climate resiliency, flood plain development, health and the built environment, coastal development, and infrastructure investment and transportation planning.

Continuing this momentum, NBAP engaged in “Phase 2”. Through that project, NBAP sought to engage with stakeholders to review the draft statements, garner support for modernized planning legislation and the statements, and provide specific direction on the content of the statements.

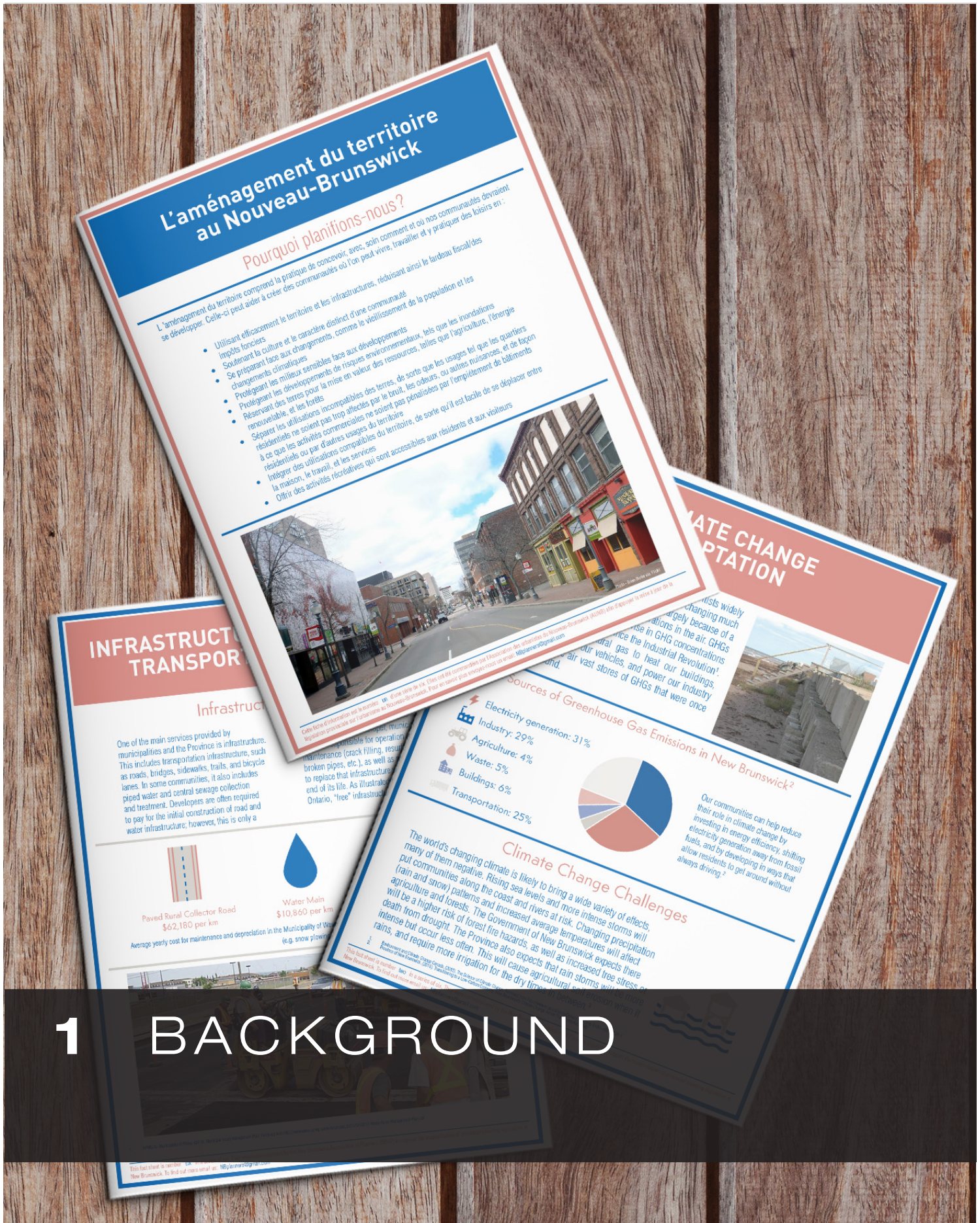
NBAP has now collected all that was learned in the first two phases for a “Phase 3”. This was a symposium of stakeholders—planners, government officials, community members, and more—brought together to share ideas, learn from the experiences in other provinces, and demonstrate support at a time when new planning legislation is being considered for adoption.

The morning of the one-day symposium included a presentation on the business case for modernized planning legislation in New Brunswick, and presentations from representatives from Nova Scotia and Manitoba on those provinces’ experiences with Statements of Provincial Interest. The presenters explored how the statements have been used in the past, and provided suggestions for New Brunswick, including thinking about them as Statements of *Public* Interest, and developing a series of guidebooks to help municipalities and other provincial departments implement them.

The presentations were followed by a “question-and-answer” panel discussion with the presenters. The discussion explored themes such as the level of focus and specificity of Statements of Provincial Interest, amalgamation, regional planning, the applicability of statements to the Crown and to First Nations, and the role that non-governmental organizations play in advocating for Statements of Provincial Interest.

The afternoon consisted of an “interactive survey session” consisting of a live survey. This activity showed there was very strong belief in the principles and intentions on which NBAP built the five proposed Statements of Provincial Interest. When it came to which of the statements attendees felt should be the priority, “climate change adaptation” came out on top, and the other four were ranked roughly equal in importance. Attendees then suggested many other topics for Statements of Provincial Interest, with “agriculture” as the most popular suggestion.





# 1 BACKGROUND



## 1.1 INTRODUCTION

Land use planning is a discipline that typically works on a local scale, yet has broader regional—or even global—effects. Community plans are constrained to political boundaries that are all but meaningless when considering floodplains, our climate, drinking water, community health, our transportation patterns, and a host of other meaningful issues. Addressing these challenges depends on a framework of core values that cuts across community borders.

The New Brunswick Association of Planners (NBAP) seeks to encourage planning for issues of provincial significance and issues that extend beyond local boundaries through the development of modernized planning legislation in New Brunswick, including the adoption of Statements of Provincial Interest.

To this end, NBAP commissioned a “Phase 1” report to build the business case for modernizing planning legislation in New Brunswick. Phase 1 included initial consultations with stakeholders, a review of approaches in other Canadian provinces, an exploration of the benefits of coordinating planning on a provincial scale, and five draft provincial planning policy statements. These draft statements address climate resiliency, flood plain development, health and the built environment, coastal development, and infrastructure investment and transportation planning.

NBAP continued this momentum through a “Phase 2”. This phase involved the development of communications materials (“fact sheets”) followed by broad-based consultation with planners and other stakeholders in four different regions of the province. Through these consultations, NBAP demonstrated that there is support around New Brunswick for Statements of Provincial Interest and, more broadly, support for action to improve planning and to actually implement any Statements of Provincial Interest through policy, regulation, and programs.

Following the success of the first two phases, NBAP sought to bring together stakeholders in one room to learn from experiences in other provinces and to build a critical level of support for the Statements of Provincial Interest at a time when new planning legislation is being considered by the Province for adoption. This “Phase 3” is the subject of this report.

## 1.2 SYMPOSIUM DETAILS

NBAP hosted the Phase 3 symposium on February 1st, 2018 at the Beaverbrook Gallery in Fredericton. This all-day event brought together approximately 60 stakeholders from the planning community, provincial departments, First Nations, and community and environmental groups.

The morning session included presentations on the need for Statements of Provincial Interest in New Brunswick, and on the experiences with Statements of Provincial Interest in Nova Scotia and Manitoba. This was followed by a question-and-answer session with the presenters.

In the afternoon, attendees engaged in an interactive session to review the foundational principles underlying NBAP's proposed Statements of Provincial Interest, to rank the importance of the proposed Statements of Provincial Interest, and to suggest other planning themes that should be covered by Statements of Provincial Interest.

## *Future Focus Futur*

New Brunswick Association of Planners  
Building a Business Case for Modernization of Planning Legislation  
A Grassroots Approach  
February 1, 2018

## *Statements of Provincial Interest: The Manitoba Experience*

New Brunswick Association of Planners  
Future Focus Symposium

Fredericton, NB  
February 1, 2018

**Manitoba** 

## Nova Scotia's Statements of Provincial Interest

1 February 2018

  
**NOVA SCOTIA**

# **2 PRESENTATIONS AND PANEL DISCUSSION**



## 2.1 PRESENTATIONS

Gay Drescher, author of the Phase 1 report, kicked off the morning session with a history of NBAP's efforts to support modernized planning legislation in New Brunswick and an overview of the business case for these efforts. Issues such as development pressure on agricultural land, climate change, the province's extensive coastline, an aging population, and a growing inventory of infrastructure that needs to be maintained are all challenges that face New Brunswick. Coordinated approaches that cut across local community borders are essential to addressing these challenges. Ms. Drescher then followed up with a summary of the five Statements of Provincial Interest proposed by NBAP: resiliency (climate change adaptation), flood risk reduction, health and the built environment, coastal development, and infrastructure and transportation planning.

Gordon Smith, Director of Planning for the Province of Nova Scotia, then presented on Nova Scotia's experience with Statements of Provincial Interest. Mr. Smith emphasized that in reality, they should be thought of as Statements of **Public** Interest. He outlined the five statements—flood risk, agricultural land, drinking water, housing, and infrastructure—and gave examples of how they have been used in the past, such as to prevent the rezoning of prime agricultural land for a housing development. He also gave examples of instances where provincial departments have used them to guide their own internal decision-making. Mr. Smith closed with thoughts about some of the choices that need to be made in adopting Statements of Provincial Interest, such as how prescriptive the statements should be.

Grant Melnychuk, Manager of Provincial Planning for Manitoba, wrapped up the formal portion of the morning with a presentation on Provincial Land Use Policies (PLUPs), Manitoba's equivalent to Statements of Provincial Interest. He prefaced this presentation with information on the history and context of planning in Manitoba, and then delved into the nine PLUPs: general development; settlement areas; agriculture; natural lands, renewable resources, heritage & recreation; water; infrastructure; transportation; mineral resources; and the Capital Region. Mr. Melnychuk emphasized that the Province has prepared guide documents for each of the PLUPs, and how useful they have been for informing and educating municipalities and other provincial departments. Mr. Melnychuk reflected on the challenge in Manitoba in developing policies that apply to communities at various scales and professional capacity; from vast tracts of essentially-undeveloped areas, up to the Capital Region.

All three presentations are currently available on the NBAP website at:  
<https://atlanticplanners.org/branches/new-brunswick/>

## 2.2 PANEL DISCUSSION

Following the presentations, the format shifted to a “question-and-answer” panel discussion, where attendees could ask the presenters more about their experiences and their thoughts on how lessons learned could be applied to the New Brunswick context. The following questions and responses are not direct quotes.

### **How did you decide on the specific number policies in your province?**

MB: It was an iterative process. The idea was for each provincial department to take ownership of a PLUP. Then, through the drafting process, what started out as 12 proposed PLUPs was whittled down to 9.

NS: There is no specific significance to the number five. These were the issues that, at the time the Statements of Provincial Interest were drafted, seemed important. The list may be expanded in the future. A big question that sometimes comes up is, “which statement takes precedence?”, and the answer depends on context of each individual situation.

### **What are your recommendations for level of focus? Specific policies, or broad, catchall policies?**

NS: It depends on the severity and nature of the issue. There does need to be some specificity to account for the fact that not all communities have the professional expertise available to implement them in an informed manner; however, they should also be flexible enough to apply across the different contexts in the province.

MB: Sometimes the specificity can come through other approaches. For example, Manitoba has the *Water Protection Act*, which then results in detailed watershed plans. This is one way of being specific in the implementation of the PLUPs without requiring the PLUPs to be too detailed.

### **What are your thoughts and experiences with amalgamation and its effect on governance?**

MB: Manitoba went through an extensive process of amalgamations, with all municipalities of fewer than 1,000 people required to find enough partners to get the population over this threshold. This improved local governance capacity, but some municipalities cover vast areas. Like New Brunswick, planning is sometimes done on a regional level, covering multiple municipalities.

NS: Unlike New Brunswick, Nova Scotia has no unincorporated areas, so there are different pressures. In recent years, a number of towns have dissolved into the surrounding rural municipality. This was typically a result of infrastructure burdens. This can be an expensive process, and there are questions about the value for these dollars. The Province is now looking to learn from these experiences, and chart a path for further municipal modernization.

**In your province, is the Crown (provincial government) bound by the Statements of Provincial Interest?**

NS: The Province is not “bound” in Nova Scotia, but the expectation is that they will follow the Statements of Provincial Interest.

MB: Manitoba is the same.

**What does the Crown being “expected to follow” look like in reality?**

MB: We do not have a formal process, so it is done in “good faith”. This has not always worked out in the past.

NS: Nova Scotia also does not have a formal process. Very often it is about staff-level relationships and on the Department of Municipal Affairs reminding and educating partner departments. In some cases, other departments have taken ownership and used the Statements of Provincial Interest in decision-making. For example, one department withdrew funding support for a housing project because it was in a floodplain and would have been contrary to the statement on reducing flood risks. One recommendation would be to have a formal process that applies to provincial departments; this would bring a level of equity with the municipalities who are subject to formal requirements for meeting the Statements of Provincial Interest.

**How do we deal with New Brunswick’s “empty” areas?**

MB: In Manitoba, some municipalities are very large and can have almost 80 percent of their land areas as Crown land. However, they still have plans and by-laws that apply to these areas.

NS: Would suggest differentiating between governance and provision of services; these do not necessarily have to be done with the same boundaries. Consider “communities of interest”. The catchment areas for things like shopping, or employment, or recreation often go beyond existing community boundaries. Perhaps these could be used.

**In New Brunswick, the Minister of Environment and Local Government is responsible for unincorporated areas, which can put the Minister in a difficult position of trying to balance local needs with province-wide needs. Is this something that could be addressed by regional plans?**

NS: In Nova Scotia, municipalities are asking for regional planning. It should only be done on issues that are regional (*i.e.* cross political boundaries). Statements of Provincial Interest are a really great place to start on regional planning. If regional planning does happen, you need to be careful to separate it from community identity; residents need to know they can capture regional opportunities without losing the things that define their specific community.



**In your province, how does the Province get involved in local planning?**

NS: The Province reviews all plans and amendments for consistency with the Statements of Provincial Interest.

MB: Manitoba is the same.

**How have enforcing the policies affected your departmental workload?**

MB: We have seven regional offices, each with two planners. These offices support local municipalities and help with regional planning. The head office currently has three planners. This office is responsible for reviewing plans and amendments against the PLUPs.

NS: Statements of Provincial Interest only apply if you have a plan, and there is no requirement for planning; 19 municipalities and 40 percent of the land area is not planned. The department usually gets around 50 items to review per year, most of them small. Three planners manage these on a part-time basis. Would recommend setting up a formal process for review with established timelines.

**What is the status of agriculture in your province?**

MB: In general, farms are getting bigger. The biggest challenge is siting livestock operations. Ironically, there is a bit of a movement to split farms into smaller ones (often Mennonites), but this clashes against anti-fragmentation policies that are meant to protect agricultural land, despite the fact that these small farms would meet the same goal of protecting land. This shows that policies need to have some flexibility, or need to be revisited regularly to make sure they are working as intended.

NS: We have done a poor job of tracking farm statistics and trends. However, it is clear that there is a strong push to preserve agricultural lands. The challenge these days is agritourism and drawing a line between ventures that help support farms, and those that unnecessarily remove agricultural land.

**How do your policies apply to First Nations communities?**

NS: Provincial policies and regulations do not apply to First Nations communities. There has, however, been a growing trend of working with First Nations communities to have seamless development on both sides of political boundaries. There are still open questions about the mechanisms First Nations communities can use to enforce development standards.

MB: Provincial policies do not impact treaty rights or First Nations lands. When reviewing planning documents, they will often be shared with the appropriate staff in the Department of Indigenous and Municipal Relations as part of interdepartmental review. This can lead to consultation with bands if there is potential for them to be affected by the planning document.

**How can non-governmental organizations (NGOs) help build support for Statements of Provincial Interest?**

NS: Lobbying and collaboration. For example, in Nova Scotia, the Ecology Action Centre has been very involved in the development of a new act for coastal areas. When developing the Statements of Provincial Interest, New Brunswick should reach out to groups that are experts in the subject matter.

MB: There is absolutely a role for NGOs as champions of Statements of Provincial Interest. In Manitoba, the local federation of agriculture was key to the agricultural PLUP, and the PLUP on mineral resources might not exist without the efforts of groups representing the construction and road building industries.



# 3 INTERACTIVE SESSION



### 3.1 METHODS

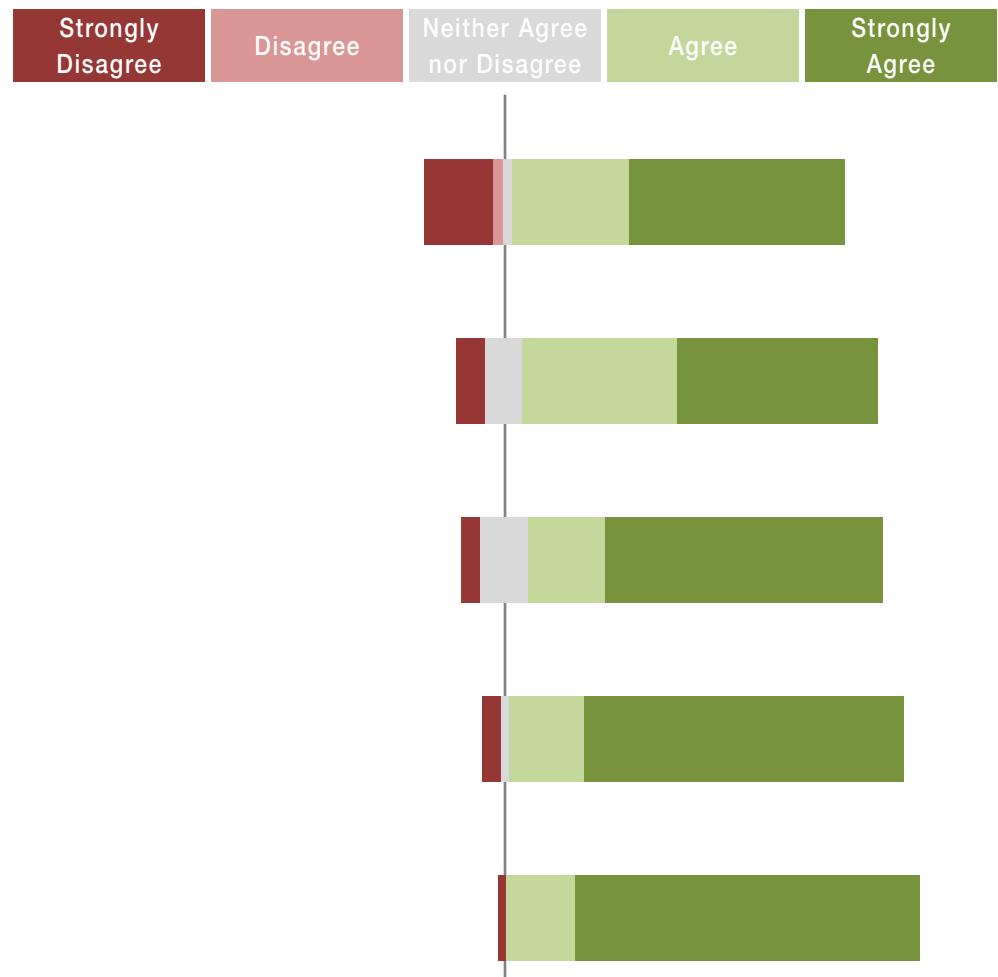
The afternoon consisted of an “interactive survey session”. Attendees logged into a web platform using their digital devices. The host then asked attendees a series of questions about Statements of Provincial interest, with live survey results coming up on-screen. This activity helped gauge attendees’ level of agreement with the principles underlying NBAP’s five proposed statements, provided rankings for which of the proposed statements attendees thought are most important, and provided attendees an opportunity to suggest other topic areas that could benefit from having a Statement of Provincial Interest.

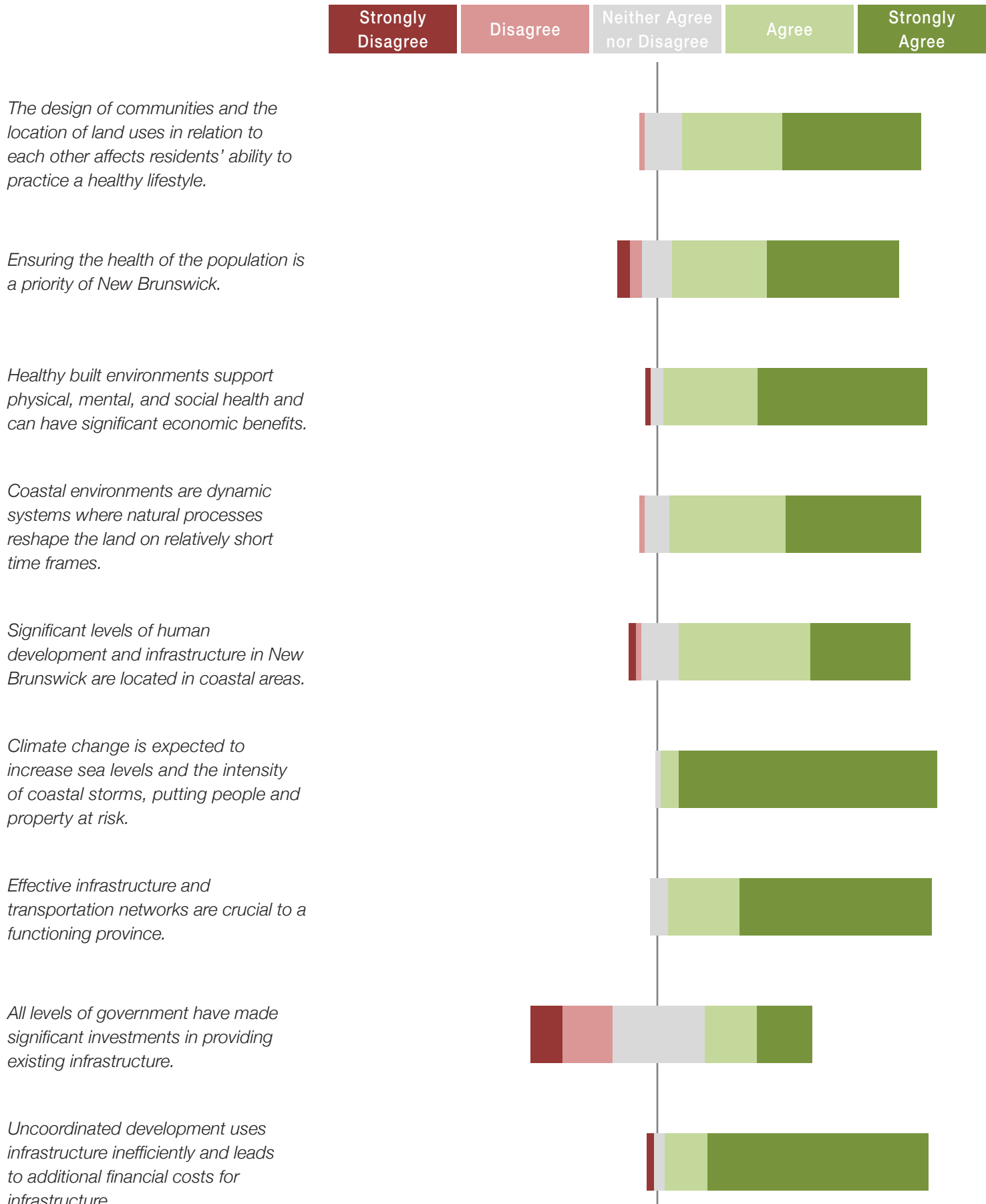
### 3.2 RESULTS SUMMARY

Overall, there was very strong belief in the principles and intentions on which NBAP built the five proposed Statements of Provincial Interest, with the large majority of attendees choosing “agree” or “strongly agree”. When it came to which of the statements attendees felt should be the priority, “climate change adaptation” came out on top, and the other four were ranked roughly equal in importance. Attendees suggested many other topics for Statements of Provincial Interest, with “agriculture” as the most popular suggestion.

### 3.3 SURVEY RESULTS

#### 1. To what extent do you agree with the underlying principles that are the basis for creating the five Statements of Provincial Interest?





**2. To what extent do you agree with the fundamental intention of the Statements of Provincial Interest?**



*It is in the interest the Province of New Brunswick to prepare for, and become resilient to, the impacts of climate change and reduce its greenhouse emissions while sustaining economic growth.*



*It is in the interest of the Province of New Brunswick to control land uses and activities in flood plain areas in a manner that protects residents and properties, ensuring that environmental degradation and remedial costs are minimized, and that development is curtailed in locations where site conditions may pose a danger to public health and safety or result in property damage.*



*It is in the interest of the Province to improve the health and well-being of all New Brunswickers through the development of resilient communities by fostering land use decisions that positively influence public health outcomes.*



*It is in the interest of the Province of New Brunswick to manage coastal areas to reduce impacts to coastal features, reduce the likelihood of threats to personal safety, maintain ecosystem components such as flora and fauna and minimize the cost of maintenance of public infrastructure.*

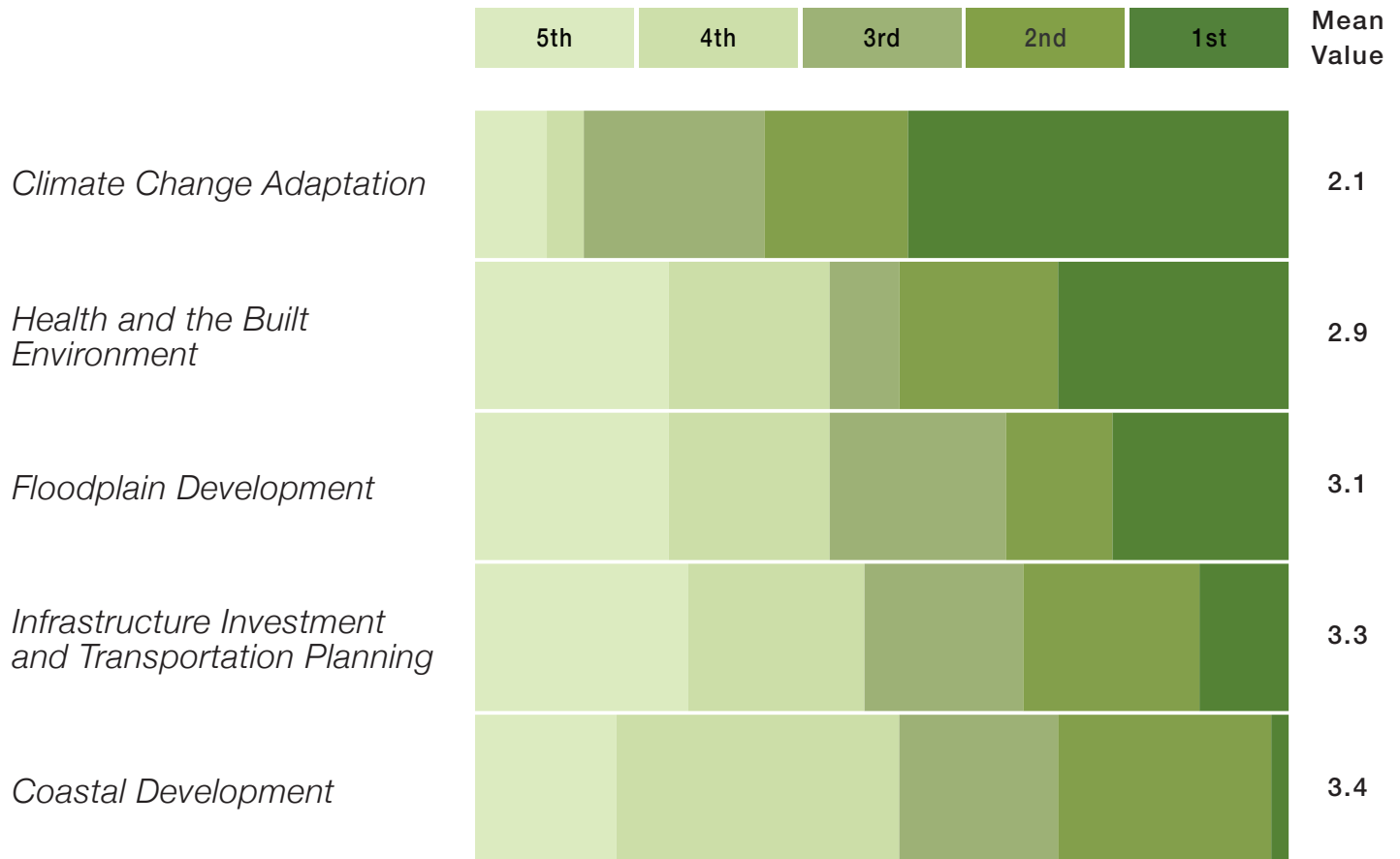


*It is in the interest of the Province of New Brunswick to provide, maintain and manage a safe, reliable and efficient road network and to promote efficient and sustainable water and wastewater systems in support of provincial economic and social development objectives.*



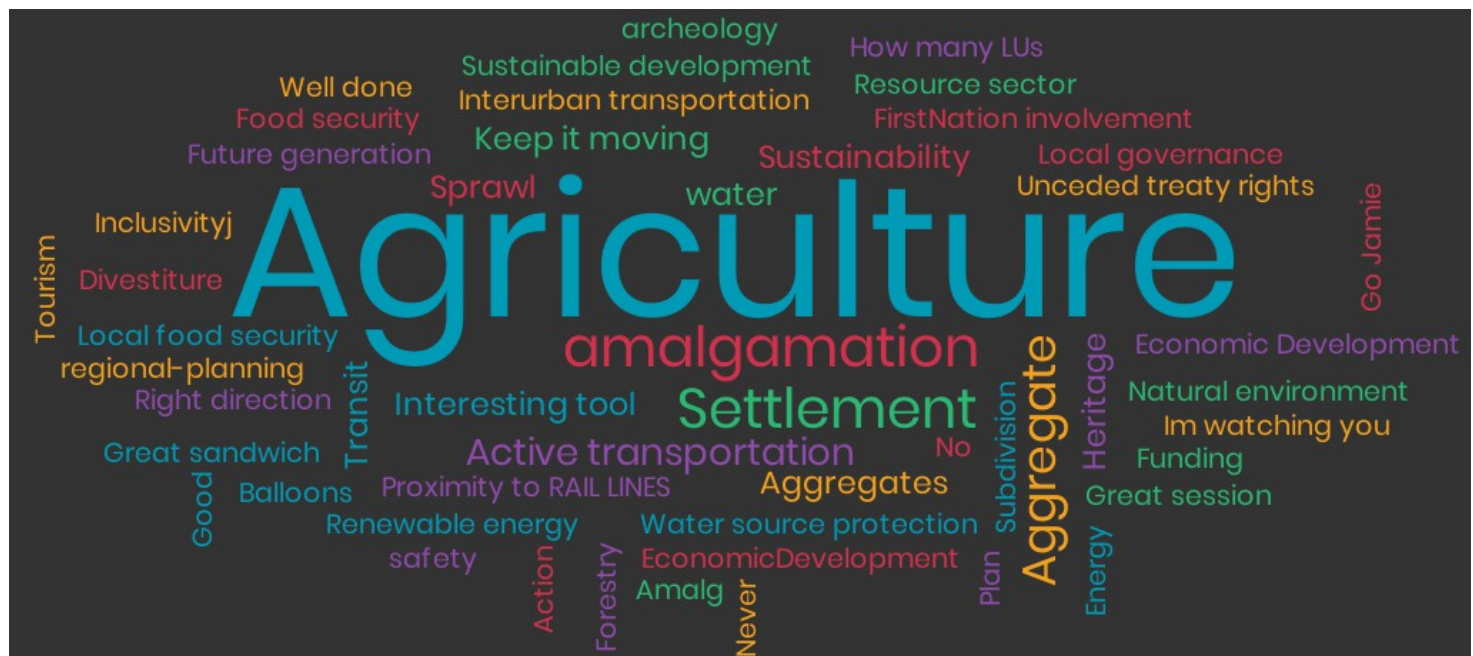


**3. Please rank the Statements of Provincial Interest in order of priority to you.**

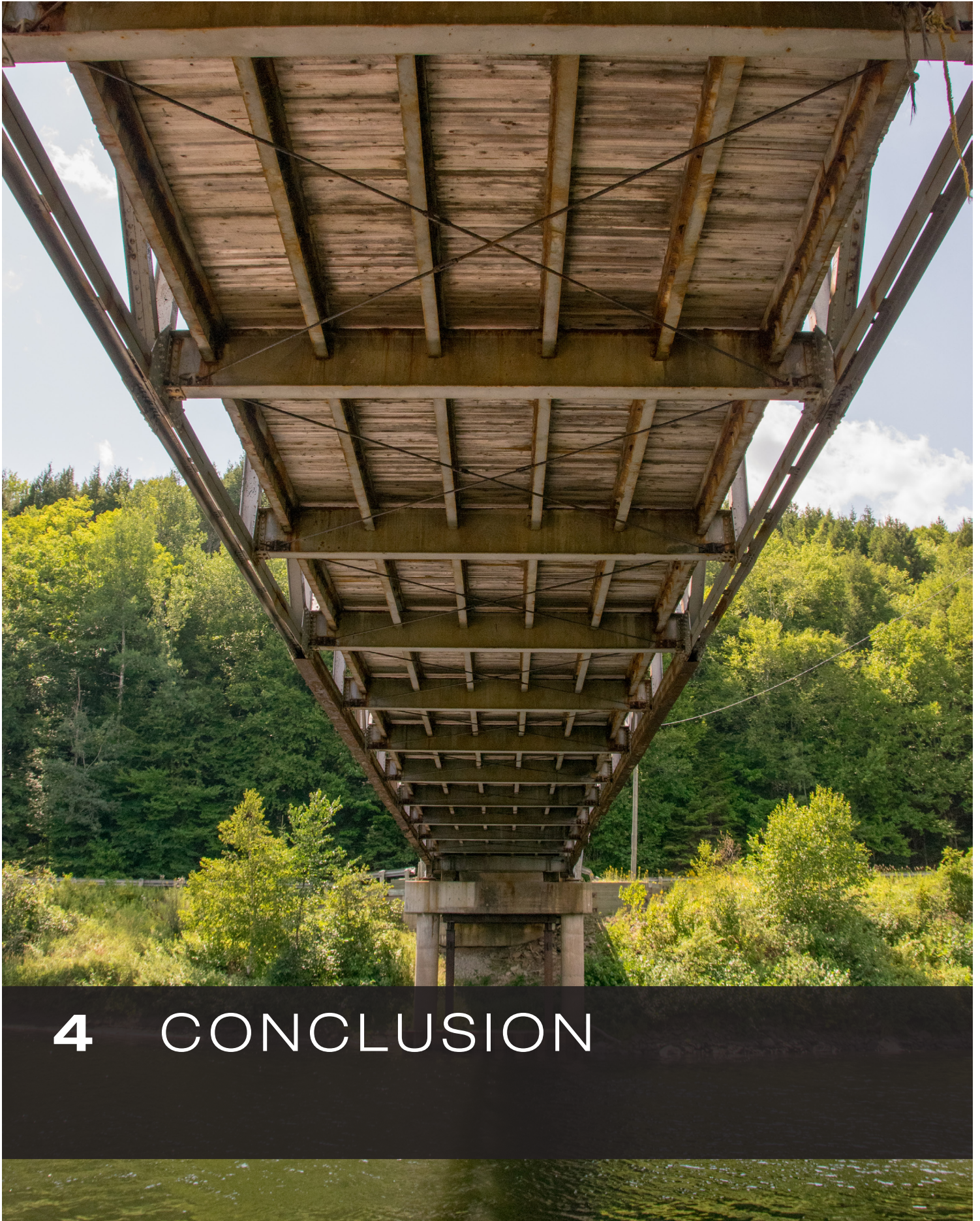


**4. Are there any other topics that you think should be priority Statements of Provincial Interest?**

(Word size indicates popularity of that topic)







## 4 CONCLUSION



#### 4.1 CONCLUSION & NEXT STEPS

New Brunswick faces challenges that reach beyond municipal borders. Addressing these challenges requires a new, collaborative way of thinking and a modernized approach to planning. The New Brunswick Association of Planners sincerely believes there is strong support for adopting a range of statements of *public* interest to help the province sustainably develop and grow.

The New Brunswick Association of Planners has, over the course of three project phases, built the business case for modernized planning legislation and Statements of Provincial Interest in New Brunswick. This included five proposed statements and a series of fact sheets explaining the challenges facing New Brunswick and how they can be addressed with Statements of Provincial Interest. The Association also met with stakeholders around the province to build support for the project. The Association then brought together planners, government officials, members of First Nations communities, representatives from community and environmental groups, and other stakeholders together in one room to learn from the experience in other provinces and to build a critical level of support.

Throughout the various phases of this project it has become clear that stakeholders perceive a genuine need for modernized planning legislation and for Statements of Provincial Interest. The time is now for implementation. The New Brunswick Association of Planners recommends the Government of New Brunswick move forward with the formal drafting of Statements of Provincial Interest. The five statements proposed by the Association have the demonstrated support of stakeholders and could serve as a foundation for the official statements. The Association also recommends exploring a statement on agricultural lands.

UPLAND