

The Planning Amendment Act

Legislative Assembly of Manitoba

2nd Session, 43rd Legislature

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Bill 4

THE PLANNING AMENDMENT ACT

(Assented to _____)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

C.C.S.M. c. P80 amended

1 *The Planning Act is amended by this Act.*

2(1) *Subsection 8(1) is repealed.*

2(2) *Subsection 8(2) is amended by replacing everything before clause (a) with the following:*

Capital Planning Region continued

8(2) The Capital Planning Region is hereby continued and, subject to the regulations, consists of the territory within the boundaries of the following municipalities:

2(3) *Subsection 8(3) is replaced with the following:*

Change of membership

8(3) The council of a municipality may, by resolution, request to become a regional member municipality of the Capital Planning Region or to withdraw from the Capital Planning Region. The council must send a copy of the resolution to the minister.

Public hearing

8(4) Before passing a resolution on membership in the Capital Planning Region, a council must hold a public hearing to receive representations from any person on the proposed action to become a member of or to withdraw from the planning region and give notice of the hearing in accordance with section 168.

Timing of withdrawal request

8(5) If the council proposes to withdraw from the Capital Planning Region, the public hearing must be held and the resolution must be sent to the minister within 180 days after the day that the Capital Planning Region

gives written notice of its initiating a review of its regional planning by-law under subsection 10.5(3).

Changing membership by regulation

[8\(6\)](#) The minister may, by regulation, change the membership of the Capital Planning Region to give effect to a resolution received under this section.

[3](#) *Subsection 9(3) is replaced with the following:*

Contiguous municipalities

[9\(3\)](#) When establishing a planning region, the municipalities to be included must be contiguous.

[4](#) *Subsection 10.3(1) is replaced with the following:*

Regional planning by-law

[10.3\(1\)](#) A regional planning board must prepare and adopt an initial regional plan as soon as practicable after the planning region is established, or by the prescribed date, if a date is prescribed.

[5](#) *Section 10.5 is replaced with the following:*

Review

[10.5\(1\)](#) A regional planning board must review its regional planning by-law

(a) when required to do so by an order made under subsection (2); and

(b) at least once within 10 years after each re-enactment or replacement of the by-law.

Minister's order to review

[10.5\(2\)](#) After consulting with the regional planning board, the minister may, in writing, order the regional planning board to review the regional planning by-law or to pass a by-law to re-enact or replace it within a time specified in the order. The minister may, by further order, extend the time specified.

Timing and notice of review

[10.5\(3\)](#) The review period for the regional planning by-law must be for at least two years, and the regional planning board must give written notice of the initiation of the review to

(a) the minister;

(b) each regional member municipality;

(c) each planning district that includes a municipality that

(i) is a regional member municipality, or

(ii) is adjacent to a regional member municipality; and

(d) every other municipality that is adjacent to the planning region.

Manner of review

[10.5\(4\)](#) A regional planning board must conduct the review of its regional planning by-law in the manner set out in the regulations.

[6](#) *Section 10.19 is replaced with the following:*

Amending or dissolving a planning region

[10.19\(1\)](#) The minister may, by regulation,

(a) change the boundaries of a planning region so that a municipality is or is no longer a regional member municipality;

(b) dissolve a planning region if the minister is satisfied that the planning region is not enhancing the economic and social development of the region by improving and coordinating sustainable land use and development.

Distribution of assets and liabilities

[10.19\(2\)](#) If the boundaries of a planning region are changed or the planning region is dissolved, the planning region and the respective regional member municipalities must make every reasonable effort to reach an agreement regarding the fair and equitable allocation of the rights and property, debts, obligations and liabilities of the planning region.

Action by minister

[10.19\(3\)](#) If the parties are unable to reach an agreement, the minister may, after consulting with the regional planning board and regional member municipalities, determine the allocation.

[7](#) *Subsection 10.21(1) is amended*

(a) *by adding the following after clause (d):*

(d.1) for the purpose of subsection 8(6), changing the municipalities in the Capital Planning Region;

(d.2) for the purpose of subsection 9(1), prescribing a municipality to be a regional member municipality of a planning region;

(b) *by adding the following after clause (g):*

(g.1) for the purpose of subsection 10.3(1), prescribing the date by which a regional planning board must prepare and adopt its initial regional plan;

(c) *by adding the following after clause (q):*

(q.1) for the purpose of section 10.19, respecting

(i) changing the boundaries of a planning region, or

(ii) the dissolution and winding up of a planning region;

(q.2) respecting any difficulty resulting from a change in the boundaries of a planning region or the dissolution of a planning region;

[8\(1\)](#) *Clauses 62.2(1)(a) and (b) are amended by striking out "a municipality in the capital region" and*

substituting "an applicable municipality".

8(2) *Subsection 62.2(2) is amended by striking out "outside the capital region" and substituting "not an applicable municipality".*

8(3) *Subsection 62.2(4) is replaced with the following:*

Interpretation — "applicable municipality"

62.2(4) In this section, "**applicable municipality**" means any one of the following:

(a) the City of Winnipeg and the City of Selkirk;

(b) the Town of Niverville and the Town of Stonewall;

(c) the Village of Dunnottar;

(d) 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.

9 *Subsection 168(1) is amended by adding the following after clause (e):*

(e.1) a hearing on a proposal to become a regional member municipality of or to withdraw from the Capital Planning Region under subsection 8(4);

TRANSITIONAL

Meaning of "Capital Planning Region"

10(1) *In this section, "**Capital Planning Region**" means the Capital Planning Region as continued under section 8 of **The Planning Act**.*

Member municipality may request withdrawal

10(2) *The council of a regional member municipality of the Capital Planning Region may, by resolution, request to withdraw from the planning region.*

Council acts before next municipal general election

10(3) *If a council sends the minister a copy of the resolution before the day that the general election in 2026 is held under **The Municipal Act**, the minister must make the regulation necessary to give effect to the resolution as soon as practicable.*

Council does not act before next municipal general election

10(4) *If a council does not send the minister a copy of a resolution requesting to withdraw from the Capital Planning Region before the day that the general election in 2026 is held under **The Municipal Act**, then for certainty, subsections 8(3) to (6), as enacted by subsection 2(3) of this Act, apply to a change in membership of the Capital Planning Region.*

Initial regional plan for Capital Planning Region

11 *Despite subsection 10.3(1) of **The Planning Act** and any other provision of this Act, the Capital Planning Region must prepare and adopt its initial regional plan by January 1, 2027, or the prescribed later*

date if such a later date is prescribed by regulation.

COMING INTO FORCE

Coming into force — royal assent

[12\(1\)](#) *Subject to subsection (2), this Act comes into force on the day it receives royal assent.*

Coming into force — December 31, 2024

[12\(2\)](#) *Section 11 comes into force on December 31, 2024. If this Act receives royal assent after that date, section 11 is deemed to have come into force on December 31, 2024.*

Explanatory Note

The Planning Act is amended to enable a municipality to withdraw from the Capital Planning Region.

The date for completing the initial regional plan for the Capital Planning Region is extended.

The obligations concerning drinking water and wastewater management plans for municipalities within the capital region are continued and are no longer dependent on membership in the Capital Planning Region.

Related amendments are made with respect to other planning regions that may be established in the future.