



January 30, 2018

Department of Municipal Affairs and Environment

MuniLegislativeReview@gov.nl.ca

Re: Municipal Legislation Review

As a developer within the Province of Newfoundland and Labrador, I welcome the efforts of the Department of Municipal Affairs and Environment in initiating a comprehensive legislative review of the Municipal Legislation in the Province. It is not my intention to provide a detailed submission, but I would like to offer my observations from a recent extensive review of the regulatory framework governing development in the City of St. John's which ultimately resulted in a referral to the Supreme Court of Newfoundland and Labrador for clarification on some issues. This decision is still pending.

By way of general comment, I think the current regulatory framework makes it difficult for the municipalities and its citizens and developers. The present statutory and regulatory context for the City of St. John's, in particular, is not coherent but can fairly be characterized as a patchwork of authority found in different sources. The sources for authority in dealings with the City are the Urban & Rural Planning Act, the City of St. John's Act, the St. John's By-Laws, the St. John's Development Regulations, the Municipal Plan, the Subdivision Development Policy, the Construction Specifications, Storm Water Detention Policy, etc. The Envision St. John's Municipal Plan is also relevant for the future albeit in draft format.

It appears that over the years, the relevant specific Acts have authority granting provisions that are external to the overall legislative scheme found in UARPA and superimposed for the benefit of a specific jurisdiction. In a modern era, discretionary authority is better for all parties if it is structured, controlled and set out in a comprehensive statutory and regulatory system. This would better serve the overview of this review which is "to provide good government services and the stewardship of public community assets as well as foster economic, social and environmental wellbeing."



My comments above are not intended to be a reflection on the evolution of the regulations to date, but merely to point out that your initiative is an ideal opportunity to explore the possibility of uniform and modern policy and legislation to further advance the interest of the Province, its Municipalities and its citizens. To that end, I would encourage the Department to explore the expert opinions of policymakers and legislative draftspeople in more advanced jurisdictions in order to arrive at and create model and streamlined legislation to consolidate decades of amendments, solutions and tiered regulation which can be of uncertain status legally. This practical approach would in my opinion lead to a less adversarial and more co-operative partnership between the various stakeholders in the Province.

If we can be of any assistance in this matter, please contact the undersigned at your convenience.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Danny Williams'. The signature is fluid and cursive, with a large loop at the beginning.

Danny Williams