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Under section 124 of the *Community Planning Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

1 This Regulation may be cited as the *Development Charge Regulation – Community Planning Act*.

Definitions

2 The following definitions apply in this Regulation.

“Act” means the *Community Planning Act*. (*Loi*)

“capital cost”, in relation to land, facilities or other infrastructure referred to in paragraphs 91(2)(a) to (h) of the Act, includes both on-site capital costs and off-site capital costs. (*coûts d’immobilisation*)

“development charge” means a development charge referred to in section 91 of the Act. (*redevance d’aménagement*)

Application generally

3 When establishing a development charge, a council of a local government shall apply the principles and criteria specified in sections 5 and 6.

Maximum amount that may be established as a development charge

4 The maximum amount that a council of a local government may establish or impose and collect as a development charge shall be no more than the capital cost of the land, facilities or other infrastructure referred to in paragraphs 91(2)(a) to (h) of the Act required for the development.

General principles

5(1) To the extent possible, a council of a local government shall apportion equitably among the population in the vicinity of the area of the development the capital cost that relate to the new or expanded facilities or other infrastructure referred to in paragraphs 91(2)(a) to (h) of the Act by reference to the relative degree of benefit received from the development.

5(2) A council of a local government shall

- (a) establish the development charge in a fair and equitable manner, and

- (b) consult in good faith with stakeholders.

Principles and criteria when determining the method for the calculation of a development charge

6(1) A council of a local government may determine the method for the calculation of a development charge, provided that the method

- (a) takes into account
 - (i) the area and intended use of the land,
 - (ii) the density of the population,
 - (iii) the number of lots and the size of the lots,
 - (iv) the types of zoning,
 - (v) the class of development, and
 - (vi) any future land use patterns,
- (b) recognizes variations among infrastructure types,
- (c) is consistent across the local government, and
- (d) is clear and transparent.

6(2) When determining the method for the calculation of a development charge, a council of a local government shall, at a minimum, consider and include or reference in the development charge by-law,

- (a) supporting technical data and analysis, and

(b) with respect to the land that is to be developed or subdivided, an estimate of the total of the capital cost related to the land, facilities or other infrastructure referred to in paragraphs 91(2)(a) to (h) of the Act.

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