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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 *Statement of Public Interest Regulation – Community Planning Act*.

Definitions

2 The following definitions apply in this Regulation.

“active transportation” means the transportation of people or goods by

- (a) human activity, including walking, jogging and running, or
- (b) the use of human-powered or partially human-powered aids such as wheelchairs, scooters, bicycles, e-bikes, skateboards and in-line skates. (*transport actif*)

“agricultural use” means use for the purpose of agriculture, including

- (a) cultivating land and the associated production, conditioning, processing, packaging and storing of farm products, vegetables, fruit and nursery stock,
- (b) raising livestock and poultry,
- (c) pasturing livestock,
- (d) producing sod,
- (e) selling agricultural products on the same premises as the agricultural operation,
- (f) operating a maple sugary,
- (g) operating a greenhouse, and
- (h) using the agricultural structures, farm dwellings and accessory buildings that are situated on the land. (*utilisation agricole*)

“aquaculture use” means use for the purpose of aquaculture, as defined in the *Aquaculture Act*, and for the associated processing, storing, packaging and distributing. (*utilisation aquacole*)

“brownfield development” means the remediation or decontamination and redevelopment of an abandoned, vacant, derelict or under-utilized commercial or industrial site that may be contaminated. (*réhabilitation de friches industrielles*)

“climate change adaptation” means the process of adjusting to actual or expected climate change and its effects to moderate harm or exploit opportunities. (*adaptation aux changements climatiques*)

“climate resilient lands” means lands able to withstand and recover from extreme weather events and protect other lands and developments from the impacts of climate change, including

- (a) wetlands,
- (b) dunes,
- (c) beaches,
- (d) floodplains,
- (e) riparian zones, and
- (f) vegetated and forested areas. (*terres résilientes face au climat*)

“environmentally sensitive area” means

(a) a Provincially Significant Wetland, Designated Watershed Protected Area or Designated Wellfield Protected Area published on the GeoNB website or a watercourse or other wetland, and

(b) lands that are federally or provincially designated for environmental protection or conservation. (*zone écosensible*)

“fishery use” means use for

(a) storing, repairing or creating fishing equipment for commercial or business use, and

(b) the processing, storing, packaging and distributing of bait and aquatic plants and animals. (*utilisation piscicole*)

“green infrastructure” means natural assets, including forests and climate resilient lands, enhanced assets, including urban trees and bioswales, and engineered assets, including permeable pavements and green roofs. (*infrastructure verte*)

“natural resource development area” means lands on which a natural resource operation is carried out for gain or reward or expected gain or reward and includes

(a) lands identified for potential future natural resource extraction and development or the production of natural resources, including any associated infrastructure,

(b) forested lands used for reforestation, silviculture and harvesting,

(c) lands used for the extraction and development of aggregates, peat, mineral resources and oil and natural gas, and

(d) lands used for the development and production of renewable electrical energy, including wind, solar and tidal. (*zone d’exploitation des ressources naturelles*)

“prime agricultural area” means an area that meets one or more of the following criteria:

- (a) the area is Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use;
- (b) the area is being used for, being prepared to be used for or has been identified for the future development of maple sugaries or the production of wild blueberries or cranberries;
- (c) the area is an existing woodlot that is associated with an agricultural operation and is part of an area that includes Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use; or
- (d) the area is Canada Land Inventory Class 5, 6 or 7 land and is part of an area that includes Canada Land Inventory Class 2, 3 or 4 land that is currently in agricultural use or cleared for agricultural use. (*zone agricole à fort rendement*)

Statement of public interest on settlement patterns

3(1) With respect to settlement patterns, it is a public interest and public priority to promote settlement patterns that

- (a) contribute to the well-being of the residents of the Province,
- (b) minimize impacts on the environment, and
- (c) support vibrant rural and urban economies.

3(2) The following policies are established with respect to settlement patterns:

- (a) promote efficient development and land use patterns that are in the best interests of the Province, local governments and residents of the Province in the long-term;

- (b) promote a range of housing options such as size, type, density and design throughout communities;
- (c) support the provision of a range of affordable housing options throughout communities;
- (d) avoid development and land use patterns that may cause environmental or health and safety issues;
- (e) with respect to development that occurs in a community with existing or planned public infrastructure and services, promote development in locations where the public infrastructure and services are or are planned to be available;
- (f) with respect to development that occurs in a community with no existing or planned public infrastructure or services, promote development in locations with previously constructed and actively maintained roads;
- (g) promote a range of transportation options, including regional and active transportation;
- (h) promote the use of green infrastructure, including climate resilient lands; and
- (i) promote development in downtown areas and urban cores through increased density, infill and brownfield development.

Statement of public interest on agriculture

4(1) With respect to agriculture, fisheries and aquaculture, it is a public interest and public priority to promote the agriculture, fishery and aquaculture sectors and the production of food in the Province.

4(2) The following policies are established with respect to agriculture, fisheries and aquaculture:

- (a) identify prime agricultural areas and prioritize them for agricultural uses and other compatible uses;
- (b) identify current and future areas for fishery use and aquaculture use and prioritize them for those uses and other compatible uses; and
- (c) consider set-backs, including reciprocal set-backs if appropriate, between areas with an agricultural use, fishery use or aquaculture use and areas used for incompatible purposes.

Statement of public interest on climate change

5(1) With respect to climate change, it is a public interest and public priority to reduce greenhouse gas emissions and engage in processes of climate change adaptation.

5(2) The following policies are established with respect to climate change:

- (a) promote energy conservation and efficiency, improved air quality, greenhouse gas emission reductions and removals and climate change adaptation through development and land use patterns; and
- (b) consider how the siting and design of infrastructure can improve air quality and energy conservation and efficiency, minimize the health and public safety impacts of climate change and increase climate resiliency.

Statement of public interest on flood and natural hazard areas

6(1) With respect to flood and natural hazard areas, it is a public interest and public priority to manage development in these areas to increase health and safety and limit social, environmental and economic costs to the Province, local governments and residents of the Province.

6(2) The following policies are established with respect to flood and natural hazard areas:

- (a) identify flood and natural hazard areas using provincial flood hazard mapping, provincial erosion mapping and other resources;
- (b) promote land use and development in areas other than flood and natural hazard areas;
- (c) promote land use and development that are not expected to increase the impacts on safety and costs associated with flooding and natural hazards; and
- (d) promote land use and development that incorporate mitigation measures with respect to flooding and natural hazards or that are appropriate for areas subject to natural hazards.

Statement of public interest on natural resources

7(1) With respect to natural resource development areas and environmentally sensitive areas, it is a public interest and public priority to protect these areas for present and future generations while fostering a more consistent and predictable regulatory environment.

7(2) The following policies are established with respect to natural resource development areas and environmentally sensitive areas:

- (a) identify natural resource development areas and environmentally sensitive areas;

- (b) prioritize natural resource development areas for natural resource extraction and development;
- (c) prioritize environmentally sensitive areas for conservation and protection; and
- (d) consider set-backs, including reciprocal set-backs if appropriate, between natural resource development areas or environmentally sensitive areas and areas used for incompatible purposes.

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