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Nunavunmi Parnaiyiit
Nunavut Planning Commission
Commission d'Aménagement du Nunavut

Nunavut Planning Commission Internal Procedure

Periodic Review

March 2015

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PURPOSE

The purpose of this procedure is to identify the approach the Executive Director of the Nunavut Planning Commission (referred to herein as either the Commission or NPC) will use to assist the Commission in determining whether to conduct a periodic review of land use plans.

AUTHORITY

This procedure is made in accordance with Section 11.6 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (the Nunavut Land Claims Agreement - NLCA) and the *Nunavut Planning and Project Assessment Act*, as may be amended (NUPPAA), not yet in force. Relevant sections of NUPPAA¹ are reproduced from the version current to February 4, 2015 for ease of reference in Appendix A.

APPLICATION

This procedure applies to the periodic review of land use plans.

DEFINITIONS

Unless the context requires otherwise, words and phrases in this procedure have the same meaning as in the NLCA Agreement and NUPPAA. If there is any inconsistency between the NLCA and NUPPAA, the meanings of words and phrases in the NLCA apply.

¹ Department of Justice Canada, Justice Laws Website, online: laws-lois.justice.gc.ca (accessed February 19, 2015)

In this procedure:

Planning Partner means an individual, group or organization, either public or private, interested in participating in the land use planning process and includes: both Inuit and Non-Inuit residents; not for profit community and Inuit organizations; municipalities; the business community; industry; environmental non-government organizations; Designated Inuit Organizations; territorial and federal government department and agencies; the Nunavut Impact Review Board (the NIRB); the Nunavut Water Board (the NWB); the Nunavut Wildlife Management Board (the NWMB); any other community, regional, territorial or national organization with an interest in the social, cultural, economic and environmental impacts and benefits associated with land use in the Nunavut Settlement Area (NSA).

PROCEDURE

1 Frequency of Periodic Reviews

- 1.1 The Commission may conduct a periodic review of a land use plan as it considers appropriate after the date the land use plan is approved.

2 Assessment of the Need to Conduct a Periodic Review

- 2.1 Every three years following approval of a land use plan, the Executive Director will assess a variety of factors to determine whether there is a need to conduct a periodic review of the land use plan in the following fiscal year(s). These factors include the following:
 - (a) the number and nature of applications for project proposals for conformity determination;
 - (b) the number and nature of land use plan amendments that were accepted or rejected since the approval of the land use plan;
 - (c) the number and nature of minor variances that were granted or refused since the approval of the land use plan;
 - (d) the number and nature of project proposals found not to conform with the land use plan since the approval of the land use plan;

- (e) the number and nature of project proposals that have been referred to the Nunavut Impact Review Board (NIRB) for screening because of concerns regarding cumulative impacts;
- (f) the extent to which the policies, objectives and goals of the land use plan are being achieved through implementation of the land use plan;
- (g) the emergence of new concerns in the Nunavut Settlement Area (NSA);
- (h) the emergence of policy initiatives at the Commission and / or the emergence of relevant policy initiatives from a Planning Partner;
- (i) any feedback and / or recommendations included in the Commission's annual report on the implementation of plans, prepared under the *Monitoring Land Use Plan Implementation Internal Procedure*;
- (j) the availability of new data on the NSA, including updated statistical information, wildlife data, emerging economic opportunities or trends and the Nunavut General Monitoring Plan; and
- (k) the availability of funding dedicated to a periodic review.

2.2 The Executive Director will prepare a written report with respect to the need to conduct a periodic review of the land use plan in the following fiscal year(s).

This written report will include:

- (a) a statement whether the recommendation of the Executive Director is for the Commission to conduct or not conduct a periodic review of the land use plan pursuant to s. 66 of NUPPAA in the following fiscal year(s); and
- (b) the analysis of the factors in 2.1 of this procedure, and any other factors, that lead the Executive Director to make the recommendation to conduct or not conduct a periodic review of the land use plan.

2.3 The Executive Director will provide the written report in 2.2 of this procedure to the Commission.

3 Terms of Reference for a Periodic Review

3.1 Following Commission approval of the annual work plan and budget to conduct a periodic review of a plan, the Executive Director will prepare the terms of reference for the periodic review.

The terms of reference will:

- (a) identify the key phases and timelines of the periodic review, including the timelines and process for reviewing the *Nunavut Planning Commission Broad Planning Policies, Objectives and Goals*;
- (b) identify the purpose of the periodic review and the issues to be determined by the Commission with specific reference to s. 47, 48, and 66 of NUPPAA;
- (c) provide any other information regarding the periodic review.

4 Public Hearing

4.1 In conducting a periodic review of the land use plan, the Commission may hold a public hearing in accordance with the *Rules of Procedure for Public Hearings and Public Reviews*, as may be amended.

5 Approval Process for Revised Land Use Plan

5.1 The approval process for a revised land use plan will be conducted in accordance with the requirements of the NLCA and NUPPAA.

APPENDIX A: RELEVANT SECTIONS OF NUPPAA

“47. Purposes of plan

A land use plan has the following purposes:

- (a) to protect and promote the existing and future well-being of the residents and communities of the designated area, taking into account the interests of all Canadians; and
- (b) to protect and, if necessary, restore the environmental integrity of the designated area or the planning region, as the case may be.

48. Contents of plan

(1) A land use plan must provide for the conservation and use of land and guide and direct resource use and development and must, in particular, provide for a strategy regarding the implementation of the plan and take into account

- (a) the broad planning policies, priorities and objectives established for the designated area;
- (b) the specific planning objectives and planning variables identified for any applicable planning region;
- (c) the factors referred to in section 11.3.1 of the Agreement; and
- (d) Inuit objectives for Inuit owned lands.

(2) A land use plan may contain descriptions of permitted, subject to any terms and conditions that the plan sets out, and prohibited uses of land.

(3) A land use plan may authorize the Commission to grant minor variances and may set out the conditions subject to which they may be considered and granted.

Offences

(4) A land use plan must identify each requirement set out in that plan whose contravention is prohibited under paragraph 74(f).
Articles 5 and 7 of Agreement

(5) A land use plan must be developed and implemented in a manner that is consistent with the principles and requirements of Articles 5 and 7 of the Agreement.

66. Commission

The Commission may review a land use plan periodically to verify whether, and the extent to which, it continues to achieve the purposes set out in section 47 and fulfil the requirements set out in section 48.

67. Public hearing

The Commission may, in conducting its review of the land use plan, hold a public hearing in accordance with the by-laws and rules made under section 17.”