



RURAL PLAN AMENDMENT PUBLIC HEARING

Waterford Parish Planning Area Rural Plan

Regulating Large-Scale Wind Energy Infrastructure in the Rural (RU) Zone

August 5, 2026 | THOMAS LEWALLEN, MCIP, RPP



Purpose of the Application

Modernizing the Rural Plan

The Kings Regional Service Commission (KRSC) received an application from **NFT Developments LP** to amend the Waterford Parish Planning Area Rural Plan.

The current plan, developed in 2020 and enacted in 2022, caps wind turbine generation at **3 Megawatts (MW)**. Modern utility-scale technology now standardizes turbines in the 5 to 7 MW+ range.

This amendment seeks to permit large scale wind turbines as a conditional use within the **Rural (RU) zone** subject to PRAC approval and conditions in order to align the Waterford Parish Planning Area Rural Plan with modern energy standards.



MINISTERIAL REGULATION FOR THE WATERFORD PARISH PLANNING AREA RURAL PLAN

under the

COMMUNITY PLANNING ACT
(20-WAT-083-00)

PART A – TITLE & AREA DESIGNATION

TITLE AND AREA DESIGNATION

Under section 51 of the *Community Planning Act*, the Minister of Local Government and Local Governance Reform makes the following Regulation:

1 This Regulation may be cited as the *Waterford Parish Planning Area Rural Plan Regulation - Community Planning Act*.

2 The area of land as shown in attached Schedule A is designated for the purpose of the adoption of a rural plan, is referred to as the Waterford Parish Planning Area (Planning Area) and is the area to which this Regulation applies. This map is a graphical interpretation of the description provided by *Regulation 84-168 – Local Governance Act*.

ENACTMENT AND REPEALS

3 This Regulation replaces and repeals the *Waterford Parish Planning Area Basic Planning Statement Adoption Regulation - Community Planning Act*, also known as Ministerial Regulation 95-WAT-008-00.

RÈGLEMENT MINISTÉRIEL POUR LE PLAN DE SECTEUR D'AMÉNAGEMENT DE LA PAROISSE DE WATERFORD

établi en vertu de la

LOI SUR L'URBANISME
(20-WAT-083-00)

PARTIE A – TITRE ET DÉSIGNATION DU SECTEUR

TITRE ET DÉSIGNATION DU SECTEUR

En vertu de l'article 51 de la *Loi sur l'urbanisme*, le ministre des Gouvernements locaux et de la Réforme de la gouvernance locale établit le règlement suivant :

1 Le présent règlement peut être cité sous le titre de *Règlement du plan rural du secteur d'aménagement de la paroisse de Waterford – Loi sur l'urbanisme*.

2 Le secteur de terrain figurant à l'annexe A ci-jointe est désigné aux fins d'adoption d'un plan rural et il s'agit du secteur d'aménagement de la paroisse de Waterford (secteur d'aménagement), qui est désigné comme le secteur auquel s'applique le présent règlement. Cette carte représente une interprétation graphique de la description fournie dans le *Règlement 84-168 – Loi sur la gouvernance locale*.

ADOPTION ET ABROGATION

3 Le présent règlement remplace et abroge le *Règlement de l'adoption de la déclaration perspectives d'urbanisme du secteur d'aménagement de la paroisse de Waterford – Loi sur l'urbanisme* désigné sous le titre de *Règlement ministériel 95-WAT-008-00*.



Paqt'smawei Sipu Wind Project Scope



11

Proposed Turbines in Waterford

7 MW

Capacity per Turbine

42

Total Project Turbines

Project Information

- The 11 turbines are 200 metres in height and part of a larger multi-jurisdictional wind project spanning several planning areas of the Waterford Rural Plan, Kings Rural District (Hammond Parish), and Fundy Rural District.
- Includes a new substation, a collector network, and significant road upgrades within the project area to accommodate their construction.

Amendment Summary and Timeline



Date	
October 2025	An Environmental Impact Assessment (EIA) was submitted for the Paqt'smawei Sipu Wind Project which consists of 42 wind turbines in total across three jurisdictions. Phase 1 of the project includes 11 wind turbines within the Waterford Parish Planning Area Rural Plan and the remaining 31 turbines would be in Hammond Parish, Fundy-St. Martins Rural District, and Crown land.
March 2026	An application to amend the Waterford Parish Planning Area Rural Plan was submitted to permit large scale wind turbines with a generating capacity greater than 3 MW within the Rural (RU) zone.
March - April 2026	The proposed amendment to the Waterford Parish Planning Area Rural Plan was reviewed by the Provincial and Community Planning (PCP) unit as well as provincial departments and agencies. Comments received by the Province were incorporated into the planning report prepared by Kings staff for PRAC review.
April 2026	The proposed amendment to the Waterford Parish Planning Area Rural Plan was circulated to the Rural District Advisory Council (RDAC) for input. As an elected advisory body, RDAC provides local perspectives to the Minister of Local Government, who retains ultimate approval authority for rural districts. No comments were received.
May 2026	The formal Duty to Consult process with First Nations commenced following an evaluation by the Department of Indigenous Affairs, which determined that the proposed land use amendments could adversely affect New Brunswick First Nations' treaty rights. No comments were received. The proposed amendment to the Waterford Parish Planning Area Rural Plan was brought before the Planning Review and Adjustment Committee (PRAC) for their views and recommendation to the Minister. PRAC recommended that the Minister approve the proposed amendment.

Amendment Summary and Timeline



Date	
May 2026	The applicant applied for a Similar or Compatible Use approval from PRAC to maintain their intended Fall 2026 start date. Unlike the proposed amendment which would apply to all lands zoned Rural (RU) within the Waterford Parish Planning Area Rural Plan, this application applied to only 20 specific properties within the proposed project area. A mailout notice was sent to nearby property owners about the PRAC meeting.
June 2026	PRAC approved the Similar or Compatible Use application, subject to terms and conditions that mirrored the standards of the proposed amendment. Several community members were in attendance and expressed concerns regarding turbine height, potential project impacts, and the level of public engagement at the PRAC meeting. The Environmental Impact Assessment (EIA) for the Paqt'smawei Sipu Wind Project project was approved and a Certificate of Determination was issued by the Province, subject to 33 terms and conditions.
July 2026	The proposed amendment to the Waterford Parish Planning Area Rural Plan and public notices were reviewed by the Provincial and Community Planning (PCP) unit, with recommended changes being sent back to the Kings RSC planning staff. Staff incorporated the recommended changes and edits to the proposed amendment and public notices and set the date of the Public Hearing.
August 2026	The Public Hearing is held. During the Public Hearing, all comments and concerns will be collected as well as any questions and the subsequent answers provided by planning staff or the applicant.

Inter-Departmental Consultation

Request for Provincial departmental input was sent March 31, 2026. Key responses included:

- **Agriculture (AAF):** Proponent must consult FLIP Registrar regarding access road impacts on agricultural land.
- **Environment (DELG):** EIA process registered; setbacks align with Wind Turbine Sector Guidelines.
- **Archaeology (THC):** AIA already completed for project area; no further concerns.
- **Climate Change:** Design must incorporate extreme weather resilience and fire breaks.



Provincial Statements of Public Interest



- Enacted under Sections 13–15 of the *Community Planning Act* to establish provincial policy standards for land development.
- Sets binding direction on key issues including climate change adaptation, flood risk reduction, drinking water safety, and prime agricultural land protection.
- Connects local planning decisions across municipal and rural districts into a cohesive, sustainable provincial framework.

Statutory Compliance

Section 15 of the *Community Planning Act* mandates that all rural plan and zoning amendments must be consistent with the Statements of Public Interest.

Risk Mitigation

Prevents premature or high-risk developments in coastal flood zones, protected watershed areas, or key resource lands before zoning rights are granted.

Evaluation Metric

Provides Regional Service Commissions, Planning Review and Adjustment Committees, and the Minister with a clear, objective metric to evaluate amendment applications.

Provincial Statements of Public Interest



Climate Change

Directly supports **SPI-CC.1** by promoting renewable energy and reducing provincial greenhouse gas emissions.



Natural Resources

Adheres to **SPI-NR.2** by prioritizing resource lands for sustainable electrical energy generation.

Existing Waterford Rural Plan Standards



The Waterford Parish Planning Area Rural Plan regulates wind energy developments by categorizing wind turbines based on generating capacity, establishing clear zoning permissions, setbacks, height exemptions, and decommissioning requirements.

- **Small-Scale Wind Turbines:** Defined as turbines owned and operated for the owner's use with a generating capacity of 10 kW or less.
- **Medium-Scale Wind Turbines:** Defined as turbines with a generating capacity of more than 10 kW and less than 3 MW.
- **Height Exemptions:** Wind turbines are explicitly exempt from the standard maximum building height restrictions outlined in the Rural Plan.

Existing Waterford Rural Plan Standards



Turbine Size	Permitted Zones	Permitted Use Status	Setbacks and Location
Small Scale Wind Turbine	Rural (RU) Mixed Use (MU) Commercial and Community Recreation (CCR)	Accessory Use Only	- Must be located on the same property as the main use. - Minimum setback of 1.5x the wind turbine height from front, rear, and side lot lines, as well as transmission lines.
Medium Scale Wind Turbine	Rural (RU) Commercial and Community Recreation (CCR)	Main or Accessory Use	- Minimum setback of 3.5x the turbine height from the right-of-way of public highways under the Department of Transportation and Infrastructure (DTI), including declared DTI Development Areas. - Minimum setback of 1.5x the turbine height from front, rear, and side lot lines, transmission lines, and public non-maintained road right-of-ways.

Large Scale Wind Turbine Standards



Grounded in the *Model Wind Turbine Provisions and Best Practices for New Brunswick Municipalities, Rural Communities, and Unincorporated Areas*, and *New Brunswick Wind Turbine Siting Standard and Study Checklist*, the proposed standards harmonize local land-use planning with Provincial Environmental Impact Assessments (EIA) for projects greater than 3 MW of electricity generation.

Noise Control

Performance-based criteria aligned with the provincial 40 dBA ambient threshold.

Safety Setbacks

1.5x to 3.5x total turbine height to mitigate blade failure, ice throw, and highway safety risks.

Site Oversight

Mandatory site management and operational protocols.

	Kw / MW	Use Type	Zones	Height	Setbacks
Small Scale	10 kW or less	Accessory Use	Rural (RU) Mixed Use (MU) Commercial & Community Recreation (CCR)	12 – 30 metres	1.5x height of turbine from property lines and public roads
Medium Scale	10 kW to 3 MW	Accessory or Main Use	Rural (RU) Commercial & Community Recreation (CCR)	30 – 200 metres	1.5x height of turbine from property lines and 3.5x from public roads
Large Scale	3 MW or more	Main Use subject to PRAC approval	Rural (RU)	200+ metres	1,000 metres from dwelling units 500 metres or 3.5x turbine height from public roads 1.5x height of turbine from public non-maintained roads 1x height of turbine from property lines

Proposed Rural Plan Amendments



New Definitions

Large Scale Wind Turbine: Rated capacity > 3 MW.

Non-Participating Property: Any parcel not part of the development application with no written agreement for impact encroachment.

Public Non-Maintained Road: Crown-owned roads not maintained for year-round activities.

Amended Definition

Dwelling Unit: Adds a year-round requirement to buildings designed or intended for full-year habitation.

Wind Turbine Standards

Section 3.13(3): Permits large-scale wind turbines as a conditional use in the (RU) zone, subject to strict setback, noise, and shadow flicker limits to protect public roads and non-participating properties. Stricter federal or provincial standards take precedence, and developers must obtain a permit by submitting an engineered site plan, a noise study, a decommissioning plan, and EIA approval.

Rural (RU) Zone

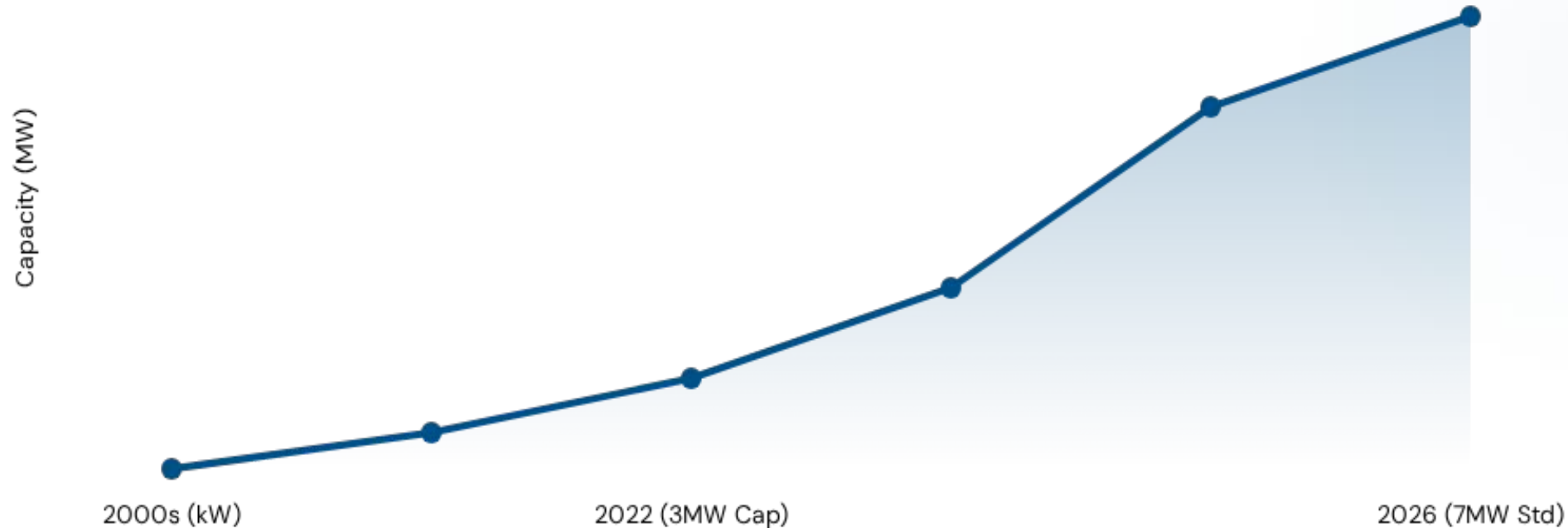
Section 4.1(1)(b): Adds "large scale wind turbines" to the list of main uses subject to terms and conditions of the Commission. This ensures any project > 3 MW must undergo PRAC review and approval in addition to Provincial EIA oversight.

Development Permit Requirements



-  **Certified Site Plan:** Scaled plan by a licensed P.Eng or Surveyor showing all turbines, roads, and dwellings within established setbacks.
-  **Noise Modeling:** Results of a Wind Turbine Noise Modeling Study ensuring compliance with exterior wall criteria for nearby dwellings.
-  **Environmental Compliance:** Submission of a valid Certificate of Determination under the Environmental Impact Assessment (EIA) regulations and associated provincial conditions.
-  **Decommissioning Plan:** A clear strategy for the eventual removal of infrastructure and full remediation of the site.

Planning Rationale & Analysis



The current 3MW cap is out-of-date for utility-scale wind turbine development. By aligning with the Provincial EIA "trigger" of 3MW and its associated standards, the proposed amendment to the Waterford Parish Planning Area Rural Plan ensures comprehensive environmental and community oversight and protection while allowing for industry-standard wind turbines in resource-based areas of the planning area.

Public Hearing



- State your full legal name and civic address at the microphone before speaking.
- Speakers receive up to 10 minutes (with a 1-minute warning); unused time cannot be yielded to others.
- Staff and commission members will not argue or debate project merits during public testimony.
- Staff may only intervene to correct factual errors regarding planning laws, jurisdiction, or deadlines.
- The applicant team gets 10 minutes after public testimony to present their overview and address key feedback.