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B.C.'s *Infrastructure Projects Act:* Impact on Local Government Approvals

Introduction

Bill 15, otherwise known as the *Infrastructure Projects Act* (the "***Act***"), received royal assent on May 29, 2025. The British Columbia provincial government (the "**Province**") has described this legislation as helping deliver "... the critical infrastructure projects people need – faster".[1] Although the *Act* has yet to come into force – it requires a regulation of the Lieutenant Governor in Council to do so – this article explores how the *Act* may impact local government land use regulation and development powers.

Background

The *Act* introduces a regulatory framework aimed at accelerating project approvals, while staying mindful of environmental concerns, to construct "designated projects" faster. There are two categories of "designated projects" under the *Act*:

1. **Category 1 projects**— those projects delivered directly by the Ministry of Infrastructure – such as schools, hospitals and student housing – and certain projects led by other ministries – such as transit systems; and
2. **Category 2 projects**— those projects delivered by private entities, crown agencies, First Nations and local governments that are designated by Order-in-Council, on a project-by-project and tool-by-tool basis, as "provincially significant".[2]

The Province has advised that formal criteria for the designation of an infrastructure project as "provincially significant" will be released in the coming weeks. Until then, the Province has shared that the factors under consideration to deem a project as "provincially significant" will depend on whether a project significantly contributes to:

- public infrastructure;
- critical minerals supply;
- food or water security;
- human health and safety;
- energy security;
- recovery of post-disaster recovery;
- First Nations partnership or benefits;
- trade diversification;
- access to new markets;
- supply-chain security;
- replacing U.S. imports;
- British Columbia's climate goals; and
- housing.[3]

Based on the above factors, it appears that the Minister of Infrastructure (the "**Minister**") will have discretionary power to deem whether a project is

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"provincially significant" and thus, a designated project for the purposes of the *Act*. Being a designated project may mean that certain local government requirements can be waived. This can happen in two ways as discussed below.

1. Accelerating Local Governments' Permitting Processes— by Minister or by Request of Local Governments

The Act grants the responsible Minister broad powers to expedite designated projects by overriding local government processes– such as permitting, zoning and land-use approvals. These municipal approval requirements are an exercise of regulatory powers conferred on local governments by the Legislature; however, the *Act* provides for a Provincial-waiver of these requirements on a project-specific basis.

Section 9(1) of the *Act* also permits a "specified authority" to request, in accordance with the regulations, that the Lieutenant Governor in Council vary requirements within provincial legislation by allowing exemptions or modifications to expedite the construction of designated projects.[4] Local governments are granted this power as a "specified authority" under Part 1 of the *Act,* which is defined as:

a) in relation to a municipality, the council of a municipality, including the council of the City of Vancouver,

b) in relation to a regional district, the board of a regional district,

c) in relation to a trust area under the *Islands Trust Act*, the local trust committee as defined in section 1 of that Act

d) in relation to the University Endowment Land, the minister responsible for the administration of the *University Endowment Land Act*, and

e) a prescribed person or entity;[5]

The Province's technical briefing on the *Act* further clarifies that such waiver of requirements is intended to include the requirement to only adopt land use bylaws that are consistent with an Official Community Plan ("**OCP**").[6] As a reminder, OCPs are strategic plans that outline long-term community development plans to guide planning objectives. Section 478(2) of the *Local Government Act* (the "***LGA***") requires that all bylaws, including rezoning amendments, must be consistent with an OCP.[7]

The *Act* can also affect other provincial requirements. Under Section 30, the *Act* applies to the *Environmental Assessment Act* to help expedite environmental assessments by enabling automatic approval and alternative expedited environmental assessment processes.[8]

2. Implementation Agreements

Section 12 of the *Act* contains an agreement-seeking framework between project proponents (which includes the Crown) and an approval authority (which is defined as a specified authority and thus, includes local governments) to expedite local government requirements.[9] A project "proponent" means the person named as a proponent, in relation to a designated project, in a regulation made under the *Act*– which has yet to be made. As such, it currently remains unclear who will have the powers of a proponent, other than the Crown.

If a proponent believes that a local government is unnecessarily delaying a project, the proponent may initiate a process which includes (1) consulting with

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the local government, through a facilitator, to reach an agreement on how to rectify such delay and (2) entering into an implementation agreement in which:

i) the measure that is perceived to be a constraint is identified,

ii) the measures that the parties have agreed are to replace the constraint are specified,

iii) the approval authority agrees to waive performance of the constraint identified in subparagraph (i) if the proponent performs the replacement measures specified under subparagraph (ii),

iv) the proponent performs the replacement measures specified under subparagraph (ii), and

v) prescribed matters are addressed,

and must be submitted for ministerial approval– assuming the Minister is not the proponent.[10] Following the approval of the implementation agreement, the proponent and the approving authority will work collaboratively to ensure the replacement measures introduced– which may include an enactment, directive, requirement, guideline, plan, program, policy, practice or procedure– complies with the constraints they replace.[11] The approving authority must then issue the permits, approvals or consents necessary to accelerate the construction of the designated project.[12] If disputes arise under the implementation agreement, the Minister holds the authority to intervene and enforce resolutions.[13] This provision highlights the importance of clear communication and consensus-building amongst proponents of designated projects, the approving authority and the Minister.

Conclusion

The *Act* presents a new legislated path towards regulatory approval. Assuming the *Act* is brought into force, contractors may find themselves working on projects that have been excused from complying with certain local government requirements, which are normally associated with delays. Alternatively, these projects may be subject to "replacement measures" which the project developer and the local government have agreed sufficiently address the same regulatory concerns of a waived procedural requirement to ensure projects are built quicker and with less delays.

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1 Government of British Columbia, 'New Legislation Will Deliver Key Infrastructure Faster, Strengthen Economy' (1 May 2025) https://archive.news.gov.bc.ca/releases/news_releases_2024-2028/2025PREM0018-000403.htm

2 Ministry of Infrastructure (BC), *Infrastructure Projects Act Technical Briefing* (1 May 2025) https://news.gov.bc.ca/files/InfrastructureLegislationDeck.pdf

3 *Ibid.*

4 British Columbia, *Infrastructure Projects Act*, Bill 15, 1st Sess, 43rd Parl, 2025, s 9(1).

5 *Ibid,* s 1.

6 *Supra* note 2.

7 British Columbia, *Local Government Act*, RSBC 2015, c 1, s 478 (2).

8 *Supra* note 4, s 30.

9 *Supra* note 1.

10 *Supra* note 4, s 12(5).

11 *Ibid*, s 12(7)(a).

12 *Ibid*, s 12(7)(b)(i).

13 *Supra* note 2.

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Our lawyers combine legal experience in local government, commercial real estate development, and construction law to provide legal services to local governments, owners, builders and developers on a range of projects, from concept to completion, and beyond.

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