
Subject: Bill 73 Requirement: Planning Advisory Committee

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 10, 2017

Recommendations

1. That the Planning Advisory Committee of Niagara **BE ESTABLISHED** in accordance with the requirements of Bill 73 and the *Planning Act*;
2. That the Terms of Reference attached to this report as Appendix I for the Planning Advisory Committee of Niagara **BE ADOPTED**; and
3. That a copy of this report **BE SHARED** with the local area municipalities.

Key Facts

- The purpose of this report is to propose the establishment of a new Planning Advisory Committee as now required by Provincial legislation.
- Bill 73 (Smart Growth for Our Communities Act) received royal assent on December 3, 2016 and came into force on July 1, 2016 and requires that all Upper and Single Tier Municipalities establish a Planning Advisory Committee which must include at least one resident who is neither a member of a municipal Council or an employee of the municipality.
- It is proposed that the Planning Advisory Committee of Niagara be established and that this Committee:
 - be composed of who are primarily subject matter experts;
 - comments on planning matters directly related to the preparation of the Regional Official Plan; and
 - be chaired by the Director of Community and Long Range Planning.
- The proposal to establish a new Planning Advisory Committee has considered the Terms of Reference of current committees resourced through Planning and Development Services as well as approaches taken by other upper and single tier municipalities to satisfy the requirements of Bill 73.

Financial Considerations

The proposed structure of the Committee would utilise existing resources and would not require additional financial resources. Similar to other Advisory Committees of Regional Council, membership is on a volunteer basis with no associated remuneration.

Staff resources may need to be adjusted in the future to support current committees resourced through Planning and Development Services, however it is expected that this would be considered during a functional review of all advisory committees.

Analysis

In December 2015, Bill 73 the *Smart Growth for our Communities Act* received Royal Assent. On July 1, 2016, most of the amendments of Bill 73 came into effect. With respect to this report, Bill 73 amended Section 8 of the *Planning Act* creating a new requirement for upper and single tier municipalities to appoint a PAC. Under the criteria set out by the Province, the PAC would be comprised of:

- Membership as approved by Council
- At least one resident who is neither a member of a municipal Council or an employee of the municipality.

Although the Province has created a statutory requirement to establish a PAC, there is flexibility in the application. The *Planning Act* does not require the PAC to be a decision making body, nor does it define the scope of matters the PAC should advise on. In discussions with internal staff and other Ontario municipalities, staff created an attached Terms of Reference (TOR) for the PAC which would focus the Committee on supporting work related to the Region's new Official Plan.

Through discussions at the Regional Planning Commissioners of Ontario (RPCO) and reviewing options utilized by other Upper and Single Tier municipalities across the Province to address the requirement of a Planning Advisory Committee, other municipalities are either opting to create new committees, or appoint existing committees (with a PAC focus) to serve in a planning advisory role as required by Bill 73. The following table outlines approaches taken by several other municipalities in Ontario.

Municipality	Approach Taken	Timeline
Peel Region	New Committee	Not Yet Finalized
City of Toronto	New Committee	Not Yet Finalized
Simcoe County	New Committee	Finalized

York Region	New Committee	Finalized
City of Orillia	New Committee	Finalized
Peterborough County	New Committee	Finalized
District of Muskoka	Appoint Existing Committee	Finalized
City of Hamilton	Appoint Existing Committee	Finalized
Chatham-Kent	Appoint Existing Committees	Finalized

It should be noted that the municipalities who have opted to appoint existing committees, had committees that were functioning as a quasi-planning advisory committee already. Currently there are 4 Advisory Committee resourced through Planning and Development Services, including:

1. Agricultural Policy and Action Committee
2. Smarter Niagara Steering Committee
3. Culture Committee
4. Greater Niagara Circle Route Committee

A review of each of these 4 Committees concluded that in order to align a Committee to comment of planning matters related to the regional Official Plan restructuring and revisions related to committee mandates, Terms of Reference and existing membership would be required. For these reasons it is felt that the appointment of an existing committee to serve as the Region's PAC is not a viable option. Therefore a new committee is recommended with a new Terms of Reference specific to achieving and supporting Council's Strategic priorities.

A structure and Terms of Reference for the Planning Advisory Committee of Niagara have been prepared referencing an approach similar to the Waste Management Advisory Committee. The TOR suggests the following:

- The PAC would support work related to the Region's new Official Plan and any associated amendments to the Regional Official Plan;
- The PAC membership would have a strong focus on attracting subject matter experts from specified fields, with members having outlined duties and responsibilities;
- The Director of Planning and Development Services would serve as the Chair;
- The PAC would meet on a quarterly basis however extra meetings may be called depending on time sensitivity of topics reviewed;

- PAC members would be presented with subject matter and all required background material and would provide comments, comments received by the PAC would be included in reports to Planning and Economic Development Committee and Council.

Alternatives Reviewed

This report suggests a new committee be created to address Bill 73's requirement for Niagara Region to have a PAC which includes at least one resident who is neither a member of a municipal Council or an employee of the municipality.

Alternatively to the creating a new committee, there are two other options:

1. Council could choose to appoint an existing advisory committee to serve as the PAC. However, this would not achieve the proposed structure, mandate and goals staff has set out in the attached Terms of Reference. This option is not recommended.
2. Council could choose to appoint a member of the public to the Planning and Economic Development Standing Committee to satisfy Bill 73's changes to the *Planning Act*. This would not be consistent with other Regional Standing Committees and would likely present a number of procedural challenges. This alternative has not been adopted by any other municipality staff is aware off, and is therefore not recommended.

Relationship to Council Strategic Priorities

This report and associated creation of a Planning Advisory Committee is aligned with Councils Priority of Doing Business Differently and Fostering Growth.

Bill 73's changes to the *Planning Act*, including the creation of a Planning Advisory Committee will contribute to faster decision making and expedited processes for development.

Other Pertinent Reports

- PDS 15-2017 Bill 73 Planning Act Changes (April 19, 2017)
- PDS 27-2015 Bill 73 Smart Growth for Our Communities Act (June 24, 2015)
- ICP 5-2015 Land Use Planning and Appeal System – Comments on Consultation Document (January 8, 2014)

Prepared by:

Doug Giles
Director
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP,RPP
Commissioner
Planning and Development Services

Submitted by:

Carmelo D'Angelo, BSc, MPA
Chief Administrative Officer

This report was prepared in consultation with Erik Acs, MCIP, RPP, Planner, Danielle De Fields MCIP RPP, Manager of Community Planning.

Appendices

Appendix 1

Terms of Reference for PACN

Page 6