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PROPOSED REGULATIONS UNDER THE PROPOSED *PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2005* (BILL 51)

The Planning and Economic Development Committee recommends the adoption of the recommendation contained in the following report July 25, 2006, from the Commissioner of Planning and Development Services:

1. RECOMMENDATION

It is recommended that this report and attachment on EBR postings **RF06E0005** and **RF06E0008** be forwarded to the Ministry of Municipal Affairs and area municipalities prior to the October 2, 2006 deadline for comments.

2. PURPOSE

The purpose of this report is to advise Committee and Council of the proposed content of new and amended regulations under Bill 51, the proposed *Planning and Conservation Land Statute Law Amendment Act, 2005* and provide comments to the Province in accordance with the EBR posting deadline of October 2, 2006.

3. BACKGROUND

Since the current Provincial government came into office in the fall of 2004, it has proceeded with a series of initiatives, Statutes and Plans which will change the way planning and development occurs in the Province.

The focus of Bill 51 and other government initiatives involving planning, growth and development is to provide maturing urban areas with the tools to effect changes to the urban structure and advance city-building. These changes are tied to stronger Provincial Policy to which municipal Councils must conform in their decision-making.

Regional Council, at its meeting of June 24, 2004 (Report No. 6 of the Planning and Economic Development Committee 9) received and adopted a staff report regarding the Provincial release of Discussion Papers on Planning Reform, the Draft Provincial Policy Statement and OMB Reform. In addition, Regional Council received and adopted a staff report proposed *Planning and Conservation Land Statute Law Amendment Act, 2005* (Bill 51) on the at its meeting of February 16, 2006.

This statute was given received second reading in the Legislature on April 26, 2006 and has been referred to Standing Committee.

4. ANALYSIS AND OPTIONS

4.1 Proposed Content of Regulations Posted on the EBR

The Province is proposing changes to seven existing or new Regulations under the proposed *Planning and Conservation Land Statute Law Amendment Act, 2005* (Bill 51) and posted suggested regulation content on the Environmental Bill of Rights Registry (EBR) on July 4, 2006 for a 90 day comment period. The complete list of Proposed Regulations is appended to this report as *Attachment 1*.

Most of the proposed changes will give local municipalities more flexibility and powers but will also require more background work to support of Official Plan Amendments.

There are two proposed regulations however, which will directly benefit or impact on the Region, one of which relates to previous Regional Council comments to the Province on Bill 51 as follows.

4.1.1 EBR RF06E0005: A Proposed Regulation regarding Community Improvement Planning

Regional Council in past reports supported the Province's proposal to establish upper tier community improvement plans with a specific request that these plans include brownfield redevelopment as well as activities to support Regional interests and, implementation of Provincial Plans. The proposed new regulation would enable prescribed upper-tier municipalities to develop these plans and designate community improvement project areas. The Province suggests these matters could include regional transportation corridors and infrastructure.

Regional staff support this recommended direction but would suggest that additional matters be included and that the Province consult further with upper tier municipalities on what this list should include.

4.1.2 EBR RF06E0008: A Proposed regulation regarding the timeframe for municipal council to consider new information and material from the Ontario Municipal Board (OMB)

The proposed regulation amendment would give municipal councils 30 days to reconsider their decision on a plan of subdivision, official plan or zoning by-law application based on new information and material and provide a recommendation to the OMB.

Based on our own Committee and Council cycle, Regional staff is of the opinion that this proposed time period is not adequate enough to allow reasonable municipal due diligence in making a decision. Regional staff recommends the proposed regulation be modified to permit a 90 day review period instead.

All other proposed regulations either do not deal with issues of Regional interest or do not adversely impact our current business practices.

5. FINANCIAL IMPLICATIONS

The conduct of business under Bill 51 and its regulations will be dealt with as part of on-going Planning Department staff allocations and budget.

6. LOCAL MUNICIPAL IMPACT

A number of the proposed regulations listed in *Attachment 1* will impact local decision making process. Regional staff has contacted area municipal planners about this regulation and will circulate this report for their information and use.

7. CONCLUSION

The Province is proposing new and amended regulations under the proposed *Planning and Conservation Land Statute Law Amendment Act, 2005* (Bill 51) and posted suggested regulation content on the Environmental Bill of Rights Registry (EBR) ON July 4, 2006 for a 90 day comment period.

Of the seven regulations, Regional staff have comments on two that deal with Upper Tier Community Improvement Plans and municipal timeframe for comments on new information. All others are either not of Regional interest or do not adversely impact our current business practices.

Regional staff recommends that this report and the comments on EBR posting **RF06E0005** and **RF06E0008** be forwarded to the Ministry of Municipal Affairs and area municipalities prior to the October 2, 2006 deadline for comments.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)