

STAFF REPORT: Town of The Blue Mountains Planning Department



REPORT TO: Mayor & Council
MEETING DATE: ~~March 5, 2007~~
March 19, 2007
REPORT NO.: PL.07.22
SUBJECT: Bill 51, Planning and Conservation Land Statute Law Amendment Act, 2006
PREPARED BY: Cindy Welsh
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A. Recommendations

THAT Council receive Planning Staff Report #PL.07.22, *Bill 51, Planning and Conservation Land Statute Law Amendment Act, 2006*, for information purposes at this time and support staff proceeding with required implementation procedures contained in this Report.

B. Background

On October 12, 2006, Bill 51, *Planning and Conservation Land Statute Law Amendment Act, 2006*, received third reading in the Legislative Assembly of Ontario. On October 19, 2006, the Bill received Royal Assent and came into force. Regulations have been drafted by the Ministry of Municipal Affairs and Housing that implement Bill 51.

This report deals with changes to the *Planning Act* that municipalities need to be aware of. It should be noted that a majority of the changes introduced focus on shifting more of the planning considerations and information needs to the front end of the planning process.

Planning applications commenced on or after January 1, 2007, are subject to Bill 51. Planning applications must be considered on the basis of the latest provincial plans and policies in place at the time of the decision of Council.

Attached are two charts, the first being published by the Ministry of Municipal Affairs and Housing entitled *OMB/Planning Reform Job Aids*, December 2006 and the second entitled *How Changes to Bill 51 Will Affect the Town of The Blue Mountains*. The first chart compares some of the key sections of the *Planning Act* before and after the coming into force of this new Amendment to the *Planning Act*. It reflects legislation, policies and practices that are subject of change. The second chart highlights some of the planning changes and how they will affect the Town and was developed by the Planning Department.

A number of the implementation procedures include the following:

- Within 30 days of an application fee being paid, Council must advise the applicant if the application is complete. Council may wish to deem this function to staff.
- Within 15 days of advising the applicant that the application is complete, the municipality must advise the public of receipt of a complete application.
- Councils must now make their decisions, comments, submissions and advice consistent with the Provincial Policy Statement (PPS) and provincial plans now in effect.
- Public records are enhanced by including a declaration from a municipal employee that requirements for giving of notice and the giving of notice of a complete application have been complied with. The records must also now include a statement as to whether or not the decision of Council is consistent with the PPS and conforms or does not conflict with the applicable provincial plans that are in effect.

As part of this implementation, revised application forms will be prepared. A review of planning application fees will also be undertaken to determine if increases are needed.

It is interesting to note the majority of changes to the *Planning and Conservation Land Statute Law Amendment Act, 2006*, still recognize municipalities as key implementers of changes to the planning system. There are, however, key changes in certain areas (Section 24) where municipalities have little input.

Council recently received a resolution from the Municipality of Arran-Elderslie stating that Section 24 of Bill 51 exempts energy undertakings from the *Planning Act* and that they petition the Province to conduct an assessment on all the issues involved with wind turbines and to demonstrate that removing energy systems is being done in good faith. Council referred the item to staff on February 12, 2007. As stated there is the provision to exempt but the Province has not passed the Regulation to exempt so for the moment it is not in effect and energy projects can proceed under the *Planning Act*.

C. The Blue Mountains' Strategic Plan

Bill 51, the *Planning and Conservation Land Statute Law Amendment Act, 2006*, furthers for the most part:

- Strategic Goal 1 - "Managing growth to ensure the ongoing health and prosperity of the community" by enabling the municipality to create a stronger, more liveable community.

D. Budget Impact

Some of the processes involve more work for staff. There will be some impact on operational budgets.

E. Attached

1. OMB/Planning Reform Job Aids, December 2006 – Provided to Planning staff at the Strong Communities OMB/Planning Reform Training, February 2007.
2. How Changes to Bill 51 Will Affect the Town of The Blue Mountains, February 2007.
3. Letter sent from the Municipality of Arran-Elderslie Re: Section 24 of Bill 51 Exempting Undertakings Related to “Energy” From the *Planning Act*, dated January 24, 2007.

Respectfully submitted,

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