Ministry of Municipal Affairs and Housing

Ministère des Affaires municipales et du logement

Ontario

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May 2, 2007

Mark Rudolph
15 Timber Run Court
Campbellville ON
LOP 1B0

Graham Flint – Chair of Friends of Rural Communities and the Environment
c/o Lawson Park Ltd., Box 15, RR#1
Freelton, ON
L0R 1K0

Dear Mr. Rudolph and Mr. Flint,

Re: Application for Review of the Planning Act
ECO File No: R2006032

The Ministry of Municipal Affairs and Housing (the Ministry) received your Application for Review, which was forwarded to us by the Environmental Commissioner. The Ministry thoroughly considered your request for: (1) a review of the need for a new policy, Act or regulation for matters governed by the *Planning Act* and the *Aggregate Resources Act* (ARA). The review is to consider a new policy, amendment to the Act and/or regulation, as appropriate, to provide an early screening/evaluation mechanism for applications.

I understand it is your belief that there is a need for an early mechanism through which proposals under the *Planning Act* and/or the ARA could be evaluated and screened before they enter existing processes for evaluation and review particularly for official plan amendments (OPAs) and Class 2 aggregate development proposals.

The Ministry has considered the application and has determined that the public interest does not warrant a review of the Planning Act for the reasons outlined below. Further, the Ministry has determined that it would not be appropriate for it to make any decision regarding the same request as it pertains to the ARA as the Ministry of Natural Resources has responsibility for that legislation. I understand that the Ministry of Natural Resources is reviewing your application in this regard.

The Environmental Bill of Rights (EBR), 1993 sets out the provisions that a Ministry must consider when determining whether to conduct the requested review. Subsection 68 (1) provides direction on requests for reviews of "recent" Ministry decisions.

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Subsection 68 (1) of the EBR, 1993 states that a Minister shall not determine that the public interest warrants a review of a decision made during the five years preceding the date of the application for review if the decision was made in a manner that the Minister considers consistent with the intent and purpose of Part II of the EBR, 1993. Part II of the EBR, 1993 sets out the minimum public participation that must be met by the Government of Ontario in making decisions on environmentally significant matters.

The Ministry has satisfied the criteria in subsection 68 (1):

- The government assessed the need for changes to the *Planning Act* based on extensive research and consultation, resulting in extensive changes to the *Planning Act* through the *Planning and Conservation Land Statute Law Amendment Act, 2006* (Bill 51) which received Royal Assent on October 19, 2006.

- These extensive changes to the *Planning Act* came into effect on the proclamation of portions of the legislation on January 1, 2007.

- As part of the development of Bill 51, the government consulted widely with the public and stakeholders for input on what types of changes are needed to the *Planning Act*.

- During Planning Reform consultations there was a wide distribution of consultation material (including a discussion paper on *Planning Act* reforms and implementation tools), newspaper advertisements, public meetings and workshops held across the province, an interactive Ministry web page, stakeholder interviews, and postings on the EBR.

- In 2004, the government conducted 13 public information sessions and 8 regional stakeholder workshops across the province to receive feedback from stakeholders on the Planning Reform initiative. The government also undertook e-consultation through the Ministry of Municipal Affairs and Housing website to solicit stakeholder comments and perspectives.

- Building on the consultation held in the summer of 2004 the Ministry held 6 working meetings with stakeholders during the fall of 2005. Invitations were sent to umbrella organizations, to ensure representation from all major stakeholder sectors.

- In addition to the above, meetings were held in Spring and Fall 2006 with a broad range of umbrella stakeholder groups to discuss the creation of possible new regulations or amendments to existing regulations, to effect changes proposed through Bill 51.

- Staff reviewed and analyzed over 600 submissions received from the consultation and worked with staff from partner ministries (including the Ministry of Natural Resources) to develop recommendations for the government's consideration.

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The *Planning and Conservation Land Statute Law Amendment Act, 2006* (Bill 51), amended the *Planning Act* to, among other changes, improve the land use planning process.

To increase certainty for those using the planning system, and to provide up to date planning direction, the *Planning Act* now requires that municipal official plans be revised every 5 years and zoning by-laws be updated within 3 years of the updated official plan coming into effect. This will also help to ensure the most current provincial and municipal rules and policies are incorporated into municipal planning documents.

Bill 51 also provides municipalities with the ability, in their official plans, to establish information requirements to be provided when planning applications are submitted to them. Until all the required information and material is provided the council may refuse to accept or further consider the application and the time period related to making a decision on the application does not begin.

A more transparent and accountable planning system is an important feature of Bill 51. For instance, to facilitate upfront information and identification of issues and more effective decision-making processes, Bill 51 includes requirements for municipal consultation with the approval authority on official plan matters. Also, there is enhanced municipal authority to require proponents to consult early with municipalities on planning applications.

In other words, for certain types of applications including Official Plan Amendments (OPAs), zoning by-law amendments (ZBAs) and plans of subdivision, the process has been improved to facilitate upfront discussions between applicants and the municipality before an applicant makes a submission. The Act provides municipalities with the ability, by by-law, to require applicants to consult with the municipality or planning board before submitting an application for an OPA. This change will promote early identification of problems or issues associated with the proposals information and material requirements, and will also lead to more effective decision-making processes.

In light of the above, it has been decided that the public interest does not warrant the granting of your application related to the *Planning Act*. If you have any questions regarding the above, please contact David MacLeod, Senior Policy Advisor at 416-585-7142. Thank you for bringing your concerns to our attention.

Sincerely,

D. Richardson

Dana Richardson
Assistant Deputy Minister,
Local Government and Provincial Planning Division

c. Elspeth Shtern, Director, Corporate Planning Branch
P. Lapp, Executive Assistant, Environmental Commissioner's Office