



Staff Report PL2024-066

Title of Report: PL2024-066 – Delegation of Planning Decisions – Process Improvement
Department: Clerks
Branch: Planning Services
Council Date: August 7, 2024

Recommendation:

Be it resolved that Council receive Staff Report PL2024-066 for information; and **That** Council direct Staff to prepare appropriate Official Plan Amendments and By-laws (or By-law Amendments) to allow delegation of various planning decisions.

The Proposal:

The Province of Ontario has introduced several amendments to the *Planning Act* that, over the last two years, have been aimed at streamlining processes to accelerate approvals. Part of these changes (contained in Bill 13) was the delegation of “simple by-laws” to staff. This report seeks Council direction on actions to be taken to pursue delegation of these decisions to staff to allow Council to use their time to focus on strategic initiatives.

Discussion:

Ensuring that *Planning Act* applications reach the point of decision has been subject of much discussion by the Province and applicants. Ensuring that decisions are made in a timely manner must be balanced with ensuring that the Public Interest in Planning is ensured.

The Province has made a number of changes to the *Planning Act* mandating specific timelines to reach decisions. While some timelines are challenging, they have also made Municipalities examine processes to ensure they are efficient as possible.

One area where delays occur is at the decision point. Where Council retains decision making (and has not delegated authority to staff), there can be a three (3) to four (4) week delay due to preparation time for the Council meeting. The Province, through Bill 13 (Supporting People and Businesses Act), has introduced the ability to delegate “simple by-laws” to Staff, allowing Council to focus on more strategic issues. Council can also, through By-law, delegate decision making on other types of applications if it deems appropriate – which will be discussed below.

Discussion – “Simple By-laws”:

Bill 13 was given Royal Assent December 2, 2021. As part of this omnibus Bill, the *Planning Act* was amended to provide Municipalities the ability to delegate several decisions to Staff. These decisions include:

- Removal of a Holding (“H”) symbol.

- Allow temporary uses of land, buildings or structures in accordance with subsection 39 (1) of the *Planning Act*.
- "Minor" By-laws approvals pursuant to section 34 of the *Act* (Zoning By-law Amendments).

It should be noted that the list is not expansive or restrictive, nor does the amendment to the *Act* define what is "minor". However, to delegate this decision making – the Official Plan for the Municipality must have policy to enable this delegation. A subsequent delegation By-law, noting the responsible members of Staff to render decisions (typical and alternate), is required.

Currently, the Township Official Plan (OP) does not include such language. Staff recommend Council direct Staff prepare an OP housekeeping amendment to enable potential delegation. The time savings are significant and would support efforts to improve processes, get projects to decisions faster and support other strategic priorities such as economic development. A delegation By-law can be prepared to accompany the required OP amendment.

Discussion – Delegation of "other" decisions:

The recent changes to the *Planning Act* in Bill 13 do not preclude Council from delegating decisions for other applications. Process Improvement is a significant strategic priority for Council and by allowing Staff to render certain decisions, Council or Committee time is saved. These decisions could also include:

- Delegation of approval and execution of Site Plan Agreements.
- Delegation of decisions on Severances/Consents.

Staff have undertaken a review and found that Municipalities of various sizes have executed delegation by-laws to reduce process timelines. These delegations also recognize that Staff have the expertise and are recruited to be subject matter experts (SMEs) on various planning matters.

If Council supports delegation of these decisions, an OP amendment to establish foundation policy of a delegation by-law is likely required. If directed to pursue this option, Staff can add these decisions to the delegation OP amendment noted above.

Discussion – Other issues of delegation:

It is important to note that delegation of various planning decisions does not remove, or revoke appeal rights provided under the *Planning Act*. It simply means that the decision is made by staff, versus Council/Committee. While Council would be required to pass a delegation by-law, Council can revoke the delegation of decision making to Staff at any time.

Conclusion:

Delegating planning decisions not only utilizes Staff expertise, but achieves a decision in a timely manner, allowing Council to focus on more significant strategic issues. Staff recommend Council direct that appropriate amendments for the OP, Zoning By-law and delegation by-laws be prepared for consideration.

Respectfully Submitted,

Prepared by and approved by: Senior Manager of Development and Community Services	<i>Original Signed By</i> _____ Kenneth Melanson, RPP, MCIP
Approved by: Chief Administrative Officer (CAO)	<i>Original Signed By</i> _____ Dina Lundy

Link to Township of Southgate Community Strategic Plan:

Strategic Priorities and Goals:
Operational excellence – 11. Provide excellent customer service to Southgate ratepayers and community members.

Goal 7: Improve access to housing.
7.C – Determine pathways to streamline planning processes and approvals for housing development in Southgate.

10.C – Encourage a culture of excellence throughout the Township through education and continuous improvement initiatives.

Attachments:
None.