

**Report to  
Rapport au:**

**Council  
Conseil**

**22 May 2019 / 22 mai 2019**

**Submitted on May 17, 2019  
Soumis le 17 mai 2019**

**Submitted by  
Soumis par:**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2019-CCS-OCC-0009**

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject  
to the *Planning Act* 'Explanation Requirements' at the City Council  
Meeting of May 8, 2019**

**OBJET: Résumé des observations orales et écrites du public sur les  
questions assujetties aux exigences d'explication aux termes de la  
*Loi sur l'aménagement du territoire* à la réunion du Conseil le 8 mai  
2019**

## **REPORT RECOMMENDATIONS**

**That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of May 8, 2019 that are subject to the 'Explanation Requirements' being the Planning Act, subsections 17(23.1), 22(6.7), 34(10.10) and 34(18.1), as applicable, as described in this report and attached as Documents 1 and 2.**

## RECOMMANDATIONS DU RAPPORT

**Que le Conseil approuve les résumés des observations orales et écrites du public sur les questions étudiées à la réunion du 8 mai, 2019 du Conseil municipal qui sont assujetties aux exigences d'explication prévues aux paragraphes 17(23.1), 22(6.7), 34(10.10) et 34(18.1) de la *Loi sur l'aménagement du territoire*, selon le cas, et comme les décrit le présent rapport et qui sont joints à titre de documents 1 et 2.**

## BACKGROUND

This report was prepared pursuant to the process approved by City Council on November 9, 2016 to address Bill 73, the *Smart Growth for Our Communities Act, 2015*, which amended the *Planning Act* such that municipalities are required to explain the effect of public input on planning decisions.

Effective July 1, 2016, provisions of Bill 73, the *Smart Growth for Our Communities Act, 2015*, took effect to amend certain Subsections of the *Planning Act* such that municipalities are required explain the effect of public input on planning decisions. Generally, the legislation requires City Council to ensure that a written Notice of its decision is given in the prescribed manner, and that this Notice contain a “brief explanation of the effect, if any, that the written and oral submissions ... had on [Council’s] decision.” Oral submissions include the public delegations that appear at Committee, and written submissions include any that were provided formally to Council between the date a report is published in the Committee agenda and the date of Council’s decision.

In anticipation of the legislation coming into effect, City Council, at its meeting on June 22, 2016, passed Motion No. 34/7 to adopt an interim practice to ensure the City’s compliance with these particular new Bill 73 requirements, with the intent of adopting a new process as part of the Mid-term Governance Review later that year.

On November 9, 2016, City Council considered the report titled, “2014-2018 Mid-term Governance Review” (ACS2016-CCS-GEN-0024), and approved the following revised process to ensure the City’s compliance with these particular new Bill 73 requirements:

1. Staff reports to Planning Committee and Agriculture and Rural Affairs Committee with respect to affected planning matters include the following recommendation:

That Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor’s Office and

submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to Bill 73 ‘Explanation Requirements’ at the City Council Meeting of [Date of Council meeting at which the item is considered],” subject to submissions received between the publication of this report and the time of Council’s decision”;

2. Following Council’s decision with respect to the matter, Clerk’s staff, in consultation with the relevant Committee Chair and Legal shall prepare the report titled, “Summary of Oral and Written Public Submissions for Items Subject to Bill 73 ‘Explanation Requirements’ at the City Council Meeting of [Date of Council meeting at which the item is considered].” This report would include information with respect to all items considered at the Council meeting that were subject to the relevant Bill 73 provisions. For each item included in the report, a ‘Summary of Written and Oral Submissions’ would be attached as a supporting document. Each ‘Summary of Written and Oral Submissions’ would incorporate the information above and other submissions that were received in advance of Council’s decision;
3. The above-noted report would be placed on the Bulk Consent Agenda for the next City Council meeting. As there is a requirement that Notice of decision be circulated within 15 days after a Council decision, and given that the Notice would typically be circulated before the next Council meeting, the Notice would be circulated indicating that the ‘Summary of Written and Oral Submissions’ for the matter was subject to Council approval.

As there is a requirement that Notice of Decision be circulated within 15 days after a Council decision. Given that the Notice is typically circulated before the next Council meeting, the Notice is circulated indicating that the ‘Summary of Written and Oral Submissions’ for the matter is subject to Council approval.

## **DISCUSSION**

This report was prepared pursuant to the above-noted process, and includes information with respect to all items considered at the City Council meeting of May 8, 2019 that were subject to the relevant *Planning Act* provisions.

At its meeting of May 8, 2019, Council considered two items subject to the *Planning Act* ‘Explanation Requirements’ described above. These items are as follows:

### **Planning Committee Report 6:**

1. Zoning By-Law Amendment, 348 and 350 Winona Avenue (ACS2019-PIE-PS-0034)

2. Zoning By-Law Amendment, Part of 3285 Borrisokane Road (ACS2019-PIE-PS-0038)

A Summary of Written and Oral Submissions' for each application is attached as a supporting document to this report. Council on May 8, 2019 considered all written and oral submissions received prior to Council consideration in making its decision on these matters.

### **RURAL IMPLICATIONS**

There are no rural implications associated with the report recommendations to approve the summary of public submissions.

### **CONSULTATION**

The consultation undertaken with respect to the above-noted planning applications is contained within the original staff report considered by Committee and Council.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

The Ward Councillor's comments were contained in the original reports considered by Committee and Council.

### **ADVISORY COMMITTEE(S) COMMENTS**

This section is not applicable to this report.

### **LEGAL IMPLICATIONS**

The legal implications with respect to the planning application described in this report is contained in the original reports considered by Committee and Council.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with the report recommendation.

### **FINANCIAL IMPLICATIONS**

The financial implications with respect to the planning application described in this report are contained in the original reports considered by Committee and Council.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with the report recommendation.

## **TERM OF COUNCIL PRIORITIES**

This report addresses the Governance, Planning and Decision-making Term of Council Priority.

## **SUPPORTING DOCUMENTATION**

Document 1 – Summary of Written and Oral Submissions: Zoning By-Law Amendment, 348 and 350 Winona Avenue (ACS2019-PIE-PS-0034)

Document 2 - Summary of Written and Oral Submissions: Zoning By-Law Amendment, Part of 3285 Borrisokane Road (ACS2019-PIE-PS-0038)

## **DISPOSITION**

This report will be placed on the City Council Agenda for Council's consideration and approval at its meeting of May 22, 2019.