



Town of Niagara-on-the-Lake

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REPORT #: CDS-25-055

COMMITTEE DATE: N/A
DUE IN COUNCIL: 2025-03-25

REPORT TO: Council

SUBJECT: Proclamation for Regional Planning Responsibilities

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council **RECEIVES** and **ENDORSES** the fee schedule for regional planning service, as attached as **Appendix II**, in line with the Planning Service Agreement endorsed by Council on September 26, 2023.

2. EXECUTIVE SUMMARY

- Bill 23 received Royal Assent on November 28, 2022, and made significant changes to the *Planning Act*, with specific impacts concerning removing upper-tier planning responsibilities.
- As a result of this change, the Region organized a new model of planning service delivery that supports the changes to provincial legislation, expected growth needs across the Region, and an improved customer-centered service approach.
- The Planning Service Agreement sets out the terms of service delivery between the Town and Region following the proclamation and removal of upper-tier planning responsibilities.
- Council endorsed the Planning Service Agreement on September 26, 2023 (**Appendix I**) and authorized the Town Chief Administrative Officer (CAO) to sign the Agreement on behalf of the Town upon the date of provincial proclamation for the amendments to the *Planning Act* related to upper-tier municipal planning responsibilities.
- In late 2024, the Province announced the date of proclamation as March 31, 2025.
- The Agreement has been tailored to the needs of Niagara-on-the-Lake, supports providing customer service excellence, and assists in bolstering staff capacity and expertise.
- In line with the Service Agreement, Staff recommend that Council endorse the Region's planning fee schedule to collect fees on their behalf for the service provided.

3. PURPOSE

The purpose of this report is to advise Council with respect to the Planning Service Agreement ("Agreement") between the Town and the Region of Niagara related to shared planning service in light of the upcoming proclamation date and seek endorsement of the fee schedule to implement the Agreement.

4. BACKGROUND

In October 2022, the Province released Bill 23, an omnibus bill which proposed many significant changes to the *Planning Act*. Bill 23 received Royal Assent on November 28th, 2022.

One of the many changes made to the *Planning Act* through Bill 23 is the removal of planning responsibilities for several upper-tier municipalities, including Niagara Region, to take effect on

March 31, 2025. This change will mean that much of the planning and planning-related functions that Niagara Region currently does will be downloaded to the Town. The *Planning Act* change continues allowing upper-tier municipalities to provide advice and assistance to a lower-tier municipality if agreed to by the Council of a lower-tier municipality.

Effective March 31, 2025, the Niagara Official Plan (NOP) becomes an official plan of all twelve local municipalities in the Region, including the Town of Niagara-on-the-Lake. From that date, the Town will be responsible for implementing the NOP in the review and decision on all planning applications. As per the Official Plan review work plan endorsed by Council, it is the intent of the Town to integrate all required NOP policies and mapping into the Town's updated Official Plan, and then sunset the NOP upon the approval of the updated Town Official Plan by the Province.

In response to the Bill 23 changes, Council previously endorsed an Agreement on September 25, 2023, to allow the Region to continue to support the Town in planning related matters, as required or requested. The Agreement is a new model of planning service delivery that supports the changes to provincial legislation, expected growth needs across the Region and an improved customer-centred service approach. The Agreement is attached as **Appendix I**.

In recognition of the changes to planning responsibilities, an Engineering Function and Review MOU ("MOU") was prepared to replace the former Memorandum of Understanding for Planning Function and Services. The MOU was endorsed by Council on January 28, 2025. The new Engineering MOU applies to lands within the Regional Municipality of Niagara, where water and wastewater servicing and transportation networks are operated under a two-tier system. Regional engineering review will be limited to the review of Regional infrastructure and capacities available in said infrastructure. The Town will continue to collect the fees for service and provide them to the Region as this continues to be a permitted function under the *Planning Act*.

5. DISCUSSION / ANALYSIS

Both the Service Agreement and the MOU will assist the Town in efficiently and effectively transitioning planning and associated engineering review services once proclamation takes effect on March 31, 2025.

In order to ensure a seamless transition of service, it is recommended that the Town endorse the Region's fee for service to collect fees on behalf of the Region for the services outlined in the Agreement. The 2025 regional fees are attached as **Appendix II**.

6. STRATEGIC PLAN

The content of this report supports the following Strategic Plan initiatives:

Pillar

4. Optimize Organizational Excellence

Priority

4.1 Streamline & Modernize

Action

4.1 a) Streamline Processes

7. OPTIONS

Not applicable. Council has previously endorsed the Agreement.

8. FINANCIAL IMPLICATIONS

Not applicable. The Town will collect the fees per the Agreement for review of applications and transfer the fee to the Region for the service provided.

9. ENVIRONMENTAL IMPLICATIONS

Not applicable. Environmental planning review is outlined in the Agreement as a service to be provided by the Region.

10. COMMUNICATIONS

Following proclamation, the Town's website will be updated to reflect the Agreement, fee schedules, and information will be communicated to applicants and the public.

11. CONCLUSION

As a result of Bill 23, the Town has worked with the Region to ensure a seamless transition of service and ongoing support as outlined. It is recommended that the Town assume the 2025 Regional fees for service as outlined in the Agreement.

12. PREVIOUS REPORTS

- **CDS-23-204** - Proclamation for Regional Planning Responsibilities the Regional Municipality of Niagara
- **CDS-25-007** – Engineering Function and Review Services in Niagara – Memorandum of Understanding

13. APPENDICES

- **Appendix I** – Planning Service Agreement
- **Appendix II** – 2025 Regional Fees

Respectfully submitted:

Prepared and Recommended by:



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Submitted by:



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