



COMMUNICATION UPDATE

TO:	Mayor and Members City Council
DATE:	October 26, 2023
SUBJECT:	Proposed Amendments to the <i>Niagara Escarpment Planning and Development Act</i> (City Wide)
WARD(S) AFFECTED:	City Wide
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

The purpose of this Communication Update is to provide Council with an update on the proposed amendments to the *Niagara Escarpment Planning and Development Act* as part of the *Less Red Tape, More Common Sense Act, 2023*. (Bill 139)

On October 19, 2023, the Ministry of Natural Resources and Forestry provided notice that amendments are being proposed to the *Niagara Escarpment Planning and Development Act* to improve service delivery, reduce redundancies and administrative burdens, and increase compliance tools, while respecting existing protections.

The proposed amendments can be accessed through the following link (<https://ero.ontario.ca/notice/019-7696>). The Ministry is accepting comments for 46 days, with the comment period closing on December 4, 2023.

Background

The purpose of the *Niagara Escarpment Planning and Development Act* is to provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The *Niagara Escarpment Planning and Development Act* established the Niagara Escarpment Plan and the Niagara Escarpment Commission. The Niagara Escarpment Plan provides a framework to assess development proposals against objectives and policies aimed at the protection and the enjoyment of escarpment and the resources it supports. The Niagara

Escarpment Commission operates at arm's length from the Ministry of Natural Resources and Forestry and oversees implementation of the Niagara Escarpment Plan.

Proposed Changes

As part of the *Less Red Tape, More Common Sense Act, 2023*, the Ministry is proposing amendments to the *Niagara Escarpment Planning and Development Act* to improve service delivery, reduce redundancies and administrative burdens, and increase compliance tools for the Niagara Escarpment Commission. By reducing delays and focusing on more complex applications and protection measures, the Ministry would be creating more efficient processes and saving time for applicants, while ensuring protection for the escarpment is maintained. The Ministry is seeking input on anticipated benefits or costs to Ontario businesses to better help the Ontario Government understand the real costs or cost savings associated with these proposed changes.

The proposed amendments, as outlined in Bill 139, would:

- Remove the requirement to publish notices in newspapers for Niagara Escarpment Plan amendment proposals and associated hearings and instead use modern consultation methods by requiring the publication of these notices on a Government of Ontario website or the Niagara Escarpment Commission website, or as determined by the Hearing Officer;
- Expand the Minister's regulation-making powers to allow broader exemptions for low-risk activities where standard conditions would provide appropriate mitigation in regulation. Examples of low-risk activities could include maintenance or repairs of existing structures where minimum setbacks from sensitive features are maintained, some routine activities carried out by conservation organizations, such as constructing footbridges on existing trails, and establishing size limits for accessory buildings; and,
- Broaden the range of compliance tools and powers to provide Niagara Escarpment Commission staff greater abilities to inspect and address non-compliant development activities, including:
 - Enabling a Niagara Escarpment Commission officer to access lands affected by the Niagara Escarpment Planning and Niagara Escarpment Planning and Development Act for inspection and compliance purposes;
 - Enabling collection of information required to conduct an inspection; and,
 - Facilitating efficient exchange of information between Niagara Escarpment Commission staff and other types of enforcement personnel (such as other provincial Ministry enforcement officers) when necessary.

Impact Analysis

If passed, and as noted by the Province, the proposed amendments could enable the streamlining of processes and lead to cost savings through efficiencies and the removal of requirements to post notices in newspapers. The proposed changes however may result in a narrower outreach to members of the public that may have an interest in Niagara Escarpment Plan amendment proposals and associated hearings.

Next Steps

Planning staff are in discussions with Niagara Escarpment Commission staff to better understand the method of engagement to be used for Niagara Escarpment Plan amendment proposals and associated hearings taking into consideration the proposed amendments to the *Niagara Escarpment Planning and Development Act*.

If you require any further information on the above matter, please contact Anita Fabac, Acting Director of Planning and Chief Planner by email at Anita.Fabac@hamilton.ca or at (905) 546-2424 Ext. 1258, or, Rino Dal Bello, Acting Director of Development Planning by e-mail at Rino.DalBello@hamilton.ca or at (905) 546-2424 Ext. 1024.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable.