



# It's the way we see it – planning administration & legislation - Part 1

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(Part 2 of this two part series will appear in the next issue of the Leader)

The Manitoba Municipal Administrators Association (MMAA) recently set up a committee to review Planning Administration and Legislation issues and establish a position paper. The following contains excerpts from that document:

In reviewing and updating Planning Law, a key consideration from the perspective of the MMAA is to create a true balance – balance between the provincial role and local autonomy. Balance, as well, between the protection of resources, land and space, and streamlining of the system to ensure it is efficient, effective and responsive to planning and development needs.

The MMAA feels that the current process and legislation have a number of areas that present real opportunities for improvement.

## 1. Provincial Government Role

### *i) Ministerial Approval*

The MMAA proposes that a more responsive system involving the use of departmental staff, targeted department input and established time limits be developed.

Currently, the MMAA believes that ministerial approval is required in a number of circumstances where the appropriate expertise and information is available in support positions. The Association acknowledges the potential need for the Department of Intergovernmental Affairs to be involved on those occasions currently requiring ministerial approval, however we question the need for direct ministerial approval in a number of these cases.

The MMAA proposes that changes to the legislation be made that would institute alternatives to direct ministerial approval while maintaining the provincial government interest, reducing time lines, increasing efficiency and reducing frustration levels experienced with the current process.

Our recommendations for specific components of such change are as follows:

- ***Replace direct ministerial approval with a departmentally driven system that directs the responsibility for approval to the appropriate administrative level whether that be an Assistant Deputy Minister, a Director, a Manager, etc. or, when absolutely necessary, back to the Minister themselves.***
- ***Base an improved system on a ministerial appeal process rather than a ministerial approval process. Departmental and/or ministerial approval would then result in no action being required while disapproval or concerns would result in an appeal as outlined below***

If local autonomy is truly desired by the province then each authority should have the right to create local policy. The Department should continue to be notified, review and comment, if it chooses, on the policies being put in place. However, rather than issue approval for each one, the Department should have the ability to appeal to the Municipal Board, those policies that the Province finds unacceptable. Such a process would be more efficient, continue to provide the province with influence regarding land use policies and promote local autonomy.

- ***Create a time line and limit for the ministerial or departmental approval process***

The MMAA is committed to a system that brings closure to the process in a more timely fashion.

## ii) Government Review Process

The current system of circulation to individual departments ensures input from all facets of government. The concern with the process is that responses can be delayed, and, in some cases, recommendations from various departments may be contrary to one another.

The MMAA proposes that the provincial government create a more integrated approach to the review process.

- ***One alternative would be the creation of review committees similar to a ILO Review Committee that would bring together representatives from a variety of departments and disciplines to provide feedback on items such as development plan applications, subdivision applications, etc.***

The use of a multi-discipline committee would ensure a more coordinated response to applications and would, in our opinion, substantially reduce the time required for response to them.

## iii) Increased Efficiency

The MMAA recognizes a number of initiatives that would improve efficiency through the creation of a more user and development friendly system. Given the need for some improvements, the MMAA also believes some current practices reflect the best overall choice.

The MMAA would support such practices or new initiatives as those listed below but would not limit its' support to these alone:

- ***An integrated approach to the hearing process to ensure that hearings on the same subject such as zoning, development plans, variances, etc. can be held at the same time. This would allow for better use of resources and a more comprehensive review of the impact of a proposed development.***
- ***Standardization of notice periods, which would make the process easier to administer, reduce the opportunity for error and increase fairness in the process toward the general public. There may***

***have to be recognition of the differing levels of potential impact depending on the issue and thus the need to consider categorization of notice periods, but within a category all notice periods should be the same.***

- ***Maintenance of the current system for the notification of the general public.***

The MMAA encouraged all stakeholders to carefully consider these recommendations; reminding them that this comes from, perhaps, the one group most closely involved in the establishment and administration of municipal plans. ●