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DEBATES and PROCEEDINGS

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Bill No. 90 - *The Planning and Development Amendment Act, 2013*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. I appreciate the opportunity to enter into this debate, and it's a relatively new one. The minister in fact just spoke a few days ago in terms of the — in fact just yesterday — in terms of his second reading speech.

And so clearly we just got this package before us and we're studying this as best we can. We do have some preliminary concerns and I do want to make some comments as we go through because I think, as we see, this province is growing and we're actually seeing many of these bills. Actually it was interesting, Mr. Deputy Speaker, because last night I was saying this is like déjà vu all over again because many of the concerns we see in *The Municipal Board Act* that we had before us and a couple of other ones that deal with the issues of municipalities and whether . . . and urban municipalities working together. We were talking about boundaries and annexation, that type of process, and powers of the Municipal Board.

So clearly this is an issue that this government is wrestling with and yet here is one more, one more piece of the puzzle that the minister has brought forward. So as a package, and I think we're going to have to take a look at these as a suite of, or tools in a tool kit that they have for dealing with the issues that are coming from the situation of, that are facing many municipalities around what happens when growth is happening at such a rate that it's forcing pressures on these municipalities to either annex or change the boundaries or develop other areas. And today the minister, or yesterday the minister asked us to consider Bill No. 90, *The Planning and Development Amendment Act*, that really talks at length about the idea of regional planning authorities. And so I'll go through and talk about some of these concerns. And I'll review his speech, and I think that it's a fairly lengthy one and there's many points that he's trying to raise, but there's many concerns that we do have in it.

He talks about the provincial growth plan, speaks of the need for municipalities to work

together and overcome the challenges of growth — and clearly that’s something that we can all get behind — and how the municipal sector has a key role in playing that, in the sustainable growth, and that’s very important, especially when it comes to providing services and infrastructure for commercial, industrial, residential development, that’s for sure. But what happens when things happen in high growth areas? What happens if they go off the rails a bit and where you’re expecting people to co-operate a little more and things aren’t working out the way that they kind of thought they would? And he talks about that. He says, and I quote, “In most cases, Mr. Speaker, local councils find ways to co-operate with their neighbours and solve the issues and problems they encounter in a collaborative . . . [way].”

And he goes, sometimes it does not occur, “. . . and we see this most often in high-growth areas and in particular around our cities where the challenges of economic growth are felt most acutely.” And I guess we can understand that because the pressures are greater. If it’s a slow-growth area and things aren’t moving very quickly, you have time to work out those issues. So you have the time pressure and the pressure of people knocking on your door and demanding action, and we need to do something about that.

So he talks about the “intent of Bill 90 is to facilitate planning for growth and to overcome [these] difficulties . . .” And it will introduce:

. . . amendments to *The Planning and Development Act, 2007* that will enable the province to respond when required in instances where relations between municipalities have deteriorated to the point that growth and planning . . . is being seriously compromised.

So you have that circumstance. And actually, as I said, that it seems to me that we’ve dealt with two or three bills that speak specifically to this issue of when that co-operation is not there. He does go on to say that in fact many times it is there, and he says, and I quote:

I don’t want to give you the impression that the situation with respect to intermunicipal co-operation is dire. In fact there are great examples of voluntary regional planning all around Saskatchewan: 158 municipalities, both urban and rural, participating in 22 groups . . . [and that they’ve] received funding through the planning for growth program ...

So they can work together. And that’s exactly what they want to do, but sometimes they don’t and that’s where we really have a problem. That’s where things go off the tracks and something has to happen.

You know, Mr. Deputy Speaker, as I was reading through this and I thought, so in the other speeches that the minister has given, it’s been very clear that there has been a high level of consultation. And I’m not sure in this case there has been, with Bill 90. And if I’m wrong, that’ll be a question that we’ll definitely ask in committee: who did you consult with, and what were the outcomes of that?

Most ministers in most speeches . . . In fact it's a bit of a checklist: where have you consulted, and if you have, be sure to highlight it. Now we always have questions about that because we think it's important to consult. Have you talked to anybody about the bill? And in this case, the minister does not talk about that so we can assume that he hasn't talked to anybody because this government, if they have talked to anybody, you bet we hear about it. Because they will tell us they've done a full consultation, they've spent a lot of energy and resources. Even if they've talked to one person, they will say it's been a full consultative process, the best that they could possibly do.

So I can assume that they didn't talk to anybody. They didn't talk to anybody about this. Maybe they have. I just find it passing strange that they have not mentioned that. They've not mentioned that they've talked to SUMA [Saskatchewan Urban Municipalities Association] or they've talked to SARM [Saskatchewan Association of Rural Municipalities]. It'd be very curious to know the position of SARM on this and very curious to know the position of SUMA on this. And I'll explain why later because I think that we have some questions for sure.

We understand the difficult spot that when co-operation at the table disappears, what do you do? But I think what you've got to do is make sure you have everybody agreeing, everybody agreeing on a process of how we go forward. If this is one side or one part of the partnership saying this is how we're going to go forward, I've got some deep concerns here. I've got some real deep concerns. And so I find it passing strange that there has been no mention of consultation in the minister's speech, and that will be a question.

So this is what he talks about, the plan of how we go forward in terms of amending *The Planning and Development Act, 2007* and really, effectively how do you have a regional planning authority? He talks about what regional planning authorities have the authority to do. They can establish procedures for the conduct of its business and administration, the appointment of any consultants or employees, technical advisory committees, but they must follow the provisions of *The Planning and Development Act*. And most importantly a regional planning authority is responsible for a regional plan for the municipalities involved.

And I think that would only make sense that if the title of your working group is regional planning authority, you should be expected to come up with a regional plan. What else are you expected to do? I think that well I stated the obvious, that we want to make sure the regional plan is effective. And we'll talk a bit about that when I review the plan or the actual legislation and the explanatory notes.

So he talks about some of the key differences between Bill 90 and the existing legislation. One of the differences he says is that once the regional plan is approved, all municipalities included in the regional plan will be required to confirm its local official community plan and zoning bylaw are in compliance with the regional plan and that they will be responsible for adjusting their official community plans and zoning bylaws to be consistent with the regional plan as necessary.

So this is really important because the minister will have the ability then to effectively determine that there will be a regional planning authority. So this is really critical, Mr. Speaker, and I want to make sure I quote him directly. He says:

We're looking to municipalities to establish a coordinated approach to development.

And, Mr. Speaker, in the few cases where it may be necessary, we're prepared to act to ensure the success of the plan . . . by providing direction to cities and surrounding . . . municipalities to work together and build capacity for supporting business investment in their region.

So that they then, Mr. Speaker, effectively are saying that they are going to . . . The minister will enforce and determine that there will be a regional planning authority and that all things flow from that. And so I think that's pretty significant, Mr. Deputy Speaker. Essentially he's calling for the abilities to . . . for the regional plan and that the affected municipalities and cities must follow that. And they've had no consultation that we know of to this effect. And it sounds like it's a last measure, but we have some concerns about how this may play out.

So we have concerns. And I just want to review his speech to make sure that we have everything that's important. One of the other concerns or the significant parts that he talks about, Mr. Deputy Speaker, is the budget. The current budget establishes a regional planning authority program that provides \$250,000 in new funding to support the creation of regional planning authorities. Now they may think that's a lot of money, and that may be in this world of supporting authorities, but I'm not sure it is. You can spend \$250,000 very quickly when you're talking about technical advisers, talking about consultants, that type of thing. It can go pretty darn quick.

What is interesting is that, "Matching funds from the municipalities will be required, and it will be up to the municipalities involved to determine how the costs will be distributed." And so if they're planning to get some of the \$250,000 . . . Well this is interesting. From the way it looks is if the minister decides that they're going to set up the planning authority, regional planning authority X, and they're going to spend 100,000 on it, and it's going to involve five municipalities — A, B, C, D, E — each of them are required to match, the five of them will be required to match the 100,000. So it might cost them \$20,000 each. I'm not sure.

But that's an interesting thing when the minister himself has decided that there will be a regional planning authority, and he's only going to pay for half of it. I think that's . . . I don't know how well that's going to sit. I'm not sure how well that's going to sit when it's enforced. So we have some real concerns about it.

But I do want to take a minute and review some of the parts of the bill. And of course this is An Act to amend *The Planning and Development Act*. And you know one of the things that we're missing so much in the new legislation is often there would be a subtitle or a short title that would give some sort of hint about what the bill is all about. And in this

case it doesn't say that at all. It doesn't give any sort of clue about why is this bill necessary. What's it about, you know? To aid in planning in high-growth areas in our province, to help . . . I think it's something that they should have been thinking about.

One of the good things I do want to say about this bill, but I'm not sure because as we go later on we'll see that it doesn't necessarily carry out, but the new section 8. And I'm not sure the differences between this and the old one, so it might be pretty much the same. I'm not sure. But I'll read it because I think it's important: "Consistency with land use policies and statements of provincial interest." I always look for this, Mr. Deputy Speaker. I think it's critical that when we talk about planning and land use policies that we talk about provincial issue interests.

8 Every district plan, official community plan, regional plan, subdivision bylaw or zoning bylaw adopted or amended pursuant to this Act must be consistent with the provincial land use policies and statements of provincial interest mentioned in section 7".

So, Mr. Deputy Speaker, this is key. I think there are, and I don't have them in front of me, I think there's either 10 or 14, 10 to 14 provincial interests. And they range from water use. They range for environmental standards. They talk about Aboriginal concerns. They talk about cultural concerns — all of those things that we think are important criteria when we come to having good, solid, sustainable land use plans and community plans.

So I'm glad to see that they've got this included, but I will say later on, Mr. Deputy Speaker, that I noticed that it's not brought up again. This is the one place where it's brought up. So whether they feel that's all they need to do — and maybe that's all they need to do—but I am concerned that...I would like to see more attention to this particular thing. So it's a concern.

I want to also talk about the "**New Division 4 of Part VI**" and power to establish regional planning authorities. And the subsection is 119.1(1):

If the minister considers it to be appropriate to do so, or at the request of a municipality or municipalities to be included in a proposed regional planning area, the minister may, . . . order, establish a regional planning authority as a body corporate for a regional planning area that is specified in the order.

So there you go. I'm always amazed, Mr. Deputy Speaker, how short a phrase can be: "If the minister considers it to be appropriate to do so . . ." There's no other language about why the minister might think something is appropriate to do a certain action. It just says, "If the minister considers it to be appropriate to do so . . ." he may create this regional planning area. I'm saying he because the current minister is a gentleman, and just to keep the gender issue fair. But I do want to flag that. I would think you should have more, more detail on what it means in terms of the language appropriate.

Last night we talked about the issue of the secretary being the gatekeeper — when that

person felt that a form was filled out sufficiently, then they would let it go to the next step. In this case, all the minister has to do is consider it appropriate to do so. Then there you go. You are off to the races, and you have a regional planning authority, and you just hope the minister hasn't attached a price tag to it because you may also be paying. The only good news is in that case, they don't have very much money set aside, so it won't cost you very much money.

But at any rate, this to me seems to be a very thin clause, and I would have liked to have seen more reasons why. And it might have been: if the following circumstances exist then the minister may consider it to be appropriate to do so. But there is absolutely no sort of comeback to this. It's totally up to the minister's discretion. So we have some concern about that.

And then this is what's interesting too:

“Power to direct funding

119.2(1) Subject to any order or directives of Treasury Board, the minister may:

- (a) determine the amount of funding for the regional planning authority to be provided by the Government of Saskatchewan in any fiscal year of the Government of Saskatchewan; and

It continues on. And then this (2) is that “The included municipalities in a regional planning area shall provide any funding required by the regional planning authority in addition to the funding mentioned in clause (1)(a) . . .”

So the minister then, as well as not only providing the funding say, shall direct the local municipalities to support that action. And I just worry about that. That seems to be . . . Not only are you being told to participate, but you're told to pay to participate. And I think that again I'm not sure if there was consultation on that and people would say that's a reasonable thing to do. You know, as I've said, I've not read in the minister's remarks there was any consultation about this. And I think that would be a question.

I'd talk about the composition of a regional planning authority. It talks about how the minister may, by order, appoint the following persons. And you know, I found this interesting, that one member from each of the included municipalities, one or more from the Government of Saskatchewan, and any other person the minister is satisfied to have an interest or expertise pertaining to community planning. So I think that's an interesting aspect that that's not set out; that's not solid.

And I also think that, you know, there is a section in here about other duties of a regional planning authority, and:

If an appeal from a decision of a municipality is normally heard by a Development Appeals Board and if that decision has been made by a regional planning authority, an appeal . . . must be made instead to the Saskatchewan

Municipal Board.

Which we had talked about last night, how they are reinvigorating the Municipal Board to do more of this stuff. But some of the other appeal processes aren't going to the Municipal Board, so we want to know more about the Municipal Board. And that will be part . . . As we say, there seems to be a real set of tools, legislative tools that are coming forward here, and this is like the third or fourth or fifth one. I don't have a list in front of me, but there's a lot of municipal bills before us this year.

So we have some real, real concerns about this. I want to say, as I said earlier, I was happy to see that there was some reference to the provincial statement of interest because it talks about some of the very key things that we do in this province and how we think our communities should be planned and how our land should be used.

But when we talk about the regional plan and section 8, "A regional plan may contain statements of policy with respect to ..." a whole set of other items. And it talks about the coordination of approaches for stewardship of environmentally sensitive land. It may talk about that. It may talk about matters dealing with significant transportation and municipal infrastructure within the regional planning area. But it doesn't talk about provincial interests. And I just want to make sure that there should be really a checklist, a checklist that if the provincial statement of interests apply, then they should be addressed in here. So I'm worried about that, and we will have questions about that as well. Yes.

And this is where a dispute resolution, when it talks about that, and it doesn't mention in that section the Municipal Board, which I think might be a place. And it would be interesting to hear why isn't the SMB [Saskatchewan Municipal Board] involved in the dispute resolution aspect of it because it seemed that we're expanding some of the duties of it in other bills, that maybe that would be an appropriate area to go.

So I want to also take a look at explanatory notes because there were parts in there that I found very interesting that when I flip back to this, that really I guess, you know, not only are they . . . Mr. Deputy Speaker, I find this an interesting bill. We just have to have . . . When we get into committee, this is going to be a very interesting one because I've just got to know if any of the SUMA or SARM folks, how they feel about this process.

And I do understand that in many ways it's a last step because you're talking about groups that aren't co-operating together. It's not for the everyday situation, but it is interesting how they've set that out. So not only does the minister get to decide whether there's going to be a regional planning authority, and the only criteria is he figures if that person the minister figures is appropriate, that's all the criteria it's appropriate to do. And then he also gets to decide how much money is going to be spent by the authority. Then he also gets to decide how many people are going to be on the board. And then it also gives the minister, once they've set up the board . . . And the board, sounds like if it's dysfunctional, the minister has the authority to adopt the regional plan on behalf of an included municipality if that municipality fails to adopt that regional plan.

So this is laying out quite a line of actions for the minister. And I'm not sure if this is

similar to other times in our history where the minister of Municipal Affairs has had to be so draconian, may be the word, so extreme in the behaviour of saying, this is how you will behave. I am interested to see how this plays out in reality. And you know, we have only so many cities, and we have only so many RMs, so I mean I think that this is going to be an interesting process to see how this will play out.

So, Mr. Deputy Speaker, as I said we just got the second reading speeches yesterday. We will talk a lot about this. We'll take a lot of time to examine this. And we'll talk to a few people and say, so what do you think? Is this the best way to go forward? Clearly the government has put forward several bills along this line, and so we do have some concerns that we've identified. We do understand the challenges of growth in Saskatchewan, but we've got to do it in a way that people feel that they've been heard, they've been valued, you know. And it's not growth at any cost, not growth at any cost, but that we can have smart growth.

And I think my colleague from Athabasca spoke about smart growth. And I know he talks about that an awful lot when we talk about these kind of bills. But it's not about drastic growth or growth at any cost. I don't think anybody wants to see that. And so when we see this kind of legislation before us, I think we have a lot of questions about what does this really, what does this really mean? And clearly, you know, when we have disputes or circumstances where people are not co-operating, I think you need to look at deeper reasons. Why is that? And if you just put a Band Aid over it, it will bubble up and it will percolate up somewhere else. And so we do have some concerns about this, Mr. Deputy Speaker.

So with that I know — I am very confident actually — that many of my colleagues will want to speak to this bill at length. So at this point, Mr. Deputy Speaker, I move that we adjourn second reading on Bill No. 90, *An Act to amend The Planning and Development Act, 2007*. Thank you.