
Subject: Update on Local Official Plan Reviews and Proclamation Transition

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 5, 2025

Recommendations

1. That Report PDS 5-2025 **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to update Council on legislative changes related to the transition of the Niagara Official Plan (NOP) and the impact on local official plans (OPs).
- Niagara Region will become an “Upper-Tier Municipality without Planning Responsibility” effective March 31, 2025, and the NOP will be deemed to constitute an official plan of Niagara’s area municipalities.
- The area municipalities will be responsible for administering both the NOP and their local OPs. The Minister of Municipal Affairs and Housing has recommended that the area municipalities consider incorporating any relevant/applicable NOP policies and mapping into the local official plan and revoking the NOP.
- The area municipalities are updating their OPs to reflect the relevant policy from the Niagara Official Plan, 2022 (NOP) and be consistent with the new Provincial Planning Statement, 2024 (PPS).
- To date, Niagara-on-the-Lake is the only municipality to submit their Official Plan to the Region for approval. The Region has been working collaboratively with Town staff to update the Official Plan for consistency and conformity and will be sending it back to the Town for additional consultation.
- After March 31, 2025, the Ministry of Municipal Affairs and Housing will replace Niagara Region Council as the approval authority for new official plans and some types of official plan amendments.

Financial Considerations

There are no financial considerations associated with this report.

Analysis

The Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing (MMAH) with modifications on November 4, 2022, and subsequently through the *Official Plan Adjustments Act, 2023* on December 6, 2023, with amended modifications. Additionally, the Province approved a new Provincial Planning Statement (PPS) that came into effect October 20, 2024. Section 26 of the *Planning Act* requires local municipalities to revise local OPs to ensure that it conforms with provincial plans, has regard for matters of provincial interest, and is consistent with the PPS. The *Planning Act* requires comprehensive (i.e. a new official plan) updates every 10 years, and five year reviews relative to provincial plan conformity (i.e. an OPA to conform with a provincial plan or policies).

On December 12, 2024, the Lieutenant Governor of Ontario proclaimed that Niagara Region will become an “Upper Tier Municipality without Planning Responsibilities” effective March 31, 2025. As outlined in Section 70.13 of the *Planning Act*, transition provisions provide that the NOP will be “deemed to constitute an official plan of the lower-tier municipality” and “remain in effect until the lower-tier municipality revokes it or amends it to provide otherwise.” Until such a time as the area municipalities revoke or amend NOP, they will be responsible for administering both the regional official plan and their local official plan.

Following proclamation, the Province will replace Niagara Region Council as the approval authority. As outlined in CWCD 2024-202, the Province recently amended Ontario Regulation 525/97 to exempt most official plan amendments (OPAs) from Provincial approval, save and except for new official plans (OP), OPAs adopted under Section 26 of the *Planning Act* (i.e., consistency and conformity amendments), and OPAs related to protected major transition station areas.

Regional staff have been working closely with area planning staff on the review of background studies and draft policies relative to their work to update their local OPs. Prior to the Region becoming an “Upper-Tier Municipality without Planning Responsibility,” area municipalities would adopt their updated official plan and then circulate to the Region for final review and approval by Regional Council. After March 31, the Ministry of Municipal Affairs and Housing (MMAH) will replace Niagara Region Council as the approval authority for these matters, and the local municipality will be

required to submit local OPs and some OPAs to MMAH for review and approval. The Region will continue to be circulated and provide comments on local OP review and updates as well as OPAs from a Regional interest perspective.

The Minister informed the Regional Chair by letter dated December 23, 2024 (Appendix 1), that the Niagara Official Plan (NOP) will be deemed to be part of the local official plan as of this date, per the *Planning Act*. As part of the ongoing local official plan work, local municipalities were encouraged by the Minister in the December 23, 2024, letter to consider incorporating any relevant/applicable NOP policies and mapping into the local official plan and revoking the NOP policies. The Minister notes that a single comprehensive policy document would streamline downstream (i.e. Provincial) planning review processes.

Status of local official plan review and updates vary. Due to the changing legislative framework, some municipalities have not yet initiated their official plan review, anticipating a new provincial policy statement and pending proclamation. Others have begun the review and are updating the drafts to ensure conformity with the new PPS and their role assuming the implementation of the NOP. Only one municipality, the Town of Niagara-on-the-Lake (NOTL), formally sent their OP to the Region for review and approval following adoption by Town Council.

Since the Town of NOTL submitted their OP to the Region in January 2020 prior to the approval of the NOP, Regional staff have been working closely with Town staff to address conformity issues as outlined in PDS 11-2020 and incorporate the updated NOP and new PPS policy direction. Given the extent of the changes, additional consultation must be conducted on the “current proposed plan” as per Section 17(15) of the *Planning Act*. Therefore, Town staff asked that the draft OP be returned to them for additional consultation.

In accordance with Section 17(7) of the *Planning Act*, the Region will need to forward any Official Plans or Official Plan Amendments that have been sent to the Region for approval to MMAH, if a decision has not been made by Regional Council by March 31, 2025, as the Region transitions to being an “Upper-Tier Municipality without Planning Responsibility”.

This report will be circulated to the area municipalities.

Alternatives Reviewed

There are no alternatives. The transition provisions relative to proclamation are legislated by the *Planning Act*.

Relationship to Council Strategic Priorities

This report provides an update on how planning matters will transition when the Region no longer is the approval authority for planning matters. This supports Council Strategic Priority for an Effective Region through revised service delivery and the delivery of fiscally responsible and sustainable core services, as well as Equitable Region through the support of growth and development following Bill 23.

Other Pertinent Reports

- [PDS 11-2020](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8536) – Background of Town of Niagara-on-the-Lake New Adopted Official Plan (<https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8536>)
- [CWCD 2024-190](https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-nov-08-2024.pdf) - Correspondence from the Minister of Municipal Affairs Ontario Regulation 525/97 and Upper-Tier Planning Authority (<https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-nov-08-2024.pdf>)
- [CWCD 2024-202](https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-dec-06-2024.pdf) - Staff Comments on Proposal regarding Upper-Tier Planning Authority (<https://www.niagararegion.ca/council/Council%20Documents/2024/council-correspondence-dec-06-2024.pdf>)

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Appendix

Appendix 1 Letter from Minister of Municipal Affairs and Housing dated December 23, 2024