

[Posted to the GA List, FCA and CAFES on September 30, 2018]

Back in late 2016 City Council adopted OPA 173 (about urbanization of Kanata North -- "[Area 1](#)" in [OPA 76](#) parlance). This was the first instance of the City attempting to comply with [Bill 73](#) which requires Council to report on the public input it received and on what the effect had been of that public input on its decision. When the Greenspace Alliance appealed OPA 173, one of its grounds was that the City's compliance with Bill 73 was inadequate. That part of the appeal was settled with a promise that the City would consult with the Alliance and other interested stakeholders before the next Governance Report is brought forward; it is due this November or December and will then be put to the newly elected Council in January. (The Governance Report sets out the "rules" for the new term of Council.)

That promise was met on September 27 at a 1 1/2-hour meeting attended by Paul Johanis for the GA and Bob Brocklebank, Roland Dorsay and Erwin Dreessen for the Governance Committee of the FCA. The City was represented by Tim Marc, Bruce Finlay, Charmaine Forgie and the Coordinators of Council and Planning and Agricultural & Rural Affairs Committees.

We started out by establishing that a common interest is that there be effective consultation, and that citizens must feel that they have been heard and their input has been meaningful. The question then is whether the current process as set out in the mid-term Governance Report of November 2016 is meeting that objective.

Charmaine, noting that improving public consultations on planning matters is one of this Council term's Strategic Initiatives, enumerated a long list of "small steps" the Planning Department has undertaken, admitting that there is a long way to go yet. Improvements include: standardized comment sheets, obligatory "What We Heard" reports, 3rd party moderators for contentious public meetings in the community, small improvements to the DepApps site, community association attendance at pre-consultation meetings, an improved Planning Department section of the City's web site, and regular meetings with the FCA Governance Committee. The calendar function on the City's web site in particular, she agreed, needs further improvement. Erwin commended Charmaine for the recently initiated [Newsletter](#) about public consultation opportunities.

Commenting on the 85-word recommendation that is now a feature of every staff report on matters pertaining to decisions under the Planning Act, Erwin wondered what its utility is. Tim responded that it authorizes the Clerk's Office to produce a "Summary of Written and Oral Submissions" at the end of the process (approved at a later Council meeting under its Bulk Consent Agenda).

We noted that in these Summary reports, under the headings "Effect of Submissions on Planning Committee Decision" and "Effect of Submissions on Council Decision" we had found no instances where such effects were recorded, the typical wording being "*Council considered all written and oral submissions in making its decision and carried the item as presented.*" Bill 73, in contrast, requires "*a brief explanation of the effect, if any, that the written and oral submissions ... had on the decision.*"

As a counterexample, Erwin cited a Ministry (MNRF) decision on granting KNL an "overall benefit permit" to kill endangered species, posted on the EBR web site. The proposal had generated 422 comments. The [posting](#) was not shy to state: "*Effect(s) of Consultation on this Decision: Comments were considered, however no changes were made to the permit proposal as a result of the comments received in response to the Environmental Registry notice.*"

The night before the meeting, Tim had sent us some examples of recent Summary reports. In one, a Zoning By-law Amendment for 3443 Innis Road (ACS2018-PIE-PS-0083), Committee had amended staff's recommendation by adding a Holding provision and removing Delegated Authority for site plan approval. None of the many comments received (and adequately reflected) had actually asked for these specific changes but Tim asserted that nonetheless they were made as a result of the public input.

Yet in the "Effects" part of the Summary that link was not evident. It led Paul to note that by failing to make that link explicit the City is short-changing both itself and the community. The current practice focuses on the ultimate outcome instead of on the inputs. Throughout the development review process (comments to staff, open houses, etc.) changes may be made as a result of public input -- fewer by the time it reaches Committee and even less often at Council. The history of these changes, he said, should be reflected in the Summary. The corollary to this is that many more planning proposals should be subject to a public meeting prior to the Planning Committee meeting.

Charmaine seemed receptive to Paul's suggestion. She observed that, ideally, an applicant for development approval would be the one initiating a public consultation while City staff's role would only be one of moderator.

Bob suggested that not acknowledging that link feeds cynicism among the citizenry. Roland emphasized that citizens want to know whether their submissions had an effect. Erwin stated that, if the public input did not change the decision, then that should be acknowledged.

In conclusion, staff indicated that a less legalistic, plain-language approach would be considered and acknowledged that more explicitly setting out the reasons why public input did or did not have an impact on Council decisions would be a positive step in demonstrating when public consultation is meaningful and that the public has been heard.

In closing, Erwin commended the Coordinators for their consistently excellent summaries of submissions received -- in the tradition of the erstwhile Synopsis Minutes which unfortunately were abolished in 2011.

Hope springs eternal.

Erwin