

REPORT

Legislative Services

To: Mayor Johnstone and Members of Council **Date:** June 24, 2024

From: Hanieh Berg, Corporate Officer **File:** 05.1035.10

Item #: 2024-370

Subject: Public Hearing Prohibited for Residential Development Applications

RECOMMENDATION

THAT Council Procedure Bylaw No. 6910, 2004, Amendment Bylaw No. 8467, 2024, which prohibits delegations on land use applications for which a public hearing is prohibited, be given First, Second and Third readings.

PURPOSE

To seek Council approval to amend the Council Procedure bylaw to mitigate the potential risk of being inconsistent with the *Local Government Act*.

BACKGROUND

[Bill 44](#) received Royal Assent on November 30, 2023, in which the *Local Government Act* was amended to prohibit local governments from holding public hearings for rezoning applications that are all or predominantly (greater than 50%) residential, where the proposed rezoning is consistent with the local government's official community plan.

DISCUSSION

Since the implementation of Bill 44, the Planning and Development Department and Legislative Services Department have been in the process of aligning the City's bylaws, communications, and procedures with the changes.

In accordance with [Section 467](#) of the *Local Government Act*, when the City is prohibited from holding a public hearing, it must publish a statutory notice prior to first reading of a

bylaw. The City’s Public Notice Bylaw No. 8417 stipulates that the City will publish such notices in: (i) public notice posting places (the bulletin board at City Hall and the City’s primary website); (ii) Citypage Online; and (iii) information boards at the New Westminster Public Library branches. In addition to the posted statutory notice, postcards containing the same information as the statutory notice are mailed to every household within a 100-metre radius of the subject site.

New Westminster City Council has a history of allowing people to appear and share their views directly with Council members while they are sitting in a decision making capacity during the *Opportunity for the Public to Speak to Council* held at 7:00 p.m. during each Regular Council meeting. With the recent change in legislation by the Province, staff have considered whether to permit such delegations before Council related to a land use bylaw for which a public hearing is prohibited, noting that there is a risk that this opportunity may be regarded as a de facto public hearing.

As such, it is recommended that the Council Procedure Bylaw be amended to mitigate this possibility. For clarity, delegations before Council would not be permitted once the statutory notice is published 10 days prior to Council consideration of first reading of a bylaw for which public hearing is prohibited.

It is important to note that members of the public may continue to submit written comments to Council through the Legislative Services Department by email or by letter for land use bylaws for which a public hearing is prohibited. Also, the public may continue to engage directly with Council on other matters at Regular Council meetings and at any Public Hearing that may be held, such as for an Official Community Plan amendment or Heritage Revitalization Agreement.

NEXT STEPS

Prior to the adoption of a Council Procedure bylaw or amendment, the City is required to provide notice to the public by way of publication. Should Council give Council Procedure Bylaw No. 6910, 2004, Amendment Bylaw No. 8467 three readings at its June 24th Regular meeting, it is anticipated that the statutory notice would proceed in accordance with Public Notice Bylaw No. 8417 and bylaw adoption could be considered at the July 8th Regular Council meeting.

FINANCIAL IMPLICATIONS

There are no financial implications to the proposed change to the Council Procedure bylaw.

OPTIONS

The following options are provided for Council’s consideration:

- 1. THAT Council Procedure Bylaw No. 6910, 2004, Amendment Bylaw No. 8467, 2024, which prohibits delegations on land use applications for which a public hearing is prohibited, be given First, Second and Third readings.
- 2. THAT Council provide staff with alternative direction.

Option 1 is recommended.

CONCLUSION

As a result of changes made to the *Local Government Act* by the Province, public hearings are prohibited on certain land use bylaws and therefore, it is recommended that the Council Procedure bylaw be amended to not permit public delegations for bylaws for which a public hearing is prohibited.

ATTACHMENTS

Attachment 1 – Council Procedure Bylaw No. 6910, 2004, Amendment Bylaw No. 8467, 2024

APPROVALS

This report was prepared by:
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This report was reviewed by:
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This report was approved by:
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