TERMS OF REFERENCE

COMMISSIONER OF PUBLIC HEARINGS

URBAN AND RURAL PLANNING ACT 2000

Planning, Engineering and Development Department
City of Mount Pearl

April 2026

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COMMISSIONER – PUBLIC HEARING
URBAN AND RURAL PLANNING ACT, 2000

Pursuant to Section 19 of the Urban and Rural Planning Act 2000, the City Council of Mount Pearl is required to appoint a Commissioner to hold a public hearing as part of the process for amendments to the Mount Pearl Municipal Plan. Sections 18-23 of the Urban and Rural Planning Act relating to the Commissioner and public hearings are attached.

According to the Act, the Commissioner shall:

1. hold a public hearing and shall report on that hearing to the City Council; and,
2. meet for the hearing in such places and at such times as required to give effect to the provisions of the Act.

The Commissioner has, for the purpose of a public hearing, the same powers as a Commissioner under the *Public Inquiries Act.*

It is the desire of Council that the Commissioner for a specific hearing shall be selected from a list of potential commissioners and shall hold office for the period of the hearing and reporting for each specific amendment to the Mount Pearl Municipal Plan and will be eligible for reappointment for future hearings. Commissioners shall remain on the list of potential commissioners for a period of five years from the date of appointment, unless the appointment is terminated by the City in writing, or a Commissioner withdraws from service in writing.

The Commissioner shall:

1. possess experience in or knowledge of municipal law, land use planning, civil engineering, surveying, or a related field; and
2. have a working knowledge of the Urban and Rural Planning Act, the St. John's Urban Region Regional Plan, the Mount Pearl Municipal Plan, the associated Development Schemes, and the Mount Pearl Development Regulations.

Further, the Commissioner shall:

1. not be a member or an employee of a council or regional authority in the province;
2. be required, if deemed appropriate by the City, to complete a conflict of interest statement; and
3. be paid by Council in accordance with the established amount for the remuneration (current rate is $160.00 per hour), costs and expenditures of the Commissioner for the holding of, and reporting on, the public hearing.

A City Commissioner could be called upon several times a year to serve. A Commissioner shall be advised in writing by Council of the terms of the specific appointment for each amendment.

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Public hearing

18. (1) Where a proposed plan and development regulations have been adopted under subsection 16(1), a council or a regional authority shall set a date, time and place for the holding of a public hearing to consider objections and representations which may be made by a person or association of persons to the plan or development regulations or a part of them.

(2) A public hearing referred to in subsection (1)

(a) shall be held within the area under the jurisdiction of the applicable council or regional authority; and

(b) may, as determined by the council or regional authority, be conducted in person or by teleconference, video conference or other electronic means of communication that permits all participants to communicate with each other during the hearing.

Commissioner and hearing

19. (1) Where a proposed plan and development regulations have been submitted under subsection 16(2), a council or regional authority shall appoint a commissioner and may appoint one other person that is considered necessary to help the commissioner in holding a public hearing and to complete a report on that hearing.

(2) A commissioner appointed under subsection (1) has, for the purpose of a public hearing under this Act, the same powers as a commissioner under the *Public Inquiries Act, 2006.*

(3) A commissioner is entitled to reimbursement for costs and expenses and shall be remunerated in the manner that the minister may establish.

(4) The council or regional authority shall, within 30 days of receiving an invoice for remuneration, costs and expenses, pay to the commissioner the remuneration, costs and expenses related to the public hearing conducted by the commissioner.

(5) Remuneration, costs and expenses paid under this section shall be a first charge of the commissioner against the council or regional authority.

(6) A commissioner appointed under subsection (1) shall not be a member or an employee of a council or regional authority in the province.

Objections and representations

20. Not fewer than 2 days before the date set for the public hearing, a person or an association of persons may submit to the appropriate council or regional authority 2 signed, written statements of objections and representations with respect to a plan, development regulations or a part of them.

Public hearing

21. (1) Where no objection is made under section 20, the council or regional authority may cancel the public hearing.

(2) On the date and at the time fixed for the public hearing, the commissioner shall proceed with the hearing and shall hear objections and representations orally or in writing under oath or affirmation.

Report

22. (1) Where a public hearing held under this Part is completed, the commissioner shall in the case of a plan and development regulations referred to in subsection 16(2), submit a written report on the public hearing to the council or regional authority together with 2 copies of evidence taken at the public hearing.

(2) In a report submitted under subsection (1), a commissioner shall set out in detail recommendations respecting objections and representations considered by the commissioner at the public hearing together with reasons and a statement showing objections and representations that came to the attention of the commissioner but were not considered together with the reasons why they were not considered.

Approval of report by council

23. (1) Where a report is submitted to a council or regional authority under subsection 22(1), the council or regional authority shall consider the report and

(a) where it considers it necessary, make changes to the plan and development regulations; and

(b) may withdraw the submitted plan and development regulations.

(2) Where changes are made to the plan or development regulations under subsection (1), a new public hearing may be held with respect to the changes and sections 18 to 22 shall apply to those changes.

(3) Where changes are not made under subsection (1) or where changes are made

(a) without further reference to a public hearing; or

(b) a changed plan or development regulations have been reported on and submitted to the regional authority or council under subsection 22(1),

the council or regional authority shall consider and approve the plan or development regulations as submitted or as amended.

(4) Two copies of a plan and development regulations, in the required form, as submitted or amended and approved under subsection (3) shall be submitted to the minister together with the commissioner's report, objections and representations.