TO: CHAIR AND MEMBERS - PLANNING COMMITTEE

FROM: R. W. PANZER
GENERAL MANAGER OF PLANNING AND DEVELOPMENT

SUBJECT: COMPLETE APPLICATION AND PRE-CONSULTATION PROVISIONS OFFICIAL PLAN AMENDMENT MEETING ON 09 JULY 2007

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the requirements for a "Complete Application" and for pre-consultation:

a) the attached report BE RECEIVED for information;

b) the proposed policy modifications BE CIRCULATED to advisory committees, development industry groups, and the general public for review and comment; and

c) after considering input from the advisory committees, development industry groups, and the general public, a follow-up report with recommended policy modifications BE PRESENTED to a future public participation meeting of Planning Committee.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

None.

EXECUTIVE SUMMARY

Recent amendments to the Planning Act emphasize a broadening of the range of information available for approval authorities to consider when reviewing an application and shifting the requirements for the submission of supporting information to the front end of the planning process. These amendments have been referred to as the notion of a complete application. An additional amendment to the Planning Act introduces the concept of pre-consultation.

Under the notion of complete application, the list of information prescribed by the Planning Act that must be submitted concurrently with planning applications has been expanded. In addition, Council and its delegated approval authorities may now request "other information or material" that they may need from an applicant before accepting an application. Together, the prescribed information and the "other information and material" constitute the notion of a complete application and Council and its delegated approval authorities may refuse to accept or further consider an application until such time as all the required information has been received.

In order for Council to exercise its authority to require a complete application, the Official Plan must be amended to add provisions relating to the requirements of "other information or material". It is recommended that these provisions include a broad range of reports and studies that may have to be undertaken by an applicant prior to submitting an application with an accompanying bibliography, a requirement that a Record of Pre-consultation be submitted by an applicant which acknowledges the expected requirements of a complete application, a requirement that applicants be thorough when completing an application form by providing staff with detailed information, a requirement that all concurrent planning applications be submitted simultaneously, and a requirement for electronic and hard copy submissions of all information.

The Planning Act has also been amended to allow the municipality to require applicants to...
consult with the municipality prior to submitting a planning application so that all the necessary information required before an application can be deemed complete can be identified at the outset.

The intent of these policies is not to create an exhaustive list of reports and studies that constitute the "other information or material" that Council or a delegated approval can request from an applicant prior to considering an application. The intent is to introduce an Official Plan amendment that will enable Council and its delegated approval authorities to require that additional "other information and material" be submitted together with a comprehensive application package and to require applicants to consult with the municipality prior to submitting the application.

**BACKGROUND**

On January 1, 2007, Bill 51 - "An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts" - was proclaimed. Some of the amendments to the Planning Act introduced in Bill 51 focus on broadening the range of information available for approval authorities to consider when reviewing a planning application and shifting the requirements for the submission of supporting information to the front end of the planning process. These amendments have been referred to as the notion of a complete application.

Prior to Bill 51 coming into force and effect, a person or public body that requested an amendment to the Official Plan was required to provide information to Council as prescribed by the Planning Act. The prescribed information included administrative details (i.e. applicant contact information, dates, description of the land to be amended, etc), the manner in which the Official Plan was proposed to be amended (i.e. whether the amendment proposes a change in policy or land use designation), the purpose of the amendment, whether the subject land or any land within 120 metres of the subject land is the subject of an application made by the applicant, and the text of the proposed amendment and/or the proposed schedule amendment of the Official Plan. The prescribed information has now been expanded to include statements of consistency with the Provincial Policy Statement, statements of conformity with Provincial Plans, servicing considerations, identification of related planning applications, archaeological plans and an explanation as to how the application conforms to the Official Plan. A summary of the relevant amendments to the Planning Act, 1990 is listed in Appendix "C" of this report.

In addition to this expanded list of prescribed information, Council or a delegated approval authority may require that an applicant provide any "other information or material" that it considers is pertinent to an application. Furthermore, Council and its delegated approval authorities may refuse to accept or further consider the application until such time as all the required information and materials have been submitted by the applicant. Prior to these amendments to the Planning Act, Council and its delegated approval authorities could request "other information or material" from an applicant however, they could not refuse to accept or further consider the application if such other information was not provided.

Council's ability, or that of a delegated approval authority, to require that an applicant provide any "other information or material" it may need to consider an application can only be exercised if the Official Plan contains provisions relating to such requirements. It is recommended that the Official Plan provisions relating to other information broadly describe the subject matter of the reports and studies that may be requested by Council and its delegated approval authorities and outline the rationale and purpose behind the reports and studies, require that a Record of Pre-consultation be submitted with an application, require that detailed information be inputted on an application form, require that all concurrent plans be submitted simultaneously, and require that hard copies and electronic copies of all information be submitted before the application can be deemed complete. These provisions, however, only apply to applications requesting an Official Plan amendment, a Zoning By-law amendment, a subdivision approval (including a condominium application) and/or a consent.

In order to assist applicants with these new procedures, and to more clearly identify the required information and material that will be needed to consider an application, Bill 51 also introduced amendments to the Planning Act to ensure that a municipality permits an applicant to consult
with the municipality before submitting an application and, if Council chooses, Council may, by by-law, require that applicants consult with the municipality prior to the submission of a planning application.

The amendments proposed in this report are intended to incorporate these complete application provisions into the City’s Official Plan to enable Council and its delegated approval authorities to commence consideration of an application only when all of the required information has been received and to require an applicant to consult with the municipality prior to submitting an application.

**SIGNIFICANT DEPARTMENT/AGENCY COMMENTS**

Upper Thames River Conservation Authority  
No objection.

Lower Thames Valley Conservation Authority  
No objection.

London Hydro  
No objection.

Township of Southwold  
No objection.

Recreation  
No objection.

Ministry of Municipal Affairs and Housing  
No comments.

Transportation Advisory Committee  
The list of required studies should be included or referenced as part of an amendment to Chapter 19 of the Official Plan.

<table>
<thead>
<tr>
<th>PUBLIC LIAISON:</th>
<th>Living in the City Notice of Application was published on April 21, 2007. On April 19, 2007, 68 Notice of Application letters were sent to neighbouring municipalities, local agencies and community groups with an interest in this matter.</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of Liaison:</td>
<td>Consideration of an Official Plan amendment to fulfill the legislated requirements of the &quot;complete application&quot; process and enable Municipal Council and its delegated approval authorities to require applicants to submit any other required information and consult with municipal staff prior to submitting applications.</td>
<td></td>
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<tr>
<td>Responses:</td>
<td>None.</td>
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**COMPLETE APPLICATION COMPONENTS**

The amendments to the Planning Act that legislate the notion of a complete application have introduced two sets of information requirements. The first are the provincial requirements listed in the Ontario Regulations of the Planning Act which have been expanded as part of the recent amendments (see Appendix "C") and will be referred to as the prescribed information. The second are the municipal requirements which are legislated in the Planning Act under the subsections entitled other information and must be specified through provisions in the Official
Plan. These subsections can be found in Section 22 – Official plan, Section 34 – Zoning by-laws, Section 51 – Subdivision approval, and Section 53 – Consents, of the Planning Act. These municipal information requirements will be referred to as the other information.

The prescribed information together with the other information form the notion of a complete application. They must be submitted concurrently with the planning application to prevent applications from being submitted in a piecemeal fashion and to enable Council and its delegated approval authorities to make informed decisions within the prescribed period of time. It also aims to ensure that the public and other stakeholders have access to all the relevant information earlier in the planning process so that they may be more informed as to what land use changes can be expected if a planning application is successful. Furthermore, if any required information is incomplete or is not submitted concurrently with the planning application, Council and its delegated approval authorities may refuse to accept or further consider an application. The prescribed time period in which a decision must be made does not begin until such time as all the required information and materials have been submitted by the applicant.

The Planning Act grants Council or its delegated approval authority 30 days to respond to the completeness of the application. If there is a dispute between an applicant and the municipality as to whether an application is complete, the matter may be appealed to the Ontario Municipal Board. An applicant may also make a motion to the Ontario Municipal Board if a notice of a complete application is not issued by Council or a delegated approval authority within 30 days after submission (see Figure 2 below).

The new requirements that obligate an applicant to submit all prescribed information and other information at the front end of the planning process pertain to applications for amendments to the Official Plan, amendments to the Zoning By-law, approvals of consent, and approvals of plans of subdivision. In order to require other information from an applicant, Council must pass an Official Plan amendment which outlines the provisions relating to these requirements.

When drafting Official Plan provisions related to the other information, staff considered two options. The first option was to amend Chapter 19 - Implementation - of the Official Plan to add an extensive list of specific reports and studies that will comprise the other information that may be required from applicants. Upon further consideration this option became less desirable for two reasons. Firstly, if Council chose to amend the Official Plan to add an extensive list of specific reports and studies that may be required from applicants, the criteria for each report or study would also have to be outlined as part of the policy. These criteria will be developed as part of the File Manager position but are not necessary for the enabling policy of the Official Plan requiring a complete application. Secondly, given the extensiveness that is inherent with a comprehensive list of specific reports and studies, it may be argued that such a list represented an exhaustive and static list of reports and studies which could limit Council's ability to require any other information that is not identified on the list without a prior amendment to the Official Plan.

A second option was considered which represented a shift away from a list of specific reports and studies and focused instead on a policy that identified a small number of broad categories of reports and studies that may be required from applicants. Within each broad category the policy could address such provisions as the rationale for the study and the purpose of the study. It is intended that the Pre-consultation Meeting be utilized to identify the specific reports and studies that are required from the applicant to form the complete application.

"OTHER INFORMATION" COMPONENTS

There are no Ontario Regulations that prescribe the requirements for "other information". The challenge is to determine requirements that are reasonable and that will result in the provision of information that is relevant to the decision making process and to the determination of appropriate controls on land-use and development.

Not all of the studies or reports that may be required in the development approval process are required in the initial stages of a planning application review. For example, some very specific types of studies are more appropriately considered in conjunction with the review of detailed site planning or servicing and may be required through a condition of draft plan of subdivision
The submission of reports and studies related to environmental and natural matters is to identify and assess the environmental and natural features related to the subject site, including surface and subsurface features, and to ensure that any adverse impacts resulting from a proposed development and/or change in land use on the identified environmental and natural features are mitigated.

The required reports/studies are to identify the environmental and natural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the environmental and/or natural features and the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and natural features from any adverse impacts associated with the proposed development and/or change in land use.

It is recommended that Chapter 19 - Implementation - of the Official Plan be amended to add the broad categories of reports and studies from which Council and its delegated approval authorities may request other information from applicants. The more specific scoping of reports and studies to be submitted by an applicant will be identified at the Pre-consultation Meeting.

These broad categories of reports and studies are not intended to preclude Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision making process. If the need for additional reports and studies becomes necessary, Council or its delegated approval authorities may refuse to further consider the application until such time as the other information is received.

In all instances the number and the scope of studies to be required for the submission of a complete application should be appropriate and in keeping with the scope and complexity of the application. For applications that may be considered simple or minor in nature, little, if any, additional information may be required.

Reports/Studies to address Environmental and Natural Matters

| Rationale | The submission of reports and studies related to environmental and natural matters is to identify and assess the environmental and natural features related to the subject site, including surface and subsurface features, and to ensure that any adverse impacts resulting from a proposed development and/or change in land use on the identified environmental and natural features are mitigated. |
| Purpose | The required reports/studies are to identify the environmental and natural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the environmental and/or natural features and the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and natural features from any adverse impacts associated with the proposed development and/or change in land use. |

Reports/Studies to address Transportation Matters

| Rationale | The submission of reports and studies related to transportation matters is to demonstrate that any changes to the transportation network resulting from a proposed development and/or change in land use can be accommodated by the transportation network and to ensure that any adverse impacts on the surrounding land uses are mitigated. |
The required reports/studies are to ensure that a proposed development and/or change in land use will not have a negative impact on the transportation network or on its surrounding land uses. Where new transportation infrastructure is required or an expansion of the existing transportation infrastructure is necessary to accommodate a proposed development and/or change in land use, the transportation reports/studies will demonstrate that the improved transportation infrastructure will be adequate to accommodate all modes of transportation in an efficient manner with minimal adverse impact on surrounding uses.

### Reports/Studies to address Servicing and Infrastructure Matters

<table>
<thead>
<tr>
<th>Rationale</th>
<th>The submission of reports and studies related to servicing and infrastructure matters is to ensure that a proposed development and/or change in land use can be supported by adequate municipal water, sanitary sewer, and stormwater management services.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>The required reports/studies are to demonstrate that the existing servicing infrastructure is sufficient to accommodate the proposed development and/or change in land use or that the lands can be reasonably serviced by the extension of existing infrastructure. Where new infrastructure is required or an expansion of the existing infrastructure is necessary, the servicing and infrastructure reports/studies will demonstrate that the improved infrastructure will be adequate to accommodate the proposed development and/or change in land use as well as any anticipated users of the infrastructure.</td>
</tr>
</tbody>
</table>

### Reports/Studies to address Financial Matters

<table>
<thead>
<tr>
<th>Rationale</th>
<th>The submission of reports and studies related to financial matters is to demonstrate that a proposed development and/or change in land use will not have an undesirable or unanticipated financial impact on the City of London.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>The required reports/studies are to identify the short-term and long-term costs to the City of London for the provision of municipal infrastructure and services required to support a proposed development and/or change in land use and an estimate of anticipated revenues arising from a proposed development and/or change in land use.</td>
</tr>
</tbody>
</table>

### Reports/Studies to address Cultural and Design Matters

<table>
<thead>
<tr>
<th>Rationale</th>
<th>The submission of reports and studies related to cultural and design matters are to demonstrate that a proposed development and/or change in land use will have a positive impact on the City’s public realm.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>The required reports/studies are to demonstrate how a proposed development and/or change in land use will have a positive impact on neighbouring built heritage, is sensitive to archaeological issues, and is designed in a manner that enhances the local built form and/or natural environment.</td>
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### Reports/Studies to address Planning Matters

<table>
<thead>
<tr>
<th>Rationale</th>
<th>The submission of reports and studies related to local and provincial planning matters is to ensure that a proposed development and/or change in land use is consistent with Council policies and the Provincial Policy Statement and provides an integrated approach to land-use planning.</th>
</tr>
</thead>
</table>
| Purpose   | The required reports/studies are to specifically address how a proposed
development and/or a change in land use is consistent with the Provincial Policy Statement. The reports/studies must also demonstrate that the proposed development and/or a change in land use is consistent with Official Plan policies.

Where applicable, the reports/studies will also address consistency with an Area Plan and Guideline Documents that have been adopted by City Council.

Reports/Studies to address Nuisance and Hazard Matters

<table>
<thead>
<tr>
<th>Rationale</th>
<th>The submission of reports and studies related to nuisance and hazard matters is to demonstrate that inhabitants or users of a proposed development and/or change in land use are buffered from nuisances related to noise, dust, odour, and vibration, and to reduce the potential for public cost or risk to future inhabitants resulting from natural and human-made hazards.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>The required reports/studies are to identify all of the potential nuisance issues and natural/human-made hazards which may impact the proposed development and/or change in land use; identify the areas that area to be employed as a buffer between the nuisance issues and natural/human-made hazards and the proposed development and/or change in land use; and identify any other measures to be undertaken to mitigate the impacts associated with the nuisance issues and natural/human-made hazards from the proposed development and/or change in land use.</td>
</tr>
</tbody>
</table>

BIBLIOGRAPHY OF RESOURCES

Recent amendments to the Planning Act legislating the procedures for appeal to the Ontario Municipal Board state that any information and material presented at a Board hearing that was not presented to Council prior to Council making its decision shall not be admitted into evidence if the Board determines that such information and material could have affected the Council's decision.

As a result of this legislation, all the information and material that was provided to the municipality prior to Council making a decision on the application must be listed in a bibliography. This will clearly outline what information was made available to Council prior to the decision being made:

| Bibliography of Resources | All information and material that was provided to the municipality in support of an application must be listed in a Bibliography of Resources to clearly outline what information was made available to Council prior to a decision being made. |

RECORD OF PRE-CONSULTATION

A Record of Pre-consultation acknowledges that a Pre-consultation Meeting transpired and outlines the requirements stemming from that meeting in order to deem an application as complete:

| Record of Pre-consultation | The Pre-consultation Meeting(s) must be concluded prior to the submission of an application as per the requirements of the Official Plan. The specific reports/studies that are required to be submitted together with the application will be identified at the Pre-consultation Meeting(s). The applicant must submit a Record of Pre-consultation which will be completed by staff and forwarded to the applicant/agent prior to submission of the application. |

APPLICATION DETAILS

Detailed information is necessary when submitting an application to assist staff in understanding, evaluating and making recommendations. Such detailed information may include, but is not limited to, the following:

If information "unknown"

Where the applicable Ontario Regulation requests information that is to be completed "if known" and such information is unknown by the applicant, the applicant shall specify in the application form what measures were taken to seek the required information.

Compliance with Provincial Policy Statements

In addition to the prescribed Ontario Regulation that requires the applicant to determine whether the application is consistent with the policy statements issued under subsection 3(1) of the Planning Act, the applicant shall provide a brief analysis detailing how the application is consistent with, or does not conflict with, each of the applicable policies of the Policy Statement. For example, a Provincial Policy Statement analysis will detail how the application complies with the policies related to "Building Strong Communities", "Wise Use and Management of Resources", and "Protecting Public Health and Safety".

Additional Contact Information

In order to effectively communicate with applicants and their agents it is recommended that any additional contact information be provided. This includes, but is not limited to, fax numbers, cellular telephone numbers and electronic mail addresses, of the applicant/owner and consultants/agents.

MFIPPA Declaration

To avoid any conflict with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) it is recommended that the owner/applicant sign a statement acknowledging that the information contained in the application is public information.

Furthermore, the following procedural requirements are also intended to ensure that sufficient information can be made available to all commenting agencies, the public, Council and delegated approval authorities in a format that can be widely distributed and accessible to these various stakeholders. Such requirements may include, but are not limited to the following:

Multiple Application Forms and Plans

In order for staff to circulate the application to the agencies prescribed in the Planning Act, multiple copies of the completed application form and any supporting plans are necessary to satisfy the circulation requirement.

Reduced Size of Supporting Plans

In order to facilitate in the reproduction of supporting plans, if necessary, such plans may also be required in a reduced size.

In addition to the above requirements, the following information is required for specific applications:

Draft Plans of Subdivision

Application Form

- Statements describing how the draft plan conforms to the Official Plan and
Zoning By-law:
- A detailed parking plan if the draft plan contains lots with frontages less than 11.0 metres;
- Additional storm drainage information, such as the subwatershed and the particulars of any conceptual stormwater management plan that has been prepared for the subject lands;
- Information to assist the City in determining whether a study is required to determine whether the soil is contaminated;
- Whether the subsurface rights are held by the same owner, and if not, an authorization from the owner of the subsurface rights for the submission of the application;
- The distance of the subject lands from a series of features that are sensitive land uses or pose a possible human-made or natural hazard or nuisance;
- Proposed street names.

Draft Plan

- Ontario Land Surveyor's name, signature and date of signature;
- Map scale and plan submitted in metric units;
- Legend;
- North marker;
- Name of person who prepared the plan;
- Date on which the plan was prepared and the dates and details of any revisions;
- Legal description;
- Additional natural and artificial features including flood plains/elevations, flood lines, fill lines/regulation limits and top-of-slope lines, significant plant and wildlife habitat, and archaeological or historic features;
- Owners submission statement or applicant/agent authorization in a format that is satisfactory to the City;
- Approval Authority signature block in accordance with City requirements;
- Electronic file(s) of the plan submitted in accordance with City requirements.

Draft Plan of Condominium

Application Form

- Statements describing how the proposal conforms with the Official Plan, and Zoning By-law
- Additional storm drainage information, such as the subwatershed and the particulars of any conceptual stormwater management plan that has been prepared for the subject lands;
- Information to assist the City in determining whether a study is required to determine whether the soil is contaminated;
- Whether the subsurface rights are held by the same owner, and if not, an authorization from the owner of the subsurface rights for the submission of the application;
- The distance of the subject lands from a series of features that are sensitive land uses or pose a possible human-made or natural hazard or nuisance;
- The type of condominium that is requested;
- Additional information such as phasing plans, existing and proposed legal unit descriptions and door point numbers, site context plans, affidavits respecting completion of requirements of the legislation, and whether the proposal is an infill or Greenfield application, depending on the type of condominium application.

Draft Plan

- Ontario Land Surveyor's name, signature and date of signature;
• Map scale and plan submitted in metric units;
• Legend;
• North marker;
• Name of person who prepared the plan;
• Date on which the plan was prepared and dates and details of any revisions;
• Legal description;
• Clearly delineated and labelled units, common elements and exclusive use common elements proposed, along with approximate dimensions;
• Typical building envelopes for vacant land condominiums, and typical elevations for apartment buildings;
• Additional natural and artificial features including flood plains/elevations, flood lines, fill lines/regulation limits and top of slope lines, significant plant and wildlife habitat, and archaeological or historic features;
• Owners submission statement or applicant/agent authorization in a form satisfactory to the City;
• Approval Authority signature block in accordance with City requirements;
• Electronic file of the plan submitted in accordance with City requirements.

Removal of Holding Provision

• Accurate identification of the site for which the removal of a holding provision is requested;
• Identification of which holding provision is to be removed;
• Description regarding how the requirements of the holding provision have been met with supporting documentation, if necessary.

Consent

• Location and dimensions of all buildings/structures on the retained and severed parcels and the setbacks from all buildings/structures to all existing and proposed property lines and adjacent buildings;
• whether the proposal conforms with the Official Plan and the Zoning By-law;
• a completed Zoning Referral Form.

To implement these detailed application provisions it is suggested that the following policy be adopted:

| Application Information Requirements | In addition to the prescribed information required by the Planning Act and the other information outlined in the Official Plan, additional information and materials may be required by the City to assist in understanding, evaluating and making recommendations on the application, and to ensure that sufficient information in an appropriate format can be made available to the commenting agencies and the public, and to the Council and its delegated approval authorities. Detailed information requirements will be as set out in the relevant application forms. |

CONCURRENT APPLICATION PROVISIONS

A requirement for the submission of all concurrent applications is necessary to assist Council and its delegated approval authorities by disclosing the larger scope of a planning application and allow them to properly evaluate the application and make consistent and appropriate decisions. Examples of applications to be submitted concurrently may include, but are not limited to, the following:

• Draft Plans of Subdivision, Official Plan amendments and Zoning By-law amendments;
• Draft plans of Vacant Land Condominiums or Common Element Condominiums and Site Plan applications;
Applications for Consents and Minor Variance.

To implement these concurrent application provisions it is suggested that the following policy be adopted:

| Concurrent Application Provisions | In addition to the prescribed information required by the Planning Act and the other information outlined in the Official Plan, the City may, through the Pre-consultation Meeting, identify applications that are required to be submitted concurrently, to ensure that Council and its delegated approval authorities can properly evaluate the applications and make consistent and appropriate decisions. |

**ELECTRONIC SUBMISSIONS**

Electronic copies of all material must be submitted as part of the complete application to allow staff to distribute all relevant material using various media. This will enable staff to distribute the information to review agencies, the public and other stakeholders in an expedient manner:

| Electronic Submissions | All information must be submitted in both electronic format and hard copy format so that it may be more easily made available for review. |

**WHO MAY REQUEST "OTHER INFORMATION"?**

**Council**

Subsections 22(5), 34(10.2), and 53(3) of the Planning Act permit Council to require an applicant to submit "any other information or material" that Council considers it may need, pertaining to requests to amend the Official Plan, applications to amend the Zoning By-law, and applications for approval of consent respectively.

**Approval Authority**

Subsection 51(18) of the Planning Act permits "an approval authority" to require an applicant to provide "any other information or material" that the approval authority considers he or she may need when considering an approval of a plan of subdivision.

Subsection 51.2(1) of the Planning Act allows Council, by by-law, to delegate all or any part of the approval of plans of subdivision to an appointed officer identified in the by-law by name or position occupied. Council has by By-law No. C.P.-17, passed on November 3, 2003, delegated to the General Manager of Planning and Development the authority, to determine whether or not an application made in respect of a draft plan of subdivision is complete; and if determined to be incomplete, to refuse to accept it and return it to the applicant. Therefore, the General Manager of Planning and Development is the "approval authority" for matters pertaining to approvals of plans of subdivision.

**London Consent Authority**

While subsection 53(3) of the Planning Act permits Council to require an applicant to submit "any other information or material" that Council considers it may need when considering an application for approval of a consent, subsection 54(5) of the Planning Act authorizes Council, by by-law, to delegate the authority of Council under section 53 to a municipal planning authority. Council has by by-law C.P.-7, passed on November 15, 1993, delegated to the Secretary-Treasurer of the Committee of Adjustment the authority of the Council with respect to the granting of consents under section 53 of the Planning Act. In this capacity, the Secretary-Treasurer shall act as the "London Consent Authority". As a result, Council's ability to require an applicant to submit "any other information or material" when considering an application for a consent flows through the delegated authority to the London Consent Authority.
Subsection 5(1) of the Planning Act permits Council to delegate any authority that has been delegated to it by the Minister of Municipal Affairs and Housing, other than the authority to approve official plans or official plan amendments, to a committee of Council or to an appointed officer identified in a by-law either by name or position occupied. This committee of Council or appointed officer has, in lieu of the Minister, all the powers and rights of the Minister in respect of such delegated authority.

Therefore, Council may further delegate its authority to request other information from an applicant or to notify an applicant whether or not the information and material submitted with an application is complete to a committee of Council or an appointed officer(s). However, this authority must be delegated by by-law.

FIGURE 1 – Flow diagram depicting the Composition of a Complete Application

As a result of the amendments to the Planning Act that strengthen the requirements for information, the Planning Act has also been amended to permit an applicant to consult with the municipality prior to the submission of a planning application. Furthermore, the Planning Act permits municipalities to require that applicants pre-consult with the municipality prior to the submission of a planning application if Council passes a by-law indicating such a requirement.

Given the expanded range of information required from applicants, both prescribed and other information, the notion of a Pre-consultation Meeting becomes a vital element in the overall planning process. Through these discussions, municipal staff will have the opportunity, in consultation with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application. As a result, it is recommended that Council, by by-law, require that all applicants submitting a request to amend the Official Plan, an amendment to the Zoning By-law, an approval of a Site Plan, and/or an approval of a Plan of Subdivision complete a Pre-consultation Meeting.

Since all applications must include the prescribed information as required by the Planning Act, the Pre-consultation Meeting is intended to identify the other information that must be submitted by the applicant concurrently with the application. However, from time to time additional information may be required as the planning process discloses issues that were unknown at the time of pre-consultation. While staff will make every effort to identify all the other information during the Pre-consultation Meeting the list of other information may be expanded as the need arises to include reports and/or studies that address any unforeseen circumstances that surfaced during the planning process.

It is noteworthy that the requirement for pre-consultation does not apply to applications for approvals of consent despite the fact that the legislation pertaining to the notion of a complete
application expands the list of required information for consent applications.

**WHAT CONSTITUTES PRE-CONSULTATION?**

The following list outlines the requirements of the Pre-consultation Meeting. It is important that all of these events occur so that the municipal planner assigned to the application can complete the "Record of Consultation" which in itself is recommended to be included in the other information required to form part of the complete application:

- A Pre-consultation Meeting is scheduled;
- The following information is provided to attendees in advance of the meeting:
  - the location of the subject property, and
  - the proposed use and/or development.
  This is to be completed as a written summary;
- The municipal planner will consult with other staff prior to the Pre-consultation Meeting occurring and have such staff present at the Pre-consultation Meeting, if required;
- Formal minutes of the Pre-consultation Meeting are to be recorded;
- A list of required other information that must be submitted in conjunction with the application as part of the complete application is discussed with the applicant and recorded. This list of other information will be confirmed by the municipal planner, in writing, within one week after the Pre-consultation Meeting has occurred;
- The applicant will be advised that in the event that additional other information is required during the planning process, Council or its delegated approval authorities may refuse to further consider the application until such time as the additional other information is received.

The primary purpose of the Pre-consultation Meeting is to highlight the other information requirements of the application.

While the Planning Act does not require those applicants submitting a request for a consent to pre-consult with the municipality, this does not preclude the London Consent Authority from requesting other information prior to accepting or further considering the application. Furthermore, in situations where a planning application is initiated by the City of London or is minor in nature, the requirement for pre-consultation may be waived at the discretion of the General Manager of Planning and Development.

**FIGURE 2 - Flow Diagram depicting new Application Requirements**
Recent amendments to the Planning Act emphasize a broadening of the range of information available for approval authorities when considering a planning application and shifting the information requisite to the front end of the planning process. These amendments have been referred to as the notion of a complete application. Additional amendments to the Planning Act introduce the concept of pre-consultation.

In order for Council to exercise its authority to require a complete application, the Official Plan must be amended to add provisions relating to the requirements of a complete application. An additional by-law to require applicants to consult with the municipality prior to submitting an application must also be passed by Council.

It is recommended that the attached amendments to the Official Plan be adopted by Council to enable Council and its delegated approval authorities to require "other information and material" together with a comprehensive application package and all concurrent applications so that all relevant information can be considered prior to approving or refusing an application. It is also recommended that the attached by-law be adopted by Council to require applicants to pre-consult with municipal staff before submitting various planning applications. The intent of pre-consultation is to assist applicants with the application process at the outset to determine what information will be required to comprise the complete application.
**PREPARED BY:**

<table>
<thead>
<tr>
<th>NAME</th>
<th>Michael Tomazincic</th>
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<tbody>
<tr>
<td>POSITION</td>
<td>Planner II</td>
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</tbody>
</table>

**SUBMITTED BY:**

<table>
<thead>
<tr>
<th>NAME</th>
<th>Gregg Barrett</th>
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<tr>
<td>POSITION</td>
<td>Manager - Land Use Planning, Policy</td>
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</table>

**RECOMMENDED BY:**

<table>
<thead>
<tr>
<th>NAME</th>
<th>R. W. Panzer</th>
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<tbody>
<tr>
<td>POSITION</td>
<td>General Manager of Planning and Development</td>
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</tbody>
</table>

June 28, 2007

MT/mt

Y:\shared\POLICY\draft reports\Complete Application Enabling By-law\Complete Application Enabling By-law Draft 4
APPENDIX "A"

Proposed provisions relating to the requirements for "other information and material"

Subsections 22(5); 34(10.2); 51(18) and 53(3) of the Planning Act, 1990, permit a Council or approval authority to require that a person, public body or applicant who apply, submit or make requests or applications for consents, amendments to the Official Plan, amendments to the Zoning By-law, and approval of plans of subdivision, provide any "other information or material" that Council or the approval authority considers it may need, but only if the Official Plan contains provisions relating to such requirements.

This "other information or material" together with the prescribed information listed in the Ontario Regulations of the Planning Act will comprise the notion of a complete application.

The following Official Plan amendments are proposed to outline the provisions relating to the requirements of a complete application:

<table>
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<tbody>
<tr>
<td>In order to ensure that all the relevant and required information pertaining to a planning application is available at the time of submission of the application to enable Council and its delegated approval authorities to make informed decisions within the prescribed period of time and to ensure that the public and other stakeholders have access to all the relevant information earlier in the planning process, any or all of the following provisions may be requested from applicants who apply, submit or make requests or applications for consents, amendments to the Official Plan, amendments to the Zoning By-law, and approvals of plans of subdivision, including condominiums.</td>
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In all instances the number and the scope of studies to be required for the submission of a complete application should be appropriate and in keeping with the scope and complexity of the application. For applications that may be considered simple or minor in nature, little, if any, additional information may be required.

<table>
<thead>
<tr>
<th>19.4.6.1 Reports and Studies</th>
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</thead>
<tbody>
<tr>
<td>Council and its delegated approval authorities may require reports and studies as part of a comprehensive planning application package referred to as a complete application. The reports and studies are intended to provide additional information pertaining to a subject site and the areas adjacent to it to assist Council and its delegated approval authorities to evaluate an application.</td>
</tr>
</tbody>
</table>

These broad categories of reports and studies are not intended to preclude Council and its delegated approval authorities from requiring additional reports and studies that may be identified during the planning process if circumstances necessitate the need for such information as part of the decision making process.

The more specific scoping of reports and studies to be submitted by an applicant will be identified at the Pre-consultation Meeting required as per Section 19.4.7. of this Plan.

<table>
<thead>
<tr>
<th>Reports/Studies to address Environmental and Natural Matters</th>
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<tbody>
<tr>
<td>i) The submission of reports and studies related to environmental and natural matters is to identify and assess the environmental and natural features related to the subject site, including surface and subsurface features, and to ensure</td>
</tr>
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</table>
that any adverse impacts resulting from a proposed development and/or change in land use on the identified environmental and natural features are mitigated.

The required reports/studies are to identify the environmental and natural features which may be affected by the proposed development and/or change in land use; identify the areas that are to be employed as a buffer between the environmental and/or natural features and the proposed development and/or change in land use; and identify any other mitigative measures to be undertaken to protect the environmental and natural features from any adverse impacts associated with the proposed development and/or change in land use.

| Reports/Studies to address Transportation Matters | ii) The submission of reports and studies related to transportation matters is to demonstrate that any changes to the transportation network resulting from a proposed development and/or change in land use can be accommodated by the transportation network and to ensure that any adverse impacts on the surrounding land uses are mitigated. |
| Reports/Studies to address Servicing and Infrastructure Matters | iii) The submission of reports and studies related to servicing and infrastructure matters is to ensure that a proposed development and/or change in land use will not have a negative impact on the transportation network or on its surrounding land uses. Where new transportation infrastructure is required or an expansion of the existing transportation infrastructure is necessary to accommodate a proposed development and/or change in land use, the transportation reports/studies will demonstrate that the improved transportation infrastructure will be adequate to accommodate all modes of transportation in an efficient manner with minimal adverse impacts on surrounding uses. |
| Reports/Studies to address Financial Matters | iv) The submission of reports and studies related to financial matters is to demonstrate that a proposed development and/or change in land use will not have an undesirable or unanticipated financial impact on the City of London. |

The required reports/studies are to identify the short-term and long-term costs to the City of London for the provision of...
municipal infrastructure and services required to support a proposed development and/or change in land use and an estimate of anticipated revenues arising from a proposed development and/or change in land use.

| Reports/Studies to address Cultural and Design Matters | v) The submission of reports and studies related to cultural and design matters are to demonstrate that a proposed development and/or change in land use will have a positive impact on the City's public realm. The required reports/studies are to demonstrate how a proposed development and/or change in land use will have a positive impact on neighbouring built heritage, is sensitive to archaeological issues, and is designed in a manner that enhances the local built form and/or natural environment. |
| Reports/Studies to address Planning Matters | vi) The submission of reports and studies related to local and provincial planning matters is to ensure that a proposed development and/or change in land use is consistent with Council policies and the Provincial Policy Statement and provides an integrated approach to land-use planning. The required reports/studies are to specifically address how a proposed development and/or a change in land use is consistent with the Provincial Policy Statement. The reports/studies must also demonstrate that the proposed development and/or a change in land use is consistent with Official Plan policies. Where applicable, the reports/studies will also address consistency with an Area Plan and Guideline Documents that have been adopted by City Council. |
| Reports/Studies to address Nuisance and Hazard Matters | vii) The submission of reports and studies related to nuisance and hazard matters is to demonstrate that inhabitants or users of a proposed development and/or change in land use are buffered from nuisances related to noise, dust, odour and vibration, and to reduce the potential for public cost or risk to future inhabitants resulting from natural and human-made hazards. The required reports/studies are to identify all of the potential nuisance issues and natural/human-made hazards which may impact the proposed development and/or change in land use, identify the areas that area to be employed as a buffer between the nuisance issues and natural/human-made hazards and the proposed development and/or change in land use, and identify any other measures to be undertaken to mitigate the impacts associated with the nuisance issues and natural/human-made hazards from the proposed development and/or change in land use. |

19.4.6.2. Bibliography of Resources

All information and material that was provided to the municipality in support of an application must be listed in a Bibliography of Resources to clearly outline what information was made available to Council prior to a decision being made.

19.4.6.3. Record of Pre-submission of an application required as per Section 19.4.7. of this
### Consultation Plan

The specific reports/studies that are required to be submitted together with the application will be identified at the Pre-consultation Meeting(s).

In addition to the submission of all of the required reports/studies, the applicant must also submit the Record of Pre-consultation which will be completed by staff and forwarded to the applicant/agent prior to submission of the application.

#### 19.4.6.4. Application Information Requirements

In addition to the prescribed information required by the *Planning Act*, and the other information outlined in Section 19.4.6. of this Plan, additional information and materials may be required by the City to assist in understanding, evaluating and making recommendations on the application, and to ensure that sufficient information in an appropriate format can be made available to the commenting agencies and the public, and to the Council and its delegated approval authorities. Detailed information requirements will be as set out in the relevant application forms.

#### 19.4.6.5. Concurrent Application Provisions

In addition to the prescribed information required by the *Planning Act*, and the other information outlined in Section 19.4.6. of this Plan, the City may, through the Pre-consultation Meeting(s) required as per Section 19.4.7. of this Plan, identify applications that are required to be submitted concurrently, to ensure that Council and its delegated approval authorities can properly evaluate the applications and make consistent and appropriate decisions.

#### 19.4.6.6. Electronic Submissions

All information must be submitted in both electronic format and hard copy format so that it may be more easily made available for review.

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Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act, 1990*, permit Council, by by-law, to require applicants to consult with the municipality before submitting or making requests or applications for amendments to the Official Plan, amendments to the Zoning By-law, and plans and drawings for approval.

#### 19.4.7. Pre-consultation Meeting

Under the provisions of the *Planning Act*, Council will require those applicants submitting or making requests or applications for amendments to the Official Plan, amendments to the Zoning By-law, and plans of subdivisions and site plan drawings for approval, to consult with the municipality prior to the submission of such application or approval.

The Pre-consultation Meeting is intended allow the applicant to discuss with municipal staff matters pertaining to the subject site. Through these discussions, municipal staff will have the opportunity, in consultation with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application.
Bill No. (number to be inserted by Clerk’s Office) 2007

By-law No. (number to be inserted by Clerk’s Office)

A by-law to require Pre-consultation with the municipality prior to submitting applications for amendments to the Official Plan, the Zoning By-law, approvals of plans of subdivision and site-plan drawings.

WHEREAS Subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, 1990, permit Council, by by-law, to require applicants to consult with the municipality before submitting or making requests or applications for amendments to the Official Plan, amendments to the Zoning By-law, and approvals of plans of subdivision and site plan drawings;

AND WHEREAS the Official Plan requires a Pre-consultation Meeting as approval for the submission of a complete application;

AND WHEREAS the Official Plan requires an applicant to submit a Record of Pre-consultation as a provision for the submission of a complete application;

THEREFORE the Municipal Council of the Corporation of the City of London enacts as follows:

Under the provisions of subsections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the Planning Act, 1990, Council will require those applicants submitting or making requests or applications for amendments to the Official Plan, amendments to the Zoning By-law, and plans of subdivisions and site plan drawings for approval, to consult with the municipality prior to the submission of such application or approval.

The Pre-consultation Meeting is intended to allow the applicant to discuss with municipal staff matters pertaining to the subject site. Through these discussions, municipal staff will have the opportunity to consult with the applicant, to outline the information and materials that the applicant will be required to submit concurrently with the application.

The following list outlines the requirements of the Pre-consultation Meeting which must occur to generate the “Record of Consultation” which in itself is a provision for the submission of a complete application:

1. A Pre-consultation Meeting is scheduled;
2. The following information is provided to attendees in advance of the meeting:
   - the location of the subject property, and
   - the proposed use and/or development.
   This is to be completed as a written summary;
3. The municipal planner will consult with other staff prior to the Pre-consultation Meeting occurring and have such staff present at the Pre-consultation Meeting, if required;
4. Formal minutes of the Pre-consultation Meeting are to be recorded;
5. A list of required other information that must be submitted in conjunction with the application as part of the complete application is discussed with the applicant and recorded. This list of other information will be confirmed by the municipal planner, in writing, within one week after the Pre-consultation Meeting has occurred;
The applicant will be advised that in the event that additional other information is required during the planning process, Council or its delegated approval authorities may refuse to further consider the application until such time as the additional other information is received.

PASSED in Open Council on

Anne Marie DeCicco-Best
Mayor

Kevin Bain
City Clerk

First Reading –
Second Reading –
Third Reading –
Below is a summary of the recent amendments to the Planning Act, 1990 and Ontario Regulations that enable Council to require a complete application as well as require applicants to consult with the municipality prior to submitting an application:

**PLANNING ACT AMENDMENTS**

The following subsections of the Planning Act, 1990 and subsequent Ontario Regulations relating to the information and material that must be provided by an applicant who requests an amendment to the Official Plan, have been expanded to include the following:

Ontario Regulation 543/06 – Schedule 1 [Pertaining to Subsection 22(4)]

The following has been added to Ontario Regulation 543/06 – Schedule 1, which lists the information and material to be provided to Council as a result of a request to amend the Official Plan:

15. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body, or other means.

16. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.

17. If the requested amendment would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
   (a) a servicing options report; and
   (b) a hydrogeological report.

22. If the requested amendment alters all or any part of the boundary of an area of settlement in a municipality or establishes a new area of settlement in a municipality, the current official plan policies, if any, dealing with the alteration or establishment of an area of settlement.

23. If the requested amendment removes the subject land from an area of employment, the current official plan policies, if any, dealing with the removal of land from an area of employment.

24. Whether the requested amendment is consistent with the policy statement issued under subsection 3(1) of the Act.

25. Whether the subject land is within an area of land designated under any provincial plan or plans.

26. If the answer to 25 is yes, whether the requested amendment conforms to or does not conflict with the provincial plan or plans.

Subsection 22(5) – Other information

In addition to the amendments made to the above Regulation, subsection 22(5), which legislates that Council may require other information from a person or a public body that requests an amendment to the Official Plan, has been amended in the following manner:

(5) A council or planning board may require that a person or public body that requests an amendment to its official plan provide such [the] other information or material that the council or planning board considers it may need.
Prior to the recent amendments to the Planning Act, 1990 coming into force and effect, Council could refuse to accept or further consider a request to amend the Official Plan if the applicant failed to provide the prescribed information required under subsection 22(4). However, the Act now extends the authority to refuse to accept or further consider a request to amend the Official Plan if an applicant fails to provide the other information as well required under subsection 22(5). Subsection 22(6) has been amended in the following manner:

(6) Until the council or planning board has received the prescribed information and material required under subsection (4) and any fee under section 69,

(a) the council or planning board may refuse to accept or further consider the request for an amendment to its official plan; and

(b) the time periods referred to in clauses (7)(e) and (d) do not begin.

Subsection 22(3.1) – Consultation

Previously there was no requirement for applicants to consult with the municipality before submitting a request to amend the Official Plan. However, given the recent amendments that require applicants to submit a complete application, the Planning Act, 1990 has been amended to include the notion of consultation:

(3.1) The council or planning board,

(a) shall permit applicants to consult with the municipality or planning board, as the case may be, before submitting requests under subsection (1) or (2); and

(b) may, by by-law, require applicants to consult with the municipality or planning board as described in clause (a).

ZONING BY-LAW AMENDMENTS

The following subsections of the Planning Act, 1990 and subsequent Ontario Regulations relating to the information and material that must be provided by an applicant who applies for an amendment to the Zoning By-law, have been expanded to include the following:

Ontario Regulation 545/06 – Schedule 1 [Pertaining to Subsection 34(10.1)]

The following has been added to Ontario Regulation 545/06 – Schedule 1, which lists the information and material to be provided to Council as a result of an application for an amendment to the Zoning By-law:

2. The date of the application to the municipality or planning board.

8. If the subject land is within an area where the municipality has pre-determined the minimum and maximum density requirements of the minimum and maximum height requirements, a statement of these requirements.

11. If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, details of the official plan or official plan amendment that deals with the matter.

12. If the application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with the matter.

13. If the subject land is within an area where zoning with conditions may apply, an explanation of how the application conforms to the official plan policies relating to zoning with conditions.

25. If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would
be produced per day as a result of the development being completed,
(a) a servicing options report; and
(b) a hydrogeological report.

29. Whether the application for an amendment to the zoning by-law is consistent with policy statements issued under subsection 3(1) of the Act.

30. Whether the subject land is within an area of land designated under any provincial plan or plans.

31. If the answer to section 30 is yes, whether the application conforms to or does not conflict with the applicable provincial plan or plans.

Subsection 34(10.2) – Other information

In addition to the amendments made to the above Regulation, subsection 34(10.2), which legislates that Council may require other information from a person or a public body that applies for an amendment to the Zoning By-law, has been amended in the following manner:

(10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide such other information or material that the council considers it may need.

Subsection 34(10.3) – Refusal and timing

Prior to the recent amendments to the Planning Act, 1990 coming into force and effect, Council could refuse to accept or further consider an application for an amendment to the Zoning By-law if the applicant failed to provide the prescribed information required under subsection 34(10.1). However, the Act now extends the authority to refuse to accept or further consider an application for an amendment to the Zoning By-law if an applicant fails to provide the other information as well required under subsection 34(10.2). Subsection 34(10.3) has been amended in the following manner:

(10.3) Until the council has received the prescribed information and material required under subsection 34(10.1), and any fee under section 69,
(a) the council may refuse to accept or further consider the application for an amendment to the by-law; and
(b) the time period referred to in subsection (11) does not begin.

Subsection 34(10.0.1) – Consultation

Previously there was no requirement for applicants to consult with the municipality before submitting an application to amend the Zoning By-law. However, given the recent amendments that require applicants to submit a complete application, the Planning Act, 1990 has been amended to include the notion of consultation:

(10.0.1) The council,
(a) shall permit applicants to consult with the municipality before submitting applications to amend by-laws under this section; and
(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).

PLAN OF SUBDIVISION APPROVALS

The following subsections of the Planning Act, 1990 and subsequent Ontario Regulations relating to the information and material that must be provided by an applicant who applies for an approval of a plan of subdivision, have been expanded to include the following:
Ontario Regulation 544/06 – Schedule 1 [Pertaining to Subsection 51(17)]

The following has been added to Ontario Regulation 544/06 – Schedule 1, which lists the information and material to be provided to Council as a result of an application for approval of a plan of subdivision:

2. The date of the application.

18. If the plan would permit development of more than five lots or units on privately owned and operated individual or communal wells,
   (a) a servicing options report; and
   (b) a hydrogeological report.

20. If the plan would permit development of five or more lots or units on privately owned and operated individual or communal septic systems,
   (a) a servicing options report; and
   (b) a hydrogeological report.

21. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
   (a) a servicing options report; and
   (b) a hydrogeological report.

22. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and 4500 litres of effluent or less would be produced per day as a result of the development being completed, a hydrogeological report.

23. Whether the subject land contains any areas of archaeological potential.

24. If the plan would permit development on land that contains known archaeological resources or areas of archaeological potential,
   (a) an archaeological assessment prepared by a person who holds a licence that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the Ontario Heritage Act; and
   (b) a conservation plan for any archaeological resources identified in the assessment.

27. Whether the plan is consistent with policy statements issued under subsection 3(1) of the Act.

28. Whether the subject land is within an area of land designated under any provincial plan or plans.

29. If the answer to section 28 is yes, whether the plan conforms to or does not conflict with the applicable provincial plan or plans.

Subsection 51(18) – Other information

In addition to the amendments made to the above Regulation, subsection 51(18), which legislates that an approval authority may require other information from an applicant who applies for an approval of a plan of subdivision, has been amended in the following manner:

(18) An approval authority may require that an applicant provide such other information or material that the approval authority considers it may need.
Subsection 51(19) – Refusal and timing

Prior to the recent amendments to the Planning Act, 1990 coming into force and effect, an approval authority could refuse to accept or further consider an application for an approval of a plan of subdivision if the applicant failed to provide the prescribed information required under subsection 51(17). However, the Act now extends the authority to refuse to accept or further consider an application for an approval of a plan of subdivision if an applicant fails to provide the other information as well required under subsection 51(18). Subsection 51(19) has been amended in the following manner:

(19) Until an approval authority has received the information and material referred to in subsection (17), as many copies of the draft plan of the proposed subdivision as area required by the approval authority, the time period referred to in subsection (34) does not begin.

(a) the approval authority may refuse to accept or further consider an application; and

(b) the time period referred to in subsection (34) does not begin.

Subsection 51(16.1) – Consultation

Previously there was no requirement for an applicant to consult with the approval authority before submitting an application for an approval of a plan of subdivision. However, given the recent amendments that require applicants to submit a complete application, the Planning Act, 1990 has been amended to include the notion of consultation:

(16.1) The approval authority,

(a) shall permit applicants to consult with it before submitting applications under subsection (16); and

(b) in the case of an approval authority that is a municipality, may, by by-law, require applicants to consult with it as described in clause (a).

CONSENTS

The following subsections of the Planning Act, 1990 and subsequent Ontario Regulations relating to the information and material that must be provided by an applicant who makes an application for a consent, have been expanded to include the following:

Ontario Regulation 547/06 – Schedule 1 [Pertaining to Subsection 53(2)]

The following has been added to Ontario Regulation 547/06 – Schedule 1, which lists the information and material to be provided to Council as a result of an application for a consent:

2. The date of the application.

15. Whether the application is consistent with policy statements issued under subsection 3 (1) of the Act.

16. Whether the subject land is within an area of land designated under any provincial plan or plans.

17. If the answer to section 16 is yes, whether the application conforms to or does not conflict with the applicable provincial plan or plans.

Subsection 53(3) – Other information

In addition to the amendments made to the above Regulation, subsection 53(3), which legislates that Council may require other information from an applicant who makes an application for a consent, has been amended in the following manner:

(3) A council or the Minister may require that a person or public body that makes an application for a consent provide that other information or material that the council or the Minister considers it may need, except for identity.
Subsection 53(4) – Refusal and timing

Prior to the recent amendments to the Planning Act, 1990 coming into force and effect, Council could refuse to accept or further consider an application for a consent if the applicant failed to provide the prescribed information required under subsection 53(2). However, the Act now extends the authority to refuse to accept or further consider an application for a consent if an applicant fails to provide other information as well required under subsection 53(3). Subsection 53(4) has been amended in the following manner:

(4) Until a council or the minister has received the information and material referred to in subsection (2) and any fee under section 69 or 69.1,
(a) the council of the Minister may refuse to accept or further consider an application for a consent; and
(b) the time period referred to in subsection (14) does not begin.

Consultation

The amendments to section 53 of the Planning Act, 1990 did not include a requirement for an applicant to consult with the municipality prior to making an application for a consent.

SITE PLAN CONTROL AREA

The amendments to the Planning Act, 1990, introduced through Bill 51, that require a complete application, do not apply to applications for approval of a site plan. However, the Act has been amended to add consultation as part of the process for site plan approval.

Consultation

While there was no previous requirement for an applicant to consult with the municipality before submitting an application for approval of a site plan, section 41 of the Planning Act, 1990 has now been amended to include the notion of consultation:

(3.1) The council,
(a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and
(b) may, by by-law, require applicants to consult with the municipality as described in clause (a).