

Date: 2022-09-07

Subject: **Information Report**
City-Initiated Amendment to the Official Plan – Updates to policies on pre-consultation application process and determining completeness for planning applications
City-wide

Contact: David VanderBerg, Manager, Development Services, Planning, Building and Growth Management Department,
david.vanderberg@brampton.ca, (905) 874-2325

Report Number: Planning, Bld & Ec Dev-2022-817

Recommendations:

1. **That** the report titled: **Information Report**, City-Initiated Amendment to the Official Plan - Updates to policies on pre-consultation application processes and determining completeness for planning applications, City-wide, dated September 7, 2022, to the Planning and Development Committee meeting of September 26, 2022 be received, and,
2. **That** Planning and Development Services staff be directed to report back to the Planning and Development Committee with the results of the Public Meeting and a staff recommendation.

Overview:

- **On April 14, 2022, Bill 109 received Royal Assent. Among other matters, the Bill amended the *Planning Act* to require municipalities to refund development application fees if a decision is not made within legislative timelines and also requires complete applications for Site Plan applications. These changes come into effect on January 1, 2023.**
- **As one measure to improve process efficiencies and manage the legislated review timelines prescribed by Bill 109 for development applications, the City is proposing to enhance the City's pre-consultation process and to update complete application submission requirements. Work on additional**

measures is also on-going and the outcome of the work will be presented in a future report to Planning and Development Committee.

- This City-initiated Official Plan Amendment proposes to update the Official Plan policies related to the pre-consultation application process and determining completeness for planning applications.
- The changes to the pre-Consultation process policies are intended to improve the review process for planning applications by requiring early collaboration between applicants, staff and other stakeholders on development proposals to reach agreement on key facets of the development. They would also allow the City to require informal community engagement for Pre-Consultation applications for certain development proposals. Changes to the policies for determining completeness are intended to ensure that development applications are submitted in a form to allow for expeditious review.
- This information Report and associated Public Meeting facilitate compliance with the Strategic Plan's 'Good Government' priority, with respect to educating and engaging citizens in an open and accountable way.

Background:

On March 30, 2022, the Province introduced *Bill 109: An Act to amend the various statutes with respect to housing, development and various other matters*. The Bill is considered to be the first step in implementing the recommendations of the Province's Housing Affordability Task Force (HATF) Report.

Bill 109 received Royal Assent on April 14, 2022. Among other matters, the Bill amended the *Planning Act* to require municipalities to refund development application fees if a decision is not made within legislative timelines and it also requires complete applications for Site Plan Control applications. These changes come into effect on January 1, 2023.

City staff brought forward a report to the May 25, 2022 Committee of Council meeting summarizing Bill 109, describing its implications for the City and outlining some preliminary actions being considered to respond to Bill 109 (see Appendix 1). One of the identified potential actions identified in that report is to enhance the City's pre-consultation process and to update complete application requirements. An Official Plan Amendment is needed to implement these changes and this report provides background information for the public meeting to be held for that amendment.

Current Situation:

The City shares the goal of the Province to reduce approval times for development applications and is actively taking steps to do so. This is evident in the significant improvements Brampton has made to date on its development review process for applicants, staff, partners and the public. However, in order to provide a more efficient development review process and to ensure that decisions can be made on applications within the legislative timelines prescribed by Bill 109, amendments to the City's pre-consultation and complete submission requirement policies in the Official Plan are being proposed.

The changes to the Pre-Consultation process policies are intended to improve the review process for planning applications by requiring early collaboration between applicants, staff and other stakeholders on development proposals to reach agreement on key facets of the development. The proposed amendments also intend to provide greater clarity on complete application submission requirements for deeming a complete application. The goal is to ensure the delivery of good planning decisions that continue to respond to the needs of Brampton residents and stakeholders, in addition to responding to legislative changes of Bill 109.

Staff has already used enhanced pre-consultation processes effectively for certain strategic development projects, such as the Shoppers World redevelopment, that included collaborating closely with applicants to ensure that the design of the project achieves the objectives of the City and other stakeholders as well as those of the applicant. Doing this work at the outset for more projects will make for an overall better and quicker approval process.

Pre-Consultation Application

The *Planning Act* authorizes municipalities to require that development proponents consult with them prior to submitting Official Plan and Zoning By-law amendment, plan of subdivision, plan of condominium and site plan applications. In Brampton's Official Plan, pre-consultation applications are mandatory on all such applications.

The Pre-Consultation Application review is not part of the formal legislated application review under the *Planning Act* and therefore not subject to the timelines for refunds prescribed by Bill 109.

The purpose of pre-consultation is to confirm the appropriate planning approvals required for the development of a site, identify the studies required in support of the application, and to provide feedback and collaboratively discuss the design of the site. With the early discussion that is offered through the Pre-Consultation process, all parties involved can benefit from savings in time, money and resources. The information that is provided through this process should allow the applicant to make a decision as to whether to proceed with the proposal, to revise it in accordance with the information provided, or to not proceed with the project.

The pre-consultation process currently at the City involves the applicant providing the City with basic proposal information that is circulated internally for a cursory technical review. A meeting is held with the applicant to identify required drawings, supporting studies and reports that are necessary for the application(s) to be deemed complete. The applicant is also provided the opportunity to learn the planning policies apply to the property, processing timelines, as well as discovering potential areas of concern. At the conclusion of the consultation, applicants are provided with a checklist to follow as they prepare their formal applications to achieve complete application status in accordance with the *Planning Act* and Brampton's Official Plan.

Brampton's pre-consultation process does not currently include a full review of studies to confirm accuracy or conformity with all requirements and standards, and the only external agency circulated is the Region of Peel. Other agencies, such as the Conservation Authority and provincial ministries, are not circulated.

To improve process efficiencies and manage the legislated review timelines for formal development applications, the City proposes to strengthen the pre-consultation process. A critical part of the enhancement is to collaboratively work with applicants on addressing issues during the pre-consultation rather than simply identifying issues. The objective will be to reach agreement on key facets of the development so that the application can be processed quickly once the full application is submitted. Staff has regularly been doing this on an informal level – the intent is to formalize that process.

To achieve improved collaboration, staff is proposing to add a requirement for an applicant to participate in a co-design process with the City for development proposals that are significant because of scale, location or other matters to the development of an area. The purpose of the co-design process is to advance the planning for a development proposal and achieve agreement on certain elements of the development, including, but not limited to, street network design, community infrastructure, park size and location, land use, and key built form elements. It is noted that more detailed information and additional material may be required with the pre-consultation in relation to the co-design process.

Staff is also proposing that the Official Plan policies allow for requiring community engagement before accepting a complete application. Doing so will both improve engagement with the public on new development and help create a more efficient review process as issues will be identified earlier in the process. Staff will be developing a toolbox with standard operating procedures for the different types of engagement that could be used, such as open houses or workshops. The goal is that having a broader range of potential community engagement formats than just statutory public meetings will lead to better dialogue with residents on development and better planning outcomes.

Complete Application

Under the *Planning Act*, certain information and material is required to be provided as part of an application for an Official Plan and/or Zoning By-law amendment, plans of subdivision or plans of condominium, and development permit applications, in order for

the applications to be considered a complete application. This prescribed information is outlined in Brampton's Official Plan.

The purpose of a complete application submission is to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to assist planning staff in providing a recommendation on the application, to enable City Council to make informed decisions within the prescribed period of time, and to ensure that the public and other stakeholders have access to all relevant information early in the planning process. If a complete application is provided at the outset of the approvals process, the processing of the application should become faster and more efficient.

When an application is received, staff must review the application and supporting information to determine whether it is complete. The City will consider an application(s) to be complete if it meets the complete application submission requirements of the *Planning Act* and Official Plan.

To improve process efficiencies and manage the legislated review timelines for formal development applications, the City proposes to strengthen the complete application requirements for planning applications. Staff is proposing a policy that requires an applicant to receive approval from applicable internal department or external agencies on matters of particular relevance before deeming an application complete. The proposed amendment states that these could include:

- Confirmation of servicing capacity;
- Street layout;
- Confirmation of development limits;
- Acceptance of archaeological assessments;
- Confirmation of school sites (if applicable);
- For a site plan approval application, conformity to the Comprehensive Zoning By-law; and,
- Achieving the minimum performance standards under the Sustainable New Communities Program.

To help achieve the overriding goal of having a streamlined, expeditious development review process, it is expected that processing of applications at times may begin before they are deemed complete. However, the prescribed timelines would not start until they are deemed complete. This would allow, for example, the City to maintain its current practice of processing site plans concurrently with the Official Plan or Zoning By-law Amendment application associated with it.

In addition, the following amendments to the City's Complete Application policies in the Official Plan are also proposed:

- Updates to the list of studies that can be required as part of a complete application;
- To add a requirement that all reports/studies shall be prepared in accordance with the approved Terms of Reference;

- To add a requirement that all plans and studies shall be signed off by a qualified, registered, and/or licensed professional; and,
- To add a requirement that the applicant shall receive an approval from any applicable external agency (e.g. Region of Peel, Conservation Authorities and School Boards) on matters of particular relevance for their jurisdiction, including but not limited to servicing capacity, access, confirmation of development limits, acceptance of archaeological assessments, and confirmation of school sites.

To address Pre-consultation applications submitted prior to January 1, 2023, where staff have already provided the necessary information pertaining to complete submission requirements, staff is proposing the following transition policy:

- Prior to the submission of a complete *Planning Act* application, where complete application requirements have been determined through a formal Pre-consultation application process prior to January 1, 2023, the City may: a) amend the formal Pre-consultation requirements; or b) require a new Pre-consultation application.

The above noted changes to the complete application requirements for planning applications are captured in the draft Official Plan Amendment, attached as Appendix 2 to this report.

Next Steps

After the public meeting, staff will continue to consult with the development industry and external agencies before bringing forward a recommendation report.

Public Meeting Notification Area:

The proposed City-initiated Official Plan amendment was advertised in the Brampton Guardian. This report has also been posted on the City's website.

Corporate Implications:

Financial Implications:

Bill 109 has potential significant financial implications, which include additional resource requirements and lost revenue. Staff will review the financial implications of Bill 109 in detail as part of a future report to Council. Staff also plans to bring forward a report on potential changes to the fees charged for development application. It is expected that one of the changes will be to increase the pre-consultation application fees given the additional staff resources to implement the changes described in this report.

Other Implications:

There are a number of implications (e.g. staffing, training, updates to application forms and Accela, communication with industry and other key stakeholders) associated with the

proposed amendments to the Pre-Consultation application process and complete application submission requirements that are a result of Bill 109. Staff will provide a summary of these implications as part of a future Recommendation Report.

Term of Council Priorities:

This Information Report and the associated public meeting facilitate compliance with the Term of Council Priorities 2019-2022 “A Well-run City (Good Government)” and the “Create Complete Communities” priorities. It is the intent that the proposed City-initiated Official Plan Amendment will meet the direction and goals of the Term of Council Priorities 2019-2022, which will be discussed in the future Recommendation Report.

Conclusion:

To improve process efficiencies and manage the legislated review timelines prescribed by Bill 109 for formal development applications, the City is proposing to enhance the City’s pre-consultation processes and to update complete application requirements. The proposed policy amendments aim to ensure that the delivery of planning services and decisions continues to be a collaborative approach with the goal of supporting the needs of Brampton’s residents and stakeholders.

Authored by:

Reviewed by:

David VanderBerg, MCIP, RPP
Manager, Development Services

Allan Parsons, MCIP, RPP
Director, Development Services

Approved by:

Jason Schmidt-Shoukri B.Sc. Arch.
Eng. MPA OAA RPP MCIP
Commissioner, Planning, Building and
Growth Management Department

Attachments:

Appendix 1: Recommendation Report: Bill 109, More Homes for Everyone Act, 2022 –
Key Elements and City’s Implementation Options (May 25, 2022
Committee of Council)

Appendix 2: Draft Official Plan Amendment

