

January 10, 2014

Land Use Planning and Appeal System Consultation
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
777 Bay Street, 14th floor
Toronto, ON M5G 2E5

To Whom it may concern,

On behalf of the Greater Toronto Chapter (GTC) of the Canadian Green Building Council (CaGBC) we would like to thank the Ministry of Municipal Affairs and Housing (MMAH) for the opportunity to participate in the review of the Planning Act related to the Land Use Planning and Appeal System.

Established in 2003, The Canadian Green Building Council is a non-profit national organization dedicated to working with government and the private sector to accelerate the “mainstream adoption of green building principles, policies, practices, standards and tools”.

The GTC represents a vibrant community of over 3,000 building professionals, policy makers, suppliers, NGO's, educators and consumers interested in advancing sustainable building practices in Ontario. The GTC acts as a catalyst for green building across the Greater Golden Horseshoe of Ontario by facilitating market transformation.

As a vital and active part of the Chapter's activities, the Municipal Leaders Forum (MLF) was established in 2007 with the specific objective of providing a forum for information sharing, enhanced dialogue and networking between professionals involved in the green building and sustainable development sectors at the local municipal level. The MLF Group meets on a quarterly basis and involves a membership which extends broadly across the GTA.

The CaGBC-GTC submission includes responses to select questions posed in the Provincial consultation paper.

Theme A: Achieve more predictability, transparency and accountability in the planning / appeal process and reduce costs

Provincial Consultation Paper: Since issues are becoming more complex, and decisions on planning matters must be well informed, there are often significant costs involved in amending planning documents or seeking approvals. These increasing costs have placed pressures on municipalities,

applicants and the general public to find ways to reduce costs. It has been suggested that costs may be reduced by promoting more collaboration between applicants, municipalities and the public through the sharing and exchange of information such as resource materials and reports.

Question #4 - What barriers or obstacles may need to be addressed to promote more collaboration and information sharing between applicants, municipalities and the public?

The CaGBC-GTC believes that there are two areas for collaboration and information sharing posed in the question by the Province. One issue pertains to information exchange between the applicant and the agencies responsible for development review. In this regard, the CaGBC-GTC Chapter believes that the integrated design process applied early in the application review process will encourage such knowledge exchange and result in improved quality of buildings and communities. Changes to the Planning Act through Bill 51, particularly regarding attention to “exterior design elements” as part of Site Plan Control and pre-consultation, are excellent steps in the direction to promote integrated design early in the planning approvals process. We encourage further steps to make the integrated design process a part of pre-consultation.

A second issue relates to information available to the public. Policies should be implemented mandating that select submittal materials provided in support of all development applications, such as plans and drawings, be placed online for viewing by members of the public. This also requires an effective mechanism for input from the public in a transparent process.

Provincial Consultation Paper: The Development Permit System (DPS) is a land use planning tool that combines the zoning, site plan and minor variance processes into one application and approval process. The tool shifts the focus upfront, creating a policy-led process, which promotes strategic, integrated long-term planning and provides certainty, transparency and accountability for the community. In order to implement a DPS, a municipality must undertake the following:

- Engage the public through enhanced public consultation opportunities;
- Amend its official plan to identify DPS area(s) and set out its goals, objectives and policies;
- Identify the types of conditions and criteria that may be included in the by-law, including discretionary uses, by which applications will be evaluated;
- Enact a development permit by-law to replace the zoning by-law, which provides flexibility by specifying minimum and maximum development standards and by allowing for a specified range of variation; and
- Identify what matters may be delegated from council to staff.

When the new system was introduced during the last round of planning reforms, it aimed to streamline local planning approvals while promoting development, enhancing environmental protection and supporting key priorities such as community building, brownfield redevelopment, greenspace preservation and environmental protection. To date, only four municipalities have adopted this tool.

Question #8 - What barriers or obstacles need to be addressed for communities to implement the development permit system?

The CaGBC-GTC is interested to explore how a DPS can ensure uptake of green technologies and sustainability design elements in buildings and community planning. Our only suggestion at this time is for the Province to offer a technical team to assist select municipalities to put in place a DPS or to amend the eligibility criteria in the Places to Grow Implementation Fund to promote projects with a goal to implement a DPS.

Theme B: Support greater municipal leadership in resolving issues and making local land use planning decisions

Provincial Consultation Paper: Municipalities have an integral role in the local land use planning process through decision-making, preparing planning documents and ensuring a balance of wider public interests and those of their local community. Achieving collaboration and consensus is often difficult, which may result in land use planning appeals.

Question #9 - How can better cooperation and collaboration be fostered between municipalities, community groups and property owners/developers to resolve land use planning tensions locally?

We repeat our earlier suggestion to implement aspects of an integrated design process in pre-consultation. In this way, implementing aspects of integrated design can be used as tests to judge an application to be complete.

Provincial Consultation Paper: Municipalities have the authority to pass by-laws that require applicants to consult with the municipality before they submit their planning application. There are two clear advantages to this: the municipality knows about potential development pressures and can advise the applicant if technical information or public consultation is needed.

Question #12 - Should pre-consultation be required before certain types of applications are submitted? Why or why not? If so, which ones?

Building on our earlier comments to implement aspects of the integrated design process as part of pre-consultation, at issue is to what extent the applicant will accept recommendations to modify the proposed development based on early feedback. Hence, municipalities require appropriate and meaningful tests set forth to judge an application to be complete.

Sincerely,



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