



Guideline for Conservation Authority Pre-Consultation

For planning and permitting applications

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This document was developed by Conservation Ontario (CO) staff with input from members of the CO Timely Review and Approvals Taskforce. This document builds upon the Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; the Conservation Authority (CA)-Municipality MOU Template for Planning and Development Reviews; and best practices discussed at the MMAH Streamlining Development Approval Initiative Workshop in April 2019, and Conservation Ontario's Multi-Stakeholder Process Flow Workshop for Plans of Subdivision (April, 2019) to provide best practices for CA pre-consultation for planning and permitting reviews.

A draft of this guidance document was circulated to all conservation authority CAOs/GMs, CA Planning and Regulations contacts and to external stakeholders (AMO, OHBA, BILD and RESCON) for simultaneous review. Comments received from both the stakeholder and CA reviews have been incorporated into this final guidance document.

Background

In April 2019, Conservation Ontario (CO) Council endorsed the CO Client Service and Streamlining Initiative. This initiative identifies actions to be taken by CAs, in order to help the Province achieve its objective of increasing housing supply while protecting public health and safety, and the environment. CO developed five documents in 2019 (as amended) to support the initiative:

1. CA-Municipality MOU Template for Planning and Development Reviews;
2. Guideline for Client Service Standards for Conservation Authority Plan and Permit Review;
3. Guideline for CA Fee Administration Policies for Plan Review and Permitting;
4. Templates for Conservation Authority Planning Comments (Comments Provided and No Objection); and
5. Annual Reporting on Timelines Template – For Permissions under Section 28 of the *Conservation Authorities Act*.

It is important to note that prior to this initiative, a number of CAs already had comprehensive service delivery standards, MOUs, and fee policies/guidelines in place. The 2019 CO documents supplement existing CA documents to support the Province's objective, as noted above.

Conservation Authority Roles and Activities

The role of the CA in plan input and review (i.e. Planning), and in permit review (i.e. Permitting) is summarized below.

Planning – Plan Input and Review

The CA is involved in the review of planning applications under the *Planning Act* in the following ways: as an agency with provincially delegated responsibility for the natural hazard policies of the Provincial Policy Statement (PPS); as a municipal technical advisor; as a public body under various regulations

made under the *Planning Act*; as a watershed-based resource management agency and as a landowner. CAs are also regulatory authorities under Section 28 of the *Conservation Authorities Act*.

- **Delegated “Provincial Interest”** The CA is delegated responsibility under the Provincial One Window Planning System for Natural Hazards. CAs review municipal policy documents and development applications under the *Planning Act* and ensure they are consistent with the natural hazard policies of the Provincial Policy Statement ([PPS](#)). This delegated provincial responsibility is also typically included in local CA-Municipal Memorandum of Understandings (MOUs) for municipal plan review. In this delegated role, Conservation Authorities represent the “Provincial Interest” in planning exercises with respect to natural hazards.
- **Regulatory Authorities** – Under Section 28 of the [Conservation Authorities Act](#) (CA Act), subject to the approval of the Minister of Natural Resources and Forestry and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands. See **Permitting – Permit Review** for further details.
- **Service Provider:** The CA may also provide technical advice to municipalities for planning applications through service agreements or MOUs. In this capacity, CA staff may provide technical input on potential environmental impacts and how impacts can be avoided or minimized. Comments may apply to a range of matters according to the MOU including, but not limited to: natural hazards, natural heritage, water quality and quantity, stormwater management, and other Provincial Plans such as the [Oak Ridges Moraine Conservation Plan](#), [Niagara Escarpment Plan](#), [Greenbelt Plan](#), [Growth Plan for the Greater Golden Horseshoe](#); certain policies referred to in the [Lake Simcoe Protection Act, 2008](#), [Great Lakes Protection Act, 2015](#), and [Clean Water Act, 2006](#); as well as local Official Plan policy and zoning by-law implementation.
- **Public Bodies:** *Planning Act* Regulations require municipalities to give notice to CAs regarding changes to policy documents such as Official Plans and Zoning By-laws and planning applications, such as plans of subdivision.
- **Watershed-based Resource Agency:** The CA provides additional comments related to local watershed management as a watershed-based resource management agency.
- **Landowners:** CAs are also landowners, and as such, may become involved in the planning and development process either as a proponent or in a third-party capacity as an adjacent landowner.

Generally municipalities act as planning approval authorities and are responsible for the planning process. It is recognized that the CA may not always have a role in all *Planning Act* applications, but for purposes of this guideline and the identification of best practices, it is assumed that there is a review role for the CA. A summary of the various roles of CAs in plan review is included below in **Table 1**.

It is important to note that CAs also act as regulatory authorities under Section 28 of the *Conservation Authorities Act* (see section below “Permitting- Permit Review). When representing the “delegated provincial interest” for natural hazard review, CAs are also ensuring that the work will be permissible under Section 28 of the *Conservation Authorities Act*. The comments provided to municipalities by CAs representing the delegated provincial interest must be considered by the municipality whereas other

comments (unless specified through the terms of a service agreement) may be considered more advisory in nature.

Table 1: CA Roles in Plan Review

Role	Type of Role	CA Review/Input Required, Through Agreement or Voluntary	Representing	Result
Regulatory Agency (S. 28 of the <i>Conservation Authorities Act</i>)	Decision Making	Required	Provincial Interest	CA responsible for decision
Delegated “Provincial Interest”	Review/ Commenting	Required	Provincial Interest	Comments must be considered by municipality
Public Bodies	Review/ Commenting	All ¹	Authority Interests	Comments should be considered by municipality
Service Provider	Service	Through Agreement	Terms of Agreement (MOU)	Dependent upon terms of the agreement
Landowners	Review/ Commenting / Proponents	Voluntary	Authority Interests	Comments may be considered by the municipality

Developments may undergo both planning and permitting review from the CA. Generally approaches under the different pieces of legislation are aligned, i.e., both municipalities and CAs are implementing provincial policies and objectives for natural hazards, natural resource management, and water resource management. Although there is a need to ensure that *Planning Act* applications are coordinated with S. 28 permit applications, these are two distinct application processes. *Planning Act* applications have to meet tests under the *Planning Act*, Provincial Policy Statement, Official Plans and any applicable provincial plan and conform to the applicable zoning or development permit by-law, whereas S. 28 applications have to meet the requirements of the *CA Act* and individual CA S. 28 regulations.

Development in Ontario is regulated through a suite of applicable legislation and policy that operate at different scales ranging from the provincial-scale (PPS), regional-scale (provincial plans, regional and county official plans and master plans), local-scale (municipal official plans and secondary plans) to site-

¹ Pursuant to the *Planning Act*, CAs are “public commenting bodies”, and as such are required to be notified of municipal policy documents and planning and development applications. Through Memorandums of Understanding or Service Agreements with municipal partners, CAs may provide specific reviews of planning and development applications (i.e. natural heritage considerations). Lastly, per their Board approved policies, as local resource management agencies CAs may provide comments on such applications to their municipality(ies) or planning approval authority(ies) voluntarily.

specific-scale (zoning, community planning permits, minor variances, lot creation, conservation authority permits and, finally, building permits, amongst others). The hierarchical and sequential nature of the development approval process requires that initial emphasis should be on **land use planning review and decision making first**, with involvement from CAs throughout the process to ensure that the various roles, responsibilities and interests of CAs related to plan review are incorporated (e.g. certain policies under the *Clean Water Act* or features that CAs regulate through their S.28 regulations). **As a best practice, involvement of the CA in the planning process by the planning approval authority and/or the proponents supports effective and efficient land use planning.**

Planning decisions that take into account up-to-date policy directions at all scales and incorporate site-specific analysis, lead to faster and easier approvals by conservation authorities which in turn helps to avoid situations where an application is approved under the *Planning Act* that cannot be approved under S.28 of the CA Act. This direction has been reinforced through changes made to the Provincial Policy Statement in 2020 meant to protect public health and safety: “Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.” (Section 3.0, Protecting Public Health and Safety in the Provincial Policy Statement, 2020). Rigorous and effective pre-consultation in collaboration with landowners, municipalities, conservation authorities and other relevant approval agencies is the foundation upon which this outcome will be achieved.

Plan Input

Under the CO/MNRF/MMAH MOU on CA Delegated Responsibilities, CAs have responsibility for representing the “Provincial Interest” for natural hazard policies (s. 3.1) of the Provincial Policy Statement, 2020 (PPS) under the *Planning Act*. The MOU with the Province commits CAs to review policy documents and development proposals processed under the *Planning Act*. CAs also have a commenting role in approval of new or amended ‘Special Policy Areas’ for flood plains under Section 3.1.3 of the PPS, where such designations are feasible. Further, CAs in conjunction with municipalities, develop business plans, watershed plans, and natural resource management plans; as well as terms of reference for large-scale studies such as hydrogeological studies, within their watershed jurisdiction.

Many CAs have entered into technical service agreements or MOUs with municipalities for plan input advisory services. Decision making timelines for municipal planning are set out in the *Planning Act*. It is important to note that each municipality has its own planning process; therefore, the standardization of CA comment timelines for all planning applications is not a straightforward matter. The CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning documents. Refer to the [CA-Municipality MOU Template for Planning and Development Reviews](#) for further details.

Plan Review

Some applications require significant CA staff involvement for review. These may include highly complex projects requiring technical review and comprehensive analysis, or smaller, site specific applications with complex technical reviews. Some applications involve large developments with significant natural

hazards, environmental impacts, or multiple approvals. Generally, these include Plans of Subdivision and Condominium, and complex Site Plan Control applications often coupled with Official Plan or Zoning By-law amendments.

Some projects have less of a potential environmental impact than major projects. They could require scoped technical studies. These projects typically have a lower level of risk with regard to natural hazards. Based on factors which may include the availability of recently completed studies, proximity of the project to regulated areas and the scope of potential environmental impact, these planning applications are reviewed by CA staff and generally require recommendations based on the nature of the site to the municipality.

The CA determines the fees for each planning application in accordance with Board -approved fee schedules; see the [Guideline for CA Fee Administration Policies for Plan Review and Permitting](#) for further details. The fee schedules are based on the complexity of the application and technical review required, which influences the staff time and resources needed for the review. As a **best practice**, the CA-Municipal MOU should include information on how CA fees for planning services will be collected and reference the CA-specific Fee Administration Policy for Plan Review and Permitting.

Permitting – Permit Review

CA staff review applications and issues permissions or recommends refusal of permissions to the Board under Section 28 of the *Conservation Authorities Act*. Section 28 allows the CA to regulate development and activities in or adjacent to river or stream valleys, shorelines of the Great Lakes-St. Lawrence River system and inland lakes, watercourses, hazardous lands (e.g. unstable soil, bedrock, and slopes), wetlands and other areas around wetlands. Development taking place on or near these lands may require permission from the CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

The CA also regulates the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, and watercourse or for changing or interfering in any way with a wetland.

Upon proclamation of the new S. 28 under the *Conservation Authorities Act*, the CA would also consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

As CAs are responsible for the review and decision making for S. 28 permit applications, they have greater control over the timeliness of approvals as compared to their role in plan input and review.

1. Conservation Ontario's Pre-Consultation Guideline

This document provides conservation authorities with a set of common best practices for undertaking and/or participating in effective pre-consultation meetings for planning and permitting applications.

1.1 The Value of Pre-Consultation

Pre-consultation is a critical value-added service that assists applicants with the application process. A pre-consultation meeting allows potential applicants and/or their authorized representative to present and discuss a development proposal with relevant staff from various agencies, including the municipality, who will be involved in reviewing their application. The objective of pre-consultation is to prepare the applicant to make a high-quality submission by clearly outlining the approvals process(es), requirements for complete applications (e.g. technical studies and fees), review and approval timelines and to allow the approval authority(ies) and commenting agencies to understand the applicant's timelines, constraints, and communication preferences.

A successful pre-consultation meeting allows the applicant to introduce and clarify the proposal; allows the approval authorities to guide the applicant through the application review process and clarify any constraints; and allows for a review timeline to be discussed. After a successful pre-consultation meeting, the approval authority(ies) can provide the applicant with a clear route towards the submission requirements for their project. This includes written confirmation of the submission requirements for a complete application, and ideally, scoping of required studies.

Successful pre-consultation ensures that all agency study requirements, fees and review timelines are identified and understood early in the process, and that the general application and review process is clearly outlined in order to achieve quality submissions. It is noted that under the *Planning Act* pre-consultation can be required by by-law for certain types of applications and many municipalities include a requirement for pre-consultation in their Official Plan. Generally municipalities act as planning approval authorities and are responsible for the planning process; the inclusion of pre-consultation requirements for applications made under the *Planning Act* is ultimately the choice of the municipality.

1.2 Defining Pre-Consultation

Formal pre-consultation meetings for planning and permitting applications are a separate and distinct process from preliminary conversations which may take place between applicants and approval agencies at a walk-up counter, over the phone or informal meetings with staff. Preliminary conversations are useful first steps to gather feedback and initial information requirements for applicants; however, formal pre-consultation is intended to be a more robust process. The appropriate level of pre-consultation is commensurate with the level of complexity of the application, technical review required and number of approval authorities involved.

In its most robust form, pre-consultation is the process where applicants engage with approval authorities prior to the submission of an application to ensure the decision relevant factors (see below), roles, responsibilities and information requirements are understood by all parties. The intent of this

process is to ensure receipt of a complete application and provides opportunities for early feedback on proposed works, thereby facilitating the timely review and decision on applications.

As a **best practice**, pre-consultation meetings should be used to identify “decision relevant factors” with the applicant (i.e. factors which must be satisfied to ensure an application can be reviewed per CA Board-approved policies or, conversely, potential fundamental issues with a proposal that may prevent approval). By identifying these factors, the CA and/or municipality (depending on the type of application) can shape process schedules / timelines and confirm submission requirements for the applicant to ensure timely review of a complete application. Through the pre-consultation process, CAs should, to the extent possible, provide clarity around timelines and project phasing.

A **best practice** for a conservation authority is to clearly define pre-consultation within their policy documents. Expectations regarding CA participation in municipal pre-consultation meetings should also be clearly defined, as per the [CA-Municipality MOU Template for Planning and Development Reviews](#).

For major permit applications (see the [Client Service Standards for Conservation Authority Plan and Permit Review](#) for further details) and significant applications under the *Planning Act* affecting the CA’s areas of interest, the following steps for pre-consultation are recommended:

1. Before Pre-Consultation Meeting: the applicant accesses information available through online resources to identify potential constraints for the subject property. The applicant adjusts their proposal in response to this information or contacts the responsible agency for further details.
2. Pre-Consultation Meeting: the applicant meets with the approval authorities to discuss their proposal. All approval authorities are given sufficient notice of the meeting to review relevant information for the site. The proposal, constraints and a potential timeline are discussed at the meeting.
3. After Pre-Consultation Meeting: the applicant works with the approval authorities to develop appropriate Terms of Reference for any studies that may be required. This process helps to scope the studies only to what is required by the approval authority(ies) as part of the review process to enable meaningful decision making.

For all applications, it is important that the applicant ensures, on a priority and first-principles basis, that the proposal is allowable under the planning approval authority’s Official Plan and Zoning By-Law, provided the application is not for an amendment to these documents. As a **best practice**, CAs should require that the applicant provide a clear confirmation from the municipality that the proposal conforms to the current Official Plan and Zoning By-Law (when an amendment to these documents is not required²). As a **best practice**, CAs should take an active role in the planning process where warranted (see Table 1 for further details) and, subsequent to that effort, process Section 28 applications once the necessary planning approvals are in place.

² Note that for properties located within the Niagara Escarpment Plan the requirements under the *Niagara Escarpment Planning and Development Act* will be followed

CA Client-Centric CA Review and Approval Process Checklist

In April 2019 Conservation Ontario Council endorsed the Service Delivery and Streamlining Initiative which included a commitment to implement a consistent client-centric CA review and approval process checklist that provides transparency of process and rules. The checklists are publicly accessible for **high growth** CA jurisdictions. The checklist includes:

- i. Having publicly accessible agreements and policies that guide reviews and decision making, including:
 - a. CA/Municipal MOUs or Technical Service Agreements,
 - b. CA plan review and regulation approvals policies/guidelines
 - c. CA Complete application requirements
 - d. CA Fee schedules and/or policies
 - e. CA Client Service Standards Commitment/Policy [including for example, timelines and identification of a senior CA staff contact serving as a ‘client service facilitator’ for plan review and/or permit applications issue management]
- ii. CA Online screening maps
- iii. CA Annual report on review timelines

Having these publicly accessible Client-Centric CA Review and Approval Process Checklists are just one measure that CAs have taken to improve the pre-consultation process.

2. Conservation Authority Pre-Consultation

2.1 Planning Act Applications

Generally municipalities act as planning approval authorities and are responsible for the planning process, including pre-consultation under the *Planning Act*. Requirements for pre-consultation on planning applications are outlined under the *Planning Act* (ss. 22(3.1), 34(10.01.1), 41(3.1) and 51(16.1)).

Pre-consultation may be optional or required by municipal by-law or through their Official Plan. Municipalities may also have well defined internal processes that support the pre-consultation process. It should be noted that “pre-consultation” is not defined under the *Planning Act*.

CAs have a provincially delegated responsibility related to S. 3.1 of the Provincial Policy Statement (PPS). It is important that CAs receive applications well in advance of review deadlines to ensure that natural hazard matters are addressed. Municipalities are not required to invite CAs to pre-consultation meetings on *Planning Act* applications. Therefore, **integrated pre-consultation is a best practice, best achieved through specific provisions in a CA-Municipal MOU regarding CA involvement in pre-consultation and associated meetings on *Planning Act* applications.** The terms set out in the MOU should ensure the CA receives an invitation to participate in pre-consultation meetings at the earliest opportunity (i.e. once a meeting time and date has been established between the applicant and planning approval authority). This approach provides the CA with adequate time to screen/review project information in order to come to the meeting with knowledge of the site, proposed works, potential constraints, and permitting and technical study requirements. Without adequate lead time, the CA lead(s) may not have the ability to consult with appropriate technical staff, potentially resulting in the applicant receiving a generic checklist of requirements. In order to prevent future delays in the process, as a **best practice**, the CA should work with municipal partners to ensure adequate time is provided for the CA to prepare for pre-consultation meetings to ensure that applicants are made aware of application requirements at the onset of the project.

Example: Ensuring Integrated Pre-Consultation

Through a [Memorandum of Agreement with the City of Ottawa](#) for the provision of plan input and review advisory services, the Mississippi Valley, Rideau Valley and South Nation Conservation Authorities have established a process to ensure the CAs are involved in pre-consultation meetings for *Planning Act* applications. Within the MOA, the City of Ottawa (the municipality) commits to “request, with reasonable notice, the participation of the Conservation partners in pre-consultation meetings either in person or by teleconference, as appropriate, for *Planning Act* applications which involve Conservation Partners interests in accordance with Appendix A”.

The CA works with municipalities and other agencies to ensure the pre-consultation process is comprehensive with respect to application requirements, supporting quality submissions, and setting reasonable circulation timelines.

Formalizing the process for CA involvement in pre-consultation meetings for planning applications is also important where CAs provide technical advice through service agreements. Having the CA involved provides further clarity to the applicant regarding the variety of roles that a CA may fulfill through service agreement in addition to their delegated responsibilities under the PPS and their review and approval role under S. 28 of the CA Act. As a **best practice**, the CA should ensure comments provided during pre-consultation are included in the municipal record. To ensure comments are appropriately incorporated into a summary of requirements provided to the applicant, CAs may, through specific provisions in a CA-Municipal MOU, request that the summary of requirements be circulated to all agencies involved in the pre-consultation meeting for review prior to being finalized for the applicant. For complex projects that include multiple developer interests, a project lead should be designated to coordinate between proponents, the municipality, CA and any other approval authorities involved.

Example: Streamlining the Municipal Development Review Process

The Association of Municipalities of Ontario (AMO) released the “[Streamlining the Municipal Development Review Process](#)” document in January, 2020. In this document, AMO identifies a number of best practices, including:

A comprehensive pre-consultation meeting at the very beginning of the approval process can reduce delays caused by incomplete or low quality applications and ensure greater co-ordination between the applicant, the municipality and all other third parties involved in the approval process. It is the most important step to streamline development approvals. Council may by by-law require applicants to pre-consult and must honour requests by applicants for pre-consultation.

- a) **Site Visit:** A meeting at the site can fast track issue identification. All parties involved in the approval process should attend. Depending on the nature of the application, the pre-consultation meeting could include planners, building officials, ministry representatives, Conservation Authorities, Local Distribution Company (LDC) or Hydro One, etc. The meeting will ensure all participants have an understanding of what permits and processes will be necessary to make a decision on the approval. As well, participants can assess the complexity of the application and identify barriers and other “deal breakers” before time and money is invested.
- b) **Information Package:** Municipal staff should prepare an information package for applicants as part of the pre-consultation meeting. This package can include a checklist of documents, supplementary reports, surveys or studies that will or may be required to submit a complete application. As well, the information package can include approval process flowcharts, expected timelines, frequently asked questions and a sample or template of a complete application.
- c) **Complex and Straightforward Approvals:** Some municipalities identify the level of complexity of an application to help shape expectations, timing and requirements. This helps move more routine approvals through the process in a timely manner.

In addition, the AMO document recommends that municipalities ensure that all information and municipal expectations are clearly conveyed to applicants. This includes publishing all essential information and requirements to municipal government’s websites.

2.2 Section 28 Permitting Applications

Pre-consultation provides an opportunity for the CA and the applicant to discuss the proposal; for the CA to determine whether the application is major, minor or routine as per the Customer Service Guidelines and/or local Board approved policy; to notify the applicant of complete application requirements for CA review and approval of the application; to proactively discuss at the beginning of the process any fundamental issues that might prevent approval; and to outline the CA review and approval process, including anticipated timelines to process the application. The nature, complexity and location of a development proposal will determine the scope of the pre-consultation process.

As per the [“Policies and Procedures for Conservation Authority Plan Review and Permitting Activities”](#), published by the Ministry of Natural Resources in 2010, CAs may request pre-consultation prior to the submission of a permit application to provide an opportunity for CAs and applicants to determine complete application requirements for projects. Alternatively, applicants may request CAs to undertake pre-consultation prior to the submission of a permit application to determine complete application requirements. As a **best practice** CAs should consider the appropriate staff resources required to appropriately respond to pre-consultation requests to ensure a timely response to such requests.

As the approval authority for permissions under Section 28 of the *Conservation Authorities Act*, CAs have greater control over defining the scope of the pre-consultation process for permitting applications. While CAs may request that formal pre-consultation take place to streamline permit applications, CAs are not able to require applicants to engage in pre-consultation for permitting applications. It is the applicant’s responsibility to ensure an appropriate level of pre-consultation has occurred and to ensure the information submitted in support of pre-consultation is complete and accurate to avoid unnecessary delays in the review of their application. Applicants are strongly encouraged to engage in pre-consultation with the CA prior to submitting an application.

As a **best practice**, CA staff should encourage pre-consultation for complex or “major” permit applications to streamline the process for both the applicant and the CA. Expectations for pre-consultation should be outlined in the CA’s procedural guidelines for permitting and should be accessible on the conservation authority’s website.

For major Section 28 applications, to further help streamline the process for the applicant, other approval agencies should also receive an invitation to the meeting (see Section 4, *Parties Involved in Pre-Consultation* for more details). Generally, at the Section 28 pre-consultation meeting, the following items should be discussed:

- What permits / approvals will be required as part of a proposal (e.g. Section 28 permits);
- Information/documentation required to submit a complete application;
- The review process and the anticipated timeline to process the application (determination of complete application, application review, and providing the approval decision to the applicant and/or municipality);
- The fee(s) associated with the application;
- CA requirements / policies which may need to be addressed in order for an application to be approved; and

- Any potential issues or concerns that may impact the process, including the requirement to obtain other external agency approvals.

Following the pre-consultation meeting, the conservation authority should identify and confirm complete application requirements in accordance with the “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” or the “Conservation Ontario Client Service Standards for Conservation Authority Plan and Permit Review”. Scoping (terms of reference) for technical studies should be discussed and documented either before or after the pre-consultation meeting. In some cases, site visits would be required prior to confirming the terms of reference (see Section 6.1 for more details)). As a **best practice**, the CA should provide this direction in written form to the applicant/landowner. Copies can be shared to the other respective agencies if agreed to by the applicant at the beginning of the process (i.e., MECP, planning authority, Drainage superintendent, etc.).

2.3 Aligning Municipal and Conservation Authority Definitions and Processes for Pre-Consultation

Although the overarching objectives of the pre-consultation process are largely similar for both municipalities and CAs, the two agencies may have different goals, timelines, information requirements and/or understandings of the pre-consultation process which may result in confusion between agencies and applicants.

Given their statutory abilities to require pre-consultation on applications pursuant to the *Planning Act*, municipalities may have formal definitions and processes in place for pre-consultation. As a **best practice**, CAs should work with their municipal partners to integrate their pre-consultation activities where warranted and to develop a definition of pre-consultation which satisfies municipal legislative and Official Plan standards as well as the CA needs. In order to ensure flexibility for both agencies, it is recommended that CAs define pre-consultation in its purest, most robust form (see Section 1.2). To ensure clarity between agencies, a **best practice** is to include the pre-consultation definition and process in a CA-municipal MOU or technical service agreement and in the local Official Plan.

As previously discussed, CAs have greater control over defining the scope of the pre-consultation process for permitting applications. While pre-consultation for Section 28 permit applications may vary from the process for planning applications, as a **best practice**, CAs are encouraged to adopt the same broad definition for both their involvement in planning and permitting processes.

Recommendations for better alignment include:

- Having CAs present at scoped pre-consultation meetings for applications submitted pursuant to the *Planning Act* to determine if and when their interests are impacted such as where watershed plans, source water, or development limits are being discussed
- Providing adequate notice to third parties (technical staff, additional approval agencies, etc.) to allow them to review materials and collect information prior to the meeting

- Where CA interests are impacted, incorporating those requirements into complete application requirements
- Allowing a CA to screen the material prior to a municipality deeming an application as complete (in terms of application requirements and quality of the submission) when a CA is reviewing a submission on the municipality's behalf
- CA to provide an information package during or following the pre-consultation meeting (see description in AMO's *Streamlining the Municipal Development Review Process* item b)
- Clarifying the expected pre-consultation meeting outcome (written letter from planning authority, verbal agreement from parties, etc.) and what is expected from the CA for this process.
- Clarify at what stage the applicant will make a submission for a CA Section 28 permit
- Confirm the fees for CA involvement, including CA planning review or permit review fees.

3. Purpose of the Pre-Consultation Process

Pre-consultation meetings are a valuable tool to ensure timely and informed approvals processes for planning and permitting applications. A comprehensive and integrated pre-consultation meeting at the onset of the approval process can reduce delays caused by incomplete or low quality applications and ensure greater coordination of requirements and level of service expectations between the applicant, the conservation authority, the municipality and other involved parties.

Benefits for the Applicant

The primary benefit of effective and integrated pre-consultation is the potential time, cost and resources savings for applicants. These savings results from project requirements being discussed up front prior to the preparation of final plans, technical studies, and other various supporting documentation which may be required to be submitted as part of a complete application.

The applicant should leave with sufficient information to make a decision to proceed with the proposal as planned, revise the proposal in accordance with information and advice provided by all agencies, or abandon the project.

Benefits for the Conservation Authority

Pre-consultation offers the conservation authority the opportunity to provide input on a development proposal early in the process to ensure all project requirements will be appropriately submitted as part of a complete application. Through pre-consultation, CAs can provide necessary information to ensure complete applications are received, which can greatly reduce the CAs' review time and/or need for resubmissions, thereby reducing staff time and resources needed to process applications.

Pre-consultation further offers the opportunity for collaboration, issue resolution, and potential amendments to the project design. This collaboration results in the best possible outcomes for all parties which satisfies all legislative, regulatory and agency-specific policy requirements.

4. Parties Involved in Pre-Consultation

As previously discussed, CAs may have limited control over the scoping and coordination of the pre-consultation process for planning applications. As the approval authority (generally) for planning applications, municipalities are responsible for the pre-consultation process, whereas CAs have control over the process for permitting applications.

For permitting applications, the CA should determine the appropriate parties to be involved in the pre-consultation process based on the scale and scope of the proposed works. For routine or minor permit applications, the scope of the pre-consultation may be smaller and more informal (i.e. involving telephone conversations or conferences, videoconferencing, CA mapping screening or planning counter inquiries) and may only take place with a CA planner/permitting staff and the applicant, owner or consultant. A **best practice** for CAs is to ensure that the landowner or authorized agent is included in pre-consultation meetings or at a minimum receives correspondence regarding their application. This ensures clear communication with the agent/consultant, landowner and CA.

For more complex applications, as a **best practice**, CA staff should set meeting times when appropriate technical staff are available to meet with applicants either in person or via electronic means. This best practice can be reinforced through a CA's Board-Approved Policy. Pre-consultation for complex or major applications may include staff from the following parties: CAs (senior CA planning, permitting, engineering, hydrogeology or other technical staff, as applicable), municipalities (for example, planning and engineering staff), the applicant, consultants, the developer and owner, and may be supplemented by staff from provincial ministries, Parks Canada and any other appropriate government agencies.

5. Requirements for a Complete Application

A major goal of pre-consultation is to identify the requirements for a complete application.

Planning Act Applications

For planning applications, the planning approval authority will determine submission requirements for the applicant in order to achieve a complete application. Depending on the terms of the CA-Municipal MOU /Technical Service Agreement and the scope of the proposed works or proposal, the CA may outline application requirements (e.g. technical studies) which must be obtained prior to approval of the proposed works. A CA should also identify whether a permission under the *Conservation Authorities Act* will be required for the proposal. Such requirements are typically presented to applicants in the form of a CA review checklist. For applications requiring technical studies, applicants are strongly encouraged to ensure that these studies are properly scoped to include the appropriate level of technical information through pre-consultation with the conservation authority before planning and permit applications are submitted.

Depending upon the nature of the proposal, a CA may become involved from both a plan input and plan review perspective. As a **best practice**, CAs should identify a single CA staff member who is responsible for the coordination of a particular file. During the pre-consultation meeting, CA staff should ensure the

applicant, municipality and other third parties (i.e. approval agencies, consultants, contractors, landowner, etc.) are made aware of who the CA contact will be for the application, and provide appropriate contact information for this staff person to all parties. In turn, the applicant, municipality and other third parties should direct all correspondence, communication and requests through the designated CA staff contact thus also streamlining the review and approval process. For example, an applicant asking a question of a CA water resource engineer on the modeling for a natural channel design, but not including the ecologist, hydrogeologist or geotechnical engineer in the conversation will receive incomplete advice and may inadvertently lengthen the process. By requesting the information through the CA contact, the appropriate staff will be involved in providing advice or clarification and thus contribute to streamlining the process.

For complex projects, the initial pre-consultation meeting should include a discussion of major milestones with projected timelines, as well as a commitment to ongoing discussion throughout the process. As a **best practice**, the CA will document any follow-up technical meetings with the applicant and provide the applicant with a copy to ensure clarity (including information related to projected timelines, process, checklists etc.). This will help to streamline the process for both the applicant and the CA.

Section 28 Regulations

The regulation empowers CAs to review applications to determine, if, in the authority's opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will be affected by the proposal. Per the "Policies and Procedures for Conservation Authority Plan Review and Permitting Activities", CAs are encouraged to develop written, CA Board-approved, publicly accessible procedures and guidelines or checklists that define the components of a complete application. Generally, CAs have developed checklists which outline minimum application requirements in order for an application to be reviewed by CA staff. These requirements may not be sufficient in deeming an application to be "complete", as additional study requirements may be requested during the pre-consultation process. To further clarify the requirements for a complete application, CAs may develop checklists for supporting technical requirements (studies), which will be appropriately scoped during the pre-consultation process and throughout the review process. As a **best practice**, CAs should make these checklists publicly available to ensure applicants have adequate information in advance of any pre-consultation meeting. See Appendix A of the *Client Service Standards for Conservation Authority Plan and Permit Review* for examples of general submission checklists for Section 28 permit applications.

As a **best practice** CA staff should prepare a general information package (made accessible on the CA's website) which could include review process flowcharts, expected timelines, frequently asked questions and a sample or template of a complete application. This information should be used to supplement a more formal pre-consultation process with the CA.

For both planning and permitting applications, as a **best practice**, CAs should endeavor to provide the applicant with all relevant information, both for their property as well as for adjacent surrounding properties (i.e. information to assist applicants with understanding the "bigger picture" around their site). To ensure an applicant has sufficient information about their proposed site prior to the pre-

consultation meeting, CAs should, as a **best practice**, ensure that pre-screening information (such as on-line mapping resources) is publicly available.

It should be recognized and clarified at the pre-consultation meeting that substantial changes to a proposal or new information from a site visit after pre-consultation may warrant further pre-consultation and/or changes to the CA technical checklist for studies. While all attempts will be made to identify requirements through the pre-consultation process the pre-consultation does not substitute for the actual review of an application. For example, should additional information be required during the submission review, the CA reserves the right to require additional information, including technical studies, to ensure it has all of the required information to complete its review. As a **best practice**, this additional information request will be discussed directly with the applicant.

6. Additional Tools for Effective Pre-Consultation

6.1 Site Visits

Pre-consultation meetings for complex applications may benefit greatly from site visits as a means to identify site constraints and potential barriers early in the application process. As with a regular pre-consultation meeting, all parties involved in the approval process should be invited to attend the site visit. Site visits allow review and approval agencies to “ground truth” features and potential constraints on site, and further identify what permits and processes will be necessary in order to make a decision of whether or not an application can be approved, and if additional studies may be necessary.

There may be cases where site visits reveal new information not previously disclosed to approval agencies during the pre-consultation process which may warrant further consultation and/or changes to the required technical studies. As a **best practice**, and where warranted, site visits should take place prior to or concurrent with the formal pre-consultation meeting in order to streamline the application process and reduce unnecessary delays. Pursuant to conservation authority board approved fee schedules, a fee may apply for this service.

6.2 Technical Review/ Scoping Meetings

In cases where applications may require substantial technical studies, or where an applicant has limited understanding of the review and approval processes for planning or permitting applications, the CA and/or municipality may offer/require the applicant a technical review meeting to ensure all parties are aware of technical study requirements, prior to the submission of an application. Similar to the pre-consultation meeting, all applicable approval authorities should be invited to assist the applicant in understanding preliminary constraints in the proposed design and project phasing, and if possible, begin development of a checklist of all requirements which would be needed to achieve a complete application. Depending on capacity of the approval authorities, this meeting could be offered to the owner/applicant prior to or at the municipal pre-consultation. In undertaking such a meeting, the owner/applicant is able to better understand the approval requirements for the proposed works and can make an informed decision on whether or not to proceed with an application.

6.3 Design Charrettes

For very complex applications, a CA may consider the use of a design charrettes involving all parties (see Section 4, *Parties Involved in Pre-Consultation*), which is an expanded and more intense version of a pre-consultation. Design charrettes can be quite successful when appropriate ground rules are established and sufficient information about the application and the site is available prior to the meeting. In this form of pre-consultation, participants work collaboratively to discuss ideas and generate solutions for potential design options. This form of pre-consultation is typically done very early in the design process.

6.4 Electronic Pre-Consultation

Electronic pre-consultation meetings can be highly effective to bring all of the stakeholders together and minimize costs associated with hospitality, time and travel. As a **best practice**, the host of the pre-consultation meeting should check with participants to determine accessibility to high speed internet, as well as appropriate devices and software platforms. For areas where high speed internet is not reliably available, electronic pre-consultation may still occur, however, it may involve teleconferencing and emailing or mailing materials ahead of time.

7. Confirming the Receipt of a Complete Application

7.1 Planning Act Application

Planning applications will be deemed complete by the municipality, not by the CA, however screening with CA staff before deeming an application complete is a **best practice** when the CA will be reviewing technical studies and/or plans in support of an application submission. As a **best practice**, the CA should work with the municipality to get CA technical checklists included as part of complete application requirements in municipal Official Plans. Therefore municipalities would inform the applicant about the CA technical checklists as part of municipal complete application requirements.

Decision making timelines for planning applications are set out in the *Planning Act*. It is important to note that each municipality has its own planning process. As a **best practice**, the CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning applications. Refer to the [CA-Municipality MOU Template for Planning and Development Reviews](#) or specific Board-approved policies for further details. There may be some modification to these review timelines for individual applications with discussion and agreement amongst the applicant, municipality and CA staff during the pre-consultation stage and provided that the requirements of the *Planning Act* are met. A **best practice** is for a project schedule to be established through the pre-consultation process, such that all parties are clear on their roles and timelines as they move toward project approval.

To achieve a streamlined planning approval process, the CA relies heavily on each municipality to include the CA in pre-consultation meetings, consult with the CA prior to deeming applications complete; and to circulate the planning application, technical reports and plans well in advance of the CA review deadline set by the municipality. This, along with the CA participation during pre-

consultation and the applicant meeting the CA technical checklist with good quality studies, is vital to the CA meeting level of service timelines for planning applications.

7.2 Permitting Applications

Applications for permission (permits), are deemed complete by the conservation authority. The [Guideline for Client Service Standards for Conservation Authority Plan and Permit Review](#) outlines expectations around the timeliness for a CA determining an application complete for major, minor and routine applications. In addition, the [Policies and Procedures for CA Plan Review and Permitting](#) (MNRF, 2010) also provides details regarding the complete application process.

As a **best practice** CAs should coordinate study requirements with other approval agencies who may be involved in the same project. This ensures that a CA's study and therefore complete application requirements are not contrary or duplicative to other approval agency's requirements. A primary example of this would be applications for the placement of fill requiring both a CA Section 28 permission and a municipal site alteration approval.

As a **best practice** the CA should clearly articulate expectations for a complete application through the pre-consultation meeting and follow-up. This will allow the applicant to easily transition to the complete application stage. Applicants are strongly encouraged to engage in pre-consultation with the CA prior to submitting an application. **It is the applicant's responsibility to ensure an appropriate level of pre-consultation has occurred to avoid unnecessary delays in the review of their application.** Standard application review periods assume that pre-consultation has been conducted and that the application meets the requirements as outlined in the CA S.28 permit review guidelines.

7.3 Application Submission Quality

Applicant requirements will be scoped based on the complexity of the project. For applications requiring technical studies, applicants are strongly encouraged to ensure that these studies are properly scoped through pre-consultation before planning and permit applications are submitted. Specific guidance in this regard will need to be sought from CA staff. Properly developed technical studies will support timely review by the CA. Guidelines for review timelines cannot be adhered to when submissions are incomplete and information is received in an uncoordinated fashion.

Technical submissions by the applicant must meet good practice and industry standards to minimize resubmissions and avoid unnecessary delay. As a **best practice** CAs should consider requiring the applicant, as part of the covering letter, to have a professional confirm that an application is complete. Ultimately, quality control is the responsibility of the applicant, to ensure studies are consistent and properly referenced (e.g. location).

8. Summary of Best Practices

No.	Summary of Best Practices	Section
Pre-Consultation for Planning Act Applications		
1.	Involvement of the CA in the planning process by the planning approval authority and/or the proponents supports effective and efficient land use planning.	Background
2.	The CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning documents.	Conservation Authority Roles and Activities – Plan Input
3.	The CA-Municipal MOU should include information on how CA fees for planning services will be collected and reference the CA-specific Fee Administration Policy for Plan Review and Permitting.	Conservation Authority Roles and Activities – Plan Input
4.	CAs should require that the applicant provide a clear confirmation from the municipality that the proposal conforms to the current Official Plan and Zoning By-Law (when an amendment to these documents is not required).	1.2 Defining Pre-Consultation
5.	CAs should take an active role in the planning process where warranted (see Table 1 for further details) and, subsequent to that effort, process Section 28 applications once the necessary planning approvals are in place.	1.2 Defining Pre-Consultation
6.	Integrated pre-consultation is a best practice, best achieved through specific provisions in a CA-Municipal MOU regarding CA involvement in pre-consultation and associated meetings on <i>Planning Act</i> applications, as well as mutually agreeable timelines for circulation and review of applications.	2.1 Planning Act Applications
7.	The CA should work with municipal partners to ensure adequate time is provided for the CA to prepare for pre-consultation meetings to ensure that applicants are made aware of application requirements at the onset of the project.	2.1 Planning Act Applications
8.	CAs should ensure comments provided during pre-consultation are included in the municipal record	2.1 Planning Act Applications
9.	To ensure clarity between agencies, the pre-consultation definition and process should be included in a CA-Municipal	2.3 Aligning Municipal and Conservation Authority

No.	Summary of Best Practices	Section
	MOU or technical service agreement and in the local Official Plan.	Definitions and Processes for Pre-Consultation
10.	CAs should make every effort to formalize their involvement in the pre-consultation process for planning applications by including an integrated pre-consultation process within a CA-Municipal MOU or service agreement	4 Parties Involved in Pre-Consultation
11.	CAs should identify a single CA staff member who is responsible for the coordination of a particular file.	5. Requirements for a Complete Application
12.	CAs will document any follow-up technical meetings with the applicant (following the pre-consultation meeting) and provide the applicant with a copy to ensure clarity (including information related to projected timelines, process, checklists etc.).	5. Requirements for a Complete Application
13.	When the CA will be reviewing technical studies and/or plans in support of a submission on a municipality's behalf it is a best practice to screen the studies and/or plans with CA staff prior to a municipality deeming a planning application complete.	7.1 Planning Act Application
14.	CAs should work with their member municipality(ies) to get CA technical checklists included as part of complete application requirements in municipal Official Plans.	7.1 Planning Act Application
15.	The CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning applications	7.1 Planning Act Application
16.	A project schedule should be established through the pre-consultation process, such that all parties are clear on their roles and timelines as they move toward project approval.	7.1 Planning Act Application
Pre-Consultation for Section 28 Permissions Applications		
17.	CAs should consider the appropriate staff resources required to appropriately respond to pre-consultation requests to ensure a timely response to such requests	2.2 Section 28 Permitting Applications
18.	CA staff should encourage pre-consultation for complex or "major" permit applications to streamline the process for both the applicant and the CA.	2.2 Section 28 Permitting Applications
19.	CA should provide direction regarding complete application requirements, scoping for technical studies and requirements to assist with developing a terms of reference in written form to the applicant/landowner either before or after the pre-consultation meeting.	2.2 Section 28 Permitting Applications

No.	Summary of Best Practices	Section
20.	For pre-consultation for permitting applications, CAs should ensure that the landowner or authorized agent is included in pre-consultation meetings or at a minimum receives correspondence regarding their application.	4 Parties Involved in Pre-Consultation
21.	For more complex applications CA staff should set meeting times when appropriate technical staff are available to meet with applicants either in person or via electronic means.	4 Parties Involved in Pre-Consultation
22.	CAs should develop and make publicly available checklists for supporting technical requirements (studies) to ensure applicants have adequate information in advance of any pre-consultation meeting.	5. Requirements for a Complete Application
23.	CA staff should prepare a general information package (made accessible on the CA's website) which could include review process flowcharts, expected timelines, frequently asked questions and a sample or template of a complete application.	5. Requirements for a Complete Application
24.	To ensure an applicant has sufficient information about their proposed site prior to the pre-consultation meeting, CAs should ensure that pre-screening information (such as on-line mapping resources) is publicly available.	5. Requirements for a Complete Application
25.	All requests for additional information (including technical studies) should be discussed directly with the applicant to ensure the CA has all of the required information to complete its review.	5. Requirements for a Complete Application
26.	CAs should coordinate study requirements with other approval agencies who may be involved in the same project to ensure that a CA's study and therefore complete application requirements are not contrary or duplicative to other approval agency's requirements.	7.2 Permitting Applications
27.	CAs should clearly articulate expectations for a complete application through the pre-consultation meeting and follow-up. This will allow the applicant to easily transition to the complete application stage.	7.2 Permitting Applications
General Pre-Consultation Best Practices		
28.	Pre-consultation meetings should be used to identify "decision relevant factors" with the applicant (i.e. factors which must be satisfied to ensure an application can be reviewed per CA Board-approved policies or, conversely, potential fundamental issues with a proposal that may prevent approval).	1.2 Defining Pre-Consultation
29.	Conservation authorities should clearly define pre-consultation within their policy documents.	1.2 Defining Pre-Consultation

No.	Summary of Best Practices	Section
30.	CAs should work with their municipal partners to integrate their pre-consultation activities where warranted and to develop a definition of pre-consultation which satisfies municipal legislative and Official Plan standards as well as the CA needs.	2.3 Aligning Municipal and Conservation Authority Definitions and Processes for Pre-Consultation
31.	CAs are encouraged to adopt the same broad definition for pre-consultation for both their involvement in planning and permitting processes.	2.3 Aligning Municipal and Conservation Authority Definitions and Processes for Pre-Consultation
32.	For both planning and permitting applications, CAs should endeavor to provide the applicant with all relevant information, both for their property as well as for adjacent surrounding properties (i.e. information to assist applicants with understanding the “bigger picture” around their site).	5. Requirements for a Complete Application
33.	Where warranted, site visits should take place prior to or concurrent with the formal pre-consultation meeting in order to streamline the application process and reduce unnecessary delays.	6.1 Site Visits
34.	The host of the pre-consultation meeting should check with participants to determine accessibility to high speed internet, as well as appropriate devices and software platforms.	6.4 Electronic Pre-Consultation
35.	CAs should consider requiring the applicant, as part of the covering letter, to have a professional confirm that an application is complete.	7.3 Application Submission Quality