



NATIONAL CAPITAL COMMISSION COMMISSION DE LA CAPITALE NATIONALE

Proponent's Guide to the NCC's
Federal Land Use, Design
and Transaction Approvals Process

September 2018

Canada

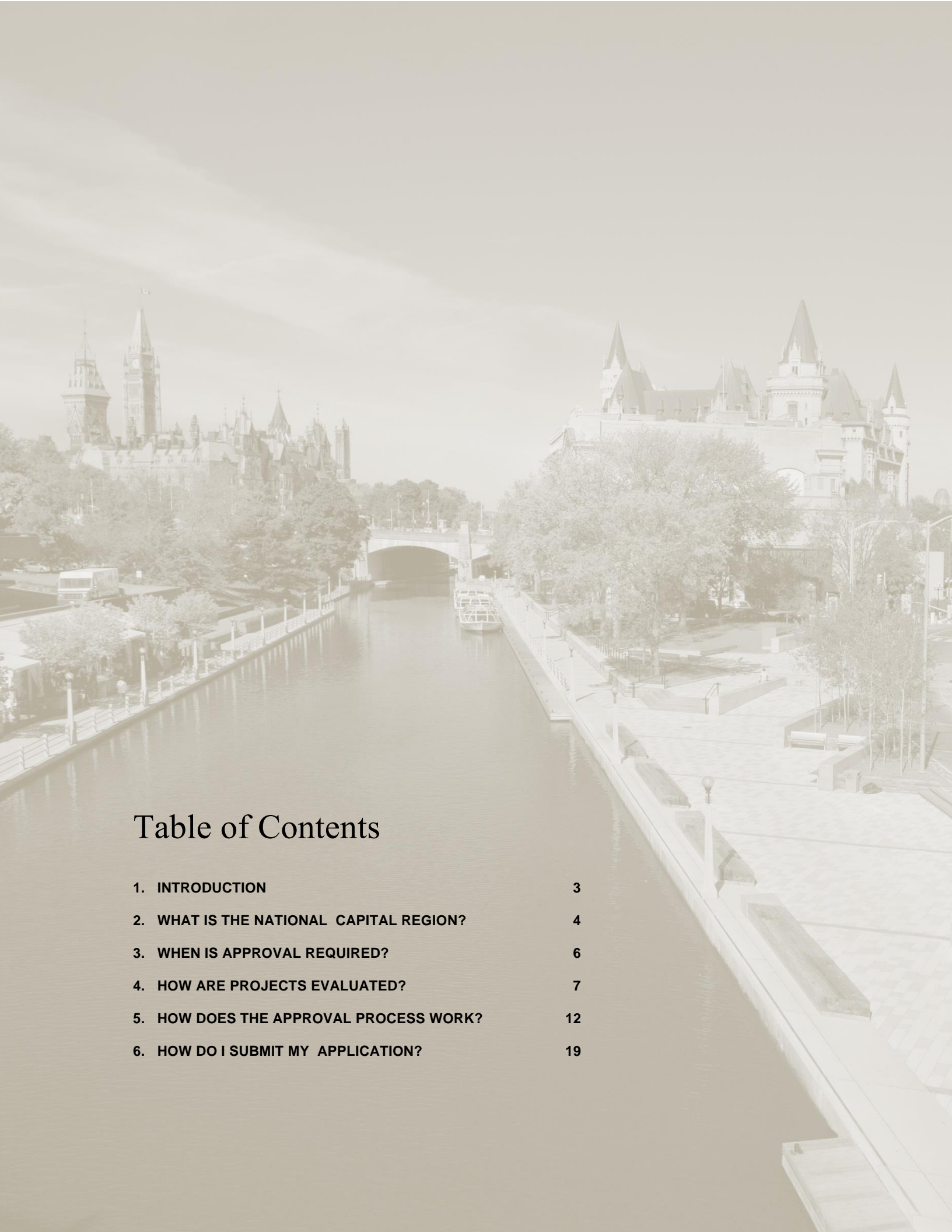


Table of Contents

| | |
|--|-----------|
| 1. INTRODUCTION | 3 |
| 2. WHAT IS THE NATIONAL CAPITAL REGION? | 4 |
| 3. WHEN IS APPROVAL REQUIRED? | 6 |
| 4. HOW ARE PROJECTS EVALUATED? | 7 |
| 5. HOW DOES THE APPROVAL PROCESS WORK? | 12 |
| 6. HOW DO I SUBMIT MY APPLICATION? | 19 |

1. Introduction

The National Capital Commission (NCC) is a federal Crown corporation created by Canada's Parliament in 1959 under the *National Capital Act* (R.S.C., 1985, C. n-4). With its mandate reaching back over a century, the NCC's mission looks decades ahead to ensure that the planning, development, conservation and improvement of the Capital reflects its significance as Canada's seat of national government. It fulfills this role through the following areas of activity:

- setting the long-term planning directions for federal lands in the National Capital Region;
- guiding and controlling the use and development of federal lands in the National Capital Region;
- managing, conserving and protecting NCC assets (including Gatineau Park, the Greenbelt, Riverfront Parks, real property, and other assets such as bridges, pathways and parkways); and
- maintaining heritage sites in the National Capital Region, such as the official residences and national commemorative sites.

Through the *National Capital Act*, the NCC is responsible for coordinating and approving projects on federal lands and buildings in the National Capital Region. The NCC's mandate to approve federal land uses, transactions and designs is set out in Sections 12 and 12.1 of the *National Capital Act*.

All individuals and federal organizations, including the NCC, need the NCC's approval before undertaking projects on federal lands and buildings in the National Capital Region. Projects are evaluated in terms of their impact on the National Capital Region from both a land use and design excellence perspective, and the potential effects on the natural environment. The NCC evaluates applications based on the conformity with relevant legislation, federal plans, policies and design guidelines.

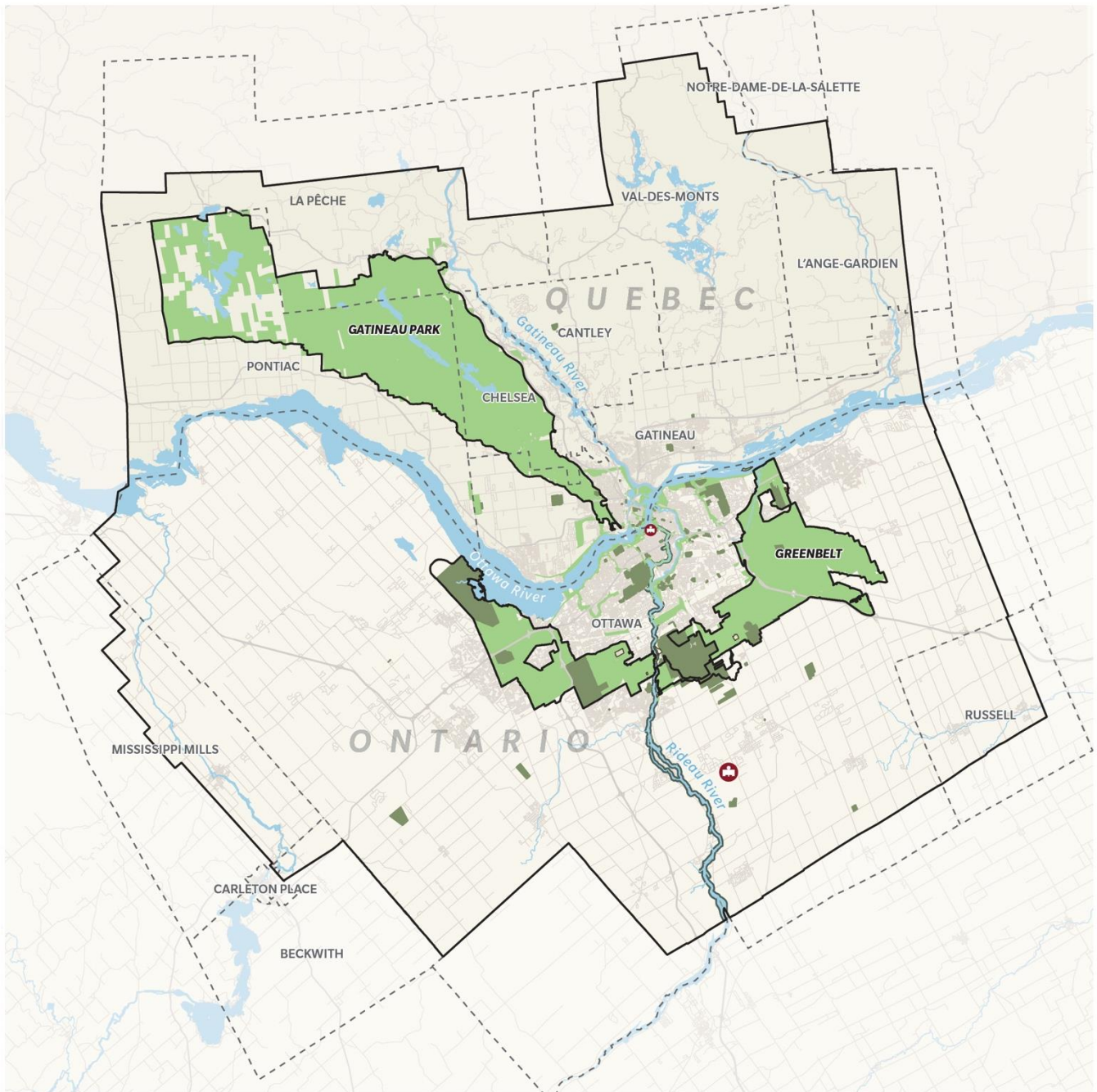
The purpose of this guide is to explain: the NCC's land use, transaction and design approval process; how to submit an application; and how applications are evaluated by the NCC.

2. What is the National Capital Region?

The National Capital Region is defined by the 1958 *National Capital Act*. The Region includes lands from Ontario and Quebec, the Ottawa River and Gatineau River that are under the control and management of the federal government. Figure 1 illustrates the National Capital Region and the lands owned by the NCC and other federal lands.

The NCC is responsible for developing, preserving and improving the National Capital Region for Canadians to be proud of. To create an exceptional capital, the NCC coordinates the use of all federal lands in the National Capital Region. As the steward of a large and diverse land and asset base, the NCC is committed to preserving, sustaining and managing these assets to enrich the experience of all.

Figure 1: Map of the National Capital Region



National Capital Region




-  NCC lands
-  Other federal lands
-  Municipal boundaries
-  National Capital Region
-  Parliament Hill



Image source: Plan for Canada's Capital, 2017
*For accurate data, see GIS mapping.

3. When is Approval Required?

Before undertaking any activity on federal lands or buildings in the National Capital Region, proponents must submit a Federal Land Use, Design and Transaction Application to the NCC for approval.

Projects on federal lands that require approval include:

- the construction, alteration, extension, or demolition of any federal buildings or structures and/or any buildings or structures on federal land;
- the change of land use on federal lands;
- the sale and the transfer of property control or management (through lease, easement or other agreement);
- proposed development on privately owned lands subject to NCC restrictive covenants;
- any works, but not limited to signage, landscaping and infrastructure projects; and

Any department proposal to erect, alter, extend or demolish a building or other work on any lands in the National Capital Region also requires approval.

The NCC's role to approve federal land uses, design and transaction approvals is set out in sections 12 and 12.1 of the *National Capital Act*.

The Approval Process Objectives

The approval responsibilities of the NCC are fundamental to the Commission's mandate as the federal planning and coordinating agency within the Capital Region.

The approval process has the following objectives:

- to coordinate land use, development and other works on federal lands in order to reinforce and positively contribute to the unique character, identity and quality of the Capital "in accordance with its national significance";
- to ensure that federal properties and buildings are effectively planned and developed to standards and criteria appropriate to their location and context in the Capital;
- to implement federal legislation and NCC approved plans, and other environmental and heritage policies; and
- to take into account relevant provincial and municipal legislation and plans.

4. How Are Projects Evaluated?

Projects are evaluated in terms of their impact on the National Capital Region from a land use and design excellence perspective and the potential effects on the natural environment. NCC staff is required to evaluate applications based on the conformity with relevant legislation, federal plans and policies, and guidelines. **You can obtain information and copies of these plans through the NCC's website, or by contacting NCC staff at federal.approval@ncc-ccn.ca.**

The following plans and policies are used by NCC staff to guide the decision making process:

Plan for Canada's Capital

The overarching planning document is the *Plan for Canada's Capital*. This is the highest level document, providing long-term, strategic directions and comprehensive policies for the land use, management and design of federal lands in the Capital. The policies of this plan are reviewed approximately every 10 years.

National Interest Land Mass (NILM)

The National Interest Land Mass (NILM) identifies lands that are essential to the achievement of the NCC's mandate. Lands identified within the NILM are required to support the symbolism, functions, physical structure, and natural and cultural landscape qualities of Canada's Capital. A NILM designation indicates a formal expression of the federal government's interest in the long-term use of these lands in a manner that supports Canada's Capital. The NILM is a key vehicle for the implementation of the NCC long-range plans.

NCC Plans

A number of more detailed plans translate the policies of the *Plan for Canada's Capital* to specific federal areas or sites. Along with the Plan for Canada's Capital, the following plans are generally reviewed every 10 years:

- **The Greenbelt Master Plan** – The Greenbelt Master Plan describes the purpose of the Greenbelt and its roles at a national and regional level. It also outlines the values that should be used when making decisions about land uses in the Greenbelt. The roles and function of each unique area within the Greenbelt are also defined in the master plan, which provide direction for their long-term use and development.
- **The Gatineau Park Master Plan** – The Gatineau Park Master Plan is the long term plan for the development, use and management of Gatineau Park. The Master Plan envisions Gatineau Park as a leader in protecting natural and cultural heritage. In keeping with this, the Master Plan encourages recreational activities in the Park that are compatible with ecosystem preservation.
- **The Capital Urban Lands Plan** – The Capital Urban Lands Plan applies to urban federal lands that extend to the Greenbelt in Ottawa, and those located within the urban boundary in Gatineau. The Plan guides the planning, protection and development of those lands, but does not apply to lands in Gatineau Park.
- **Canada's Core Area Sector Plan** – The Canada's Capital Core Area Sector Plan sets out policies for how federal government lands within the downtown cores of Ottawa and Gatineau should be developed.
- **Canada's Capital Views Protection** – The Canada's Capital Views Protection assembles the current “views protection” policies and controls which are intended to protect and enhance the visual integrity and symbolic primacy of the National Symbols.
- **Ottawa River North Shore Parklands Plan** – guides decisions pertaining to land use, development and the activities that take place on federal riverfront lands.
- **Ottawa River South Shore Riverfront Park Plan** – provides the framework for land use, development and activities on the riverfront lands.
- **Other Plans and Guidelines** – Other plans that may apply include, but are not limited to the: Ottawa River Integrated Development Plan, Confederation Boulevard Design Guidelines, and Capital Illumination Plan and any other approved policy/guidelines forming part of the NCC Capital Planning Framework

Canadian Environmental Assessment Act 2012 (CEAA 2012)

The NCC must ensure compliance with Section 66 and Section 67 of the *Canadian Environmental Assessment Act*, 2012, which requires that the NCC conduct an environmental review for all projects subject to the NCC's review and approval:

Section 67. An authority must not carry out a project on federal lands, or exercise any power or perform any duty or function conferred on it under any Act of Parliament other than this Act that could permit a project to be carried out, in whole or in part, on federal lands, unless

(a) the authority determines that the carrying out of the project is not likely to cause significant adverse environmental effects; or

(b) the authority determines that the carrying out of the project is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstance under subsection 69(3).

“Project” means a physical activity that is carried out on federal lands or outside Canada in relation to a physical work and is not a designated project.

All Federal Land Use, Design and Transaction applications meeting the definition of a project are subject to an environmental review under CEAA 2012 and are evaluated for potential adverse environmental effects.

As part of the formal application, the proponent is required to fill out an Application Impact Evaluation Form which will be used to assess the level of risk and potential for significant adverse environmental effects associated with the proposal.

Projects that are expected to have a negative effect on the environment may require further review by the Environmental Officer.

Conservation of Federal Heritage Buildings

The Treasury Board Policy on Management of Real Property (2006) requires departments to obtain the advice of the Federal Heritage Buildings Review Office (FHBRO) regarding potential heritage designation and subsequent protection of buildings under their custody. The FHBRO committee evaluates buildings 40 years of age and older and recommends a designation of either “Classified,” “Recognized” or “not designated”.

If conducting work on a building, the NCC will request information on the age of the building. If the building is 40 years of age or older, a copy of the FHBRO building evaluation report will need to be obtained by the proponent. The Heritage Character Statements for designated buildings can be accessed from the Canadian Register of Historic Places on Canada’s Historic Places website (www.historicplace.ca).

Where an addition, renovation, demolition or disposal is proposed for a Classified building, a report on the proposed works must be submitted and reviewed by the FHBRO. The same applies for demolition or disposal proposals for Recognized buildings. If this is required as part of the Federal Land Use, Design and Transaction application, the proponent will be notified during the pre-application stage and NCC staff will advise on the appropriate next steps.

Archaeological Resources

Archaeological pre contact and historic resources are considered an integral part of the region's heritage and should be taken into account in project management procedures and impact assessments. When archaeological resources have been previously recorded on a site, or where the potential for them exists, as identified by the NCC or as designated by other organizations, the NCC will ensure that proponents take appropriate precautions to protect these resources.

The proponent will be notified during the pre-application stage if their proposal is located on lands that have been identified as having archaeological potential, and the appropriate next steps.

Other Federal Policies or Interests

The NCC must take into account other federal policies, programs or guidelines, such as the Federal Policy on Wetland Conservation. It must also consult other federal agencies that may have an interest in a particular project.

Municipal Authorities

It is the proponent's responsibility to consult with the relevant municipal authorities to determine whether the proposal conforms to local plans, policies and regulations, and will meet any obligations.

Property Impacts

When reviewing applications for the use of NCC lands, the NCC must identify whether the proponent will be required to obtain easements, leases or permits as identified by the NCC.

5. How Does the Approval Process Work?

To build the National Capital Region, the NCC seeks projects of quality and excellence. The Federal Land Use, Design and Transaction Approval process ensures that projects on federal lands and projects by federal organizations (including the NCC) contribute to a capital that Canadians can be proud of.

Federal Land Use, Design and Transaction Approval Application Project Levels

The NCC categorizes Federal Land Use, Design, and Transaction Approval applications according to three project levels. There are two components to determining an application's project level. The first component assesses the application's level of importance to the development, conservation and improvement of the Capital Region. The second component includes an environmental review of the application to assess the level of risk and potential for significant adverse environmental effects. The application's project levels will be determined by NCC staff.

Federal Land Use, Design and Transaction Approval applications are determined as follows:

1) Matters of Capital Significance – Three Capital Project Levels

The NCC categorizes Federal Land Use, Design and Transaction Approval applications according to a project's importance from a Capital perspective and by its degree of complexity.

From the NCC's perspective and mandate, there are three different project levels:

Level 1: Simple projects with little issues or impacts on federal lands

Level 2: Moderately complex projects with potential issues or impacts on federal lands

Level 3: Major projects with high symbolic value for the Capital

Factors that contribute to a project's importance from a Capital perspective include, but are not limited to:

- location of the proposed project site (the core area of the National Capital Region is the most important from a Capital perspective), and
- symbolic importance (national institutions, and projects located along Confederation Boulevard and Scenic Entry Routes are the most important from a Capital perspective).

Figure 2: Map of Confederation Boulevard



A project's degree of complexity is defined by the:

- nature of the proposed project;
- anticipated issues and concerns;
- number of stakeholders involved; and
- conformity with federal legislation, NCC Plans, policies and design guidelines.

Some projects may require a Federal Environmental Assessment, or referral to the Federal Heritage Buildings Review Office (FHBRO). This will be determined by NCC staff, and the proponent will be advised on the appropriate next steps.

2) Environmental Review

All Federal Land Use, Design and Transaction Applications are subject to an environmental review. **All applications are evaluated for their potential adverse effects on the environment.**

All proponents are required to complete the Impact Evaluation Form as part of the formal application. The form will assist NCC staff to evaluate the environmental effects of the proposal, and if minimal environmental effects are expected, will provide established mitigation measures that will be included in your Federal Land Use, Design and Transaction Application Approval.

Process and Timelines

The time needed to review an application and make a decision depends on the project level. The NCC will confirm the project level with the proponent at the pre-application meeting.

The application review period begins once the NCC has received a complete application, along with all studies and plans necessary to meet NCC requirements.

Review and Decision Timelines:

Level 1: Generally three to five weeks

Level 2: Generally two to four months

Level 3: Generally requires at least eight months to twenty-four months

Please note that:

Level 2 projects must be:

- submitted to the NCC Executive Committee of the Board of Directors for approval (by E-vote)

Level 3 projects must be:

- presented at the Advisory Committee on Planning, Design and Realty, and
- submitted to the NCC Board of Directors for approval.

Conditions of Approval

Once the application review is complete and an approval is granted, the approval letter will include terms and conditions. These terms and conditions may include mitigation measures that must be implemented prior to commencing work. It will be the responsibility of the proponent to fulfill the conditions and to implement any mitigation measures identified.

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The table below summarizes the three Project Levels for Federal Land Use, Design and Transaction projects.

| | Level 1 | Level 2 | Level 3 |
|--|--|--|--|
| General Definition | Simple projects with little issues or impacts | Moderately complex projects with potential issues or impacts | Major projects with high symbolic value for the Capital |
| Examples of Development and Construction Projects | <ul style="list-style-type: none"> • Temporary projects (less than one year) • Minor improvements to existing building outside the core area • Signs outside the core area • Road/wayfinding signs • Replacement and/or maintenance of existing public works and infrastructures • Projects not involving a FHBRO designated building • Easements | <ul style="list-style-type: none"> • New buildings and major improvements to existing buildings • Minor improvements to existing buildings inside the core area • Official residences, except those located along Confederation Boulevard • Signs in the core area • Minor public works and infrastructures • Projects involving a FHBRO-designated building • Level 3 commemorations | <ul style="list-style-type: none"> • Projects located along Confederation Boulevard • National institutions • Federal department or agency headquarters • Major public works and infrastructures (airport, interprovincial crossing, etc.) • Projects with an impact on protected views • Purchase or disposal of NILM lands • Level 1 and 2 commemorations |
| Examples of Planning Projects | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • None | <ul style="list-style-type: none"> • All long-term federal and planning projects and plans |
| Environmental review | <ul style="list-style-type: none"> • Requires an environmental review | <ul style="list-style-type: none"> • Requires an environmental review | <ul style="list-style-type: none"> • Requires an environmental review |

*National Interest Land Mass (NILM). See map of NILM lands within the National Capital Region.

The Application and Approval Process



Step 1: Proponent submits pre-application form

A pre-application form is submitted by the proponent online. The application requires a written description of the proposed project, the project location, proponent information, and a 1-page concept plan of the proposed project, including dimensions and any additional details.



Step 2: NCC arranges pre-application meeting with the proponent

NCC staff arranges a pre-application meeting with the proponent within 10 business days of receiving the pre-application form. This meeting is held either in person or on the phone.



Step 3: Pre-application meeting

A pre-application meeting is held with the NCC. NCC staff will provide to the proponent: preliminary feedback on the proposed project and potential environmental issues, the determination of the Project Level; confirm if the project needs to be referred to the Federal Heritage Buildings Review Office (FHBRO); and indicates the required documents for a complete application submission.



Step 4: Confirmation of application requirements is sent to the proponent

Confirmation is sent from the NCC to the proponent summarizing the key points from Step 3, including the required submission documents and any other application information, as required.



Step 5: Proponent submits Federal Land Use, Design and Transaction Application and the Application Impact Evaluation Form

Proponent completes and submits the Federal Land Use, Design and Transaction Application form, including all required submission documents, and the application review fee of \$2,000 + HST (GST + QST for Quebec).

The Federal Land Use, Design and Transaction Application form, including the Application Impact Evaluation Form can be accessed [here](#). These forms are only to be completed after the pre-application meeting is held with the NCC.



Step 6: The complete application is received by the NCC and the application enters the review and processing stage

The application is received by the NCC and the file enters the review and processing stage. If all of the materials are submitted as discussed in Step 3 to the satisfaction of the NCC staff, the application will be deemed complete. The proponent will be notified if an application is not deemed complete. It is the responsibility of the proponent to provide any outstanding information requested by the NCC.



Step 7: NCC staff conducts a review and analysis of the application

NCC staff reviews the complete application.



Step 8: If required, the NCC will contact the proponent to address any concerns, request any modifications to the application, or request the proponent to resubmit application

During the review process, the NCC will contact the proponent if there is a need to clarify and address any concerns with the application, request any changes to the proposal or application, or if required, return to Step 5 and resubmit the application if the scope of the application has changed.



Step 9: NCC grants Approval

Once the application review is complete, the NCC will grant Federal Land Use, Design and Transaction Approval letter to the proponent. A project will only be approved if all NCC requirements are met. The approval document generally includes the conditions of approval and required mitigation measures. The proponent is responsible for fulfilling conditions and for implementing the mitigation measures identified. Work may not begin until certain conditions have been fulfilled.



Step 10: Project monitoring

If required, NCC staff will monitor the completion of approved projects to ensure that they meet NCC quality standards and conditions identified in the Decision of Approval. During this step, the NCC may seek proponent feedback on the approval process.



Step 11: Notice of Completion

Less than 1 month following the completion of the approved works, a Notice of Completion Form must be completed and submitted to the Executive Director, Capital Planning.



Step 12: File is closed

Once the Notice of Completion is received, the NCC will close the file.

6. How Do I Submit An Application?

To start the approval process, please submit a pre-application form through the NCC's website.

The pre-application form requires a short written description of your proposed project, the project location, proponent information, and a 1-page concept plan of the proposal, if applicable. The concept plan should include dimensions and any additional details of the project.

The concept plan must clearly show (in metric):

- The boundaries and dimensions of the subject land
- The location, size and type of all existing and proposed buildings and structures on the subject land,
- The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, trees, wooded areas, wells and septic tanks) that:
 - Are located on both the subject and adjacent lands, and
 - In the proponent's opinion, may affect the application
- If applicable, the location and nature of any known easements affecting the subject land.

You will receive confirmation that your request has been received. Within 10 business days, NCC staff will contact you to set up a pre-application meeting and will assist you throughout the preparation of your application.

If you are submitting information for more than one project, you are required to submit a separate form for each project.

If you are uncertain about the requirements of the pre-application form, you are strongly encouraged to contact the NCC.

Contact Us

For more information about the Federal Land Use, Design and Transaction Approval process, or how to submit your application, please contact the NCC at federal.approval@ncc-ccn.ca.

Or

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