

This Terms of Reference has been prepared to assist applicants through the Sensitive Ecosystem Development Permit Area (DP3) application process. Applicants are responsible for the costs associated with retaining appropriately qualified professional(s) to complete the required components of the application process as well as the required peer reviews. Missing or incomplete applications may be subject to temporary suspension of the application review process.

City of Surrey Sensitive Ecosystem Development Permit Area (DP3): Application and Review Process

Pre-Application Phase:

- **Pre-Application Meeting**
- **Stream and Wetland Classification Assessment**
- **Riparian Areas Protection Regulation (RAPR) Assessment**

The Sensitive Ecosystems Development Permit Area (DPA) protects two distinct classifications of the natural environment in the City of Surrey: Streamside Areas and Green Infrastructure Areas. If the subject site is within 50 metres (m) of a Streamside Area or Green Infrastructure Area the DP3 application review will apply. Determination of whether an application requires a Development Permit or if it is exempt from the DPA process will occur at the pre-application phase. An application may also be subject to review and approval under the provincial *Water Sustainability Act* and/or the federal *Fisheries Act*. The applicant will be required to work with a Qualified Environmental Professional (QEP) to support this external permitting process.

Pre-Application Meeting

Pre-application is the first step in the City of Surrey's land development process. Through the pre-application phase, applicants will have the opportunity to discuss multiple aspects of a potential development, including key environmental issues or constraints with City staff early in the development process before extensive site planning is undertaken. This may include site development opportunities and limitations, environmental approvals and permitting requirements (provincial and federal), and stream classification requirements.

Applicants have key tasks in the Pre-Application Phase which will require extensive planning, bylaw and policy review, and the development of a project team that may include a QEP, Planning Consultant, Professional Engineer, Land Surveyor, or other professionals, as required. It is the applicant's responsibility to familiarize themselves with the review process and to comply with the City's land use bylaws, policies, guidelines, and work within the City zoning.

The City has developed additional resources to support applicants with the DP3 application process including a review process flowchart and the Mandatory QEP Sign Off Form. The Sign-off Form provides additional expectations for applicants at each stage of the application and review process.

When reviewing the DP3 requirements, applicants should also determine if the site falls within other Development Permit Areas (e.g. Hazard Lands) where coordination of consultants conducting supporting studies will be required. To book a virtual pre-application meeting call 604-591-4086 or submit an online development inquiry [here](#). Additional considerations related to COVID-19 and Land Development Services can be found [here](#). Applicants are required to provide the following when booking a pre-application meeting:

- Subject site address(es)
- Description of the development proposal
- A preliminary site plan and/or subdivision plan
- Stream and Wetland Classification Assessment

Further information on the City's Pre-Application process can be found [here](#).

Stream and Wetland Classification Assessment

Applicants are expected to complete a Stream and Wetland Classification Assessment which must be completed by a QEP for review and discussion during the pre-application phase. Applicants are responsible for retaining a QEP in good standing with a governing professional body who is appropriately qualified and skilled to assess and classify all watercourses, wetlands, and water features within 50 metres of the subject property. A Wetland Specialist and/or Hydrogeologist may also be required to confirm the presence/absence of provincially regulated wetland features.

The Stream and Wetland Classification Assessment must be completed in the pre-application phase to determine whether the site contains protected water features as defined by the City of Surrey Watercourse Classification System (updated April 2020). This assessment requires evaluation of site features and the applicability to the provincial Riparian Areas Protection Regulation (RAPR), the provincial Water Sustainability Act (WSA), and/or the federal Fisheries Act. The City's GIS Mapping database, COSMOS, is for reference only. All watercourse classifications must be confirmed through site visit(s) per requirements provided in the Mandatory QEP Sign Off Form.

A QEP must provide verification in writing to support the identification and classification of all water features. Further details and expectations for Watercourse Classification Assessments are provided in the Mandatory QEP Sign Off Form.

Where a water feature is not designated as a stream or fish habitat under provincial or federal regulations and would be considered Class C per City definitions, proposed infilling or work within a riparian area will still be subject to review and approval by City staff.

Riparian Areas Protection Regulation (RAPR) Assessment

All applications will be required to undertake an RAPR Assessment to determine provincially regulated Streamside Setbacks for all water features within 30 metres of the subject property. The assessment must be submitted to the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (the Ministry) for approval. Whether an applicant chooses to have a pre-application meeting or not, the Ministry Approval with supporting reports must accompany the DP3 application. Ministry approval of the RAPR assessment is not an approval of the proposed development as a whole but assures the City that the watercourse assessment(s) has been carried out to provincial standards and that the watercourse characteristics established in the assessment can be reliably used as the basis for applying the City's required streamside setbacks per Part 7A of the Zoning Bylaw 12000. Where multiple setbacks are required (e.g., geotechnical, RAPR, City setbacks), the City will default to the setback with the greater extent of protection.

RAPR Approval on a project does not constitute an "Authorization for Changes in and About a Stream" under Section 11 of the WSA. This regulatory process must be considered alongside and independent of RAPR and federal regulatory approval processes.

Note – your project may be subject to review and approval through provincial and federal regulators.

Application Phase

- **Application Preparation (by applicant)**
- **Application Phase (by Planning and Development Group)**

If a project has been determined to trigger an application under DP3: Sensitive Ecosystems Development Permit Area, the project will be subject to review based on the City of Surrey's updated process.

Application Preparation (by Applicant)

A complete application must be submitted in accordance with the City of Surrey [Development Permit Guidelines for Sensitive Ecosystems](#) and other provincial and federal regulations. The application must include:

- Ecosystem Development Plan (EDP; applies to Green Infrastructure Areas and Streamside Areas)
- Impact and Mitigation Plan (as applicable)
- Mandatory QEP Checklist and Sign off Form
- Ministry RAPR submission and Approval documents
- Stream Classification Assessment report including Notice of Advice from the Ministry to verify WSA stream determination (where required)
- Site Plans (stream locations and classifications, wetlands, setbacks, and Green Infrastructure Network corridors should be clearly identified)
- Provincial and federal regulatory submission packages, as required
- Other application requirements as identified by City of Surrey staff during the pre-application phase

It is important that applicants coordinate consultants, plans, and supporting documents if the subject site falls within other Development Permit Areas (e.g. Hazard Lands DPA) to ensure the completeness of application materials.

Application Phase (by Planning and Development Group)

Upon submission of the DP3 application, Planning and Development will review an applicant's application and determine if it is complete. If the application is accepted it will be assigned to an Area Planner and will be advanced to the Application Review and Decision Phase. Once accepted, a file will be created and the applicant will be provided a project number for tracking purposes.

If the application is determined to be incomplete or missing mandatory documents, the application materials will not be accepted.

Application Review and Decision Phase

- **Internal Referral and Review Process**
- **External Review Process including Independent Peer Reviews and Regulatory Approvals Processes**
- **Report to Council**

After an applicant submits a DP3 application, the EDP and supporting environmental documentation will be reviewed internally by City staff and externally through an independent peer reviewer. The duration of reviews will vary depending on the complexity of the application.

Internal Referral and Review Process

Application materials will be reviewed by several City Referral Groups. Comments received from these departments will be provided to the applicant following the review period. An applicant may be asked to have their QEP provide additional information or clarify components of the submission in a revised EDP. Once the reviews of the EDP and supporting documents have been completed by the City's Referral Groups, the Area Planner will initiate the external review process.

External Review Process

Components of an applicant's DP3 application will be subject to external reviews through an independent peer review process. The peer review process will be coordinated by the City's Area Planning Division and will include detailed reviews of all environmental documents including, but not limited to, the EDP, QEP Sign off Form, RAPR assessment, Impact and Mitigation Plan, and regulatory approval applications (see note below). Redesign and/or revisions to plans and reports may be required to address both the City's Referral Groups, peer reviewer's, and/or regulatory agency comments. The applicant will be responsible for costs associated with the external review process.

Note – Applications may also be subject to review and approval through provincial and federal regulatory permitting processes. Where external permitting through provincial or federal agencies is required, it is the City's expectation that the applicant and their QEP are complying with the most up to date regulatory Acts, Codes of Practice, regulations, and standards. Submittals through other agencies must be concurrently submitted to the Planning File Manager and will be subject to independent peer review.

Report to Council

Once the EDP and supporting environmental documentation has been accepted by the City's Referral Groups and the peer reviewer (and there are no outstanding items for other aspects of the development application), the Area Planner assigned to the file will prepare the Preliminary Layout Approval (PLA) letter in the case of subdivision and/or include the DP3 information in a report to Council, for conditional approval of the development proposal.

After the project receives conditional approval (e.g., Third Reading or the PLA issued), the applicant will continue to work with the City to resolve any outstanding/conditional items identified in the Planning Report, PLA, and/or comments from Council.

Detailed Design and Permit Issuance Phase

- **Internal Referral and Review Process**
- **External Review Process**
- **Permit Issuance**

If at any point an application is determined to be incomplete or missing mandatory elements, a letter will be provided to the applicant identifying what additional information is required and the review process will be suspended. The application evaluation will be reinitiated once the City receives the required information.

Once an application has received conditional approval, the applicant will need to ensure the environmental requirements and guidelines identified in the EDP are accounted for in the detailed engineering designs for the development proposal.

Internal Referral and Review Process

The applicant will work with the City's Planning and Development Engineering (LDE) Group to identify and fulfil conditions of the approval which may include engineering requirements, road widening, finalized arborist report, finalized EDP, landscape plans, and other plans or documents, as required. It is important that the detailed design process is collaborative with the applicant's QEP and arborist to ensure the content and requirements identified in the finalized EDP and supporting environmental documents, including provincial regulatory submissions, are reflected in the final project design. To ensure the requirements of the EDP are met in the detailed project designs, an updated QEP Sign Off Form must be included with the detailed design submission for final review and approval.

Similar to the Application Review and Decision phase, an applicant may be asked to provide additional information, clarify components, and/or provide revisions to environmental submissions and/or detailed design. Upon acceptance of the detailed design package by City Referral Groups, a second peer review process will be initiated by Planning and Development and/or LDE.

External Review Process

The City will reconnect with the external reviewer assigned to this application to complete a second round of peer reviews to ensure the detailed design package is consistent with the finalized EDP, and provincial and federal regulatory approvals (if required). If the peer reviewer identifies the need for additional information, changes, or clarification, Planning and Development will provide feedback to the applicant.

Permit Issuance

For a project to be deemed complete and ready for permit issuance,

- All conditions of approval must be fulfilled; and
- All securities and bonding have been accepted (if required)

Council or the Approving Officer will sign and issue the development permit to the applicant alongside other development approvals such as rezoning, plan amendments, subdivision, as applicable.