May 25, 2023

# A2: Staff Report

**RE: Development Permit Application W/P/2021-2022/487**

 **Columbia Northcliffe Campus**

 **574 Northcliffe Avenue, City of Hamilton**

APPLICANT/OWNER: Columbia Northcliffe Campus Inc

**AGENT:** IBI Group

## DATE RECEIVED: October 13, 2021

## PROPOSAL SUMMARY:

To construct a ± 1,716 sq m (± 18,470 sq ft) addition for an accessory use (gymnasium) to an 8,918 sq m (95,993 sq ft) existing building (former convent) and expand a private septic system to support a secondary school use for 1,000 students and 85 staff that is proposed under Niagara Escarpment Plan Amendment (NEPA) application PW 218 20.

Note: there has been no decision related to the NEPA application, PW 218 20. Due to objections to the amendment, pursuant to subsection 10(3) of the Niagara Escarpment Planning and Development Act (NEPDA), the Commission directed that the NEPA application be referred to the Ontario Land Tribunal (OLT) for a hearing at their meeting of April 27, 2023.

## PURPOSE AND BACKGROUND:

This item is in response to a request by the applicant to have the subject Development Permit application (DPA), W/P/2021-2022/487, heard at the OLT along with the related Niagara Escarpment Plan Amendment (NEPA) application, PW 2018 20. The purpose of this report is to recommend that the DPA be refused and be referred to the OLT for consideration along with the related NEPA application, which has already been referred to the OLT.

The only procedural mechanism provided for in the Niagara Escarpment Planning and Development Act (NEPDA) for development permits to be referred to a hearing is through an appeal of a decision made by the Niagara Escarpment Commission (NEC) per subsection 25(8) of the NEPDA. Therefore, to refer the subject DPA to the OLT, the Commission must make a decision on the application.

Although a decision on the merits of the subject DPA is premature, the Commission may pass a motion for a “technical” refusal to enable an appeal and subsequent referral of the matter to the OLT. A decision on the merits of the subject DPA is premature as the proposed use requires an amendment, and, as no decision has been made on that matter, the use is not currently a permitted use. Further, no substantive analysis of the proposed development has been carried out under the Part 2 development criteria of the NEP. Therefore, for the purposes of referral to the OLT, staff is recommending that the Commission refuse the DPA to enable the applicant to appeal the decision to the OLT. The Owner/Applicant is aware of the NEC staff recommendation and further requested that NEC staff proceed with the recommendation of a “technical” refusal to enable their appeal of the decision to the OLT.

NEC staff offer the opinion that a hearing that considers the applications together may result in a more comprehensive planning outcome as opposed to potentially considering the applications at two separate hearings, which could limit considerations on some topics in each proceeding. Additionally, having the DPA referred to the OLT to be heard along with the NEPA application will prevent the proposal from potentially being considered in a second hearing, and therefore this will result in a more efficient overall planning process for the applicant, public, agencies and any other interested parties.

## RECOMMENDATION

That the Commission refuse Development Permit application W/P/2021-2022/487 for the purpose of enabling its appeal to the Ontario Land Tribunal to be heard along with Niagara Escarpment Plan Amendment application PW 218 20.

**Prepared By:**  **Approved by:**

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Amaraine Laven, MCIP, RPP Kathy Woeller

Senior Strategic Advisor Director

ORIGINAL SIGNED BY:

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Kim Peters, MCIP, RPP

 Manager