

Land Development Review Procedures

Sample Checklist



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This sample checklist is intended to identify the essential tasks and considerations that typically arise across the four stages of land development review. It is designed to be used by Land staff and can also serve as a reference tool to help communicate the review process to leadership and proponents.

Project Description & Conceptual Review

Preliminary Project Details

- The proposed project location and size have been clearly identified.
- A preliminary site plan sketch and project timeline have been received.
- Roles and responsibilities for the proponent and the Lands Department have been clearly defined and communicated with the proponent.
- The Lands Department staff decision-making role, authority, and limitations have been clearly defined.

Initial Concept Review

- A preliminary search in the land registry has been completed (Land Encumbrance Check, parcel details, etc.).
- The project concept complies with applicable First Nation laws, policies, and regulations.
- The project aligns with the community Land Code, Land Use Plan (LUP), Community Comprehensive Plan (CCP), and any other relevant strategic or policy documents.
- An Environmental Assessment has been conducted (if necessary).
- Key impact areas have been identified.

Discussion with Proponent & Next Steps

- The proponent is informed of any required community engagement and their role in the process.
- The proponent has outlined how any missing information, studies, or documentation will be addressed.
- Required application forms, fees, and submission requirements for advancement to Stage 2 have been identified.

Preliminary Determination

- Potential concerns or issues from community members have been identified.
- Required conditions for next steps have been identified.

Gather Documents

- Consider preparing and collecting these documents during stage 1 project review:
 - Land Use Plan
 - Other Guidance Documents (e.g., Environmental Management Plan, Housing Strategy, Strategic Plan)
 - Applicable laws (e.g., Zoning Law, Subdivision, Servicing, and Development Law)
 - Internal Referral List (First Nation departments, Economic Development Authority, etc.)
 - External Referral List (other First Nations, federal and provincial government departments)
 - Proponent name and contact details
 - Concept Site Plan Sketch
 - Environmental Overview/project description as per First Nation EA process or law
 - Proposed construction plan and timeline – including proposed start date
 - _____
 - _____
- Consider starting the Staff Report. Continue to add documents throughout the review process.

A Staff Report provides leadership with the rationale and advice needed to make an informed decision. This report may also be referred to as an Approval Report, Lands Development Report, etc.

Stage 2

Formal Application, Review, & Recommendations

Formal Application

- A project description and conceptual review (stage 1) have been used to confirm expectations before formal submission.
- Timelines for processing applications have been outlined.
- Application Fee has been received, and proponent is aware of additional charges or fees that may be charged/collected.
- Formal Application Information Requirements** have been shared with the proponent.

Proponent has been advised to include the following information in the Formal Application. Required information may include:

- Complete Application Form
- Site Plan
- Survey
- Land encumbrance check
- Building plan(s)
- Completed additional studies (as requested in Stage 1)
- Fees and deposits
- Planning rationale report (optional)

Formal Application Review

- An internal process has been established for the review.
- The application has been reviewed against the community Land Code, Land Use Plan. (LUP), Community Comprehensive Plan (CCP), and any other relevant strategic or policy documents.

- Any additional studies requested earlier have been received and reviewed.
- External experts have been consulted where needed.
- Costs for study review/ external experts have been forwarded to proponent and paid for by proponent.
- Findings from the studies have been summarized and included in the Staff Report/ advice to LAC/Council.
- Summary of application and proposed project has been included in Staff Report/ advice to LAC/Council.

Community Engagement

- Land Code has been reviewed to determine engagement / community input or if there are ratification requirements (e.g. long lease requiring a community vote).
- Laws (e.g., Subdivision, Development & Servicing Law or Zoning Law), policies, and procedures have been reviewed to determine engagement requirements.
- Relevant committees and community groups have been identified.
- Community engagement activities have been planned and held.
- Feedback from engagement activities has been documented.
- Any unresolved community concerns have been included in the Staff Report for decision-makers to consider.

Lands Advisory Committee (LAC)

- Land Code and applicable laws and procedures have been reviewed to determine prescribed role of Lands Advisory Committee (LAC).
- The role of the LAC in Stage 2 has been documented.
- The LAC has been engaged at appropriate points and has been provided with sufficient information.
- LAC advice or feedback has been recorded and considered as part of the review.
- Staff responses to committee input have been included in Staff Report/ advice to LAC/Council.

Recommendations to Leadership

- A Staff Report has been completed.

Staff Report may include:

- Confirmation that the project aligns with the Land Use Plan (LUP), Land Code (LC), and applicable First Nation laws and policies.
- Completed technical studies (e.g., Environmental Assessment).
- All required applications, forms, and supporting documentation.
- Project background, rationale, benefits, potential drawbacks, and budget summary.
- Identification of potential conflicts, risks, and proposed mitigation measures.
- Key considerations, risks and mitigation practices, decision points, summary of community engagement, input and advice from the LAC (and other relevant committees) and staff recommendations.

Gather Documents

- Consider preparing and collecting these documents during stage 2 project review:
 - Required Information Checklist (for proponent)
 - Site plan and building or development plans (as applicable)
 - Any required technical or additional studies requested during the preliminary stage
 - Record of application fees or deposits paid
 - Community engagement records
 - Staff Report
 - _____
 - _____
 - _____

Decision Making

- A complete Staff Report has been sent for Chief & Council review and decision.

Development Approvals

- Project approval has been granted by Chief & Council or where applicable, designated staff.
- Required permits and approvals have been issued in accordance with First Nation laws, policies, procedures, and regulations.
- Additional permits, licences, or certificates have been identified and obtained.
- Any land interests required for the project have been identified and prepared for registration, including:
 - Leases
 - Subleases
 - Licences
 - Easements

Monitoring for Compliance & Enforcement

Plan for Monitoring the Development Project

- Someone has been identified to monitor the development or development progress.
- The physical work is consistent with project descriptions, development plans, and technical drawings (e.g., surveys, engineering plans).
- The physical work is consistent with any prescribed conditions or mitigation measures outlined on applicable approvals, permits, lease agreements, etc. issued by **Chief and Council/Leadership** (including environmental protection, mitigation, and compensation measures).
- The physical work is consistent with any prescribed conditions or mitigation measures outlined on applicable approvals, permits, etc. issued by **relevant federal, provincial or other regulatory bodies** (e.g., building permits and building inspection requirements, Fisheries Act, Species at Risk and Migratory Birds permits or authorizations, etc.).
- Post-construction site operations are consistent with any prescribed conditions or mitigation measures outlined on applicable approvals, permits, lease agreements, etc. issued by Chief and Council/Leadership (including environmental protection, mitigation, and compensation measures).
- Prescribed mitigation measures are functioning as intended.
- Potential consequences for non-compliance have been established.

Plan for Promoting Voluntary Compliance

- Conduct community outreach and education during the law development process.
- First Nation laws have been shared with the community and are publicly available.
- First Nation laws have been communicated with the proponent.

- Non-compliance consequences have been communicated to the proponent.
- Potential consequences are present on the Permit and Lease Agreement (e.g. cancellation of the Permit or Lease if conditions are not met).
- Request a Performance Bond from the Proponent (if appropriate).
- Tools for **Voluntary Compliance & Enforcement** have been considered.

Enforcement (where compliance cannot be achieved)

- Review relevant laws for offences and appropriate enforcement powers, steps, and actions (e.g. Ticketing & Enforcement Law, Servicing, Subdivision, and Development Law, Zoning Law).

Voluntary Compliance & Enforcement Tools may include:

- Inspections
- Warning Letters
- Self-Monitoring Forms
- Community outreach & information (Project-specific or law-focused)
- Compliance Orders
- Stop Work Orders
- Removal Order
- Ticketing
- Cancelling of Lease
- Forfeiture of Performance Bonds
- Prosecution

