

Audit of the Agricultural Land Commission

Released: [September 2010](#)

First Follow-up: [October 2011](#)

Second Follow-up: [October 2012](#)

Third Follow-up: [October 2013](#)

Discussed by the Public Accounts Committee: [December 7, 2010](#)

	Rec 1	Rec 2	Rec 3	Rec 4	Rec 5	Rec 6	Rec 7	Rec 8	Rec 9
OAG Assessment	●	●	●	●	●	●	●	●	●

● Fully/substantially implemented or alternative action taken
 ● Partially implemented
 ● No action taken

BACKGROUND

AGRICULTURAL LAND IS an indispensable natural resource. One of the main reasons for preserving farmland is to secure food production now and into an uncertain future. In British Columbia (BC), population growth is a threat to prime agricultural land. In the 1970s, concern over the loss of agricultural land to urban development led to the creation of the Agricultural Land Reserve (ALR). In 1973, the BC population was approximately 2.5 million people. In 2013, the population had grown to approximately 4.6 million people. The stresses on agricultural land are significantly higher now than when the ALR was established.

Responsibility for administering the ALR lies with the Agricultural Land Commission (the Commission), an administrative tribunal that operates at arm’s length from government. The Commission makes decisions on applications to add or remove land as well as non-farm uses and subdivisions of land within the ALR. The Commission is also responsible for working with local governments regarding land use planning and conducting compliance and enforcement activities.

In 2010, we carried out an audit to determine whether the Agricultural Land Commission was:

- ◆ effectively preserving agricultural land and encouraging farming in British Columbia;
- ◆ adequately protecting the ALR from damage through its compliance and enforcement activities; and
- ◆ adequately evaluating and reporting on its effectiveness.

We found that the Commission was challenged to effectively preserve agricultural land and encourage farming in British Columbia. Specifically:

- ◆ they had not determined if the ALR boundaries were accurate;
- ◆ there were limitations to the application process;
- ◆ sufficient long-term land use planning with local governments was not occurring;
- ◆ the compliance and enforcement regime was not sufficient; and
- ◆ the lack of accessible information meant sufficient evaluation and reporting was not occurring.

Immediately following the release of our audit in 2010, the Chair of the Commission released his report *Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations*. In response to these two reports, government provided \$1.6 million in transitional funding through fiscal years 2011/12 and 2012/13 which allowed the Commission to begin a number of projects that would address the recommendations made in our audit. In Budget 2013/14 government increased the Commission’s base budget from \$1.974 million in 2012/13 to \$2.905 million for 2013/14.

In 2013, the government announced a Core Review process for government, including agencies, boards and commissions. The Commission was one of the organizations examined under this process. In March 2014, the government announced proposed changes to the Commission and tabled Bill 24, the *Agricultural Land Commission Amendment Act*, which received Royal Assent on May 29th, 2014. We did not assess how the amendments to the *Agricultural Land Commission Act* will effect the Commission’s ability to implement the audit recommendations.

SUMMARY

Of the nine recommendations in our 2010 audit report, the Commission reported seven as partially implemented and two as fully implemented. We found that the Commission’s self assessment was valid for all but one recommendation. The Commission self-assessed recommendation 4 as fully or substantially implemented, whereas we found that partially implemented was a more accurate assessment of the progress made to date. The Commission agreed with our assessment. We are pleased that the Commission, with additional funding provided by government, has made significant progress in implementing these recommendations.

Key Findings

<p>Recommendation 1: The Commission ensure that ALR boundaries are accurate and include land that is both capable of and suitable for agricultural use.</p>	<p>OAG Assessment: Partially implemented</p>
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Our 2010 audit found that the Commission had not determined whether the boundaries of the ALR were accurate and that they included lands that were suitable for agricultural use. In response to our recommendation, the Commission is targeting specific regions of the province as some areas of the ALR underwent boundary reviews in the 1980s and 1990s. The Commission is carrying out its first series of boundary reviews in the Regional District of East Kootenay (RDEK) and anticipates completion by 2015.

Prior to the RDEK review, the Commission revised and updated its boundary review methodology. In addition, it is in the process of utilizing Geographic Information Systems (GIS) to refine the measurement of useable ALR by factoring out parameters such as major highway systems and water bodies, as well as identifying land not subject to the *Agricultural Land Commission Act*. This technology was not available when the original ALR was mapped in the 1970s and will result in a useable ALR area that is smaller than the currently published approximately 4.7 million hectares. For example, the total ALR area in the RDEK was originally 264,701 hectares. After water bodies and Indian Reserves were removed, the total useable area of ALR was determined to be 245,909 hectares.

The Commission is also planning to carry out concurrent boundary reviews in the northern and central interior regions of BC. The Commission estimates that all of the boundary reviews will be completed by 2017. This will allow for much greater certainty that the boundaries of the ALR are accurate and include lands that are both capable of and suitable for agricultural use.

<p>Recommendation 2: The Commission seek government’s support to make changes that will allow it to more effectively preserve agricultural land and encourage farming through the application process.</p>	<p>OAG Assessment: Partially implemented</p>
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Our 2010 audit found that the Commission was limited in its ability to preserve agricultural land and encourage farming through the application process. The requirement to respond to all applications uses the majority of the Commission’s time and resources. In response to our recommendation, the Commission has chosen to significantly reduce the amount of operational resources it expends on processing applications from historic levels of approximately 80% to 30% to allow redeployment of resources to other program areas such as ALR boundary reviews, long range land use planning, policy development, auditing delegation agreements, and compliance and enforcement.

To enable the more efficient processing of applications, the Commission is working to improve its information technology and information management to facilitate electronic applications. The Commission has designed a new self-service online application portal, and has tested it with select stakeholders from local governments, applicant agents, etc. to improve its usability. The portal is scheduled for release by summer 2014. The Commission anticipates that the new portal will shift resources away from the application process to other aspects of its business to more effectively preserve agricultural land and encourage farming.

<p>Recommendation 3: The Commission engage in proactive long-term planning with local governments to encourage farming.</p>	<p>OAG Assessment: Partially implemented</p>
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Our 2010 audit found that long-term planning with local governments to reduce the impact of population growth on the ALR was not occurring to the extent required. In response to our recommendation and as previously mentioned, the Commission is streamlining its resource heavy application process to allow staff to focus on other aspects of its mandate including working with local government. The Commission is making changes to its organizational structure to focus on proactive planning including hiring agrologists and additional planners. In addition, the Commission has stated that the boundary review process is resulting in proactive long-term planning with local governments to encourage farming.

Recommendation 4: The Commission work with Fraser-Fort George Regional District to address concerns it has with the District’s processes.

OAG Assessment:
 Partially implemented

The Commission self-assessed that they had fully or substantially completed this recommendation, whereas we found that the recommendation was partially implemented. Our 2010 audit found that the Commission had identified concerns with certain aspects of its delegated agreement with Fraser-Fort George Regional District (FFGRD). In response to our recommendations, the Commission carried out a review of FFGRD’s decisions regarding non-farm use applications and subdivision applications in July 2013. The review resulted in seven recommendations, including the need for revisions to the FFGRD Delegation Agreement, which have yet to be implemented. Implementing these seven recommendations will help the Commission ensure that the FFGRD Delegation Agreement contributes to preserving agricultural land and encouraging farming.

Recommendation 5: The Commission work with the Oil and Gas Commission to develop an action plan to implement the recommendations of the 2009 audit.

OAG Assessment:
 Fully/substantially implemented

Our 2010 audit found that the Commission and the Oil and Gas Commission (OGC) had not implemented recommendations from an independent audit carried out in 2009 which assessed the OGC’s performance in carrying out its responsibilities as set out in the Agricultural Land Commission-Oil and Gas Commission Delegated Agreement (the Agreement). The Agreement enables the OGC to make decisions about certain applications for oil and gas activities on ALR lands in the Peace River Regional District and Northern Rockies Regional District.¹ The agreement also allows the OGC to exempt specific oil and gas activities and pipelines on ALR lands from the usual application requirements under the *Agricultural Land Commission Act*.

Specifically, the audit recommended that:

1. The OGC develop a process to track whether owners of pipelines are reclaiming the disturbed areas and submitting a Schedule B report within 24 months as required under the Delegation Agreement.
2. The OGC and ALC consider developing best management practices to guide operators in the stripping and stockpiling of soil for well sites, facility sites, and associated roads.
3. The OGC and ALC review their processes for assessing proposals for facilities associated with oil and gas development.

We found that the recommendations have been addressed through improved performance reporting between the OGC and the Commission and other recent changes made to the Delegated Agreement as part of the 2013 update.

Recommendation 6: The Commission ensure that it has a sufficiently robust compliance and enforcement program.

OAG Assessment:
 Partially implemented

Our 2010 audit found that the Commission’s compliance and enforcement resources were inadequate to protect the ALR. The Commission recognized this and, with powers provided by the *Agricultural Land Commission Act*, designated 33 Forest Lands and Natural Resource Operations (FLNRO) staff as ALC officials in 2012. They are located throughout the province and are authorized to act on behalf of the Commission in addition to their regular duties. The Commission noted that this model allows it to carry out more compliance and enforcement activities than in the past. With the continued cooperation of FLNRO, the Commission would like to increase the number of designated FLNRO staff to provide greater provincial coverage. The Commission is planning to hire a co-ordinator to assist with managing the activities of the Commission’s two compliance and enforcement staff members and the designated officials. In addition, the Commission is currently drafting a compliance and enforcement manual to better guide its work.

¹ Approximately 32% of the ALR lies within these two districts.

Recommendation 7: The Commission prioritize completion of the new database and finalize conversion of the original paper ALR maps into digitalized format.

OAG Assessment:

● Partially implemented

Our 2010 audit found that the Commission, due to issues with its online application tracking system and reliance on paper maps, did not have the information it needed for effective decision-making. The Commission is in the process of finalizing a new online application system and is scanning both paper files and maps allowing for electronic access to all historical decisions of the Commission. The Commission expects to complete the scanning of historical documents by the end of June with data entry and map verification continuing throughout fiscal year 2014/15. The document scanning and map verification projects are already enabling quicker access to data and maps by staff and Commissioners, and are key elements for enhancing the Commission's efficiency on ALR boundary review projects.

Recommendation 8: The Commission evaluate the collective impacts of its decisions on applications and its broader policy decisions.

OAG Assessment:

● Partially implemented

Our 2010 audit found that the Commission was not evaluating the collective impacts of exclusion, inclusion, non-farm use and subdivision application on the ALR. As well, the Commission was not evaluating its broader policy decisions such as allowing oil and gas activities and gravel extraction on the ALR. Evaluations in these areas would provide information to determine how effectively the Commission is preserving agricultural land and encouraging farming. As discussed under Recommendation 7, once the file and map data is available electronically, the Commission will be able to evaluate the collective impacts of its decisions on applications and its broader policy decisions.

Recommendation 9: The Commission prioritize completion of the new database and finalize conversion of the original paper ALR maps into digitalized format.

OAG Assessment:

● Partially implemented

Our 2010 audit found that the Commission was not reporting publicly on measures of effectiveness such as the cumulative results of exclusions and inclusions on the agricultural capability of the ALR. As discussed under Recommendations 7 and 8, the development of the new Online Application System and electronic files and maps will allow for broader access to all historical decisions of the ALC and enable the Commission to review, and report publicly on, the cumulative impact of its decisions.

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Self-assessment conducted by the Agricultural Land Commission

Comments

Since its last update in October 2013 work has continued on improving the operations of the Agricultural Land Commission (ALC) by building on the transitional projects initiated in fiscal year 2011/12 and continuing throughout fiscal year 2012/13 using \$1.6 million in funding provided by Government. Reference is made to these projects in the ALC’s following responses.

In Budget 2013/14 Government increased the ALC’s base budget from \$1.974 million in 2012/13 to \$2.905 million for this fiscal year; an increase of \$931,000. Government has also indicated the ALC’s operating budget will increase by a further \$611,000 in 2014/15 bringing the ALC’s operating budget for that fiscal year to \$3.516 million. In 2015/16 the ALC’s budget will stabilize at \$3.391 million.

The ongoing projects intended to improve the operations of the ALC are funded from its increased operating budget. The projects now underway will enhance the ALC’s ability to: undertake ALR boundary reviews; proactively engage stakeholders to encourage farming and preserve agricultural land; shift to a proactive planning organization; monitor and audit delegation agreements; conduct more compliance and enforcement; and to enhance its information technology capabilities.

Recommendations

RECOMMENDATIONS ADDRESSED IN PREVIOUS FOLLOW-UP REPORT(S):	SELF-ASSESSED STATUS
Recommendation 4: Work with Fraser-Fort George Regional District to address Concerns it has with the District’s processes.	Fully or substantially completed
Recommendation 5: Work with the Oil and Gas Commission to develop an action plan to implement the recommendations of the 2009 audit.	Fully or substantially completed

All information has been provided by the organization and has not been audited.

Ousting Recommendations

RECOMMENDATIONS AND SUMMARY OF PROGRESS	SELF-ASSESSED STATUS
<p>Recommendation 1: Ensure that ALR boundaries are accurate and include land that is both capable of and suitable for agricultural use.</p> <p>Actions taken, results and/or actions planned</p> <p>Reviews of Agricultural Land Reserve (ALR) boundaries will be targeted to specific regions of the province, not the entire ALR. As noted in its 2012 update, the ALC will focus its attention for the first boundary review in the Regional District of East Kootenay (RDEK). The purpose of the review is to refine the ALR boundaries so that they encompass land that is both capable and suitable for agricultural use. The Elk Valley review began in late 2012 and the ALC has researched and developed its methodology for carrying out boundary reviews. As part of its review the ALC, with assistance from the Ministry of Agriculture’s Regional Agrologist and staff at the RDEK, compiled extensive land use and ownership data and land quality mapping information for the review area. The ALC ultimately identified approximately 1,400 hectares for potential exclusion from the ALR and approximately 750 hectares for potential inclusion to the ALR. The ALC held a public hearing in Fernie on August 15, 2013. In January 2014 the ALC concluded the Elk Valley Review. The ALC released its decision regarding the Elk Valley Review on February 18, 2014.</p> <p>Work on the second review in Electoral Area “B” of the RDEK, generally described as being south of Cranbrook, has progressed to the point where the ALC anticipates holding a public hearing in or about April 2014.</p> <p>Work on the third review in the RDEK’s Electoral Area “E”, generally described as Kimberley to Wasa, is well underway. This review area was selected as it coincides with the RDEK’s official community plan review that is currently underway.</p> <p>Since its last Self-Assessment, ALC representatives have met with Peace River Regional District (PRRD) staff on several occasions as part of its ongoing collaboration in reviewing the PRRD’s planning initiatives as a precursor to exploring potential ALR boundary review(s).</p>	<p>Partially implemented</p>
<p>Recommendation 2: Seek government’s support to make changes that will allow it to more effectively preserve agricultural land and encourage farming through the application process.</p> <p>Actions taken, results and/or actions planned</p> <p>The ALC’s business objective is to significantly reduce the amount of operational resources it expends on processing applications from historic levels of approximately 80% to 30% to allow redeployment of resources to other program areas such as ALR boundary reviews, long range land use planning, policy development, auditing delegation agreements and compliance and enforcement. As reported in 2012 within the 30% targeted budget allocation devoted to applications, the ALC will increase its efficiency by streamlining the processing of applications.</p> <p>The ALC continues to improve processing times through early vetting of applications for completeness, triaging simple applications for immediate processing, early identification of the need for additional information for more complex files and through the establishment of criteria for delegated decision-making to the ALC’s Chief Executive Officer.</p> <p>Other initiatives to enable the more efficient processing of applications involve the ALC improving its information technology and information management capacity to facilitate the electronic submission of applications. The ALC has designed a new self-service Online Application Portal, and with its consultants, has tested the prototype. The ALC has since retained the services of an internet strategy and design firm to undertake user testing of the Online Application Portal with select stakeholders from local governments, applicant agents and individuals unfamiliar with the ALC application process to simulate a new applicant user experience. Initial test results suggest that the Portal design is sound but improvements can be made to the usability of this web-based product. The strategy and design firm is now preparing suggested usability improvements for incorporation into the Portal model. The same firm is also working concurrently on designing the ALC’s new website to provide a seamless user experience with the Portal and the website. It is now anticipated that the new website, roll out of the Online Application Portal and other internet- based features will be available by July 2014.</p>	<p>Partially implemented</p>

All information has been provided by the organization and has not been audited.

Outstanding Recommendations (Continued)

Recommendation 3: Engage in proactive long-term planning with local governments to encourage farming.

Partially implemented

Actions taken, results and/or actions planned

The ALC Board has made changes to its staff organizational structure which identifies the required staff positions to carry out its business functions in support of its mandate. The structure is designed in part to provide more effective service by focusing the staff secretariat operations on pro-active planning and policy development functions. With the increased funding provided by Government, the ALC plans to recruit additional staff. Since late 2012 the ALC has been working with the Public Service Agency (PSA) to review job profiles and classifications for both existing and new positions. With regard to proactive planning and encouraging farming the ALC plans to recruit for the following positions:

- ◆ 2 professional Agrologists specializing in soil science to assist with ALR boundary reviews and other planning initiatives. The positions have been advertised, candidate submissions are being reviewed and the ALC anticipates interviews will be held in late February early March 2014; and
- ◆ the ALC has hired 3 junior planners and an existing ALC planner has successfully competed for a senior planner vacancy. The ALC is currently vetting candidate submissions for another junior planner to fill the position vacated when the existing ALC planner accepted the senior planning position. These positions will enable the ALC to respond more readily to applications and emerging issues that directly relate to agriculture as well as those that may impact agriculture.

The ALC plans to recruit up to 3 additional planning staff in 2014.

Recommendation 6: Ensure that it has a sufficiently robust compliance and enforcement program.

Partially implemented

Actions taken, results and/or actions planned

The ALC Board has made changes to its staff organizational structure which includes the required staff positions to carry out its business functions in support of its mandate. The structure is designed in part to provide more effective service regarding compliance and enforcement operations.

With the increased funding provided by Government, the ALC plans to recruit additional staff. Since late 2012 the ALC has been working with the Public Service Agency (PSA) to review job profiles and classifications for both existing and new positions. The ALC had planned to recruit for a Compliance and Enforcement Coordinator to oversee the compliance and enforcement activities of the ALC compliance officers and the 38 officials appointed from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) pursuant to the *Agricultural Land Commission Act*. However, the competition has been deferred pending further discussions with the PSA regarding the job profile and classification of the position. In the meantime, the ALC recently held a competition to fill a compliance officer position which was vacated in 2013 through a resignation. A candidate has been selected. As a result of the competition, and the quality of the candidates, the ALC has placed two candidates on a eligibility list and expects to offer the first candidate on the eligibility list a position in or about April 2014. If and when the ALC can resolve the outstanding job profile and classification issues with PSA, it will move towards recruitment of the Compliance and Enforcement Coordinator position.

All information has been provided by the organization and has not been audited.

Outstanding Recommendations (Continued)

Recommendation 7: Prioritize completion of the new database and finalize conversion of the original paper ALR maps into digitalized format. **Partially implemented**

Actions taken, results and/or actions planned

In 2011, the ALC embarked on a project to retrieve 20 - 25,000 application files, verify digital mapping of properties, enter application data into the ALC's Online Application Tracking System (OATS) database and to convert (scan) relevant paper documents to a digital format.

Progress to date (As of January 2013):

- ◆ 6,485 files have been completed (documents scanned, data entered into OATS and GIS mapping verified);
- ◆ 23,200 files have historical documents scanned (data entry into OATS and GIS mapping verification underway and ongoing); and
- ◆ 7,064 files have digital mapping of properties verified.

The data entry portion of the project is the most time consuming aspect of this work because there is often a need to interpret the data prior to entering it into the database. The company responsible for scanning historical documents is currently doing a small pilot project to explore the possibility of extracting metadata from the scanned documents for upload to OATS. If successful, this would allow data to be extracted from the scanned documents, placed in a spreadsheet and uploaded to the OATS data base instead of manual (keyboard) entry of data. While this possible method of data entry would still have a manual component, it is hoped to be far less involved, resulting in more rapid upload of data. The pilot project will have to demonstrate to a high degree of confidence that data is being captured accurately and that the data can be successfully uploaded to the appropriate OATS data fields.

The document scanning and map verification projects are already enabling quicker access to data and maps by ALC staff and Commissioners, and is a key element of enhancing the ALC's ability to work efficiently on ALR boundary review projects, being proactive with local governments in planning, improving administration and oversight, and improving compliance and enforcement.

The ALC expects to complete the scanning of historical documents by the end of this fiscal year with data entry and map verification continuing throughout fiscal year 2014/15.

All information has been provided by the organization and has not been audited.

Outstanding Recommendations (Continued)

Recommendation 8: Evaluate the collective impacts of its decisions on applications and its broader policy decisions.

Partially implemented

Actions taken, results and/or actions planned

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The ALC expects to complete the scanning of historical documents by the end of this fiscal year with data entry and map verification continuing throughout fiscal year 2014/15.

When this work is completed all historical decisions of the ALC will be accessible via the database and GIS mapping. This will enable the ALC to analyse applications, review the cumulative impact of its decisions, conduct planning exercises and analysis and provide information for improved policy development. The project will also facilitate future ALR boundary reviews and improve statistical reporting.

All information has been provided by the organization and has not been audited.

Outstanding Recommendations (Continued)

Recommendation 9: Report publicly on the cumulative impacts of its decisions.

Partially implemented

Actions taken, results and/or actions planned

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The ALC expects to complete the scanning of historical documents by the end of this fiscal year with data entry and map verification continuing throughout fiscal year 2014/15.

When this work is completed all historical decisions of the ALC will be accessible via the database and GIS mapping. The ALC will be better positioned to analyse applications, review the cumulative impact of its decisions, conduct planning exercises and analysis and provide information for improved policy development. The data entry, document scanning and mapping quality assurance project, coupled with the improvements to the website, roll out of the Online Application Portal and other internet- based features in 2014, will also enable detailed and timely public access to the work and decisions of the ALC.

All information has been provided by the organization and has not been audited.