



# Planning & Development at ORCA

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Planning & Development Services  
Policy Development Stakeholder Sessions

December 8<sup>th</sup> and 9<sup>th</sup>, 2011



# Planning & Development at ORCA

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- What Conservation Authorities (CAs) do
- ORCA's Planning Roles
- ORCA & Regulation 167/06
- Other Acts

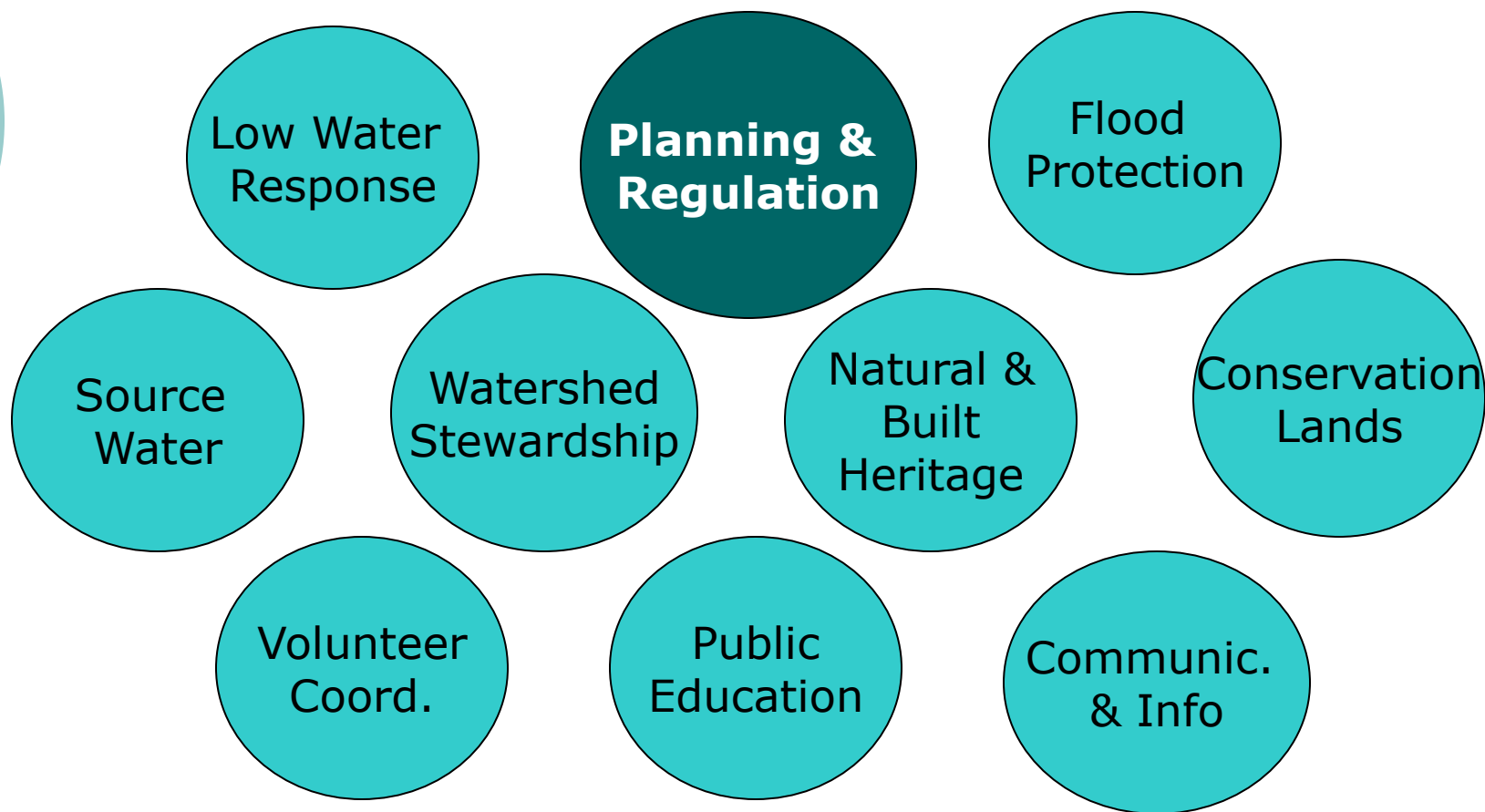
# What do Conservation Authorities (CAs) do?

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- CA Act, s. 20(1):
  - “The objects of an authority are to establish and undertake, in the area over which it has jurisdiction [defined by a watershed], a program designed to **further the conservation, restoration, development and management of natural resources** other than gas, oil, coal and minerals.”
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- ORCA’s vision (on website):
  - “Providing leadership to achieve **healthy watersheds**, where human activity respects the need to **conserve, restore, develop and manage the natural environment** for current and future generations.”

# What do Conservation Authorities (CAs) do?

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# Legislative Framework

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- Main Legislative Sources:
  - *Conservation Authorities (CA) Act* & Ontario Regulation 167/06
  - *Planning Act* & the Provincial Policy Statement (PPS)



# ORCA's Planning Roles

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- ORCA's main planning roles:
  1. Delegated responsibility from province for natural hazards.
  2. Service providers to member municipalities.



# ORCA's Planning Roles

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- CAs are public bodies under the *Planning Act* and must be circulated development applications made under the act.
- Delegated Authority – the province has delegated to CAs the responsibility to ensure that planning decisions are consistent with Section 3.1 of the Provincial Policy Statement (PPS).



# ORCA's Planning Roles

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- The PPS aims to balance appropriate development while protecting resources of provincial interest, public health and safety and the quality of the natural environment.
- Section 3.1 (Natural Hazards) of the PPS directs development and site alteration away from hazardous lands including floodplains.



# ORCA's Planning Roles

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- Service Providers – ORCA acts in a technical advisory role to our member municipalities.
- We help our municipalities by reviewing plans and technical reports (EIS, Stormwater Management, hydrology, etc.) to determine consistency with Section 2.1 (Natural Heritage) and Section 2.2 (Water) of the PPS.



# ORCA's Planning Roles

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- The services we provide are outlined in Memorandums of Understanding (MOUs) with our member municipalities - currently being updated.
- ORCA does not currently have any organizational policies to guide these roles – we rely on provincial technical documents.



# ORCA's Planning Roles

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- There are additional Acts that influence planning decisions in the province – e.g. Places to Grow Act, Oak Ridges Moraine Act.
- Important to know - ORCA does not make decisions under the *Planning Act*.  
Decisions made by municipalities may or may not accord with ORCA's comments.

# ORCA & Regulation 167/06

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- Section 28 of the CA Act outlines Conservation Authorities ability to regulate.
- In 1998, the CA Act was changed to ensure that regulations across the province were consistent – done through the generic regulation (O.Reg 97/04).
- Each individual CA has it's own regulation – ORCA's is O.Reg 167/06 – the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulation.

# ORCA & Regulation 167/06

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- Areas subject to the regulation:
  - River/stream valleys;
  - wetlands;
  - lands adjacent to wetlands (120 metres of Provincially Significant Wetlands, 30 metres of other wetlands);
  - hazardous lands (unstable soil and bedrock); and,
  - rivers/creeks/streams/watercourses.
- Development in regulated areas, alteration to a watercourse or interference to a wetland requires a permit.
- ORCA can grant permit if satisfied that control of flooding, erosion, dynamic beaches, pollution or conservation of land not affected – these are called the five tests.

# ORCA & Regulation 167/06

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- When ORCA reviews permit applications we must apply a technical, firm standard. We can only grant the permit if satisfied (on the basis of evidence) of no adverse effects on watershed functions (i.e. the five tests are being met).
- This is different from, for example, a municipal council making a decision based on many different policy factors, where it has more flexibility to choose.
- There is overlap between the issues and standards in Section 3.1 (Natural Hazards) of the PPS and in O.Reg. 167/06 – but they are not 100% identical.

# ORCA & Regulation 167/06

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- Hearings – if a permit is refused by staff or a proponent objects to the conditions, they can request a hearing in front of ORCA's Executive Committee.
- Appeals – A proponent has the ability to appeal a decision of the Executive Committee to the Ontario Mining and Lands Commissioner.
- Violations – A violation of O.Reg 167/06 has occurred when development, interference or alteration activities have taken place in a regulated area: 1) without a permit, or 2) contrary to the conditions of the permit.



# ORCA & Regulation 167/06

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- Current Policies & Procedures document dates to 2002. Minor revisions made in 2005.
- Stormwater Management policy document dates to 1999.
- Use provincial technical guidelines.
- While current policies can still address simple applications, they increasingly do not speak to the variety or complexity of developments being pursued.

# ORCA & Regulation 167/06

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- All CAs in Ontario have recently submitted amendments to their Regulations to the Ministry of Natural Resources (MNR).
- Important changes to ORCA's regulation include:
  - Ability to delegate permit approval to Executive Committee or to staff;
  - Increasing permit length (with extension) up to 24 months);
  - Option of increasing permit length for large/complex developments up to 60 months.
- Will be posted on MNR website for public comment.
- Approved in 2012?



# The CALC Chapter

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- Conservation Authorities Liaison Committee (CALC) produced a chapter for the CA manual titled "*Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*" – aka, 'The CALC Chapter'.
- Affirms that the "principle of development" should take place at the planning stage, allowing CAs to focus on technical requirements during the permitting process.



# The CALC Chapter

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- Operational changes:
  - Complete Application for Permits – notify applicants if there is any outstanding information on application.
  - Decision timelines for Permits – 30 days for minor application, 90 days for complex application.
  - Undertake public consultation for all policies, watershed/subwatershed plans, guidelines, etc. that will be used by the CA to comment on planning and permit applications.

# Other Acts we have a role in.....

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- Federal *Fisheries Act*

- ORCA has an agreement with the Department of Fisheries and Oceans (DFO) to review proposed works for potential harmful alteration, disruption or destruction (HADD) of fish habitat (Section 35).
- Under a Level 3 agreement, our role ranges from identifying impacts, to working with proponent to mitigate impacts, to implementing compensation plans.



## Other Acts we have a role in.....

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- Green Energy Act – records review
- Ontario Water Resources Act – commenting role
- Environmental Assessment Act – commenting role
- Aggregate Resources Act – commenting role



# Planning & Development at ORCA

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Questions?

Comments?