

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

FROM: Planning Services Department

DATE: May 6, 2019

SUBJECT: Information Report - Modernizing Conservation Authorities and Focusing Conservation Authority Development Permits on the Protection of People and Property, Conservation Authorities Act and Regulation

LOCATION: Town Wide

WARD: Multiple Wards

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RECOMMENDATION:

1. That the report titled "Information Report - Modernizing Conservation Authorities and Focusing Conservation Authority Development Permits on the Protection of People and Property" dated May 6, 2019 be received.
2. That the report titled "Information Report - Modernizing Conservation Authorities and Focusing Conservation Authority Development Permits on the Protection of People and Property" dated May 6, 2019 be submitted to the Ministry of the Environment, Conservation and Parks by the deadline of May 20, 2019 and to the Ministry of Natural Resources and Forestry by the deadline of May 21, 2019.
3. That the report titled "Information Report - Modernizing Conservation Authorities and Focusing Conservation Authority Development Permits on the Protection of People and Property", dated May 6, 2019 be forwarded to the Region of Halton, City of Burlington, Town of Halton Hills, the Town of Milton, Credit Valley Conservation, Grand River Conservation Authority and Conservation Halton for information.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The provincial government has been reviewing the *Conservation Authorities Act* since 2015.

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- The Town of Oakville has provided comments independently to the province through this process and by participating in Joint Submissions with the Halton Area Planning Partnership.
- On April 5, 2019, the province posted the following notices on the Environmental Registry of Ontario:
 - ERO Posting # 013-5018 “Modernizing conservation authorities operations – Conservation Authorities Act” by the Ministry of the Environment, Conservation and Parks with a 45 day commenting period closing on May 20, 2019.
 - ERO Posting # 013-4992 “Focusing conservation authority development permits on the protection of people and property” by the Ministry of Natural Resources and Forestry with a 46 day commenting period closing on May 21, 2019.
- The province has stated that the proposed amendments “would help conservation authorities focus and deliver on their core mandate, and to improve governance”.
- The province has stated that the proposed regulation “outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety” and “will make rules for development in hazardous areas more consistent to support faster, more predictable and less costly approvals.”
- In response to the proposed changes, the Halton Area Planning Partnership has produced a Joint Submission, which is summarized in this report.

BACKGROUND:

In July 20, 2015, the provincial government launched a review of the *Conservation Authorities Act*. The Ministry of Natural Resources and Forestry was seeking feedback on CA governance, funding mechanisms, roles and responsibilities.

The Town of Oakville provided comments independently on the review through the Development Engineering and Planning Services Departments’ report titled “Conservation Authority Act Review” dated September 24, 2015.

Key points from the town submission included:

- Town staff is of the opinion that current roles and responsibilities authorized by the CA Act are appropriate. However, additional clarity on the roles and

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responsibilities under the Planning Act would be beneficial for both municipalities and CAs to ensure efficient use of available resources.

- Memoranda of Understanding (MOU), standards, work process and fee structures should be reviewed on a routine basis and adjusted as appropriate to ensure operational expectations remain up-to-date and optimized.

Subsequently, the Town of Oakville provided comments on the review through participation in Joint Submissions with the Halton Area Planning Partnership:

- “Conservation Authority Act Review: Stage 2 Conserving Our Future: Proposed Priorities for Renewal” dated August 16, 2016.
- “Bill 139 (Schedule 4): proposed amendments to the *Conservation Authorities Act*” dated July 28, 2017.

The HAPP submissions highlighted concerns on the framework to modernize the *Conservation Authorities Act* on the basis that it lacked significant detail regarding implementation and provincial funding levels to sustain provincially mandated programs and services.

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From the province’s ERO postings, the proposed amendments “would help conservation authorities focus and deliver on their core mandate, and to improve governance”.

The proposed regulation “outlines how conservation authorities permit development and other activities for impacts to natural hazards and public safety” and “will make rules for development in hazardous areas more consistent to support faster, more predictable and less costly approvals.”

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On May 2, 2019, proposed amendments to the *Conservation Authorities Act* were released when *Bill 108, An Act to amend various statutes with respect to housing, other development and various other matters* passed first reading.

COMMENT/OPTIONS:

This section of the report summarizes the latest Joint Submission from the Halton Area Planning Partnership regarding the provincial government's review of the *Conservation Authorities Act (CA Act)* and associated regulations.

Joint Submission from the Halton Area Planning Partnership

The Halton Area Planning Partnership (HAPP) is comprised of Halton Region, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Credit Valley Conservation, Grand River Conservation Authority and Conservation Halton.

The HAPP "Proposed Amendments to the Conservation Authorities Act and Regulations for Development Permits, Joint Submission" is attached in Appendix A.

Please note that at the time of writing this report, the HAPP Joint Submission was awaiting final sign-off. As a result, it will be distributed at the meeting.

The following highlights key points from the HAPP Joint Submission:

Longer Commenting Period Needed

HAPP recommends that the province consider a 60 day comment period so that municipal and conservation authority staff have the opportunity to report to, or brief Councils and CA Boards of Directors on proposed changes and allow an opportunity for agencies to provide responses to the province.

Implementation Details Lacking

- HAPP is generally supportive of efforts to better streamline service delivery.
- HAPP is constrained in its ability to provide comprehensive comments due to the absence of the associated regulations, policies, and/or standards providing specific implementation details.
- HAPP recommends that the proposed legislative amendments and regulations should be released for public review and comment as soon as possible.

Consistency versus Flexibility

The *CA Act* was intended to function as a generic framework to guide all CAs in the development of regulations specific to the unique geography of their jurisdiction.

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HAPP requests additional details regarding implementation to better understand how the consolidated regulation will ensure consistency while still allowing for flexibility based on local risk factors. Each watershed is different and the policy documents need to be able to reflect that.

Modernizing conservation authority operations – Conservation Authorities Act (ERO posting # 013-5018)

Specific to the proposed amendments to the *CA Act*, the Joint Submission identifies HAPP support in five key areas:

1. Defining core mandatory programs and services provided by the Conservation Authorities (CAs)
2. Increasing transparency and sustainability for funding of CAs programs and services
3. Entering into agreements for the delivery of non-mandatory programs and services
4. Increasing governance and accountability and clarification of CA board members duties.
5. Proclaiming the un-proclaimed provisions of the *CA Act*

It should be noted that under Items #1 and #3, the Halton Municipalities together with its Conservation Authority partners have taken initial steps to define roles and responsibilities through a planning Memorandum of Understanding (MOU) for the Region that is consistent with the Province's intent for the changes proposed to the *CA Act*.

Additional work with the Halton Municipalities and its Conservation Authority partners to define service level agreements in order to provide clarity on roles and responsibilities within the MOU is anticipated. There is support from HAPP for the Province to allow municipalities to have some latitude to better define its relationship and service arrangement with the Conservation Authorities.

Finally, this section of the HAPP Joint Submission identifies areas where additional information would be required for HAPP to make a more comprehensive response.

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Focusing conservation authority development permits on the protection of people and property (ERO posting # 013-4992)

Specific to the proposed regulation changes, the Joint Submission identifies HAPP support in four key areas:

1. Consolidating and harmonizing individual 36 CA regulations into one provided there was still opportunity for flexibility at the watershed level.
2. Updating key terms to align with other provincial policies along with consideration of supporting material for implementation and litigation.
3. Enabling CAs to further exempt low-risk development activities in limited parts of natural hazard areas under certain conditions
4. Increasing public and indigenous community engagement or participation in CA-related programs and services through addition notifications. However, notification for land use planning approvals should remain with the municipalities to avoid a duplication of public processes.

CONSIDERATIONS:

(A) PUBLIC

There are no public impacts from this report and no notice requirements.

(B) FINANCIAL

There are no financial implications from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The Development Engineering Department provided input to this report.

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

(E) COMMUNITY SUSTAINABILITY

Consideration of the sustainability goals and objectives of the Livable Oakville Plan are part of all town reviews of provincial initiatives.

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APPENDICES:

Appendix A - Proposed Amendments to the Conservation Authorities Act and Regulations for Development Permits, Joint Submission *(to be distributed at meeting)*

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