

Fact Sheet

CONSERVATION AUTHORITY ROLES IN PLAN INPUT, PLAN REVIEW AND APPEALS

Conservation Authorities are watershed-based resource management agencies created under the *Conservation Authorities Act (CA Act)*. Delivery of their watershed management mandate leads to a variety of responsibilities and functions in the land use planning and development process. Overall, the role of Conservation Authorities in the planning and development process is to ensure that decisions are informed by the best watershed science available; while eliminating unnecessary delay or duplication in the process.

Delegated Responsibility to Represent Provincial Interest in Natural Hazards

Conservation Authorities have delegated responsibilities to represent provincial interests regarding natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2005*. This includes:

- flood plain management;
- hazardous slopes;
- Great Lakes shorelines; and,
- unstable soils and erosion.

The details of this role are described in a 2001 Memorandum of Understanding between the Ministry of Municipal Affairs and Housing, the Ministry of Natural Resources, and Conservation Ontario. These delegated responsibilities require Conservation Authorities to review and provide comments on policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.

Watershed Based Resource Management Agency

Conservation Authorities, as 'public bodies' pursuant to the *Planning Act*, are to be notified of policy documents and planning and development applications as prescribed under the Act. Conservation Authorities may comment as per their mandate to the municipality/planning approval authority on these documents and applications. In this role, the Conservation Authority is responsible to represent its program and policy interests as a watershed based resource management agency

Operating under the authority of Sections 20 and 21 of the *CA Act*, and in conjunction with municipalities, Conservation Authorities develop business plans, watershed plans and natural resource management plans within their jurisdictions (watersheds). These plans may recommend specific approaches to land use and resource planning and management that should be incorporated into municipal planning documents and related development applications in order to be implemented.

Planning Advisory Service to Municipalities

Conservation Authorities may perform a technical advisory role to municipalities, under the terms of a service agreement with participating municipalities which may include, but is not limited to, matters related to the assessment or analysis of environmental impacts associated with activities near or in the vicinity of: sensitive natural features such as wetlands, river and stream valleys, fish habitat or significant woodlands; hydrogeology and storm water studies; and, in some cases, septic system reviews. By providing planning advisory services for the review of Planning Act applications, Conservation Authorities and municipalities can ensure the implementation of a comprehensive resource management program on a watershed basis.

The planning advisory service agreements allow the Conservation Authority the opportunity to provide advice to the municipality on the interpretation of the Provincial Policy Statement (PPS). With the exception of natural hazards for which Conservation Authorities have delegated responsibility to represent the provincial interest, this advice is not represented as a "provincial position".

Fees for planning services are applied in accordance with a published "fee schedule" and established pursuant to the "Policies and Procedures for the Charging of Conservation Authority Fees" (MNR, June 13, 1997). Fees cover only a portion of the costs associated with administering and delivering the services.

Conservation Authorities as Landowners

Conservation Authorities are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or a proponent. Planning Service Agreements with municipalities have anticipated that this may lead to a conflict with our advisory role and this is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism.

Regulatory Responsibilities

- a) *CA Act Regulations:* In participating in the review of development applications under the Planning Act, Conservation Authorities will (i) ensure that the applicant and municipal planning authority are aware of the Section 28 regulations and requirements under the CA Act, and, (ii) assist in the coordination of applications under the Planning Act and the CA Act to eliminate unnecessary delay or duplication in the process.
- b) *Other Delegated Regulatory/Approval or Review Responsibility:* Individual Conservation Authorities may enter into agreements with federal and provincial ministries and municipalities to undertake delegated regulatory/approval responsibilities and/or reviews (e.g. septic system approvals under the Ontario Building Code; reviews under Fisheries Act Section 35).

FOR MORE INFORMATION

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