

PROTOCOL
FOR PLAN REVIEW AND TECHNICAL CLEARANCE
BETWEEN
THE REGIONAL MUNICIPALITY OF PEEL
(The Region)
AND
CREDIT VALLEY CONSERVATION AUTHORITY
THE HALTON REGION CONSERVATION AUTHORITY
TORONTO AND REGION CONSERVATION AUTHORITY
(The Conservation Authorities)

December, 2012



1. Context

It is a goal of the Region of Peel Official Plan, "To create and maintain a system of viable, well-functioning environmental features to ensure a healthy, resilient and self-sustaining natural environment within Peel Region". The Region Official Plan policies impose a responsibility to ensure the prevention of loss of life and minimization of property damage in natural hazard areas.

The protection, restoration and enhancement of the natural environment, and the safety of persons and property is carried out in part through the review of and preparation of comments on development applications, and is a shared responsibility with the Region of Peel, its Area Municipalities and the Conservation Authorities. This Protocol serves to guide the Conservation Authorities in assisting the Region to carry out their shared responsibility to foster an ecosystem approach to sustainable living and thereby achieve the goals set out in the Region of Peel Official Plan. Specifically through this Protocol, the Region seeks the technical assistance from the Conservation Authorities with preparing comments related to plan review and technical clearance. The Conservation Authorities possess technical expertise as per their mandated responsibilities under the *Conservation Authorities Act* that are a benefit to the Region when dealing with plan review and technical clearance matters related to natural heritage and natural hazards. This Protocol is not a delegation of authority to the Conservation Authorities to determine the Region's position on land-use planning matters.

2. Definitions

a) "Plan Review" means:

- i) reviewing development applications, licenses, permits and/or other permissions under the *Planning Act, Niagara Escarpment Planning and Development Act, Conservation Authorities Act, Clean Water Act, the Aggregates Resources Act and the Water Resources Act (for review of permits to take water where applicable)* in a timely manner;
- ii) Identifying the need for and review of technical reports; and
- iii) Specifying conditions of approval.

b) "Technical Clearance" means:

- i) Assessing technical reports submitted by the proponent to determine if the reports satisfy the conditions specified; and
- ii) Clearing the conditions.

3. THE PURPOSE of this protocol is to:

- i) establish the parameters of the plan review and technical clearance expertise that the Conservation Authorities shall provide to assist the Region to make decisions on planning applications to the Area Municipalities; and
- ii) Streamline the municipal plan review process as it relates to Provincial and regional/local interests where opportunities exist.

4. STATEMENT OF PRINCIPLES

For the purposes of this protocol it is understood and agreed by the parties that:

- i) the Conservation Authorities shall review and provide comments on development applications, licenses, permits and/or other permissions and provide advice in the context of applicable area municipal, Regional and provincial policy and legislation including, but not limited to: the *Planning Act*, the Provincial Policy Statement, the *Conservation Authorities Act*, *Clean Water Act*, the *Ontario Environmental Assessment Act*, the *Fisheries Act*, the *Niagara Escarpment Planning and Development Act* and Niagara Escarpment Plan, the *Oak Ridges Moraine Conservation Act* and Oak Ridges Moraine Conservation Plan, the *Greenbelt Act* and Greenbelt Plan, the *Places to Grow Act* and Places to Grow Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan and the policies and land use designations of approved area municipal official plans, other strategic municipal documents, (sub)watershed plans and conservation authority policy documents and other applicable legislation as may from time to time be enacted;
- ii) the goals of effective watershed management and environmental protection and enhancement, including, air quality, climate change mitigation, healthy rivers, safe drinking water, biodiversity and sustainable living, will require the consideration of provincial, regional and local scale natural resources as identified in official and secondary plans, or through municipal studies, watershed and sub-watershed studies, or area specific studies;
- iii) the Conservation Authorities shall provide comments and recommendations as outlined in 5(iii), on planning matters circulated by the Region such as amendments to the Region of Peel Official Plan, Area Municipal official plans and amendments, and municipal studies, including planning applications submitted to the Region by the Peel Area Municipalities and other agencies;
- iv) nothing in this protocol precludes the Conservation Authorities from providing comments to the Region in accordance with their powers under the *Planning Act*, the *Conservation Authorities Act* and/or other applicable legislation;
- v) nothing in this protocol precludes the retention of consultants other than the Conservation Authorities to provide the plan review and technical clearance services identified in this Protocol, when in the opinion of the Region or the Conservation Authority, utilizing the Conservation Authority as specified in this Protocol could result in a pecuniary/ownership conflict for the Conservation Authority;
- vi) the Region and the Conservation Authorities may seek additional technical expertise in matters of Provincial or Regional interest, from third parties, as required;
- vii) the Region has the authority to review all comments and recommendations made by the Conservation Authorities for the consideration of the Area Municipalities. Specifically, the Region may request an opportunity to review and discuss draft Conservation Authority comments on matters of Regional interest prior to finalization. In all other instances, Conservation Authority staff shall provide a copy of their comments on matters addressed by this Protocol to the Region.
- viii) should the Region disagree with the comments and recommendations of the Conservation Authorities, the parties shall meet to discuss their differences of opinion and strive for consensus;

- ix) this Protocol does not apply to Region Official Plan Amendments and Environmental Assessments initiated/undertaken by the Region;
- x) nothing in this Protocol precludes the Region and the Conservation Authorities from providing comments in accordance with their powers under the *Planning Act*, and/or other applicable legislation.

5. ROLES AND RESPONSIBILITIES

The Region and the Conservation Authorities agree that:

- i) the Region is responsible for ensuring consistency with Provincial policies and the Regional Official Plan policies with respect to any planning applications for which it has approval authority or otherwise comments on;
- ii) any information or data sources provided by the Province or generated through municipal or watershed studies shall be shared where possible;
- iii) the Conservation Authorities will provide the Region with plan review and technical clearance services for all development applications, licenses, permits and/or other permissions under the *Conservation Authorities Act*, *Clean Water Act*, the *Ontario Environmental Assessment Act (for undertakings not initiated by the Region)*, the *Fisheries Act*, the *Niagara Escarpment Planning and Development Act* and Niagara Escarpment Plan the *Oak Ridges Moraine Conservation Act* and Oak Ridges Moraine Conservation Plan, the *Greenbelt Act* and Greenbelt Plan, the *Places to Grow Act* and Places to Grow Plan for the Greater Golden Horseshoe, the *Aggregates Resources Act* and the *Water Resources Act (for review of permits to take water where applicable)* to ensure they conform with the intent of the Region of Peel Official Plan; are consistent with the Provincial Policy Statement; and are in conformity with all other applicable provincial legislation and plans. The advice provided to the Region shall be provided in a timely fashion. The scope of the plan review and technical clearance services shall include, but not be limited to, the following:
 - (a) Delineating and verifying where necessary the Core Areas of the Greenlands System, pursuant to Schedule A and Chapter 2 of the Region Official Plan and establishing requirements and conditions to determine the need for and adequacy of studies (including environmental impact studies) to assess impacts and propose mitigation restoration and/or enhancement measures related to:
 - Surface water, including:
 - flood and erosion watercourse and valleyland hazards
 - flood and erosion dynamic beach hazards
 - kettle lakes
 - permanent and intermittent streams
 - seepage areas and springs
 - shorelines
 - wetlands
 - surface water quantity and quality
 - baseflows
 - Ground water including:

groundwater recharge and discharge areas
 groundwater quantity and quality
 headwaters
 underground aquifers

Terrestrial features/functions including:
 biodiversity within terrestrial features
 ecosystem linkages and corridors
 environmentally significant areas
 landform conservation
 sand barrens, savannahs and tall grass prairies
 species at risk/species of interest
 valley stream corridors
 areas of natural and scientific interest
 woodlands

Habitats including:
 fish habitat
 habitats of endangered, threatened and special concern species
 wildlife habitat
 wildlife corridors;

- (b) identifying the need for a permit to take water (groundwater or surface water);
- (c) identifying the need for an application to be processed under the *Federal Fisheries Act*, the *Conservation Authorities Act*, the *Lakes and Rivers Improvement Act*, the *Public Lands Act*, the *Endangered Species Act*, or any other applicable legislation; and
- (d) assisting in the technical aspects of applying sustainable development standards and guidelines and smart growth principles.

6. TERM AND IMPLEMENTATION

The Region and the Conservation Authorities agree:

- i) to review and amend this protocol periodically to reflect changes in programs of the parties or as a result of changes in provincial policies or as a result of subsequent discussions;
- ii) to ensure staff through information sessions, and training workshops is aware of this protocol as required;
- iii) to continue to explore further opportunities to streamline the plan review process as it relates to Provincial and regional/local interests;
- iv) to make provision for Conservation Authority staff to attend Ontario Municipal Board Hearings to represent the Region's interests, upon the request of Regional staff, with respect to the plan review and technical clearance services provided pursuant to this agreement, at no extra cost to the Region. If Regional staff and/or legal representation are required to attend Ontario Municipal Board proceedings and matters of interest to the Conservation Authorities are at issue, Regional staff and/or legal representation may attend to represent both agencies interests, at the mutual agreement of both parties;

- v) nothing in this Protocol shall limit the Region and/or Conservation Authorities from independently appealing a decision to the Ontario Municipal Board;
- vi) that fees for plan review and technical clearance services will be set by the Conservation Authorities;
- vii) that the Conservation Authorities shall be responsible for collecting any further Processing/Approvals and/or Final Clearance Fees as required;
- viii) that the Conservation Authorities shall provide the Region with an approved Schedule of fees and updates thereto in a timely manner;
- ix) that all information exchanged under this protocol is subject to the confidentiality and non-disclosure requirements of the Ontario *Municipal Freedom of Information and Protection of Privacy Act*;

REGIONAL MUNICIPALITY OF PEEL

Tom Slomke

Tom Slomke - Director, Development Services

2012/12/05

Date

CREDIT VALLEY CONSERVATION AUTHORITY

Rae Horst

Rae Horst - Chief Administrative Officer

Dec 5 '12

Date

HALTON REGION CONSERVATION AUTHORITY

Ken Phillips

Ken Phillips - Chief Administrative Officer

Dec 11, 2012

Date

TORONTO & REGION CONSERVATION AUTHORITY

Brian Denney

Brian Denney - Chief Administrative Officer

Jan. 11, 2013

Date