



May 16, 2019

To: Minister of Natural Resources and Forestry

From: London Development Institute (LDI)

Submission: Comments to the proposed changes to the Conservation Authorities Act regulations regarding development permits

Introduction:

LDI would like to thank the Minister for the opportunity to provide input on the proposed changes to the Conservation Authorities Act regulations relating to development permits. We believe a review of the regulations governing Conservation Authorities issuance of development permits is long overdue.

The London Development Institute (LDI) is a member-based organization representing most land developers in the London area. LDI has been the leading voice on development issues in our City for more than 40 years. Our goal, working with our partners in local government and the community, is to build a better London.

Our membership has direct involvement with Conservation Authorities throughout the Province of Ontario and most often with the Upper Thames River Conservation Authority in London. Our comments are based on the day-to day interface our members have and continue to experience with Conservation Authorities.

1. The Ministry is proposing to create a regulation further defining the ability of a conservation authority to regulate prohibited development and other activities for impacts to the control of flooding and other natural hazards.

LDI agrees that a clear regulation with the appropriate wording to define the power of a conservation authority to regulate prohibited development, for the control of flooding and natural hazards, is needed. Scope creep has been occurring well beyond the conservation authority's responsibility to regulate development for flood and natural hazard control. LDI also recommends the removal of environmental language that does not meet the original intent of the regulation.

2. Consolidating and harmonizing the existing 36 individual conservation authority-approved regulations into 1 Minister of Natural Resources and Forestry approved regulation will help to ensure consistency in requirements across all conservation authorities while still allowing for local flexibility based on differences in risks posed by flooding and other natural hazards.

LDI supports this regulatory consolidation. The array of CA approved regulations is an impediment to providing appropriate service to the public as our members need clarity and consistency when working with CA's.

3. Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;

LDI agrees that all definitions need to be consistent with the Provincial Policy Statement. These definitions should be clear and concise to prevent broad or catchall interpretations.

4. Defining undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;

LDI agrees that the above terms must be defined as they relate to the intended natural hazard management regulation. These defined terms must provide clarity and consistency with other planning documents.

5. Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;

LDI supports the above change where the hydrological connection has been severed.

6. Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the *Drainage Act* provided they are undertaken in accordance with the *Drainage Act* and *Conservation Authorities Act* Protocol;

LDI supports the above change. It is also important to define what activities are considered “low-risk development”.

7. Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;

LDI strongly supports exempting low-risk development from the permit process if the development meets the conservation authority’s policies. This change will allow low-risk development to proceed in a timelier and less costly manner while freeing up conservation authority resources to work on more complicated and important permit applications.

8. Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;

LDI agrees that conservation authorities, as a public organization, must be transparent with the public. Requiring consultation and transparency of the policies guiding permitting decisions will make conservation authorities more accountable and provide credibility to their policy decisions.

9. Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries;

LDI supports this change requiring public notice of mapping changes. Fundamentally, LDI believes that all mapping should be public. All mapping done by or for a conservation authority should be easily available to the public. There is no public policy justification for keeping this information from being accessible on-line.

10. Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.

LDI strongly supports the monitoring and reporting of CA's delivery standards. This is an important accountability tool.

LDI would like to make an additional point. Conservation authority's development permit process MUST be integrated with other planning processes to provide timely and effective service to the public. There is no reason that all government agencies cannot work to the same set of integrated service standards and timelines. We need to give some assurance to the development community on the timing of their projects. Being held hostage by the quagmire of government agency approval processes serves no one. Our organization can provide several examples of the different timing on renewal and approval requirements between the municipality and the conservation authority. Why are they not consistent?

Finally, LDI recently developed a White Paper entitled "Changes to Land Use Planning Legislation and Policy in Ontario". In this paper we suggest several improvements to the Planning Act, Provincial Policy Statement, Conservation Authorities Act and the Local Planning Appeals Tribunal. I have included the summary below, from our White Paper, as it relates to the Conservation Authorities Act.

CONSERVATION AUTHORITIES ACT

Ontario Conservation Authorities are overstepping their mandates and using their authority under Section 28 of the *Conservation Authorities Act* to deliberately slow down or stop development from occurring in municipalities. Recent changes to the *Act* (which have not yet come in to force and effect) fail to address the lack of accountability and transparency in Conservation Authority operations. To address these issues, the Provincial government must repeal Bill 139 and incorporate the following principles into new legislation:

- Make the *Conservation Authorities Act* subservient to the *Planning Act*, so Conservation Authorities can be held accountable for their land-use planning decisions by a third-party tribunal;
- Direct planning authorities to consider the PPS in its entirety, rather than prioritizing Natural Heritage policies, to restore a balanced approach to PPS interpretation;
- Establish development fee schedules and acceptable exceptions for open meetings at the Provincial level to prevent local abuses of power;
- Define the term "development activities" in the *Conservation Authorities Act* to establish reasonable boundaries for Conservation Authority jurisdiction;
- Curtail Conservation Authority enforcement officers' powers, and uphold individuals' constitutional rights to be protected against unreasonable search and seizure;
- Stipulate deadlines for authorities to review and respond to information and submissions provided through the planning application process to prevent unreasonable and excessive delays; and
- Implement a more efficient dispute resolution mechanism for owners to appeal or question unreasonable or vague requests for additional information during the planning application process.



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If you have any questions or wish to consult with the London Development Institute in further detail on any of the issues raised, please do not hesitate to contact us. We are more than willing to meet with the Minister, his staff or a Standing Committee of the Government of Ontario.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read 'Mike Wallace', is written over a light blue horizontal line.

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