



HEALTHY COMMUNITIES • SUSTAINABLE COMMUNITIES

September 9, 2016

Mr. Alex MacLeod
Policy Officer
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch
Water Resources Section
300 Water Street
Peterborough, ON, K9J 8M5

Dear Mr. MacLeod:

**Conservation Authorities Act Review
Conserving Our Future Proposed Priorities for Renewal
EBR Registry Number: 012-7583**

On behalf of the Ontario Professional Planners Institute (OPPI), I am submitting the Institute's response to the Province's *Conserving Our Future Proposed Priorities for Renewal* Discussion Paper on the Five Priority Areas for Improvement - EBR Registry Number 012-7583.

OPPI is the recognized voice of the Province's planning profession. Our almost 4,500 members work in government, private practice, universities, and not-for-profit agencies in the fields of urban and rural development, community design, environmental planning, transportation, health, social services, heritage conservation, housing, and economic development. Members meet quality practice requirements and are accountable to OPPI and the public to practice ethically and to abide by a Professional Code of Practice. Only Full Members are authorized by the Ontario Professional Planners Institute Act, 1994, to use the title "Registered Professional Planner" (or "RPP"). In preparing our response, we have considered the three questions put forward in *Conserving Our Future* and have responded from a perspective that reflects the interrelationships between the responsibilities and activities of conservation authorities and land use planning in municipalities.

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On October 19, 2015, OPPI made its submission to the Ministry regarding the Conservation Authorities Act Review. In reviewing this current Discussion Paper, we have referred to and reflected upon this submission. A copy of this can be found here: <http://bit.ly/2bZilfG>.

The Five Priorities for updating the *Conservation Authorities Act* are reasonable and manageable. These reflect the direction taken in the Review and take into account some of the important issues discussed in our previous submission.

Our response to the three questions stated by the Ministry for feedback are as follows:

1. What do you think of these priorities? Which are the most important and/or least important to you? Are there other priorities that should be considered?

OPPI finds that the five priorities are acceptable for discussion purposes, with one reservation expressed below. From a land use planning perspective, the second and third priorities are most important. In the previous OPPI submission, we provided the following recommendations to achieve these two priorities. These recommendations would also help achieve the first priority to some extent:

- A new Section 20 object should also include the protection and restoration of the ecological health of watersheds and reflect the conservation authority's role in flood remediation.
- The legislation should clarify the respective roles of the Ministry of Natural Resources and Forestry (MNR), the Ministry of the Environment and Climate Change (MOECC) and the conservation authorities and provide for a more coordinated relationship between conservation authorities, provincial ministries and agencies.
- There is a need to provide certainty about the roles of conservation authorities and municipalities under the *Planning Act* and the *Provincial Policy Statement*. Clarification of the role of the conservation authorities under provincial plans is also necessary.
- OPPI recommends the Province consider changing the legislation to resolve whether the conservation authority is a "local board" pursuant to sections 3(5) and 3(6) of the *Planning Act* and section 4.2 of the *Provincial Policy Statement*. It will be helpful to establish whether the decisions and comments of conservation authorities are subject to these same responsibilities when dealing with planning matters.
- OPPI recommends that the existing overlap between the policies of conservation authority boards and other levels of government with regard to natural resource matters should be eliminated. Greater consistency among all conservation authority board-approved policy is a desirable outcome.
- OPPI continues to express its concern with the inconsistencies between the municipal planning authority of municipalities under the *Planning Act* and under the *Building Code Act*, and the regulatory prohibitions under Section 28 of the *Conservation Authorities Act*. More attention needs to be given to ensure that conservation authorities - in exercising their regulatory role, and municipalities - in exercising their roles as planning

authorities under the *Planning Act*, can and will work together in the most complementary fashion possible.

- There needs to be a distinction between the regulatory and commenting roles and responsibilities of all conservation authorities. The distinction is a difference between comments on natural heritage features and functions under the *Provincial Policy Statement* and regulatory responsibilities regarding hazard lands and wetlands, especially where flooding is the issue under the *Conservation Authorities Act*.
- OPPI has identified the lack of distinction on how conservation authorities consider comments and regulations on smaller-scale and larger-scale planning applications. Our Members are particularly sensitive to the relatively costly requirements for small landowners who usually do not have financial resources and expertise to satisfy the requirements of conservation authorities.

Our reservation is with regard to the fifth priority. This is an appropriate subject for discussion, but we are not sure that the current review is the place for it. This is a very broad topic, and it is not clear where exactly the Ministry wants to go with it. To the extent that we understand the discussion, it goes well beyond the usual responsibilities and current geographic jurisdiction of conservation authorities. We recommend this be conducted in the context of a review of the *Ministry of Natural Resources Act* and the Ministry's strategic vision.

2. What actions would you recommend the Province take to help achieve these priorities?

There are important actions that are needed to achieve the priorities most relevant to land use planning. In particular, the suggested Ministry actions under Priority 2 are helpful in achieving "clarity and consistency in roles and responsibilities and associated processes and requirements". It is essential that the second point in this priority, as well as the first point in Priority 1, include the directive that conservation authorities continue to support the roles and responsibilities of municipalities.

The fifth point under Priority 2 would go a long way toward recognizing the issues raised by OPPI.

The fourth and fifth points under Priority 3 support the issues raised by OPPI by improving collaboration and engagement.

3. What do you see as some of the key challenges in achieving improvements under any or all of these priority areas?

OPPI expects that the province will establish a governance and oversight structure that ensures that all conservation authorities have the capacity and resources to assume their role and responsibility as active partners with municipalities. This requires that conservation authorities focus on their role of the conservation of water resources and the protection against flooding in this era of climate change. If conservation authority boards are to continue to be made up of municipal representatives, then the *Conservation Authorities Act* must ensure that all conservation authorities have the capacity to adopt a model that is transparent, accountable and responsive to municipal councils.

Priorities 1 and 4 subscribe to these challenges and are important in order to create a consistent standard of management excellence.

Priority 5, as stated above, will be a challenge. We believe that a separate consultation, as we recommended, would be an opportunity that would be better understood and focused on by stakeholders and the public.

OPPI continues to support the provincial initiative to update and improve the *Conservation Authorities Act*. We welcome the opportunity to meet with you and staff to discuss our submission and to further explore these ideas and recommendations. To schedule a meeting or for further information, please contact me at 416-668-8469 or by email at l.ryan@ontarioplanners.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Ryan', followed by a horizontal line.

Loretta Ryan, RPP
Director, Public Affairs
Ontario Professional Planners Institute