

**Conservation Authorities Act
Loi sur les offices de protection de la nature**

ONTARIO REGULATION [172/06](#)

**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY:
REGULATION OF DEVELOPMENT, INTERFERENCE WITH
WETLANDS AND ALTERATIONS TO SHORELINES AND
WATERCOURSES**

Consolidation Period: From May 4, 2006 to the [e-Laws currency date](#).

No amendments.

This Regulation is made in English only.

Definition

1. In this Regulation,

"Authority" means the Nottawasaga Valley Conservation Authority. O. Reg. [172/06](#), s. 1.

Development prohibited

2. (1) Subject to section 3, no person shall undertake development, or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:

- (i) the 100 year flood level, plus the appropriate allowance for wave uprush,
- (ii) the predicted long term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period,
- (iii) where a dynamic beach is associated with the waterfront lands, a 30 metre allowance inland to accommodate dynamic beach movement,
- (iv) 15 metres inland;

- (b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:
- (i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,
 - (ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side,
 - (iii) where the river or stream valley is not apparent, the valley extends the greater of,
 - (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and
 - (B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;
- (c) hazardous lands;
- (d) wetlands; or
- (e) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater than 2 hectares in size, and areas within 30 metres of wetlands less than 2 hectares in size, but not including those where development has been approved pursuant to an application made under the *Planning Act* or other public planning or regulatory process. O. Reg. [172/06](#), s. 2 (1).

(2) The areas described in subsection (1) are the areas referred to in section 12 except that, in case of a conflict, the description of the areas provided in subsection (1) prevails over the descriptions referred to in that section. O. Reg. [172/06](#), s. 2 (2).

Permission to develop

3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, in its opinion, the control of flooding,

erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. O. Reg. [172/06](#), s. 3 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. [172/06](#), s. 3 (2).

Application for permission

4. A signed application for permission to undertake development shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing the type and location of the development.
2. The proposed use of the buildings and structures following completion of the development.
3. The start and completion dates of the development.
4. The elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development.
5. Drainage details before and after development.
6. A complete description of the type of fill proposed to be placed or dumped. O. Reg. [172/06](#), s. 4.

Alterations prohibited

5. Subject to section 6, no person shall straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland. O. Reg. [172/06](#), s. 5.

Permission to alter

6. (1) The Authority may grant a person permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland. O. Reg. [172/06](#), s. 6 (1).

(2) The permission of the Authority shall be given in writing, with or without conditions. O. Reg. [172/06](#), s. 6 (2).

Application for permission

7. A signed application for permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or change or interfere with a wetland shall be filed with the Authority and shall contain the following information:

1. Four copies of a plan of the area showing plan view and cross-section details of the proposed alteration.
2. A description of the methods to be used in carrying out the alteration.
3. The start and completion dates of the alteration.

4. A statement of the purpose of the alteration. O. Reg. [172/06](#), s. 7.

Cancellation of permission

8. (1) The Authority may cancel a permission if it is of the opinion that the conditions of the permission have not been met. O. Reg. [172/06](#), s. 8 (1).

(2) Before cancelling a permission, the Authority shall give a notice of intent to cancel to the holder of the permission indicating that the permission will be cancelled unless the holder shows cause at a hearing why the permission should not be cancelled. O. Reg. [172/06](#), s. 8 (2).

(3) Following the giving of the notice, the Authority shall give the holder at least five days notice of the date of the hearing. O. Reg. [172/06](#), s. 8 (3).

Validity of permissions and extensions

9. (1) A permission of the Authority is valid for a maximum period of 24 months after it is issued, unless it is specified to expire at an earlier date. O. Reg. [172/06](#), s. 9 (1).

(2) A permission shall not be extended. O. Reg. [172/06](#), s. 9 (2).

Appointment of officers

10. The Authority may appoint officers to enforce this Regulation. O. Reg. [172/06](#), s. 10.

Flood event standards

11. The applicable flood event standards used to determine the maximum susceptibility to flooding of lands or areas within the watersheds in the area of jurisdiction of the Authority are the Timmins Storm Flood Event Standard, the 100 Year Flood Event Standard and the 100 year flood level plus wave uprush, described in Schedule 1. O. Reg. [172/06](#), s. 11.

Areas included in the Regulation Limit

12. Hazardous lands, wetlands, shorelines and areas susceptible to flooding, and associated allowances, within the watersheds in the area of jurisdiction of the Authority are delineated by the Regulation Limit shown on maps 1 to 132 dated September, 2005 and filed at the head office of the Authority at 8195 8th Line, Utopia, Ontario under the map title "Ontario Regulation 97/04: Regulation for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses". O. Reg. [172/06](#), s. 12.

13. Omitted (revokes other Regulations). O. Reg. [172/06](#), s. 13.

SCHEDULE 1

1. The Timmins Flood Event Standard means a storm that produces over a 12-hour period,

(a) in a drainage area of 25 square kilometres or less, rainfall that has the distribution set out in Table 1; or

(b) in a drainage area of more than 25 square kilometres, a rainfall such that the number of millimetres of rain referred to in each case in Table 1 shall be modified by the percentage amount shown in Column 2 of Table 2 opposite the size of the drainage area set out opposite thereto in Column 1 of Table 2.

TABLE 1

15 mm of rain in the first hour
20 mm of rain in the second hour
10 mm of rain in the third hour
3 mm of rain in the fourth hour
5 mm of rain in the fifth hour
20 mm of rain in the sixth hour
43 mm of rain in the seventh hour
20 mm of rain in the eighth hour
23 mm of rain in the ninth hour
13 mm of rain in the tenth hour
13 mm of rain in the eleventh hour
8 mm of rain in the twelfth hour

TABLE 2

Column 1	Column 2
Drainage Area (square kilometres)	Percentage
26 to 50 both inclusive	97
51 to 75 both inclusive	94
76 to 100 both inclusive	90
101 to 150 both inclusive	87
151 to 200 both inclusive	84
201 to 250 both inclusive	82
251 to 375 both inclusive	79
376 to 500 both inclusive	76
501 to 750 both inclusive	74
751 to 1000 both inclusive	70
1001 to 1250 both inclusive	68
1251 to 1500 both inclusive	66
1501 to 1800 both inclusive	65
1801 to 2100 both inclusive	64
2101 to 2300 both inclusive	63
2301 to 2600 both inclusive	62
2601 to 3900 both inclusive	58
3901 to 5200 both inclusive	56
5201 to 6500 both inclusive	53
6501 to 8000 both inclusive	50

2. The 100 Year Flood Event Standard means rainfall or snowmelt, or a combination of rainfall and snowmelt producing at any location in a river, creek, stream or watercourse, a peak flow that has a probability of occurrence of one per cent during any given year.

3. The 100 year flood level means the peak instantaneous still water level plus an allowance for wave uprush and other water-related hazards for Lake Ontario and Lake Erie in the Great Lakes-St. Lawrence River System that has a probability of occurrence of one per cent during any given year.

O. Reg. [172/06](#), Sched. 1.

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