



**PROTOCOL**  
**FOR PLAN REVIEW AND TECHNICAL CLEARANCE**  
**BETWEEN**  
**THE REGIONAL MUNICIPALITY OF PEEL**  
**(the "Region")**  
**AND**  
**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**  
**("NVCA")**

March 2010



## 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 NVCA. This Protocol serves to guide the NVCA in assisting the Region of Peel 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 NVCA with preparing comments related to plan review and technical clearance. The NVCA 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 NVCA to determine the Region’s position on land-use planning matters. The NVCA agrees to provide plan review services as request by the Region of Peel subject to the collection of the current NVCA planning fees by the NVCA directly from the applicant.

## 2. Definitions

### a) “Plan Review” means:

- i) reviewing development applications, licenses, permits and/or other permissions under the *Conservation Authorities Act, Clean Water Act, Planning Act, the Aggregates Resources Act and the Water Resources Act (for review of permits to take water)* 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 NVCA shall provide to assist the Region of Peel, (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 NVCA will 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 *Environmental Assessment Act*, the *Fisheries Act*, the *Oak Ridges Moraine Conservation Act* and Oak Ridges Moraine Conservation Plan, the *Greenbelt Plan 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, healthy rivers, safe drinking water, biodiversity and sustainable living 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 NVCA will 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 NVCA 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) the Region has the authority to review all comments and recommendations made by the NVCA for the consideration of the Area Municipalities. The Region can request clarification from the NVCA on their comments to be done in a timely manner.
- vi) should the Region disagree with the comments and recommendations of the NVCA, the parties shall meet to discuss their differences of opinion and strive for consensus;
- vii) subsequent to the above noted meeting, the Region may choose to move forward with the application without the full adherence of NVCA comments;
- viii) this Protocol does not apply to Region Official Plan Amendments initiated by the Region;
- viii) nothing in this Protocol precludes the Region 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 NVCA agree that:

- i) the Region is responsible to be consistent with Provincial interests 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 NVCA shall provide the Region with plan review and technical clearance services for all development applications, licenses, permits and/or other permissions under the *Planning Act*, *the Aggregates Resources Act* and *the Water Resources Act (for review of permits to take water)* 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) defining 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 an application to be processed under the *Federal Fisheries Act*, the *Conservation Authorities Act*, the *Lakes and Rivers Improvement Act*, the *Public Lands Act* or any other applicable legislation; and
- (c) assisting in the technical aspects of applying sustainable development standards and guidelines and smart growth principles.

## 6. TERM AND IMPLEMENTATION

The Region and the NVCA acknowledge and agree:


- i) the term of this Protocol shall be in effect from the date last executed until such time that the Region, NVCA and the Region's partner conservation authorities establish one consolidated Protocol that establishes the parameters of the plan review and technical clearance expertise that the conservation authorities shall provide to assist the Region;
- ii) to continue to explore further opportunities to streamline the plan review process as it relates to Provincial and regional/local interests;
- iii) that if in the opinion of the Region, NVCA staff are required to appear before the Ontario Municipal Board to represent the Region's interests with respect to the plan review and technical clearance services provided pursuant to this agreement, NVCA shall make those staff available to attend 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 NVCA are at issue, Regional staff and/or legal representation may attend to represent both agencies' interests, at the mutual agreement of both parties. The Region will be properly represented at any OMB proceeding that may arise in respect of a matter under this protocol. Nothing in this Protocol shall limit the NVCA from independently appealing a decision to the Ontario Municipal Board or from retaining independent legal counsel for advice or representation;
- iv) that the NVCA will collect the NVCA Board of Directors approved fee directly from an applicant with the cooperation of the Region, and the NVCA shall be responsible for collecting all Processing/Approvals and/or Final Clearance Fees as required;
- v) that the NVCA shall provide the Region with a NVCA Board of Directors approved Schedule of fees and updates thereto in a timely manner;
- vi) 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*; and,
- vii) either party may abandon this protocol at any time upon delivering 90 days written notice, by prepaid registered mail, to the other party, which notice shall be deemed to be received on the third business day from the date of mailing. It is acknowledged by both parties that in the event of abandonment of this protocol, both parties shall undertake to negotiate in good faith to replace this protocol with one that is more suitable and that will reflect the statutory obligations and mandates of both the NVCA and the Region.

**REGIONAL MUNICIPALITY OF PEEL**

  
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Tom Slomke  
Director, Development Services

April 7, 2010  
Date

**NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**

  
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Wayne R. Wilson  
CAO Secretary -Treasurer

March 12 2010  
Date