

**OPERATIONAL PROTOCOL
BETWEEN
THE TOWN OF NEW TECUMSETH AND
NOTTAWASAGA VALLEY CONSERVATION AUTHORITY
FOR LARGE FILL PROJECTS
December 2014**

Background:

Under Section 28 of ***The Conservation Authorities Act*** the Nottawasaga Valley Conservation Authority (NVCA) regulates development (fill placement, site alteration) as well as alteration to watercourses and shorelines, and interference with wetlands. The areas and activities regulated by the NVCA are specified in Ontario Regulation 172/06.

Under ***The Municipal Act***, the Town of New Tecumseth has passed a Site Alteration and Fill Bylaw to regulate site alterations within the portions of the municipality that are outside the regulatory area of the NVCA.

It is essential both the NVCA and the municipality work together to ensure that:

- Both mandates are addressed in a seamless manner
- Staff from both organizations understand each other's mandates, policies and procedures, and
- Stakeholders are served with efficiency and excellence.

This Operational Protocol has been drafted in order to achieve the above objectives.

Nottawasaga Valley Conservation Authority Commitments:

This protocol is intended to provide seamless communication and permit review between the Town and NVCA specifically for applications requiring fill importation or removal in excess of 250 cubic metres. Other large scale applications involving site grading or alteration will be circulated for the Town's comments and NVCA staff's consideration. For these types of applications the following process will be undertaken:

1. Upon receipt of an application submitted under Ontario Regulation 172/06 for development activities associated with fill projects, Authority staff will require a complete application which includes the submission of all necessary supporting documentation. Supporting documentation will include:
 - An NVCA permit application, which may be submitted by an authorized agent acting on behalf of the property owner provided that the authorized agent has been granted permission in writing by the property owner (copy of permission shall be provided with application). The permit will not be issued

until it is signed (both pages) by the registered property owner(s) and/or principal of the numbered company;

- Four copies of a plan of survey prepared by a certified Ontario Land Surveyor (OLS) or qualified professional showing the subject property and the specific location(s) of the subject property where development activities are being proposed. The certified plans/drawings and reports to be in accordance with the "NVCA Protocol" and the Town of New Tecumseth current "Site Alteration and Fill By-Law shall show a minimum of the following:

- a) Key map;
- b) Confirmation that it is drawn to scale;
- c) Location of the subject property including property lines, north arrow and nearest roadways/intersections;
- d) Location, dimensions and use of existing buildings or structures;
- e) Location, dimensions and use of proposed buildings or structures;
- f) Existing topography;
- g) Elevations and proposed elevations (pre- and post development elevations) within and adjacent to the area where development is being proposed at 0.5 metre contour intervals using a geodetic datum;
- h) The plan must show the subject property and each development envelope being proposed;
- i) Multiple cross sections, to the satisfaction of NVCA engineering staff, through each fill area;
- j) Drainage patterns pre- and post-development that verifies the fill project will not alter drainage patterns and volumes in such a way as to have an adverse effect on downstream or upstream properties;
- k) Total fill quantity indicated in cubic metres;
- l) A specified limit on the depth of fill material is indicated;
- m) Location and dimensions of all temporary stockpiles;
- n) Location and dimensions of all staging areas and access routes;
- o) Start and finish dates of project including sequencing and re-vegetation;
- p) Location of natural and environmentally sensitive features that may include, but not be limited to the following: floodplain, watercourses (e.g. ditches, streams, rivers, lakes), wetlands, valleys/valley walls, hydrogeologically sensitive features (e.g. springs, seeps, etc), top of bank or stable slope line (whichever is greater) and the required setbacks to these features;
- q) Other known site features and structures such as access roads, culverts, utilities, poles, pavement, curbs; and
- r) The Regulatory limit as prescribed by Ontario Regulation 172/06.

2. The requirements set out in NVCA's Procedural Guideline for the Placement of Fill or fill removal exceeding 250 cubic metres, shall be adhered to as appropriate.

3. A copy of the "complete application" as noted above will be forwarded to the Chief Building Official at the Town of New Tecumseth.
4. Where proposed fill projects are subject to Conservation Authority Ontario Regulation 172/06 and the municipal site alteration and fill bylaw under the *Municipal Act*, the proponents' authorized agent/owner shall prepare comprehensive and integrated plans/reports for both the NVCA and the municipality.
5. Following the issuance of a permit from the Authority, NVCA regulations staff will conduct routine site inspections of the site in order to ensure compliance with permit conditions. It will be the responsibility of the authorized agent/owner to ensure that a final inspection with Authority staff is coordinated. A final site inspection and review of the permit conditions shall be completed prior to the expiration date on the permit.
6. NVCA staff will ensure that any compliance monitoring summaries associated with the application are forwarded to the Town.
7. NVCA staff will advise the Town when the works have been completed.
8. Once a permit has expired, a new application for development can be submitted on sites where fill projects have previously been approved and placed. The new application will be subject to the requirements and stipulations of this protocol. NVCA acknowledges the cumulative impact of the works. NVCA staff will take into account previous works on the site. The new application will be forwarded to the Town for their information.

Town of New Tecumseth Commitments:

9. The Town commits to reviewing a "complete application" forwarded to the Town by the NVCA and to provide written comments to the NVCA expediently.
10. The Town written comments to be based on the same requirements of the Town's current Site Alteration and Fill By-Law, included as attachment Appendix "A" to this document (Protocol).
11. Town will ensure Town comments (input) is received by the NVCA prior to the issuance of a NVCA Permit.
12. Town commits to providing a response to NVCA within 14 days.

General Provisions:

13. Nothing precludes the NVCA from processing and approving permit applications in accordance with relevant legislation and NVCA Board of Directors approved policies/guidelines.

14. This protocol will be reviewed on an ongoing basis to evaluate its effectiveness. A formal annual review will be completed jointly by Municipal and NVCA staff with modifications made as appropriate.

Signatory Parties:

I hereby agree to implement the terms and provisions contained in this Protocol:



Brendan Holly
Chief Administrative Officer
Town of New Tecumseth



Date



D. Gayle Wood
Interim Chief Administrative Officer
Nottawasaga Valley Conservation Authority

December 22, 2014

Date