

ONTARIO REGULATION 97/04:

DEVELOPMENT, INTERFERENCE WITH WETLANDS & ALTERATIONS TO SHORELINES & WATERCOURSES

ENVIRONMENTAL PROTECTION

In Ontario, water and related land management are the responsibility of Conservation Authorities working in partnership with municipalities. These are managed under a regulatory program within the *Conservation Authorities Act* which supports the province's 36 Conservation Authorities. Section 28 (1) of the *Conservation Authorities Act* empowers Conservation Authorities to establish regulations dealing with environmental protection.

The Fill, Construction and Alteration to Waterways Regulation has historically been a part of an overall water management program that includes:

- ▶ flood forecasting and warning;
- ▶ information and education;
- ▶ the construction and maintenance of flood control works;
- ▶ environmental land use planning.



A TIME FOR CHANGE

In the late 1990s, the provincial government carried out a review of the *Conservation Authorities Act* under its *Red Tape Reduction Act*. The purpose of the review by the Red Tape Commission was to ensure that the regulations under this Act, as with other provincial legislation, were consistent across the province and also complemented *Planning Act* provincial policies respecting Natural Hazards and Natural Heritage. The review also intended to ensure that the regulatory processes were as streamlined as possible for development approvals.

As a result of its review, the Commission proposed amendments to Section 28 (1) of the *Conservation Authorities Act*, the regulation that oversees work on lands that are located in areas that are prone to flood and/or erosion hazards.

The public had opportunity to review these amendments and provide feedback which ultimately resulted in the amendments being finalized and incorporated into the *Conservation Authorities Act* in 1997.

The existing regulation that governed these activities - the Fill, Construction and Alteration to Waterways Regulation - was amended and renamed the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 97/04.

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CHANGES TO THE REGULATION

The main objective of these changes is the continued protection of public safety and the environment.

The Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation affects what and where a Conservation Authority can regulate.

Specifically, this regulation allows Conservation Authorities to:

- ▶ Prohibit, regulate or provide permission for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or changing or interfering with a wetland.
- ▶ Prohibit, regulate or provide permission for development if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.



COMPLEMENTING THE *PLANNING ACT*

The *Development, Interference with Wetlands & Alterations to Shorelines and Watercourses Regulation*, a regulation made under the *Conservation Authorities Act*, also complements implementation activities related to the *Provincial Planning Act*. For example, the Provincial Policy Statement (2005) provides land use planning policy guidance on matters related to natural hazards. The Provincial Policy Statement is referenced when a *Planning Act* application such as a severance, a subdivision plan or a comprehensive official plan amendment is considered. Using the guidance provided by the Provincial Policy Statement, natural hazards are identified in the planning process and appropriate restrictions can be implemented. In cases where a *Planning Act* application is not required, the Provincial Policy Statement cannot be applied and, in these cases, the Province's natural hazard management program can be implemented through the *Conservation Authorities Act*. In this way, the *Planning Act* is a tool to proactively identify and regulate hazards while the *Conservation Authorities Act* can regulate activities in those cases where municipal plans have not been updated and in those cases where the municipal plan may allow the activity subject to certain requirements which can be addressed through the *Conservation Authorities Act* approval process.



PREVENTATIVE APPROACH

A principal mandate of Conservation Authorities is to prevent the loss of life and property due to flooding and erosion, and to conserve and enhance natural resources.

The *Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation* is a key tool in fulfilling this mandate because it prevents or restricts development in areas where the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by development.

If you are planning to do any work near lakes, rivers, streams or wetlands, you may require a permit from a Conservation Authority.

WHAT ACTIVITIES FALL UNDER THIS REGULATION AND MUST BE APPROVED BY CONSERVATION AUTHORITIES?

The regulation applies to the following development activities:

- ▶ the construction, reconstruction, erection or placing of a building or structure of any kind,
- ▶ any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- ▶ site grading, or
- ▶ the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.



HOW DOES THIS AFFECT THE PLANNING APPROVALS REQUIRED FROM MUNICIPALITIES?

A permit from the Conservation Authority does not replace building permits or any other permits issued through municipal offices.

WHAT TYPES OF LANDS ARE AFFECTED?

These types of lands are affected - if they are located in a **regulated area**:

- ▶ Ravines, valleys, steep slopes (escarpment areas),
- ▶ Wetlands including swamps, marshes, bogs, fens and ponds,
- ▶ Any river, creek, flood plain or valley land,
- ▶ Lake shorelines.



WHAT HAPPENS IF YOUR PROPERTY IS LOCATED IN A REGULATED AREA?

If your property is located in a regulated area, contact your local Conservation Authority for information on the permit and approval process. If you are unsure if the regulation will affect your property feature, contact your local Conservation Authority for advice.



HOW DO YOU FIND YOUR LOCAL CONSERVATION AUTHORITY?

If you cannot locate your local Conservation Authority, please visit Conservation Ontario's website and go to the section "Find Your Conservation Authority". The website is www.conservation-ontario.on.ca.



CONSERVATION AUTHORITIES OF ONTARIO

Ontario's Conservation Authorities are committed to working together with communities and landowners to make sure that we have safe, healthy places to live and work.



CONSERVATION ONTARIO

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