

ONTARIO REGULATION 42/06:

REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS & ALTERATION TO SHORELINES & WATERCOURSES



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.



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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 has required 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 was amended and adopted by each Conservation Authority, and the Province of Ontario approved the Ontario Regulation 42/06 *Regulation of Development, Interference with Wetlands and Alteration to Shorelines and Watercourses* for the Central Lake Ontario Conservation Authority (CLOCA).



Shoreline

REGULATION OF DEVELOPMENT, INTERFERENCE WITH WETLANDS & ALTERATION TO WATERCOURSES

CHANGES TO THE REGULATION

The main objective of these changes is to protect public safety and the environment.

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

Specifically, under this regulation, CLOCA is required 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 or 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.



Wetland

COMPLEMENTING THE PLANNING ACT

The Regulation of Development, Interference with Wetlands & Alteration to Shorelines and Watercourses Regulation is a regulation, made 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.



Meandering Stream

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 *Regulation of Development, Interference with Wetlands & Alteration to Shorelines & Watercourses* 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 CLOCA.

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

The new regulation applies to the following development activities:

- ▶ Construct any building or structure or permit any building or structure to be constructed in or on a wetland or in any area susceptible to flooding during a regional storm (residences, buildings, additions, pools, culverts, bridges);
- ▶ Place or dump fill of any kind or permit fill to be placed or dumped in the area described in the schedule, whether such fill is already located in or upon such area or brought to or on such area from some other place or places (filling, grading); or
- ▶ Straighten, change, divert, or interfere in any way with the existing channel of a river, creek, stream or watercourse (erosion control works, culverts, natural channel realignment, footings for bridges/creek crossings, and any water works associated with the physical bed or bank(s) of a watercourse).

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)
- ▶ Provincially Significant Wetlands and wetlands identified under the Ecological Land Classification (ELC) System including swamps, marshes, bogs, fens and ponds.
- ▶ Any river, creek, flood plain or valley land
- ▶ Lake shorelines.

HOW WERE THE REGULATED AREAS MAPPED?

CLOCA created the regulations map by interpreting 2005 aerial photographs. CLOCA is now performing yearly updates and ground-truthing to confirm the boundaries and identification of these special features and regulated areas.

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

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



Confined Valley



Karst Topography



Sink Hole