

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2016

Item 21, Report No. 31, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 20, 2016, as follows:

By approving Committee of the Whole recommendation 1) of the meeting of September 7, 2016; and

By approving the recommendation contained in the following resolution:

WHEREAS the Ministry of Natural Resources and Forestry commenced a review of the Conservation Authorities Act in 2015, which included seeking feedback from municipalities, indigenous communities, conservation authorities, stakeholders and the public in its review;

AND WHEREAS the Ministry identified priority areas of improvement including a review of a number of operational functions of Conservation Authorities with the objective of increasing accountability in decision-making, clarity and consistencies in roles and responsibilities processes and requirements;

AND WHEREAS Council, in keeping with the Ministry's request, on October 20, 2015, directed staff to review the roles and responsibilities of the TRCA for the purpose of creating more efficiencies reducing duplication and providing more accountability in the development process;

AND WHEREAS any amendments in the existing policies referencing the TRCA contained in the VOP2010 were to be reported back to Council in Q1 2016;

AND WHEREAS the Ministry's public review and commenting period closed on September 9, 2016 and a date for the Ministry's final Report, and or any proposed amendments to the Conservation Authorities Act is unknown.

NOW THEREFORE BE IT RESOLVED that staff be directed:

- 1. to complete a review of the policies in VOP2010 that reference the TRCA and any other City policies and/or by-laws deemed relevant, to identify those policies and by-laws (if any) that could be better clarified or revised to improve the efficiency of the development review process while ensuring regulatory compliance and submit a Report for Council consideration in December, 2016;***
- 2. to make recommendations in the Report with respect to:***
 - (a) VOP2010 amendments, and/or by-law revisions (if any) that can be potentially revised and/or amended to achieve the intent and purpose of Council's resolution of October 20, 2015 as part of continuous improvements to the development review process; and***
 - (b) the process to be undertaken by the City to implement the recommended policies and/or by-law revisions (if any) in accordance with the Planning Act, the Conservation Authorities Act and/or Municipal Act and in the context of the Ministry's ongoing review; and***
- 3. to prepare to initiate an Official Plan Amendment if required in accordance with the Planning Act requirements to address changes in the TRCA's role and responsibilities arising from the Ministry of Natural Resources and Forestry's final Report and/or amendments to the Conservation Authorities Act immediately upon the release thereof.***

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The Committee of the Whole recommends:

- “That staff be directed to commence review of TRCA related policies in the VOP2010 and to initiate an Official Plan Amendment of the VOP2010 in accordance with the Planning Act to effect the Council resolution of October 20, 2015, for the purpose of reviewing the role and responsibilities of the TRCA, creating more efficiencies, reducing duplication and providing more accountability in the development process; and**

Recommendation

1. That the City reiterate its position of October 2015 that the following matters be prioritized for action through the Conservation Authorities Act Review:

- a) The provision of more clarity on the statutory non-statutory roles of the Conservation Authorities including the division of responsibilities among provincial, federal and municipal bodies, in order to focus their role and function and to streamline the development review process;
- b) The provision of sufficient resources and staff to ensure that the Conservation Authorities are equipped to review development applications in a timely manner;
- c) Ensuring that high growth areas are prioritized for additional funding to address the volume of work resulting from the development approval process;
- d) Improving data sharing with municipalities;
- e) Supporting the Conservation Authorities' role as a commenting agency with clear areas of focus and ensuring that the most up-to-date data is available to stakeholders so as to inform the review of development related projects and reviews;

2. That the comments contained in the brief forming Attachment 3 be endorsed as the City's response to the questions posed through the Phase 2 Consultation Process "Conserving Our Future – Proposed Priorities for Renewal" (May 2016); and
3. That this report and any additional Council comments informed by discussion at the Committee of the Whole be forwarded to the Ministry of Natural Resources and Forestry (the "Ministry") on the Second Phase of the Conservation Authorities Act Review.

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Contribution to Sustainability

The Ministry is seeking input from municipalities and other stakeholders regarding the roles, responsibilities and governance of Conservation Authorities (CAs) in resource management and environmental protection. If the proposed changes to the *Conservation Authorities Act* (the “Act”) are adopted, it will impact how Conservation Authorities operate. Conservation Authorities play a major role in achieving the objectives of Green Directions Vaughan.

Economic Impact

There are no economic impacts resulting from the approval of the recommendations contained in this report.

Communications Plan

N/A

Purpose

The purpose of this Report is to inform Council that the Ministry has decided to continue the public consultation process regarding its proposed changes to the Conservation Authorities Act and to provide recommended responses for submission to the Province.

Background - Analysis and Options

Phase 1 – First Round of Consultation

In November of 2014, the Ministry of Natural Resources and Forestry initiated a review of the *Act*. The objective of the Ministry’s review was to identify opportunities to improve the legislative, regulatory and policy framework that governed the creation, operation and activities of Conservation Authorities.

The Ministry released a Discussion Paper outlining potential changes to the *Act* and a public consultation period took place from July 20, 2015 to October 19, 2015. There was wide participation in the review originating from ten different stakeholder sectors, that resulted in a total of 274 submissions. Analysis of the comments received during the public consultation period identified a number of priority areas for improvement including:

- Enhance opportunities for public and stakeholder participation in decision-making;
- Enhance provincial policy direction and oversight;
- Enhance board accountability mechanisms;
- Review and update provincial funding mechanisms;
- Provide clarity around the use of municipal levies;
- Provide direction in the development of a fee structure and schedule to ensure consistency across all Conservation Authorities (CAs) in how costs are determined;
- Clarify and confirm the CA mandate;
- Increase consistency in the CA roles and programs while retaining local flexibility;
- Clarify the scope of the CA’s regulatory authority; and
- Encourage greater collaboration and sharing of science and information.

In October of 2015, the City responded to the request for comments and a summary of the comments is provided below:

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- more clarity around the role(s) of the Toronto and Region Conservation Authority (TRCA) through the Conservation Authority Act Review process;
- concerns with the availability of resources and staff necessary to ensure the TRCA is equipped to review development applications in a timely manner;
- a request that additional resources be made available;
- seek opportunities for improved data sharing and working relationships between the City and TRCA; and,
- to support the role of the TRCA as a commenting agency and to ensure the provision of the most accurate up to date information is available to inform the projects and reviews.

These comments were summarized from the Committee of the Whole Meeting on October 7, 2015 (Attachment 2).

Staff were also directed to review the VOP 2010 to create efficiencies, reduce duplication and provide more accountability. Staff have been waiting for the release of this document and the outcome of the Coordinated Plan Review process to inform the City's approach to reviewing VOP 2010 to address the Council direction.

As a result of Phase 1, three reports were prepared during the consultation period by the Ministry of Natural Resources and Forestry. The first report was prepared by the public independent facilitator which captures the feedback provided to the Ministry during the engagement sessions held in January 2016. The second report includes the Environmental Registry feedback summary highlighting all of the comments received during Phase 1 of the review. The third discussion paper posted in the first phase of the review sought feedback on governance, funding mechanisms and roles and responsibilities of conservation authorities.

The subject reports can be viewed by following the web links below:

Conservation Authorities Act Review - Summary of Stakeholder Engagement Sessions
<http://apps.mnr.gov.on.ca/public/files/er/ogilvie-engagement-session-summary-report.pdf>

Conservation Authorities Act Review - Summary of Environmental Registry Feedback Report
<http://apps.mnr.gov.on.ca/public/files/er/ca-act-review-er-feedback-summary-report.pdf>

Discussion Paper Conservation Authorities Act - A review of the roles, responsibilities, funding and governance of conservation authorities under the Conservation Authorities Act.
http://apps.mnr.gov.on.ca/public/files/er/Discussion_Paper_2015.pdf

Analysis of the comments received during the public consultation period also identified a number of areas of agreement and disagreement among the stakeholders. Many of the other themes advanced by the City were also identified by the other responding groups.

Phase 2 – Second Round of Consultation

On March 3, 2016, the Ministry decided to conduct a second round of review/consultation with respect to the proposed changes to the *Conservation Authorities Act* (the "Act").

On May 16, 2016, the Ministry released an updated proposal entitled "Conserving our Future: Proposed Priorities for Renewal" (the "Report"). Based on the input the Ministry received from stakeholders during the first round of consultation, the Report identified five priority areas that are the focus of the review of the *Act* moving forward. These five priorities are to achieve:

1. Stronger oversight and accountability in decision making;

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2. Increased clarity and consistency in roles and responsibilities, processes and requirements;
3. Improved collaboration and engagement among all parties involved in resource management;
4. Modern funding mechanisms to support conservation authority operations; and
5. Enhanced flexibility for the Province to update the Conservation Authorities Act in the future.

The Province has requested that stakeholders provide their comments and answers to the questions below by September 9, 2016.

1. What do you think of these priorities? Which are the most important and/or least important to you? Are there other priorities that should be considered?
2. What actions would you recommend the province take to help achieve these priorities?
3. What do you see as some of the key challenges in achieving improvements under any or all of these priority areas?

Due to the reporting requirements and the timing of the consultation a report could not be prepared for consideration by the June 2016 Council meeting. As a result, this report is being brought forward now as the September meeting is the earliest opportunity for Committee consideration within the comment period timeframe.

Recommended Response to the Phase 2 Consultation Process

The City's staff responses to the above questions are attached hereto as Attachment 3. Below is a summary of the staff comments:

- The five priorities outlined in the Report are interconnected and of equal importance.
- Recommendations to assist the Province to help achieve these priorities include:
 1. The Province engage with their individual CAs to discuss specific local programs and services and dealings with each of their municipalities.
 2. The Province update the Conservation Authorities Act to reflect a renewed focus on flood protection and mitigation, recognizing the current initiatives the TRCA has taken in watershed management outside of the permitting process.
 3. The Province support a coordinated approach to planning through the development of working agreements between CAs and municipalities dealing with land management and services provided.
 4. The Province request TRCA to provide municipalities with reporting on how compensation money, obtained through negotiations with applicants during the planning approvals process, is used.
 5. The Province continue to support the professional development of CA and municipal staff.
 6. The Province provide their CAs with funding or support updated fees schedules to support the hiring of additional technical staff, in areas of concern to municipalities, in order to improve service delivery.
 7. The Province direct the TRCA to share up-to-date data between public agencies to ensure efficient service delivery.
- Challenges in achieving the improvements under any or all these priority areas include:

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1. Resolving or further stipulating roles to address challenges between the PPS (2014) directing municipalities to be responsible for natural heritage system planning and the broad scope in the CA Act to “further the conservation, restoration, development and management of natural resources”.
2. Establishing clarity on subject areas for CA review and the delegation of approvals towards a one-window approach to streamline the development review process.
3. Accountability on how all CA assets (i.e., valley lands, built heritage buildings and trails) are being managed within our jurisdiction.
4. Developing an implementation strategy for the Humber River and Don River Watershed Plans.
5. Funding for resources to support partnerships and joint stewardship projects (e.g. Black Creek Renewal etc.) and flood protection.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

As set out in the *Act*, the purpose of a Conservation Authority is to develop programs that conserve, restore and properly manage natural resources. Accordingly, the purpose of a Conservation Authority is directly related to “Cultivating an environmentally sustainable city”, which is an identified term of council priority.

Regional Implications

The Region of York funds the TRCA and Lake Simcoe Region Conservation Authority and has a major stake in the outcome of the review. The Region will be providing comments to the Ministry on its own behalf.

Conclusion

It is clear from the result of the Phase 1 consultation process that many of the areas identified by the City in October of 2015 for further action have been reflected in responses from other stakeholders. It is recommended that the significance of these issues to the integrity of municipal operations and program delivery be reiterated.

The Phase 2 program has also provided the opportunity for the submission of further comments structured around three questions. The responses suggested in the brief forming Attachment 3, take into consideration the five priorities identified by the Ministry, and serve to support a commitment to a healthy environment that is best achieved through clear roles and responsibilities; review processes that are both rigorous and efficient; the prioritization of regulatory functions; the allocation of resources to high demand areas such as fast growing urban areas; cooperative stewardship of resources and the sharing of information and expertise amongst all regulatory bodies.

Therefore, it is recommended that the recommendations of this report be approved as the City's position on Phase 2 of the Conservation Authorities Act Review, subject to any additional comments resulting from Council's consideration of the item; and that it be forwarded to the Ministry of Natural Resources and Forestry in response to the posting of this initiative on the Environmental Register.

Attachments

1. The Conservation Authorities Act Review Consultation Document: Conserving Our Future: Proposed Priorities for Renewal.
2. Committee of the Whole Staff Report – October 7, 2015.
3. Draft Staff Comments to the Proposed Changes to the Conservation Authorities Act for Submission September 9, 2016.

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Report prepared by:

Ruth Rendon, Senior Environmental Planner, ext. 8104

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)