

PARTNERSHIP MEMORANDUM BETWEEN

THE REGIONAL MUNICIPALITY OF DURHAM AND

THE CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY,  
THE TORONTO AND REGION CONSERVATION AUTHORITY,  
THE LAKE SIMCOE REGION CONSERVATION AUTHORITY,  
THE GANARASKA REGION CONSERVATION AUTHORITY, AND  
THE KAWARTHA REGION CONSERVATION AUTHORITY

FOR PLANNING SERVICES

1. Context

The safety of persons and property from natural hazards and the protection, restoration and enhancement of the natural environment are matters of public interest to be addressed during the review of planning applications and policy documents.

In 1996, the Region of Durham was delegated the Municipal Plan Review function by the Province of Ontario. A Memorandum of Understanding (MOU) between the Province and the Region was entered into in 1996 and sets out the Region's responsibilities with respect to the delegated Plan Review function. In order to implement the MOU with the Province, a Partnership Memorandum was entered into in 1996 between the Region and its five constituent Conservation Authorities to coordinate the discharge of their responsibilities with respect to natural heritage and hazard land protection.

This Partnership Memorandum recognizes the expertise provided by Conservation Authorities in watershed management, natural heritage and natural hazard planning. It serves as a guide to both the Region of Durham and Conservation Authorities in carrying out the Plan Review function.

2 Definitions

In this document:

"Conservation Authorities" means the Central Lake Ontario Conservation Authority, the Toronto and Region Conservation Authority, the Lake Simcoe Region Conservation Authority, the Ganaraska Region Conservation Authority and the Kawartha Region Conservation Authority.

"Plan Review" means the review of applications/studies as set out in the *Planning Act* or other relevant legislation; identifying the need for and assessing the adequacy of technical surveys, studies and reports; and specifying and clearing conditions of approval. It also includes the review of municipal planning documents, such as Official Plans and amendments as well as studies such as Environmental Assessment Reports.

"The Region" means the Regional Municipality of Durham.

### **3. Purpose**

The purpose of this Partnership Memorandum is:

- to establish a co-operative arrangement between the Region and the Conservation Authorities to work together to improve the delivery of the Plan Review function to the residents of the Region;
- to coordinate the implementation of the 1996 Memorandum of Understanding Between the Province of Ontario and the Regional Municipality of Durham Regarding Municipal Plan Review; and
- to enable the Region to make planning decisions on site-specific planning applications and planning documents.

### **4. Goals**

The goals of the partnership between the Region and the Conservation Authorities are:

- to effectively address issues of provincial interest in the decision-making process on planning applications and planning documents for which the Region prepares, is the approval authority, or other" (lise comments on;
- to ensure the implementation of Regional and Area Municipal Official Plan policies;
- to share information which would assist and expedite decision-making; and

to ensure that each step of the process implementing the Plan Review function is complementary and adds value to the decision-making process.

#### 5. Partnership Roles and Responsibilities:

- a) The Region is responsible for ensuring that the 1996 Memorandum of Understanding with the Province is implemented. More specifically, the Region is responsible for ensuring consistency with Provincial policies with respect to any planning application or planning document for which the Region is the approval authority, or otherwise comments on.
- b) The Region will consult with the Conservation Authorities on matters that affect shared mandates or interests. This includes, but is not limited to, inviting Conservation Authorities to attend pre-consultation meetings with development proponents and circulating planning applications and planning documents to the Conservation Authorities.
- c) The Region will share any Regionally-owned data sources with the Conservation Authorities subject to the appropriate data sharing agreements.
- d) The Conservation Authorities will share any Authority-owned data sources with the Region subject to the appropriate data sharing agreements.
- e) The Conservation Authorities will advise the Region of the technical information required for a complete application and may attend pre-consultation meetings for site-specific planning applications.
- f) The Conservation Authorities will assist the Region through their Plan Review comments to the Region. The comments and advice will be in the context of the *Conservation Authorities Act*, the *Planning Act*, the Provincial Policy Statement, the *Environmental Assessment Act*, the *Fisheries Act*, the *Oak Ridges Moraine Conservation Act* and the Oak Ridges Moraine Conservation Plan, the *Greenbelt Act* and the Greenbelt Plan, the *Clean Water Act*, the *Lake Simcoe Protection Act* and the Lake Simcoe Protection Plan, and other applicable legislation as may be enacted from time to time. Additionally, comments will also take into consideration the recommendations of the applicable watershed plan or other environmental management plans and

conservation authority policy documents. More specifically, Conservation Authorities shall provide comments on the following matters:

available information and analysis on the identification, function and significance of natural heritage and hydrologic features and systems such as significant woodlots, wetlands, significant wildlife habitats, fish habitat, significant habitat of endangered and threatened species<sup>1</sup>, significant valleylands, areas of natural and scientific interest. surface water features and groundwater features on, or in proximity to, a proposed development site or within a study area. This includes providing input to the Region on the requirements for and adequacy of studies which assess impacts of and propose mitigation measures for planning applications;

requirements under the Federal Fisheries Act, the Conservation Authorities Act, or any other applicable legislation;

- the need for and adequacy of stormwater management plans from a watershed management perspective;

floodplain management and opportunities for flood remediation;  
and

information and analysis of natural hazards and water management such as flooding, erosion, unstable slopes and soils, and shoreline hazards existing on or in proximity to a proposed development site or within a study area.

- g) Nothing in this Partnership Memorandum prevents the Conservation Authorities from commenting to the Region as they would normally exercise their rights under the *Planning Act*, the *Conservation Authorities Act* or other applicable legislation.

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<sup>1</sup> The Ministry of Natural Resources is ultimately responsible for the implementation of the *Endangered Species Act*. However the Region has a responsibility for the protection of the significant habitat of endangered and threatened species under the Provincial Policy Statement. The Conservation Authorities can assist the Region in identifying when a development proponent should be in contact with the Ministry.

- h) The Conservation Authorities may assist the Region in the technical aspects of applying innovative and sustainable development standards as a best management practice.

## 6. Implementation

- a) This Partnership Memorandum will come into effect upon endorsement by Regional Council and the Boards of the Conservation Authorities.
- b) The Region and the Conservation Authorities agree to meet on a periodic basis to review the implementation of this Partnership Memorandum, and to explore further opportunities for streamlining the implementation of the delivery of the Plan Review functions.
- c) The Region and the Conservation Authorities agree to explore further opportunities to improve the sharing of data.
- d) The Conservation Authorities will recover all or a portion of the costs, resulting from performing the Plan Review function under this Partnership Memorandum from development proponents, pursuant to the Ministry of Natural Resources Policies and Procedures Manual.
- e) The Region and Conservation Authorities may seek additional technical expertise in matters of Provincial or Regional interest, from third parties as required (e.g. peer review of an Environmental Impact Study), the cost of which would be at the expense of the proponent of the planning application.
- f) Where planning matters have been appealed to the Ontario Municipal Board, Conservation Authorities will participate in hearings sufficient to defend their responsibilities, interests and mandates. Where appropriate, the Region and Conservation Authorities will work together to ensure an efficient use of resources when participating at hearings. Notwithstanding this clause, Conservation Authorities are in no way limited from independently appealing a planning decision to the Ontario Municipal Board.