



Presentation to Springwater Township Council
 Rod Northey, legal counsel, Midhurst Ratepayers Assn
 May 17, 2017

 **GOWLING WLG**

Municipal Decisions & Provincial Policy

Planning Act, R.S.O. 1990, c.P13

Policy Statements and Provincial Plans

3(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5.

Building Strong Healthy Communities

2014 Provincial Policy Statement

1.1.1 Healthy, liveable and safe communities are sustained by:

c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs. (emphasis added)

Building Strong Healthy Communities

2014 Provincial Policy Statement

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs. (emphasis added)

1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
...

b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment; (emphasis added)

Water

2014 Provincial Policy Statement

2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;

...

d) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;

Natural Heritage

2014 Provincial Policy Statement

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features and ground water features*.

Conflicts in policy

Places to Grow Act 2005

Conflicts re: directions in plans, policies

14(4) Despite any Act, but subject to a regulation made under clause 18 (1) (b), (c) or (d), if there is a conflict between a direction in a growth plan and a direction in a plan or policy that is mentioned in subsection (5) with respect to a matter relating to the natural environment or human health, the direction that provides more protection to the natural environment or human health prevails.

14(5) The plans and policies to which subsection (4) refers are,

- (a) a policy statement issued under section 3 of the *Planning Act*;

...

7



Municipal Class EA & Provincial Policy

Part A – Class EA Planning Process

A.2.10 Relationship of Projects within the Class EA to Other Legislation

It is well beyond the scope of this document to outline all of the potential legislation and regulatory requirements of municipal projects. It is, therefore, the responsibility of the proponent to ensure that all requirements are met.

The relationship of the following provincial legislation is discussed in the following sections:

- Planning Act see Section A.2.9 [Note: the «Integrated Approach»

Other key provincial legislation includes:

- the Provincial Policy Statement (PPS);
- the Ontario Safe Drinking Water Act, 2002 and its regulations;
- Places to Grow Act;

8



Coordination

2014 Provincial Policy Statement

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development;
...
- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- d) *infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste management systems;*

OMB (October 29, 2014) PL100139, PL131125-29

Memorandum of Oral Decision Delivered by M.C. Denhez on July July 3, 2014 and Order of the Board

**Attachment 4 Midhurst Draft Plan of Subdivision, Conditions of Approval
SP-T-1001: Bell-Coutts-Rusdor, August 29, 2014
(Attachment A to July 3, 2014 OMB order in PL131125 et al.)**

Water and Sanitary Services

32. Prior to any site alteration or final approval, Phases 3 and 4 of the Municipal Class Environmental Assessment for Water and Wastewater infrastructure and Transportation associated with the Midhurst Secondary Plan shall be successfully completed.

35. Prior to the final approval of the Plan or any phase thereof, the Township shall confirm to the Approval Authority in writing that there is sufficient water an sanitary capacity available.

QUESTIONS?

11

