



Annual Reporting on Timelines Template

For permissions under Section 28 of the *Conservation Authorities Act*

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This document was developed by Conservation Ontario (CO) staff with input from members of the CO Timely Review and Approvals Taskforce. This document builds upon the *Conservation Authority (CA)-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and the Guideline for CA Fee Administration Policies for Plan Review and Permitting*. The initial focus for the **Annual Reporting on Timelines** is for the **high growth** CAs, however all CAs are encouraged to provide annual reporting on timelines to their Board of Directors and post it on their website.

1.0 Background

In April 2019, Conservation Ontario Council endorsed the CO Client Service and Streamlining Initiative. This initiative identifies actions to be taken by CAs, in order to help the Province achieve its objective of increasing housing supply while protecting public health and safety, and the environment. These actions include: a) Improve Client Service and Accountability, b) Increase Speed of Approvals, and c) Reduce Red Tape and Regulatory Burden.

In June, 2019 CO developed three documents to support the initiative:

- CA-Municipality MOU Template for Planning and Development Reviews;
- Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and
- Guideline for CA Fee Administration Policies for Plan Review and Permitting.

These documents were amended (TBC by Council) at the December, 2019 meeting based on further input from the Association of Municipalities of Ontario.

1.1 The Role of CAs in the Review of Permissions under the *Conservation Authorities Act*

The CA issues permissions (permits) under Section 28 of the *Conservation Authorities Act*. Section 28 allows the CA to regulate development and activities in or adjacent to river or stream valleys, shorelines of the Great Lakes-St. Lawrence River system and inland lakes, watercourses, hazardous lands (e.g. unstable soil, bedrock, and slopes), wetlands and other areas around wetlands. Development taking place on these lands may require permission from the CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

The CA also regulates the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, and watercourse or for changing or interfering in any way with a wetland.

Upon proclamation of the new S. 28 under the *Conservation Authorities Act*, the CA would also consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

As CAs are responsible for the review of S. 28 permit applications, they have greater control over the timeliness of approvals as compared to their role in plan input and review (see Guideline for Client Service Standards for further information).

2.0 Level of Service

CAs are committed to meeting timelines for development applications, and meeting service standards. The key steps that form the cornerstone of an efficient and effective CA review process are provided in **Table 1** below.

Table 1: Steps to an Efficient and Effective Conservation Authority Review Process

| | S. 28 Permit Application |
|---|---|
| Pre-consultation | Pre-consultation with the applicant |
| Application circulation/submission | Complete submission of the S. 28 application, including the necessary technical reports. |
| Quality of submission | Good-quality applications including submission of all components, such as technical studies, requested during pre-consultation. |

An overarching best practice is preparing a schedule, and taking a project management approach where all parties commit to meeting the schedule.

2.1 Permit Applications Timelines

Service standards for Section 28 permit applications are specified by the Ministry of Natural Resources and Forestry (MNRF) in the “[Policies and Procedures for Conservation Authority Plan Review and Permitting Activities](#) (2010)”. As part of the commitment to improve client service and accountability and increase speed of approvals Conservation Ontario has created the **Client Service Standards for Conservation Authority Plan and Permit Review** guideline (endorsed by Conservation Ontario Council in June, 2019 and amended December, 2019(TBC)). The guideline recommends new service standards for S.28 approvals, initially focused on high growth CAs. These details are summarized below, and shown in **Table 2**.

As a **best practice**, the CA will undertake to be consistent with the timelines shown in **Table 2**. It is important to note that the CA has the ability to identify a target timeline for completion that is reduced from these timelines.

Table 2: Level of Service for CA Review of S. 28 Permit Applications

Note: The timelines contained within this table have been developed as best-practices for CA staff. The timeline guideline is recommended as a client service target for CAs and represent a significant improvement to the timelines provided in the MNRF 2010 Guideline entitled “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities”; the

timeline guideline for major permits change from a total of 132 to 63 calendar days and for minor permits change from a total of 72 to 42 calendar days. **All timelines presented exclude statutory holidays and the time required for the applicant to respond to CA comments on an application. These best practice timelines are premised on the required planning approvals under the *Planning Act* being in place *prior* to the submission of an application to the CA.**

| Application Process Step | Timeline |
|--|--|
| <p>Notification of complete application requirements for the purpose of review of the permit application by the CA, start of “paper trail” documentation, and discussion of timelines and fees – Pre-consultation</p> | <ul style="list-style-type: none"> • Major permit applications: Within 14 days of the pre-consultation meeting. • Minor permit applications: Within 7 days of the pre-consultation meeting. <p>This will include confirmation of whether the application is considered major or minor, if the applicant has provided adequate information (including the scope and scale of the work) for the CA to make that determination. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves seamlessly to a decision.</p> <p>Substantial changes to a proposal or a site visit after pre-consultation may impact this timeline.</p> |
| <p>Notification whether the permit application is considered complete (i.e. it has met submission requirements) for the purpose of CA review</p> | <ul style="list-style-type: none"> • Major permit applications: Within 21 days of the application being received. • Minor permit applications: within 14 days of the application being received. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves to a decision. • Routine permit applications: within 10 days of the applications being received. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves to a decision. • Note that a CA may choose to issue a permit prior to the end of the 21 day period. In that case, no notification of complete application would be received. • Note that if the application is incomplete, the decision timeline does not begin. |
| <p>Decision (recommendation to approve or refer to a hearing or Comments to Applicant - Major application</p> | <ul style="list-style-type: none"> • Within 28 days after a complete application is received. • Within 30 additional days upon receipt of each re-submission. |
| <p>Decision (recommendation to</p> | <ul style="list-style-type: none"> • Within 21 days after a complete application is received. |

| | |
|---|---|
| approve or refer to a hearing) or Comments to Applicant - Minor application | <ul style="list-style-type: none"> • 15 additional days upon receipt of each re-submission. |
| Decision (recommendation to approve or refer to a hearing) or Comments to Applicant - Routine application | <ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission. |

If the CA has not made a decision with regard to an application made under S.28 within the appropriate timeframes noted above, the applicant may contact the senior CA staff serving as a ‘client service facilitator’ for applications issue management first. If the applicant is not satisfied with the response from the client service facilitator, the applicant can submit a request for administrative review by the General Manager or Chief Administrative Officer, and then if not satisfied, the CA Board. The review will be limited to a complete application policy review and timeframe review and will not include review of the technical merits of the application. It should be noted that the review timelines may be affected by unexpected circumstances. Clear communication with the municipality and applicant is essential in these situations to establish expectations and new timelines.

The costs associated with implementing the best practices can be recovered through CA fees.

2.2 Permit Categories

For the purpose of determining permit decision timelines, the applications should be categorized into the three main streams of: **major, minor and routine permit applications**. This supports an easier understanding by the public and streamlining of the process.

- **Major applications** for S. 28 permits require significant staff involvement. They could be highly complex projects, for example, large subdivisions requiring technical review supported by comprehensive analysis, or smaller scale site specific applications that require complex technical reviews. The proposals may involve developments with significant natural hazards, environmental impacts, or multiple approval process requirements. Generally, these would include Plans of Subdivision and Condominium, large Site Plan Control applications, and major infrastructure development. Major applications could also include those where works have been undertaken, or are in process of being undertaken, without prior approval from the CA; and those where works have been undertaken that do not comply with the CA S. 28 policies and restoration/remediation measures are required.
- Permit applications for development projects could be considered **minor** in nature due to the project size, level of risk, location, and/or other factors. These have minor impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Based on the proximity of the project to the hazard, the minor permit applications are reviewed by CA staff and generally

require standard recommendations or conditions. Minor permit applications could be those involving, for example, minor fill; minor development; and minor site alteration where there is a high degree of certainty that issues associated with natural hazards are minimal.

- **Routine** permit applications are activities that are documented through another approval process or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Routine permit applications could be those involving, Standard Compliance Requirements under the Drainage Act and Conservation Authorities Act Protocol and non-habitable buildings and structures that are less than 10 m² in size.

It is recommended that as part of the annual reporting to the CA Board of Directors on timeliness, CAs may further refine the descriptions of the three permit categories based on the hazards found within their watershed and common development applications received.

2.3 Resubmissions

Amendments to previous submissions or additional information such as technical analysis required as a result of the review process or site inspection affect the application review timelines and/or the categorization of the permit application. There are many best practices for resubmissions identified in the **Client Service Standards for Conservation Authority Plan and Permit Review**. It is recommended that CAs employ a ‘start and stop’ best practice, whereby the decision timeline for a permit application is stopped until a re-submission is made.

3.0 Annual Reporting to the CA Board of Directors

Beginning in 2020, high growth CAs should report at least annually to their Board of Directors on the timeliness of their approvals under Section 28 of the *Conservation Authorities Act*. It is recognized that many CAs already do so. CAs will develop their own tracking methods to report on the timeliness of their reviews. Once the Board has received the information, the annual report should be placed on the CA’s website, as part of the client-centric checklist material.

Table 3 summarizes how the report should be presented to ensure comparability between CAs. CA staff may choose to include in their report common reasons for variance from the timeline guidelines. This could assist with the development of future guidance material to address these areas of variance.

Table 3: Annual Reporting on Timelines for Permissions under Section 28 of the *Conservation Authorities Act*

| Conservation Authority | Number of Permits Issued Within Policy and Procedure timeline ⁱ | | Number of Permits Issued Outside of Policy and Procedure Timeline | | Reason for Variance from Policy and Procedure (Optional) | |
|------------------------|--|-------|---|-------|--|-------|
| | Major | Minor | Major | Minor | Major | Minor |
| | | | | | | |
| | Number of Permits | | Number of Permits | | Reasons for Variance | |

| | Issued Within CO Guideline timeline | | | Issued Outside of CO Guideline timeline | | | from Guidelines (Optional) | | |
|--|--|-------|---------|--|-------|---------|-------------------------------|-------|---------|
| | Major | Minor | Routine | Major | Minor | Routine | Major | Minor | Routine |
| | | | | | | | | | |

3.1 Annual Reporting to Conservation Ontario Council

As per the CO Council endorsed Client Service and Streamlining Initiative Workplan, for 2020 two interim reports for high growth CAs will be brought to CO Council for information purposes. These reports will be sent to Conservation Ontario staff in May and November. These interim reports from CAs to CO will assist with identifying any issues with the reporting template early on in the process. The final report on annual timeliness will be received by Conservation Ontario Council in April, 2021. For annual reporting from high growth CAs for 2021 and beyond, CAs will be requested to provide annual reporting in February for consideration by Conservation Ontario Council at their AGM.

3.2 Reporting on Level of Service for Applications Made Under the *Planning Act*

Generally municipalities act as planning approval authorities under the *Planning Act* and are responsible for the planning process. CAs have multiple roles in the Planning regime including: i) provincially delegated responsibility related to S. 3.1 of the Provincial Policy Statement; ii) many CAs provide technical advice to municipalities through service agreements; iii) *Planning Act* regulations require municipalities to give notice to CAs regarding changes to policy documents such as Official Plans and Zoning By-laws and planning applications, such as plans of subdivision; iv) CAs provide comments related to local watershed management as a watershed-based resource management agency; and v) CAs may be circulated applications as landowners. CAs are deeply embedded and integrated within the planning system and must work closely with their municipal partners to ensure that their service expectations are being met. As municipalities are adjusting their processes to respond to new timeline requirements under the *Planning Act* and new requirements are anticipated to be established for CAs related to the creation of municipal MOUs and a hazard program and service regulation, Conservation Ontario will await additional information from the Province prior to establishing any supplemental guidance related to reporting on *Planning Act* timelines and there will be no requirement for high growth CAs to report to CO Council.

ⁱ Ministry of Natural Resources and Forestry. *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*. 2010