

Healthy Water and Sustainable Planning



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Krystal-Anne Roussel, Water Policy Coordinator



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.

Presentation Outline

Part 1 About CELA

Part 2 Overview of Land Use Planning in Ontario

Part 3 Challenges

Part 4 How You Can Get Involved



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Part 1

About CELA

About CELA



- Public interest law organization, funded by Legal Aid Ontario
- Founded in 1970
- Core mandate is to provide access to justice, use and improve laws that protect human health and the environment

www.cela.ca

www.celafoundation.ca



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Part 2

Overview of Land Use Planning in Ontario

The Land Use Planning Framework in Ontario



Opportunities for Public Involvement

Source: Ministry of Municipal Affairs and Housing

The Planning Act



- Legal foundation for key planning processes such as:
 - local planning administration
 - the preparation of planning policies
 - development control
 - land division
 - management of provincial interests
 - the public's right to participate in the planning process
- Sets out processes and tools for planning (e.g. official plans, zoning by-laws, etc.)



The Provincial Policy Statement

- Issued under section 3 of the Planning Act
- Provides policy direction on matters related to land use planning that are of provincial interest including water
- Land use planning decisions must be consistent with the PPS



Provincial Plans



- A number of provincial plans apply to particular areas in the province – for example:
 - A Place to Grow: Growth Plan for the Greater Golden Horseshoe
 - The Greenbelt Plan
 - The Oak Ridges Moraine Conservation Plan
 - The Niagara Escarpment Plan
- Decisions under the Planning Act must conform or not conflict with the applicable provincial plan

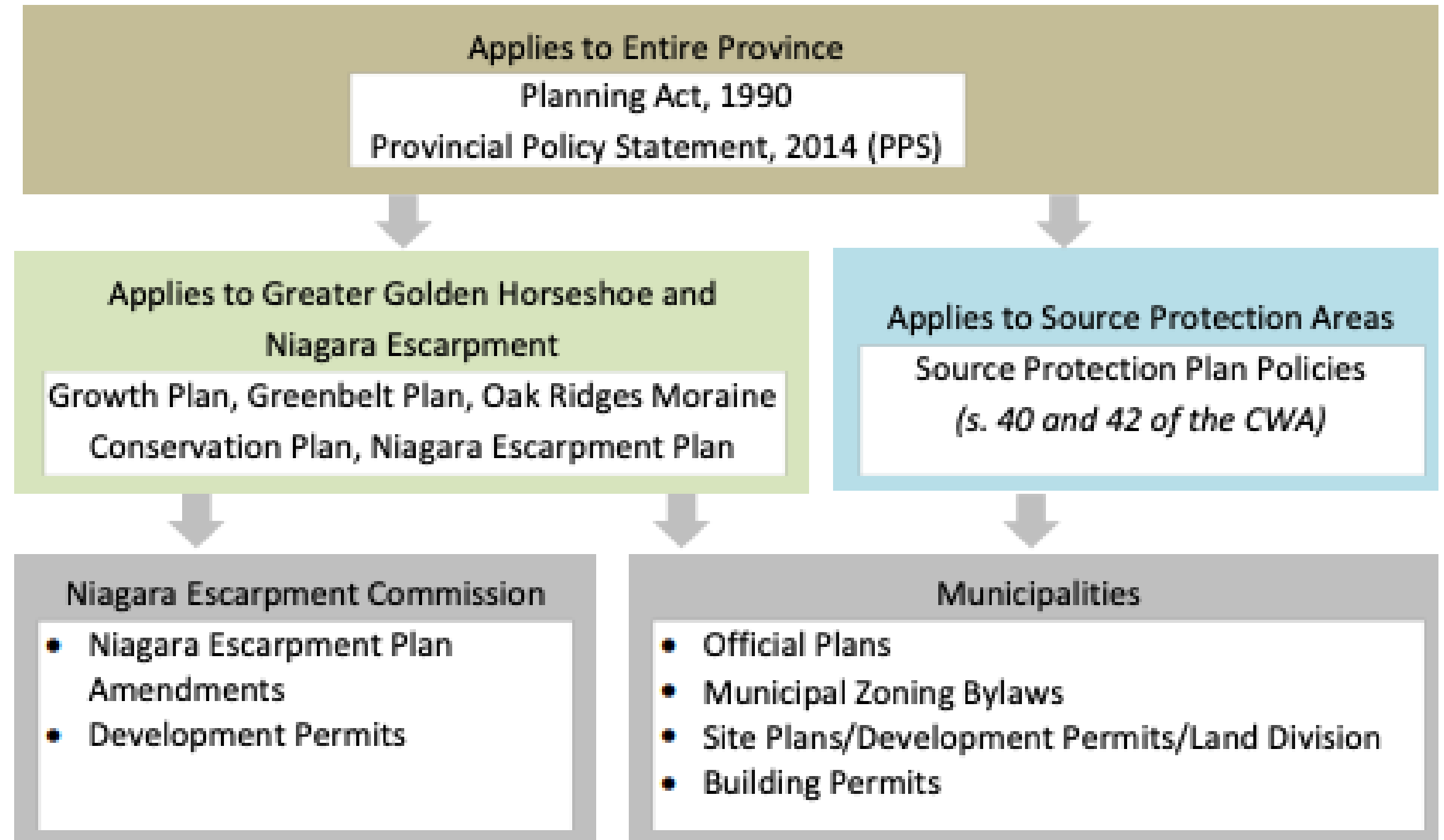


Drinking Water Source Protection

- The purpose of the Clean Water Act, 2006 is to protect existing and future sources of drinking water
- Requires the development of source protection plans to address significant drinking water threats
- All Planning Act decisions must:
 - a. conform with significant threat policies and designated Great Lakes policies set out in the source protection plan
 - b. have regard to other policies set out in the source protection plan



Water and Land Use Planning in Ontario



Source: Clean Water Cataraqui





Part 3

Challenges

Challenges



1. Land use planning decisions are highly discretionary
2. The role of conservation authorities has been constrained
3. There has been an increase in the use of Ministerial Zoning Orders (MZOs) to override the local planning process



1. Land Use Planning Decisions Are Highly Discretionary

- There is a high degree of discretion left to planning authorities in terms of determining whether a land use planning decision:
 - a. is consistent with the PPS; and
 - b. conforms with, or does not conflict with, applicable provincial plans
- e.g. Trout Lake Campers' Association case



2. The Role of Conservation Authorities Has Been Constrained



- December 8, 2020 – Bill 229 passed into law
- Introduced fundamental changes to the Conservation Authorities Act (CAA) and to the conservation authorities' (CA) role in land use planning, including:
 1. Requiring at least 70% of CA members to be municipal councillors
 2. Narrowing the duties of CA members

2. The Role of Conservation Authorities Has Been Constrained



3. Empowering the Minister of the Environment to order a CA not to issue a development permit
4. CAs can no longer independently appeal land use planning decisions or act as a party to an appeal, except under specific circumstances
5. Changes associated with MZO



3. Increased Use of Ministerial Zoning Orders (MZOs)

- MZOs allow the Minister of Municipal Affairs and Housing to make a ruling on how a piece of land is to be used in the province, with no chance of appeal by municipalities, citizens or environmental groups
- Overrides local process without considering all necessary issues
- MZOs can override CA's jurisdiction to refuse permission
 - e.g. The Innisfil Orbit





Part 4

How You Can Get Involved

How You Can Get Involved

- Stay informed about what's going on in your community
- Think about how land-use planning proposals will affect you/your community
- Go to public meetings and let council know what you think
- You may appeal land-use planning decisions to the OLT



THANK YOU!

Krystal-Anne Roussel, Water Policy Coordinator

Email: krystal-anne@cela.ca

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