



PLANNING & DEVELOPMENT

ADMINISTRATIVE PROCEDURAL MANUAL



EXECUTIVE SUMMARY

The Administrative Procedural Manual outlines the information, fees and other requirements needed when seeking development approvals from the North Bay-Mattawa Conservation Authority (NBMCA).

NBMCA is empowered by the *Conservation Authorities Act* to regulate development, interference with wetlands and alterations to shorelines and watercourses, and to provide technical expertise on flood and erosion control, stormwater management, and the protection of natural features and functions within its watersheds. NBMCA reviews applications made under Ontario Regulation 177/06; the *Planning Act*; the Ontario *Environmental Assessment Act*; Ontario Regulation 332/12 and other applicable legislation. Our goal is to ensure your development is not at risk from flooding or erosion hazards; to protect and regenerate the ecological health and integrity of natural systems; and to provide opportunities for public use and enjoyment of the natural system.

NBMCA is responsible for the enforcement of the provisions of the Building Code Act and the building code related to sewage systems in the District of Nipissing and parts of the District of Parry Sound. NBMCA's On-site Sewage System Program is designed to regulate and ensure compliance with the building code regarding the installation and maintenance of on-site sewage systems. Sewage systems under the building code are systems that treat and dispose of 10,000 litres per day or less and are wholly contained on the same parcel of land as does the building(s) for which they serve.

This Manual will assist you in understanding and navigating through our approval processes. It provides an explanation of what we do and why we do it; outlines NBMCA's targeted review timelines; identifies the fees and processes for the various application types; and specifies information we need to review your proposal. It is also intended to highlight the importance of preliminary consultation and provide clarity and transparency around our review procedures and submission requirements.

Each section of this Manual addresses a different aspect of the role NBMCA plays in the review of development proposals. Included is the legislative and policy framework that guides NBMCA's decisions and actions, the responsibilities NBMCA has as a commenting agency under the *Planning Act*, and how NBMCA administers Ontario Regulation 177/06, its natural hazard-based Regulation and Part 8 of Ontario Regulation 332/12, our On-site Sewage System Program. Other review services offered by NBMCA are also described. Additionally, our checklists, applications and technical guidelines along with our fee schedules are provided.

FUTURE AMENDMENTS AND UPDATES

This Manual will need to be updated as necessary to reflect legislative changes and current technical practices. North Bay-Mattawa Conservation Authority (NBMCA) shall review and monitor existing relevant provincial and federal statutes related to the planning and development process, as well as NBMCA initiatives, such as watershed plans, technical guidelines and checklists, and update this Manual as required.

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HOW TO USE THIS MANUAL

This Manual consists of:

- Section 1: **Introduction** – Outlines the intent of the Manual.
- Section 2: **Strategic Direction** – Outlines NBMCA's Vision, Mission and Values.
- Section 3: **Pre-Consultation** – A description of the importance of discussing development and planning related proposals with NBMCA staff and municipalities prior to submitting formal applications.
- Section 4: **Level of Service** – Our service delivery standards are explained.
- Section 5: **Municipal Plan Review Function** – A description of how NBMCA carries out its role as a commenting agency under the *Planning Act*. The benefits of preliminary consultation are discussed; the municipal screening and circulation process is outlined; NBMCA's review and approval procedures are presented; and submission requirements are summarized.
- Section 6: **Ontario Regulation 177/06 Permit Applications** – A summary of NBMCA's permitting process. The areas and activities subject to NBMCA's Section 28 Regulation, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses are detailed; the importance of preliminary consultation is highlighted; submission requirements are presented; review and approval procedures and processing timelines are summarized; period of validity is explained; and violations are outlined. The process of denying a permit is also outlined.
- Section 7: **On-site Sewage System Permit Applications** – A summary of NBMCA's on-site sewage system program as regulated under Ontario Regulation 332/12. The areas subject to NBMCA's sewage system program are detailed; the applicable legislation giving NBMCA the authority to regulate sewage systems are outlined; the importance of preliminary consultation is highlighted; submission requirements are presented; review and approval procedures and processing timelines are summarized; period of validity is explained; and violations are outlined. The process of revoking a permit is also outlined.
- Section 8: **Other Review Services** – A description of the other review services offered by the NBMCA (i.e. Solicitor Realty Inquiries and Property Inquiries).
- Appendices: Documents that are referred to in sections 1 through 8 that provide further information and clarity to the reader. Application forms mentioned in sections 6-8 are not included in this document as they are updated annually. A web link is provided to access the current application forms.

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1.0 INTRODUCTION

This administrative procedural manual was developed to aid landowners, developers, consultants and other stakeholders who are interested in obtaining comments and/or approvals from North Bay-Mattawa Conservation Authority (NBMCA). A primary objective of NBMCA is to prevent the loss of life and property due to flooding and erosion hazards. Accordingly, NBMCA administers a natural hazard-based Regulation that encompasses valleys, large inland lakes, shorelines, wetlands, and hazardous lands. Any proposed development, within NBMCA's regulated area, requires permission from NBMCA. A very important part of our development approval program is Part 8 (Sewage Systems) of the Ontario Building Code. NBMCA is the principle authority for on-site sewage systems in the District of Nipissing and parts of the District of Parry Sound. The purpose of NBMCA Planning and Development Procedural Manual is to provide policy direction, clarity and transparency on how North Bay-Mattawa Conservation Authority administers and implements Ontario Regulation 177/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (Section 28), Part 8 (Sewage Systems) of the Ontario Building Code (OBC), plan review responsibilities and technical submission requirements. The manual assists applicants in better understanding NBMCA's relationship with municipal planning approvals, as well as NBMCA's permitting approval processes. A brief description of the administrative processes associated with NBMCA's review of planning and development-related applications are provided highlighting the importance of consultation.

Each section of this manual addresses different aspects of the role NBMCA plays in the review of development proposals. In particular, this manual addresses NBMCA's roles and responsibilities as a commenting agency under: the *Planning Act*; as a regulatory authority under Ontario Regulation 177/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses; as a regulatory authority under Part 8 (Sewage Systems) of the Ontario Building Code; and other development-related review services. Relevant background information related to this document can be found in the *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities* developed by the Ministry of Natural Resources (Appendix F).

2.0 STRATEGIC DIRECTION

NBMCA's Strategic Plan 2014-2018 sets the direction for NBMCA, helping it to avoid pitfalls, capture opportunities and ensure wise use of the organization's human and financial resources. The following vision, mission and values provide strategic direction towards the development of guidelines and policies for NBMCA's planning and development programs.

2.1 VISION

Vision essentially establishes “**What we want to be**”. It establishes what we are trying to achieve and helps to express our values and our reason for being. The vision gives direction for all other elements of the strategy. It is the beacon or light on the horizon, setting the course for the organization and helping it to avoid distractions.

Providing effective leadership in the management of our watersheds where partners and communities are actively engaged in balancing human needs with the needs of the natural environment.

2.2 MISSION

The mission is another important high level directional statement. It describes “**Why we exist.**” The mission provides general aims or scope about what we are all about; why we exist as a business, organization or group (it helps to express our intended behavior).

The North Bay-Mattawa Conservation Authority provides leadership through coordination of watershed planning, implementation of resource management programs and promotion of conservation awareness and stewardship, in cooperation with others.

2.3 VALUES

Values are what the organization sees as most important at the core of its being, business, relationships or activities.

- Action:** *Establish priorities and undertake initiatives based on desired results, ensuring that actions or decisions are undertaken, individually and collectively in an accountable and timely manner.*
- Collaboration:** *Work together with our partners and communities to strengthen our approach and create synergy for improving watershed management.*
- Innovation:** *Be a leader in science-based integrated watershed management that accommodates taking new approaches to our business.*
- Transparency:** *Communicate and share information and ideas using appropriate language and outreach techniques to bring about clear understanding.*
- Integrity:** *Ensure that actions or decisions do not compromise our fundamental values or principles.*

3.0 PRE-CONSULTATION

It is strongly recommended that applicants discuss development and planning related proposals with NBMCA staff and municipalities/planning boards prior to submitting a formal application. For complex applications, this preliminary consultation is often done in coordination with the municipality/planning board to ensure all interests are met during the design phase. Preliminary consultation should be done as early in the process as possible to determine how proposals may be affected by NBMCA's programs and policies, including other partnering agencies such as the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Environment, Conservation and Parks (MECP).

During the preliminary consultation process, NBMCA staff will inform applicants of the general review process, indicate what components of the proposal are of interest, discuss potential study requirements and subsequent anticipated processing timelines. Preliminary consultation also allows NBMCA staff to confirm what constitutes a complete application based on the preliminary discussions and assess the submission based on NBMCA's checklists and technical guidelines.

4.0 LEVEL OF SERVICE

The North Bay-Mattawa Conservation Authority is committed to meeting reasonable review times for all permit applications that are submitted. Review times for planning related applications are generally established by the municipality, and are established on the premise that an appropriate level of pre-consultation has been conducted to ensure submissions are complete. In general, applications are reviewed based on the order in which they are submitted and/or as requested by the municipality recognizing NBMCA is responsible to provide a consistent level of service to multiple watershed partners for all programs offered throughout their jurisdiction. As previously noted, NBMCA is consistent with the process and timelines provided in the Ministry of Natural Resources and Forestry's recommended Policies and Procedures for Conservation Authority Plan Review and Permitting Activities.

In cases where re-submission of information is needed, it is helpful if a covering letter is provided that itemizes in detail how each of the comments provided has been addressed. This will help to clearly identify how the new or revised plans or studies have addressed each of NBMCA's comments and expedite the subsequent review process. It should also be recognized that review times and resubmissions are directly affected by the completeness and quality of the submission. It is the applicant's responsibility to ensure an appropriate level of pre-consultation has occurred and that technical submissions and resubmissions meet good practice and industry standards to minimize the extent and number of resubmissions needed and avoid unnecessary delay.

5.0 NBMCAS MUNICIPAL PLAN REVIEW FUNCTION

NBMCA is involved in the review of planning applications under the Planning Act in several ways: as an agency with provincially delegated responsibility for the natural hazard policies of the Provincial Policy Statement (PPS); as a regulatory authority under the *Conservation Authority's Act*, responsible for Ontario Regulation 177/06; as the principal authority under the *Building Code Act* for Part 8 (Sewage Systems) of the Ontario Building Code (OBC) and; as a municipal technical advisor; as a public body under various regulations made under the Planning Act; as a watershed-based resource management agency and as landowners.

5.1 AREA OF JURISDICTION

NBMCA provides Municipal Plan Review services to the following member municipalities: Bonfield, Callander, Chisholm, East Ferris, and North Bay as well as to the East Nipissing Planning Board (Calvin, Mattawan and Papineau-Cameron).

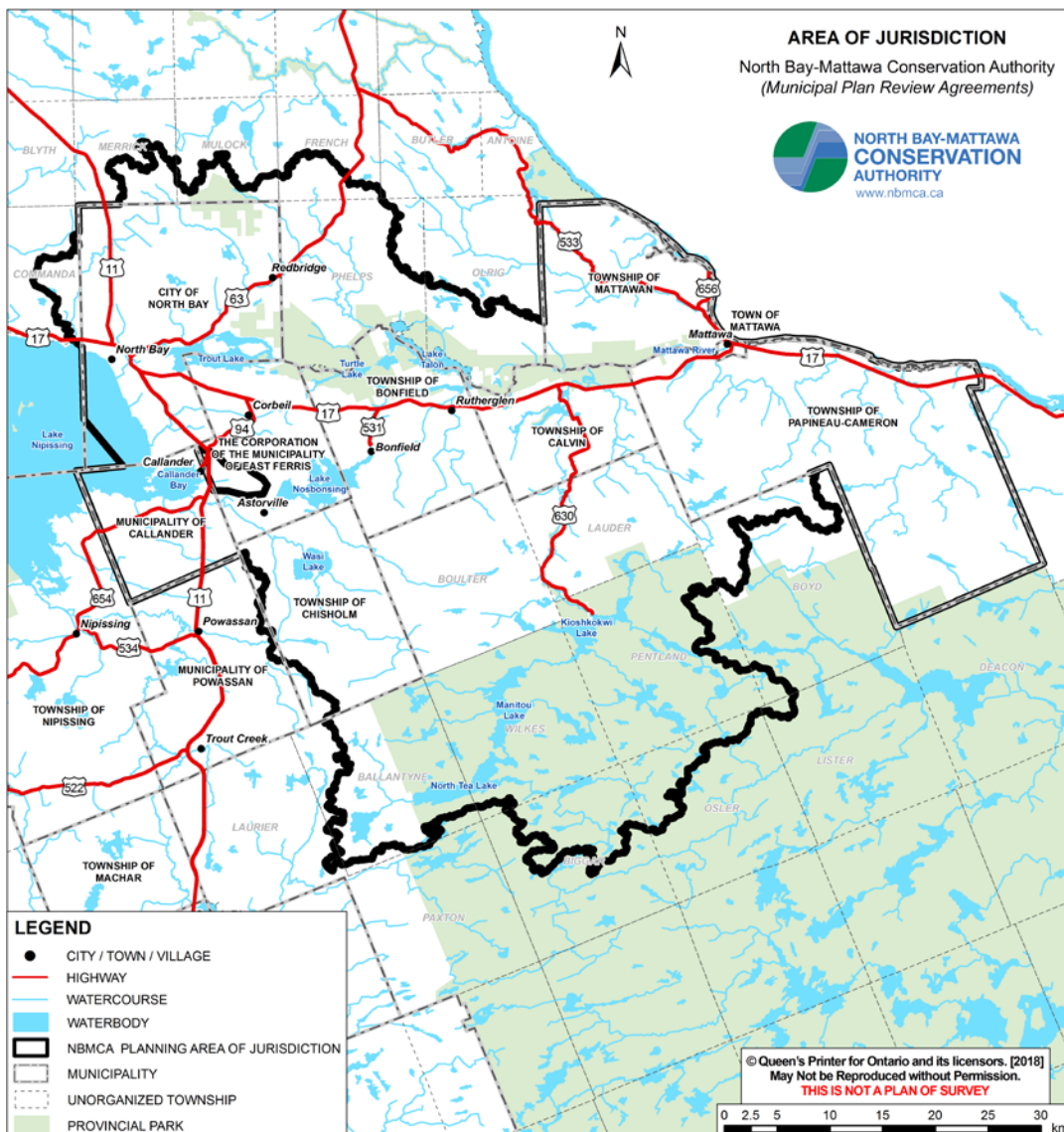


Figure 1: NBMCA Area of Jurisdiction – Municipal Plan Review

5.2 APPLICABLE LEGISLATION

The role of NBMCA in plan input and review (i.e. Planning) is summarized below.

5.2.1 Delegated Responsibility

5.2.1.1 Section 3.1 Natural Hazards of the Provincial Policy Statement 2014

Conservation Authorities are delegated responsibility under the Provincial One Window Planning System for Natural Hazards (see Appendix A). CAs review municipal policy documents and development applications under the *Planning Act* and ensure they are consistent with the natural hazard policies (3.1) of the PPS. This delegated provincial responsibility is also typically included in local CA-Municipal Memorandum of Understandings (MOUs) for municipal plan review. In this delegated role, Conservation Authorities represent the “Provincial Interest” in planning exercises with respect to natural hazards.

5.2.1.2 Ontario Regulation 177/06

NBMCA administers Ontario Regulation 177/06, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (DIA) (see Appendix B). This regulation, made under Section 28 of the Conservation Authorities Act, enables conservation authorities to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Development taking place on these lands may require permission from the conservation authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. NBMCA also regulates the alteration to or interference in any way with a watercourse or wetland.

5.2.1.3 Part 8 (Sewage Systems), Ontario Building Code

NBMCA is the principal authority for administering Part 8 (Sewage Systems) of the Ontario Building Code (OBC) in Nipissing District and parts of Parry Sound District. NBMCA provides comments with respect to on-site sewage systems through Plan Review Agreements.

5.2.2 Technical Advice

5.2.2.1 Municipal Plan Review Agreements

NBMCA provides technical advice to member municipalities for planning applications through Plan Review Agreements (PRA). In this capacity, CA staff provide technical input on potential environmental impacts and how impacts can be avoided or minimized. Comments may apply to a range of matters according to the PRA including, but not limited to: natural hazards, natural heritage, water quality and quantity, stormwater management, and other Provincial Plans such as, Growth Plan for Northern Ontario; certain policies referred to in the *Clean Water Act*; as well as local Official Plan policy and zoning by-law implementation.

With respect to the PPS, NBMCA provides advice on the following sections:

- Section 1.1.5. *Rural Lands in Municipalities*. Ensuring compliance with the minimum distance separation formulae;
- Section 2.0 *Wise Use and Management of Resources*. The Provincial Policy Statement, 2014 includes strong policy direction to protect the province’s natural heritage, water, agricultural,

mineral, and cultural heritage and archaeological resources. The protection of these important resources will help ensure Ontario's long-term prosperity, environmental health and social well-being; and

- Section 3.0 Protecting Public Health and Safety. The PPS 2014 protects Ontario communities through policies directing development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety, or property damage.

5.2.3 Public Bodies

Planning Act Regulations require municipalities to give notice to Conservation Authorities regarding changes to policy documents such as Official Plans and Zoning By-laws and planning applications, such as plans of subdivision. Comments are advisory in nature and will be dependent on Board approved policies as a local resource management agency.

5.2.4 Landowners

Conservation Authorities are also landowners, and as such, may become involved in the planning and development process either as a proponent or in a third-party capacity as an adjacent landowner. Comments are advisory in nature and will be dependent on Board approved policies.

Generally municipalities act as planning approval authorities and are responsible for the planning process. It is recognized that NBMCA may not have a role in all *Planning Act* applications, but for purposes of this guideline and the identification of best practices, it is assumed that there is a review role for NBMCA.

In general, planning related applications circulated to NBMCA by a Municipality or Planning Board for review typically include:

- Official Plans and Official Plan Amendments;
- Zoning By-laws and Zoning By-law Amendments;
- Plans of Subdivision and Vacant Land Condominium;
- Consents (severances and lot-line adjustments);
- Minor Variances;
- Road Closures; and
- Site Plan Control Agreements.

5.3 NBMCAS MUNICIPAL PLAN REVIEW (MPR) PROCESS

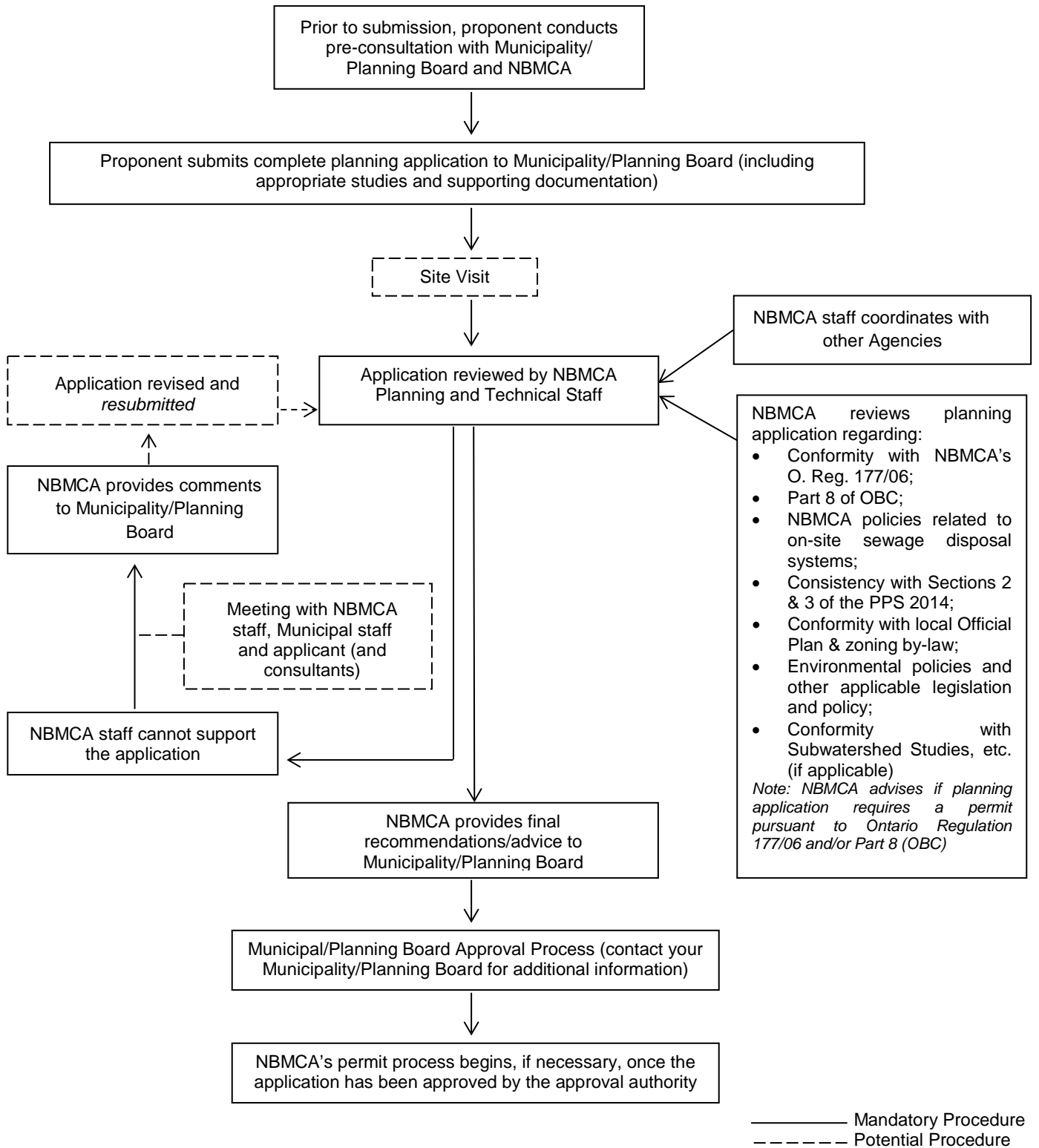


Figure 2: NBMCAs Municipal Plan Review (MPR) Process

5.4 MUNICIPAL PLAN REVIEW PROCESSING TIMELINES

As per the Plan Review Agreement, NBMCA will provide its comments to the Municipality/ Planning Board within the following timeframe for the following types of applications:

- Five year Official Plan Comprehensive Review – 120 calendar days of receipt of an application from the Municipality
- Plans of Subdivision and Vacant Land Condominium Applications – 60 calendar days
- Site-specific Zoning By-law and Official Plan Amendments – 10 calendar days
- Severances, Minor Variances and Road Closure Applications – 10 calendar days
- Site Plan Control Agreements – 10 calendar days

North Bay-Mattawa Conservation Authority staff is committed to providing a thorough and expeditious review of planning related proposals in an effort to meet the processing timelines as established by the approval authority. It is the intent of staff to work with municipal staff to ensure timely comments. Comments will be submitted at least one week prior to the scheduled planning meeting. The submission of a complete application provides NBMCA staff an opportunity to review the application in a comprehensive, efficient and timely manner. In addition, it is very important that applicants ensure the quality of the submission meets good practice and industry standards to minimize the extent and number of resubmissions and avoid unnecessary delay. Please note that it is the responsibility of the applicant to undertake due diligence to determine that all required planning and permitting approvals from other agencies, beyond those provided by NBMCA staff, are attained.

5.5 SUBMISSION REQUIREMENTS

To ensure the provincial interests are met, and to appropriately assess the technical aspects of the proposal, the submission of a number of information items may be required. The level of detail required for most study and report requirements can vary depending on the location of the property and the nature of the proposal. In this regard, technical requirements may vary from brief discussions between qualified experts, to a letter of opinion, while in other cases a scoped or comprehensive environmental study such as an environmental impact study may be necessary. Pre-consultation meetings with NBMCA and municipal staff prior to submission of an application will help to establish the requirements for and the scope of reports and studies where needed. NBMCA has designed an application checklist to assist with determining issues at the pre-consultation stage and to help increase efficiencies in the review process (see Appendix E). Applicable fees are collected by the municipality and additional permitting fees are collected directly by NBMCA, at the time of development, where applicable

5.6 REVIEW PROCEDURES

Through the municipal plan review program, NBMCA staff provides watershed partners with technical advice on issues related to natural hazard management, natural heritage protection and water management. The policies and guidelines followed by NBMCA staff provide the basis for NBMCA staff's review and comment. This technical and scientific expertise provided by NBMCA supports the environmental planning functions of municipalities.

When a planning application is received by NBMCA, its review is coordinated by a planner in the Planning Department. The planner reviews the application as per the plan review

agreement. Various tools and resources are used in the review, including: Municipal Official Plans and Zoning By-laws; NBMCA's Geographical Information System (GIS); NBMCA regulations and policies; checklists; and various technical guidelines. The application is internally circulated to the necessary NBMCA technical staff for a thorough technical review. Depending upon the location and nature of the proposal, the application may be circulated to NBMCA's water resources engineer, regulations staff, on-site sewage systems system staff, or Source Water Protection staff.

Upon completion of the technical review, a site inspection is conducted. The site inspection may reveal the need for further studies. It is important to note that, based on the initial review, additional technical studies, reports and/or a revised application may be needed prior to NBMCA staff providing final comments – in particular, where pre-consultation with NBMCA staff did not occur.

A letter from the planner is issued to the affected municipality/planning board (approval authority) outlining NBMCA's comments and advice.

6.0 ONTARIO REGULATION 177/06 PERMIT APPLICATIONS

The North Bay-Mattawa Conservation Authority administers Ontario Regulation 177/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (see Appendix B) as per Section 28 of the *Conservation Authorities Act*. This regulation program is based on a risk management framework associated with natural hazard management and watershed health.

Natural hazard management involves planning for the risks associated with naturally occurring processes such as *flood hazards*, *erosion hazards*, *dynamic beach hazards* and other *hazardous land*. These risks include the potential for loss of life, property damage and social disruption as well as environmental impacts. Reducing the impacts of natural hazards to prevent or eliminate these risks is the key goal and is based on four main components:

- Prevention of new development located within areas subject to potential loss of life and property damage from natural hazards,
- Protection of existing development from natural hazards through implementation of structural and non-structural mitigation measures, including the acquisition of lands prone to natural hazards,
- Emergency Preparedness and Response. It is imperative that existing flood risks are understood and that floods are forecasted to the extent possible. Understanding flood risk and providing advance warnings is critical to allow municipalities to prepare and implement plans which allow quick response to emergency situations created by flooding, and
- Co-ordination between natural hazard management and planning and development related activities to ensure decision makers are well informed.

Since it is typically not possible to eliminate the threats of natural hazards, managing them is based on a risk management approach. This approach recognizes there is always a risk associated with natural hazard processes and establishes an appropriate level of risk for a community to be exposed to. The minimum standards for acceptable levels of risk to the public are set by the Province of Ontario.

6.1 AREA OF JURISDICTION

NBMCA's area of jurisdiction in relation to its responsibilities under Ontario Regulation 177/06 is illustrated in Figure 3 below. NBMCA's area of jurisdiction equals over 2,800 square kilometers and is comprised of 20 subwatersheds within the Lake Nipissing and the Ottawa River Basins.

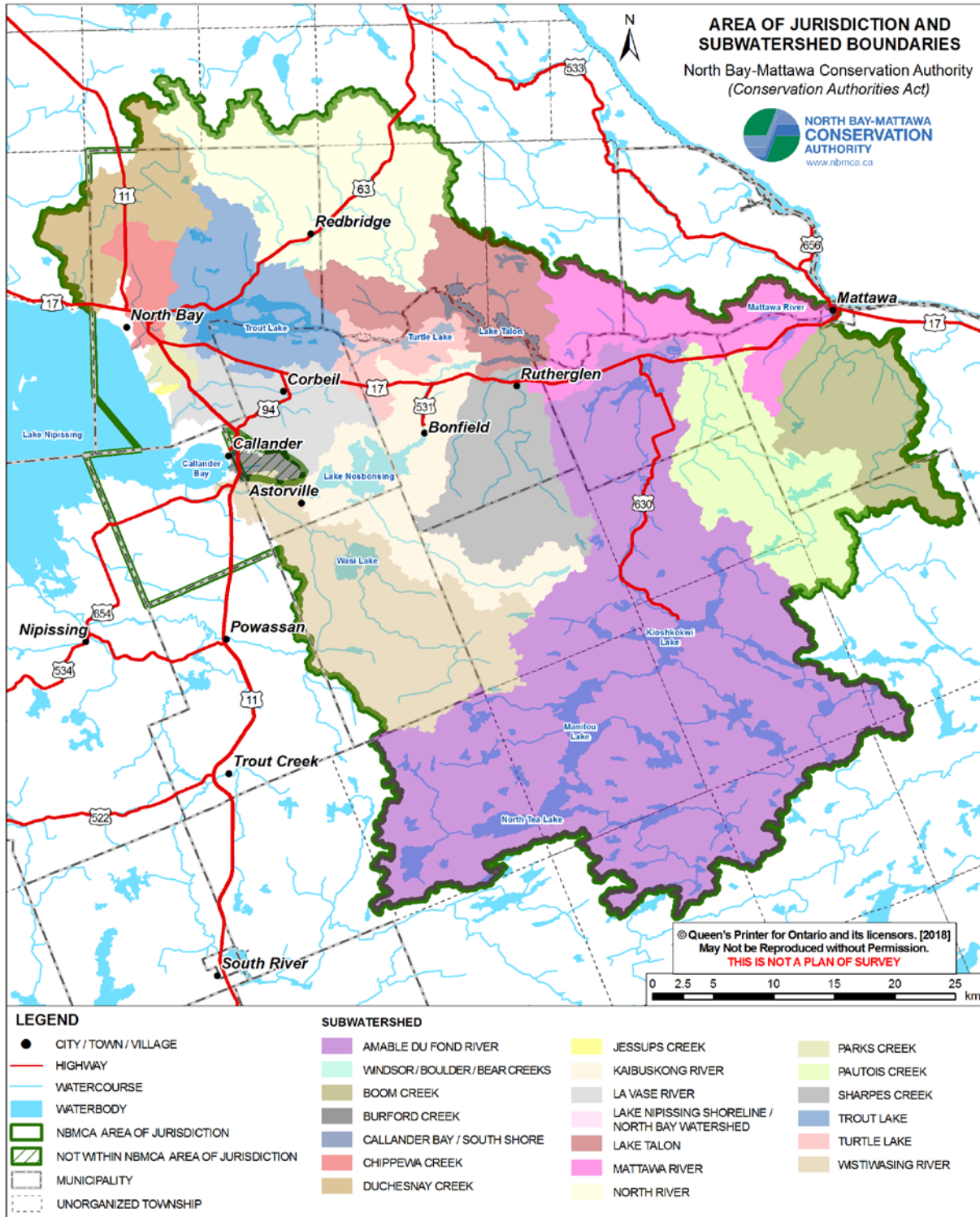


Figure 3: NBMCA Area of Jurisdiction – Conservation Authorities Act

6.2 APPLICABLE LEGISLATION

The administration of Ontario Regulation 177/06 (the Regulation) is pursuant to Section 28 of the *Conservation Authorities (CA) Act*. A principal mandate of NBMCA is to prevent the loss of life and property due to flooding and erosion and to conserve and enhance natural resources. Ontario Regulation 177/06 is a key tool in fulfilling this mandate because it regulates development in areas where the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by development.

6.2.1 Regulated Area

Pursuant to the Regulation, NBMCA regulates development and alterations in or on the areas within NBMCA's jurisdiction that are:

- adjacent or close to the shoreline of inland lakes that may be affected by flooding, erosion or dynamic beaches;
- river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse;
- hazardous lands;
- wetlands;
- other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and 30 metres of all other wetlands; or
- described as the "Regulation Limit" shown on a series of maps filed at the head office of the Authority. If there is a conflict between the description of areas described above and the areas as shown on the series of maps, the description of areas above prevails.

6.2.2 Permission to Develop

Pursuant to the Regulation, NBMCA may grant permission for development in or on a regulated area if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land (otherwise known as the "five tests") will not be affected by the development.

Development is defined in Section 28(25) of the *Conservation Authorities Act* as:

- the construction, reconstruction, erection or placing of a building or structure of any kind;
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- site grading; or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

6.2.3 Permission to Alter

Pursuant to the Regulation, NBMCA may grant permission to straighten, change, divert or interfere with the existing channel of a river, creek, stream or watercourse or to change or interfere with a wetland.

6.3 LEVEL OF SERVICE

NBMCA is committed to meeting timelines for development applications and meeting service standards. The key steps that form the cornerstone of an efficient and effective 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.

6.3.1 Permit Application Timelines

Service standards for Section 28 permit applications are specified by the Ministry of Natural Resources and Forestry (MNR) 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 Conservation Authorities (CAs). These details are summarized below, and shown in Table 2. As a best practice, CAs will strive to be consistent with the timelines shown in Table 2. It is important to note that a Conservation Authority 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 MNR 2010 Guideline entitled “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities”. **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 | Recommended CO Timelines for High Growth CAs | NBMCA Timelines |
|---|--|--|
| <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> | <ul style="list-style-type: none"> • NBMCA Major & Large (CO Major) permit applications: Within 5 days of the pre-consultation meeting. • NBMCA Standard (CO Minor) permit applications: Within 5 days of the pre-consultation meeting. |
| <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. | <ul style="list-style-type: none"> • NBMCA Major & Large (CO Major) permit applications: Within 5 days of the application being received. • NBMCA Standard (CO Minor) permit applications: Within 5 days of the application being received. • NBMCA Small (CO Routine) permit applications: Within 5 days of the applications being received |
| <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 NBMCA Major & Large (CO Major) permit applications:</p> <ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission. |
| <p>Decision (recommendation to approve or refer to a hearing) or Comments to Applicant: Minor application</p> | <ul style="list-style-type: none"> • Within 21 days after a complete application is received. • 15 additional days upon receipt of each re-submission. | <p>Decision NBMCA Standard (CO Minor) permit applications:</p> <ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission. |
| <p>Decision (recommendation to approve or refer to a hearing) or Comments to Applicant: Routine application</p> | <ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission. | <p>Decision NBMCA Small (CO Routine) permit applications:</p> <ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon receipt of each re-submission. |

6.3.2 Permit Categories

For the purpose of determining permit decision timelines for Conservation Authorities, applications are 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 Section 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. Major permit applications include *Major Projects* and *Large Projects* as described in NBMCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Fee Schedule.
- 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 include *Standard Projects* as described in NBMCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Fee Schedule.
- **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 include *Small Projects* as described in NBMCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Fee Schedule.

6.4 ONTARIO REGULATION 177/06 DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO WATERCOURSES APPLICATION REVIEW PROCESS

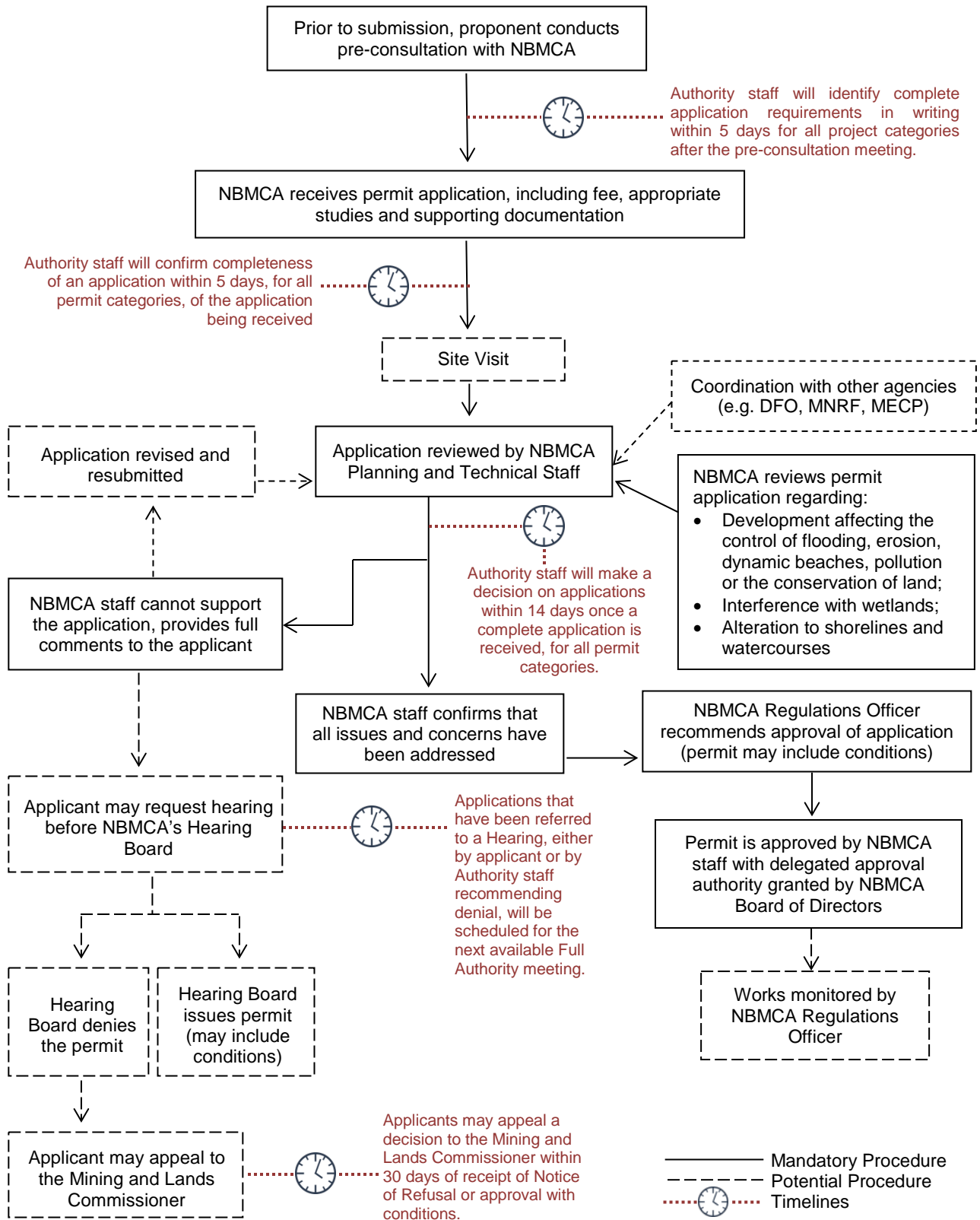


Figure 4: NBMCA Ontario Regulation 177/06 Application Review Process

6.5 PRE-CONSULTATION

Similar to the plan review process, it is important for applicants to discuss their development proposal with NBMCA staff prior to submitting a formal permit application. NBMCA Ontario Regulation 177/06 Permit Application review process is consistent with the process recommended in the *Client Service Standards for Conservation Authority Plan and Permit Review* guideline. (Appendix D). NBMCA has committed to offering a further reduction to the provincial timelines for application reviews, as seen in Table 2.

NBMCA may request pre-consultation, prior to the submission of an application, to provide an opportunity for NBMCA and applicants to determine complete application requirements for specific projects. Applicants are encouraged to engage in pre-consultation prior to submitting an application. NBMCA will engage in pre-consultation in a timely manner so as not to delay the proponent's ability to submit an application.

In order to determine complete application requirements, applicants should submit in writing adequate information for pre-consultation, such as property information (legal description, municipal address, roll number, township, etc.), a concept plan of the proposed development which shows the property limit, and a description of what is being proposed (i.e. what is being planned and when the work will take place).

NBMCA will identify and confirm complete application requirements for specific projects, in writing, within 5 days following the pre-consultation meeting. However, substantial changes to a proposal or a site visit after pre-consultation may warrant further pre-consultation and/or necessitate changes to the complete application requirements.

6.6 SUBMISSION REQUIREMENTS

To ensure NBMCA's interests are met, and to appropriately assess the technical aspects of the proposal, the submission of supporting documents, surveys or technical studies may be required. The level of detail required for most study and report requirements can vary depending on the location of the project and the nature of the proposal. In this regard, technical requirements may vary from brief discussions between qualified experts, to a letter of opinion, while in other more technical studies (i.e. geotechnical report) may be necessary. Pre-consultation meetings with NBMCA and other agency staff prior to submission of an application will help to establish the requirements for, and the scope of, reports and studies where needed.

The North Bay-Mattawa Conservation Authority uses Ministry of Natural Resources and Forestry technical guidelines as well as its own watershed & subwatershed plans, floodplain mapping, checklists, Wetlands Policy, and EIS Guidelines which help to guide NBMCA staff in outlining study content expectations and to help in facilitating the scoping process. In addition, a complete application checklist (Appendix E) has been developed which should be included with initial submissions (after pre-consultation) to reduce requests for additional information and help increase efficiencies in the review process.

In order for NBMCA staff to appropriately assess the technical aspects of a proposal, the submission of a number of information items may be required. At a minimum, a complete application must contain the following:

- Completed and signed application form (www.nbmca.ca/permits);
- Required application fee ;
- One set of drawings comprising the following information:

- Property information incl. distance of project from property lot lines and dimensions of existing buildings and/or septic systems
- Existing/proposed surface water and drainage pattern including setback distances to watercourse/waterbody features and/or wells
- Existing/proposed grades
- Geodetic elevations (where required)
- Location and dimensions of proposed development
- Cross-section plan of proposed alteration to shoreline or watercourse
- Sediment and erosion control measures during construction
- Post-construction and restoration plans
- Such other technical studies or plans as requested by NBMCA.

The level of detail required for most study and report requirements can vary depending on the location of the property and the nature of the proposal. In this regard, technical requirements may vary from brief discussions between qualified experts, to a letter of opinion, while in other cases a scoped or comprehensive environmental study such as an environmental impact study, geotechnical report or flood analysis may be necessary. Pre-consultation meetings with NBMCA staff and other appropriate agencies will help to establish the requirements for, and the scope of, reports and studies where needed.

6.6.1 Complete Application Requirements

NBMCA has developed a written checklist that defines the components of a complete application (Appendix E). NBMCA will notify applicants, in writing, within 5 days of the receipt of a permission (permit) application, as to whether the application has been deemed complete or not.

If a permission (permit) application is deemed incomplete, the applicant will be provided with a written list of missing and needed information when notifying the applicant that the application has been deemed incomplete.

If not satisfied with the decision on whether an application is deemed complete, the applicant can request an administrative review by NBMCA Chief Administrative Officer (CAO) and then if not satisfied, by NBMCA Board of Directors. This review will be limited to a complete application policy review and will not include review of the technical merits of the application.

During the review of a 'complete application', NBMCA may request additional information if they deem a permission (permit) application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to requests for additional information to address errors or gaps in information submitted for review. Thus, an application can be put "on hold" or returned to the applicant pending the receipt of further information.

6.6.2 Decision Timelines for Permissions (Permits)

North Bay-Mattawa Conservation Authority staff is committed to providing a thorough and expeditious review of permit applications in an effort to meet processing timelines. From the date of written confirmation of a complete application, NBMCA will make a decision (i.e. recommendation to approve or referred to a Hearing) with respect to a permission (permit) application and pursuant to the *CA Act* within 14 days.

If a decision has not been rendered by NBMCA within the appropriate timeframe (i.e. 14 days), the applicant can submit a request for administrative review by the CAO and then, if not satisfied, by the NBMCA Board of Directors.

6.7 REVIEW PROCEDURES

North Bay-Mattawa Conservation Authority staff administers Ontario Regulation 177/06 through the Planning and Development program. The watershed studies and reports, NBMCA's policies, as well as Ministry of Natural Resources and Forestry technical guidelines provide the basis for NBMCA staff's review and comment. When a permit application is received by NBMCA, its review is managed by the Regulations Officer in the Planning and Development Department. Often, a NBMCA permit is required for development or site alterations associated with planning applications. In these instances, the review of the detail designed component of the planning proposal and the permit applications are coordinated by the planner and typically runs concurrently.

Where determined necessary through the pre-consultation process or if pre-consultation with NBMCA staff did not occur, NBMCA staff will conduct a preliminary site visit to confirm a NBMCA permit is required and/or what NBMCA's interests in the proposal may be. NBMCA permit applications for works within a NBMCA regulated area are assessed to determine if the proposed works, in the opinion of NBMCA, will affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land and/or if the proposed interference with a watercourse or wetland is acceptable. Following the Regulation Officer's preliminary review, the application may be circulated to NBMCA's technical staff for a more detailed review.

Upon completion of the technical review and all necessary site visits have been conducted, a letter from the Regulations Officer is issued to the applicant outlining any additional requirements of the applicant. It is important to note that based on the initial review, additional technical studies, reports and/or a revised application may be needed prior to NBMCA staff supporting the application – in particular, where pre-consultation with NBMCA staff did not occur. Once all comments have been addressed to the satisfaction of NBMCA staff, the Regulations Officer prepares the permit and stamps accompanying plans and supporting documents.

6.8 APPROVAL OR REFUSAL OF A PERMIT

As previously described, permit applications are assessed to determine if the proposed works, in the opinion of NBMCA, will affect the control of flooding, erosion, dynamic beaches, pollution or the conservation of land and/or if the interference is acceptable to NBMCA.

In accordance with Resolution 84-11, NBMCA Board of Directors has assigned the delegation of approvals of permit applications to the CAO/Secretary Treasurer or the Director, Planning and Development. One copy of the approved permit is sent to the applicant/owner, one to the agent, one to the municipality where the development is occurring (if a building permit is pending or other interests) and one is retained for NBMCA's records.

Where the permit application cannot be supported by NBMCA staff, comments are provided and the applicant is encouraged to alter the development to meet the requirements under O.Reg. 177/06. Where the applicant is not willing to redesign or it is not possible to meet NBMCA policies, the applicant may appeal to NBMCA's Hearing Board for further consideration (see Appendix F for *NBMCA's Hearings and Procedural Manual*). Requests for a hearing must be received by NBMCA staff in writing. Subsequent to this, NBMCA staff will provide a letter to the applicant clearly outlining which components of the application cannot be supported and why. The applicant will then be notified of the hearing date which they and/or their agent may attend and are expected to present their case.

Upon hearing the presentations and evidence provided by NBMCA staff and the applicant, the Hearing Board will make a decision. The Hearing Board may grant the permission with or

without conditions, or refuse the permission. Where the application is refused the applicant will be notified of the reasons at the meeting, as well as in writing shortly after. The applicant may appeal the decision of the Hearing Board to the Mining and Lands Tribunal (MLT), within 30 days of receiving its reasons for refusal in writing. The MLT, a branch of the Environment and Land Tribunals Ontario cluster (ELTO), has been assigned the authority, duties and powers to hear appeals from the decisions of conservation authorities regarding a refusal to grant permission to a property owner to undertake development, interfere with a wetland or alter a shoreline or watercourse. The MLT may dismiss the appeal or grant permission at a hearing.

Where the application is granted by the Hearing Board, NBMCA staff will issue the permit once all of the final plans are received and any conditions imposed by the Hearing Board have been addressed.

6.9 PERIOD OF VALIDITY OF PERMISSIONS AND EXTENSIONS

A permit may be issued with or without conditions. The maximum period, including extensions, for which a permission granted may be valid for is 24 months.. Projects that, in the opinion of the authority, cannot reasonably be completed within 24 months from the day the permission is granted, or projects that require permits or approvals from other regulatory bodies that, in the opinion of the Authority, cannot reasonably be obtained within 24 months from the day the permission is granted may be valid for 60 months. Only the Board of Directors can approve a permit for a 60 month period.

The first category (24 months) is expected to address the majority of applications. The second category (60 months) is expected to address larger-scale projects, such as municipal infrastructure, Plans of Subdivisions or Plans of Condominium that cannot reasonably be expected to be completed within 24 months of receiving a permit. Permits granted for less than 24 months are only issued in circumstances where there is a need to repair or mitigate an existing hazard or environmental disturbance. In these instances, “time is of the essence” and permits reflect this urgency.

A permission granted for less than the maximum period of validity (24 or 60 months) may be extended to the maximum period, if the person who was granted the permission submits a written application for the extension to the Authority at least 60 days before the expiry of the permission and the application sets out the reasons why the extension is required and demonstrates that circumstances beyond the control of the person granted permission prevented completion of the project within the initial period. There is an opportunity for a permit holder to require a ‘hearing’ if an extension request is to be refused.

The Chief Administrative Officer, Secretary-Treasurer and the Director, Planning & Development have received designation by the Board authorizing them to approve permits of 24 months or less. Only the Board of Directors can approve a permit for a period of greater than 24 months.

6.10 VIOLATIONS OF ONTARIO REGULATION 177/06

A violation (or contravention) of Ontario Regulation 177/06 may occur as a result of development or activities related to an interference occurring within a NBMCA regulated area without written permission from NBMCA. In some instances, the landowner and/or individuals involved in the works may be unaware that permission was required from NBMCA. However, this does not absolve the landowner and/or individuals involved from requiring these necessary permissions.

North Bay-Mattawa Conservation Authority staff may carry out an initial investigation where the

activity is clearly visible from a public road or property where access to private property is not required or permitted. Photographs and field notes of the activity taking place are taken and landowner contact is initiated. If the activity is not clearly visible from a public location, NBMCA staff will attempt to contact the landowner for permission to visit the site and to discuss the matter. Subsequent to this, a determination regarding whether or not an offence has occurred is made and the appropriate action is taken. Where it is found that no violation occurred, no further action is taken.

In cases where NBMCA staff has determined an offence has occurred, subsequent to discussions with the landowner a Notice of Violation is typically sent to formally advise of the offence and how to proceed. It should be noted that the Violation Notice is not a legal document, rather formal correspondence notifying the landowner the identified activities constitute a violation of Ontario Regulation 177/06 and how to proceed. The Violation Notice identifies the specific activities that are subject to the infraction, specifies the particular section of the Regulation that has been contravened and requests the recipient to stop work until further discussions with NBMCA staff have occurred to resolve the matters. To ensure that the recipient receives the notice in a timely manner, it is typically delivered by personal delivery or sent by registered mail.

In general, where a violation has been identified the landowner has two options:

1. immediately stop the activity and contact NBMCA staff to obtain the necessary permit, provided the activity adheres to NBMCA requirements; or
2. acquire a permit and perform the removal of the offending development or stop the activity, acquire a permit and restore the area to its original condition by methods acceptable to NBMCA staff.

Where neither of the above two options are exercised to NBMCA's satisfaction, NBMCA may proceed to take the matter to court. Every person who contravenes the regulation is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months (Section 28 (16) Conservation Authorities Act, R.S.O. 1990, c. C.27). A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of the regulations officer. In addition to any other remedy or penalty provided by law, the court may order the person convicted to:

1. remove, at the owner's expense, any development within such reasonable time as the court orders; and
2. rehabilitation of any watercourse or wetland in the manner and within the time the court orders.

It is the preference of NBMCA staff to have the matters addressed through the permitting process (provided the activity adheres to NBMCA requirements) or voluntary removal and restoration rather than having to proceed to court. It should be recognized that all efforts to avoid pursuing legal action will be made by NBMCA, however, it is the responsibility of the landowner to be willing to work with NBMCA staff to reach an agreeable solution.

7.0 NBMCA ON-SITE SEWAGE SYSTEM PERMIT APPLICATIONS

NBMCA is responsible for the enforcement of the provisions of the Building Code Act and the building code related to sewage systems in the District of Nipissing and parts of the District of Parry Sound (see Table 1.7.1.1 of Division C). NBMCA has administered the On-site Sewage System (OSS) program since 1996. NBMCA's OSS Program is designed to regulate and ensure compliance with the OBC regarding the installation and maintenance of on-site sewage systems. Sewage systems under the building code are on-site systems that treat and dispose of 10,000 litres per day or less and are wholly contained on the same parcel of land as does the building(s) for which they serve. Systems that do not meet this criteria are systems that are governed under the Water Resources Act administered by the Ministry of the Environment, Conservation and Parks (MECP).

7.1 AREA OF JURISDICTION

NBMCA has administrative offices providing sewage system related services in North Bay and Parry Sound. NBMCA's North Bay Office services the District of Nipissing (16,151.57km²) and the eastern portion of the District of Parry Sound (4,483.29 km²). NBMCA's Parry Sound Office serves the western portion of Parry Sound District (3,414.8 km²). The total jurisdictional area for the On-site Sewage System Program is 24,049.66km².

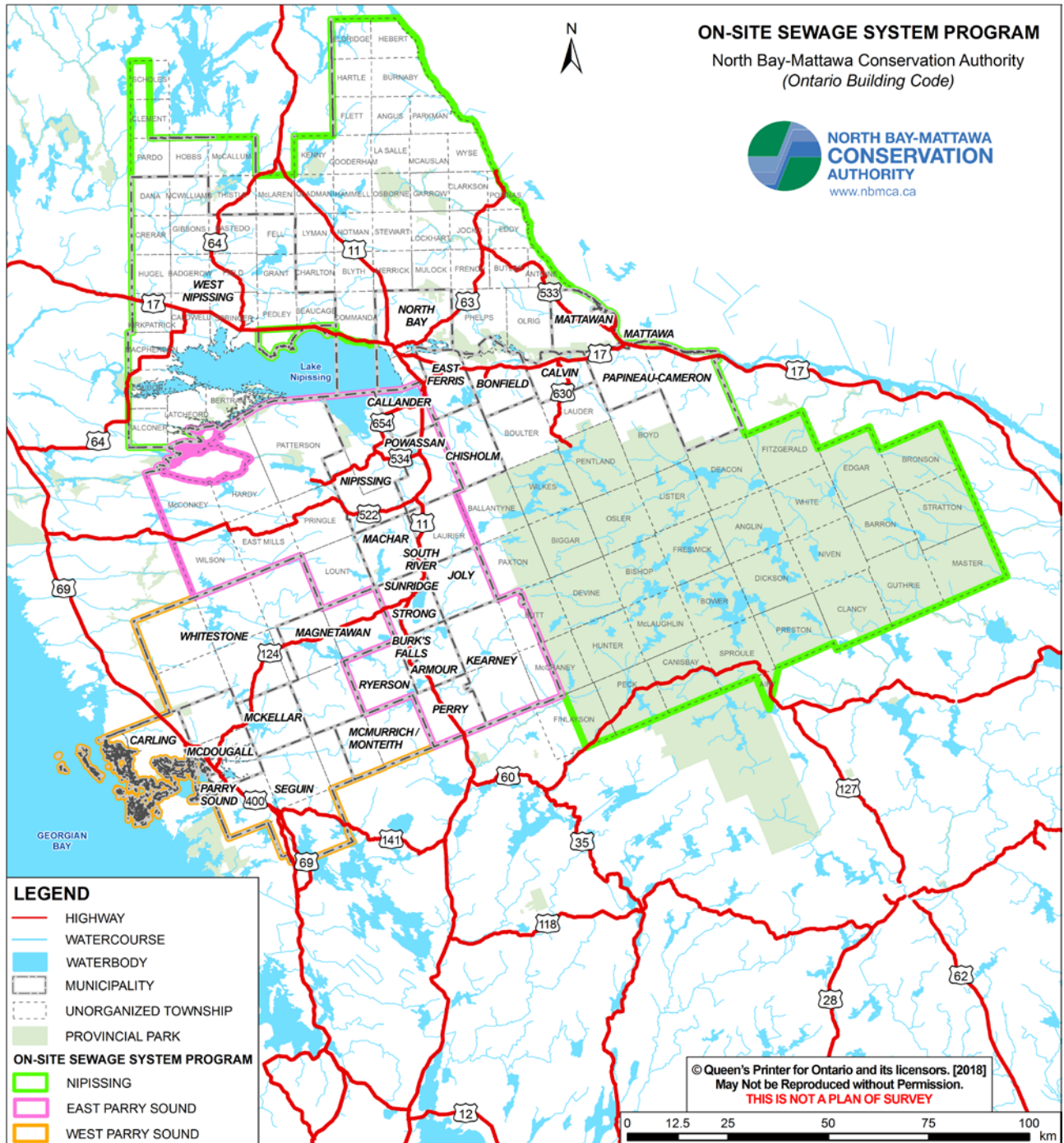


Figure 5: NBMCA Area of Jurisdiction – On-site Sewage Systems

7.2 APPLICABLE LEGISLATION

The *Building Code Act*, (S.O. 1992, c.23) is the legislative framework governing the construction, renovation and change-of-use of a building. The Ontario Building Code (Ontario Regulation 332/12) is a regulation under the Act that establishes detailed technical and administrative requirements as well as minimum standards for building construction. The purposes of the Ontario Building Code include; public health and safety, fire protection, resource conservation, environmental integrity and accessibility although its primary purpose is the promotion of public safety through the application of appropriate uniform building standards. The Ministry of Municipal Affairs and Housing is responsible for the development of, and the amendments to the Building Code Act and the Code. The Ministry may be contacted at its website:

<https://www.ontario.ca/page/ministry-municipal-affairs-housing>

Division B of the Building Code contains the *acceptable solutions* of the Building Code. Part 8 of Division B applies to the design, construction, operation and maintenance of all sewage systems and to the construction of buildings in the vicinity of sewage systems. In the Building Code “sewage system” is defined as:

- a. chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy, including a portable privy, an earth pit privy, a pail privy, a privy vault and a composting toilet system,
- b. a greywater system,
- c. a cesspool,
- d. a leaching bed system, or
- e. a system that requires or uses a holding tank for the retention of hauled sewage at the site where it is produced before its collection by a hauled sewage system,

where these

- f. have a design capacity of 10,000 litres per day or less,
- g. have, in total, a design capacity of 10,000 litres per day or less, where more than one of these are located on a lot or parcel of land, and
- h. are located wholly within the boundaries of the lot or parcel of land on which is located the building or buildings they serve.

7.3 ON-SITE SEWAGE SYSTEM APPLICATION REVIEW PROCESS

The approval process for applications generally consists of a screening of the application for completeness, a site inspection, technical review and issuance of a permit for construction.

A complete application with the fee must be submitted to the appropriate NBMCA office. Application forms for an *On-Site Sewage System Permit* are available at the North Bay and Parry Sound offices of NBMCA, municipal offices and on-line at:

<https://www.nbmca.ca/planning-permits/on-site-sewage-system-permits/>

NBMCA staff review applications to confirm completeness and that the proposed work complies with Part 8 of the Building Code and other applicable law as set out in the Building Code, such as local zoning by-laws. Applications may be discussed with other local/municipal officials for comments. A screening of the application will determine if all of the requested information has

been provided by the applicant. The screening of the application is not a technical review, it is a cursory review.

Once a complete application has been received and the fee has been submitted to NBMCA, a preliminary **Site Evaluation Inspection** will, in most cases, be required. It is the applicant/owner's responsibility to schedule/request the inspection when the application is complete and the site is ready. Inspectors have a schedule for when they visit each municipality or area (see <https://www.nbmca.ca/planning-permits/on-site-sewage-system-permits/inspection-schedule/>). The location of property lines and all proposed sewage system components should be clearly marked out on the site. Inspection test hole(s) must be excavated in the proposed location of the sewage system and are to be approximately 1.5 metres in depth or to rock/hardpan/high groundwater table. Test holes should be excavated in order to accurately assess the area of the sewage system.

Following the successful completion of a site evaluation inspection and receipt of a completed application, a technical review of the application will be carried out. The technical review and 1st inspection information will assess the application for:

1. compliance with the Ontario Building Code and *Building Code Act*;
2. compliance with the list of applicable law outlined in the Building Code. This may include special provisions in a municipal zoning by-law for increased clearance distances to water and/or property lines; and
3. conformance of the design application to the principles of sound engineering and to include the proper operation of the sewage system.

In order to issue a permit, the proposed construction must comply with the Building Code and applicable laws set out in the Building Code. The definition of applicable law is defined in Part 1.4.1.3 of the Building Code. Any general or special Act, and all regulations and by-laws enacted under them must be complied with prior to a sewage system permit being issued. Examples of commonly used applicable law are:

- 1.4.1.3 1 (a) (xxiii) section 34 or 38 of the Public Transportation and Highway Improvement Act with respect to the permit from the Minister for the placement, erection or alteration of any building or other structure or the use of land
- 1.4.1.3 1 (c) regulations made by a conservation authority (i.e. NBMCA O.Reg. 177/06) under clause 28 (1) (c) of the Conservation Authorities Act with respect to permission of the authority for the construction of a building or structure if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;
- 1.4.1.3 1 (f) by-laws made under section 34 (Zoning by-laws) or 38 (Interim control by-law) of the Planning Act, and
- 1.4.1.3 1 (g) subject to clause (h), by-laws made under Ontario Regulation 608/06 (Development Permits) made under the Planning Act.

Following the technical review and site evaluation inspection, the application may be approved, and once the Sewage System Building Permit is issued construction may begin.

7.4 ON-SITE SEWAGE SYSTEM PROCESSING TIMELINES

Upon North Bay-Mattawa Conservation Authority (NBMCA) receiving a complete application for an On-site Sewage System Permit, an inspector from NBMCA will review the proposal, conduct a site inspection and make a recommendation to the Inspector with the powers and duties of a Chief Building Official for Sewage Systems (I/CBO-SS). Subject to review, the I/CBO-SS will then issue a

Sewage System Building Permit. The overall timeline within which a permit is issued or refused by NBMCA is 10 working days, as defined in the Ontario Building Code, 2.4.1.1.B.(3).

7.5 REVIEW PROCEDURES

Once the permit has been issued and the construction has begun, two subsequent site inspections are required to complete a permitting process:

7.5.1 Substantial Completion Inspection

Prior to a request for a second inspection (substantial completion inspection), the following information must be submitted to NBMCA:

- A grain size / sieve analysis must be submitted (where applicable) on or before substantial completion inspection and must be no more than two years from date of testing and must reflect the location source,
- The volume of medium / soil,
- Any signed maintenance agreements associated with the sewage system, and
- Any other information required or requested.

Once the above-mentioned documents have been submitted and when the sewage system has been installed, prior to the backfilling of the components the substantial completion inspection will be undertaken. The following components must be fully exposed and/or present and/or operational prior to scheduling an inspection:

- Tanks, lids and stamp exposed, baffles and partitions visible or accessible,
- Distribution Box/ header,
- All Distribution Pipes exposed including subsurface detection,
- Any/all increased contact area exposed or marked, geotextile or untreated building paper on-site,
- Pumps, pump chamber and audio and visual alarms installed and operational,
- In addition, imported loading area must be installed (if applicable),
- Stone must be clean, and
- Any other components as required or requested.

7.5.2 Final Grading Inspection

The Final Grading Inspection occurs when construction of the sewage system is complete. This inspection will be requested by owner/installer once the grading is complete, the mantle has been covered with topsoil, and the growth of shallow rooted vegetation covers a minimum 60 percent of the sewage system. In addition to the 60 percent vegetation cover, NBMCA staff will be verifying that the septic tank outlet lid is at grade and exposed, and that the slope of the ground in the area of the leaching bed does not exceed the maximum slope of 4:1.

A Notice of Completion will be issued once all three inspections are complete.

The *Building Code Act (BCA)* and the Ontario Building Code do not require that principal authorities provide for extensions of building permits; instead, the *BCA* provides for the revocation of permits that have been suspended or are not completed (see section 7.8). The North Bay-Mattawa Conservation Authority recognizes development challenges associated with construction in Northern Ontario. NBMCA has adopted a sewage system permit extension policy as a way to

assist with the specific needs of Northern Ontario. Generally, on-site sewage system permits may expire 12 months from the date of issue, however, it is NBMCA's policy to allow a one-year extension (up to three times) at the request of the permit holder, and at the discretion of the 1/CBO-SS. See the On-site Sewage System Fee Schedule for pricing.

7.6 ON-SITE SEWAGE SYSTEM APPLICATION REVIEW PROCESS

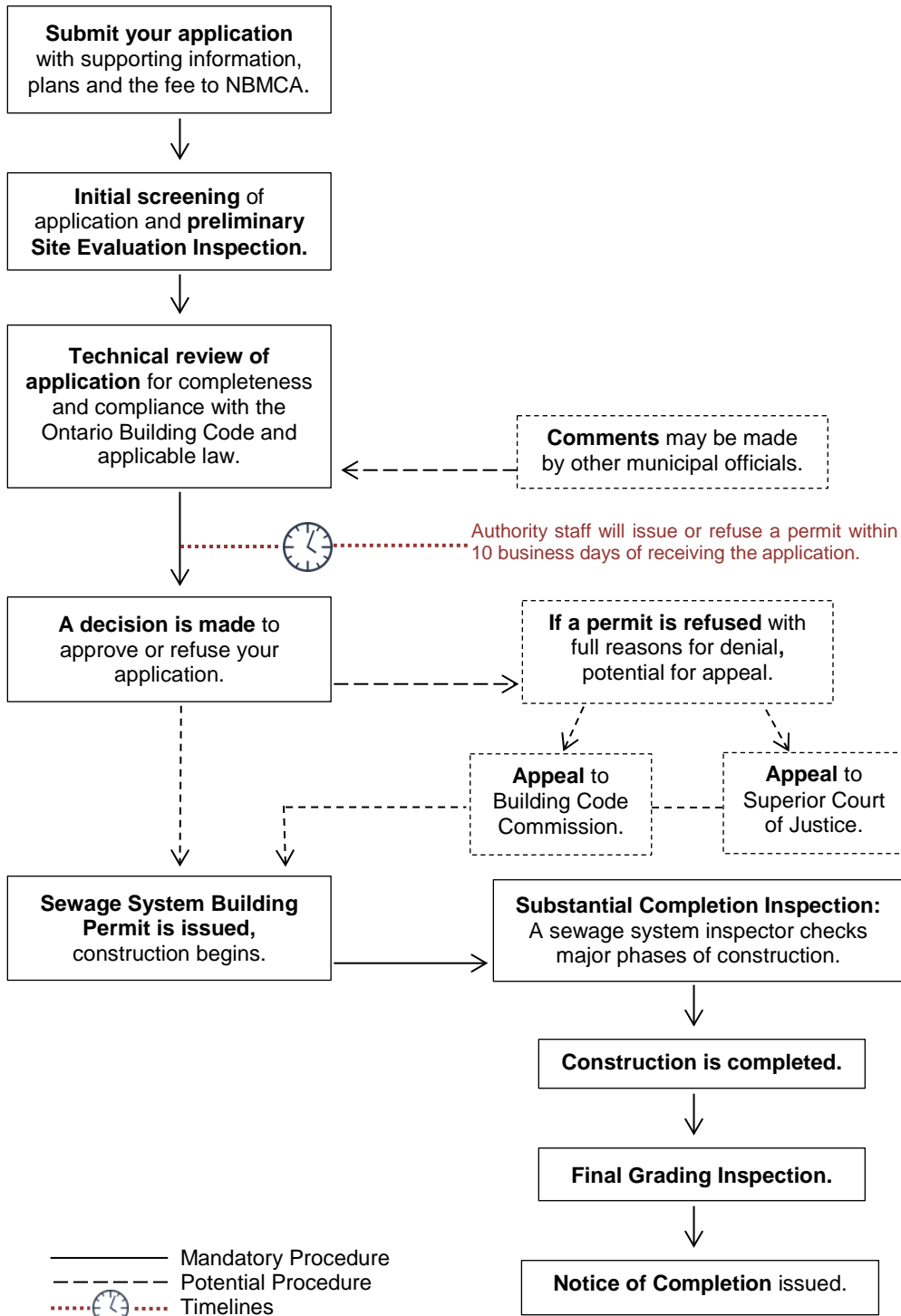


Figure 6: NBMCA On-site Sewage System Application Process

7.7 REFUSAL OF A PERMIT

If NBMCA refuses your application, you will be told why. If you can't resolve the problems with NBMCA, you have a few options for appealing the decision:

- If the problem relates to technical requirements set out in the Building Code, you may apply to the Building Code Commission. The Building Code Commission is an independent adjudicative tribunal of the provincial government whose mandate is to hear disputes related to compliance with the technical requirements of the Building Code. If you wish to apply to the Building Code Commission for a hearing, you can find the Building Code Commission's application forms and their Guidelines, Policies and Procedures on the Building Code website ([OBC Appeals and Approvals](#)).
- If the problem relates to a matter of law, you can appeal to a judge of the Superior Court of Justice. You may wish to consult with a lawyer prior to taking this action.

7.8 REVOCATION OF PERMITS

Subject to section 25 of the Building Code Act (BCA), the chief building official may revoke a permit issued under the BCA if it was issued on mistaken, false or incorrect information; if, after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the chief building official, been seriously commenced; if the construction or demolition of the building or sewage system is, in the opinion of the chief building official, substantially suspended or discontinued for a period of more than one year; if it was issued in error; if the holder requests in writing that it be revoked; or if a term of the agreement under clause (3) (c) has not been complied with.

7.9 VIOLATIONS UNDER PART 8 OF THE OBC

The North Bay Mattawa Conservation Authority is prescribed in the Building Code as being responsible for the enforcement of the provisions of this Act and the Building Code as related to sewage systems in their area of jurisdiction which includes municipalities and territory without municipal organization.

Situations that arise requiring joint enforcement between NBMCA, Health Unit and/or the MECP shall be initiated or directed by the Area Supervisor (I/CBO-SS) and each situation shall be assessed on its individual merits.

NBMCA maintains the position of mitigation prior to exercising authority. NBMCA inspectors shall initiate a position of informing a contractor/property owner of their requirements under the legislation. NBMCA inspector shall open a dialogue to have the contractor/property owner comply. NBMCA inspector shall determine a time frame for compliance dependent upon the site-specific requirements. Impact to the environment or health and safety will dictate the amount of time allocated to rectify the issue.

If there is resistance to a request to comply or an agreed upon timeframe is not adhered to NBMCA may, dependent upon the specific site situation, proceed by issuing an Order to Comply.

If, following an Order to Comply and through dialogue with the offender, a NBMCA inspector believes the parties involved are not proceeding in a manner appropriate to the situation the Sewage System Area Supervisor (I/CBO-SS) may confer with legal counsel regarding commencement of proceedings.

8.0 OTHER REVIEW SERVICES

8.1 SOLICITOR AND REALTOR INQUIRIES

The North Bay-Mattawa Conservation Authority offers a solicitor and realtor inquiry service to assist in providing the public with the best information available regarding NBMCA's interests throughout the watershed. Through this service, lawyers and real estate agents, acting on behalf of their clients, request information about NBMCA's interests in a property. In responding to these requests, NBMCA staff screens the property and issues a letter stating whether a property is affected by NBMCA's Ontario Regulation 177/06 and/or Part 8 (Sewage Systems) of the Ontario Building Code. In addition, the letter will outline where there may be an outstanding violation on the property and how to proceed to address the matter.

The letter provided serves as a formal record and provides valuable information to the client when making decisions about purchasing a property. However, the letter does not constitute a formal position on a planning or permit application nor does it replace the preliminary consultation process.

Solicitor and Realtor Inquiries should be made in writing and include the following:

- **Letter of Inquiry** – The Letter of Inquiry should note the location of the subject property, including street address, legal description (i.e. lot and concession number, etc.), roll number, municipality, past owners of the property if known, and outline what information is being requested.
- **Review Fee** – refer to current Fee Schedules at www.nbmca.ca/permits.

In general, requests are reviewed based on the order in which they are submitted recognizing that NBMCA is responsible to provide a consistent level of service for all programs offered throughout the jurisdiction.

8.2 REVIEW OF LANDS TO BE SOLD/DEVELOPED

The North Bay-Mattawa Conservation Authority offers a property inquiry service. Property inquiries are typically requests from land owners (or potential purchasers) looking to obtain detailed information on the development potential of a property. Both pre-consultation and site visits are very important in expediting the review period needed to provide this service. Where a landowner is interested in meeting with NBMCA staff to discuss NBMCA's interests in a property, it is most helpful if the inquirer first call NBMCA office to discuss the matter with the appropriate staff member. NBMCA staff member will undertake a brief preliminary review of the request and advise as to NBMCA's interests in the matter. Where a site inspection is required, or formal correspondence is needed to obtain municipal clearances or for other purposes, a fee is required (see www.nbmca.ca/permits) and the submission should include similar information to that outlined in Section 6.5.

It is important to note that most property inquiries require a site visit to ensure that NBMCA staff has a clear understanding of the proposal and the existing condition of the site. Prior to a site visit being scheduled, NBMCA staff requires the completion of the appropriate form and applicable fee, submission of a conceptual site plan, and in the case of a potential purchaser, written permission from the current land owner.

8.3 SEWAGE SYSTEM FILE REVIEWS

The OBC has 3 determinants where proposed construction of a dwelling reduces the performance level of a sewage system;

- Additional bedrooms, and/or
- A 15 percent increase of living area and/or
- Additional plumbing fixtures.

When an existing building is subject to extension, renovation, enlargement, or a change of use applies, an application for a File Review shall be submitted to NBMCA. A copy of the existing sewage system permit (Certificate of Approval / Building Permit) and a completion certificate (Use Permit/Notice of Completion) are required to assess the approved sewage system components. If the home owner does not have a copy of the permit or completion certificate for the sewage system NBMCA will perform a record search at an additional cost. If permits or completion certificates are not available or for systems constructed without a permit, a detailed report from a licensed/qualified (BCIN holder) professional may be deemed acceptable if sufficient information is provided to carry out the assessment. NBMCA will review the proposed construction/renovation/change of use to determine if there is a performance level reduction which may result in compensating construction being required. A sewage system building permit and notice of completion is required for any alterations to an existing sewage system. Sewage system approval is required prior to the Municipality issuing a building permit for any proposed construction.

8.4 MAINTENANCE INSPECTIONS

Sewage System Maintenance Inspection Programs are governed by Section 10.1 of Division C of the Ontario Building Code (OBC), they are further categorized as mandatory or discretionary. Discretionary maintenance inspection programs require NBMCA Board of Directors' approval, while mandatory maintenance inspection programs are mandated by the Building Code and as such do not require approval of NBMCA Board of Directors.

Effective January 1, 2011, the Ontario Building Code was amended by Ontario Regulation 315/10 to establish and govern mandatory on-site sewage system maintenance inspection programs. These amendments help protect Ontario's drinking water and the natural environment and support the implementation of the Clean Water Act, 2006 (CWA). The Approved Assessment Report for the North Bay-Mattawa Source Protection Area, identified potential threats to municipal drinking water systems. This area is generally described as lands within 120m of any inflowing stream, river, lake or pond which can result in the input of phosphorus to Callander Bay. This area is known as the Issue Contributing Area (ICA) (or vulnerable area). As per the Ontario Building Code, any sewage systems within the ICA will be subject to a mandatory maintenance inspection (MMI) program. Mandatory maintenance inspections are to be conducted by NBMCA every five years.

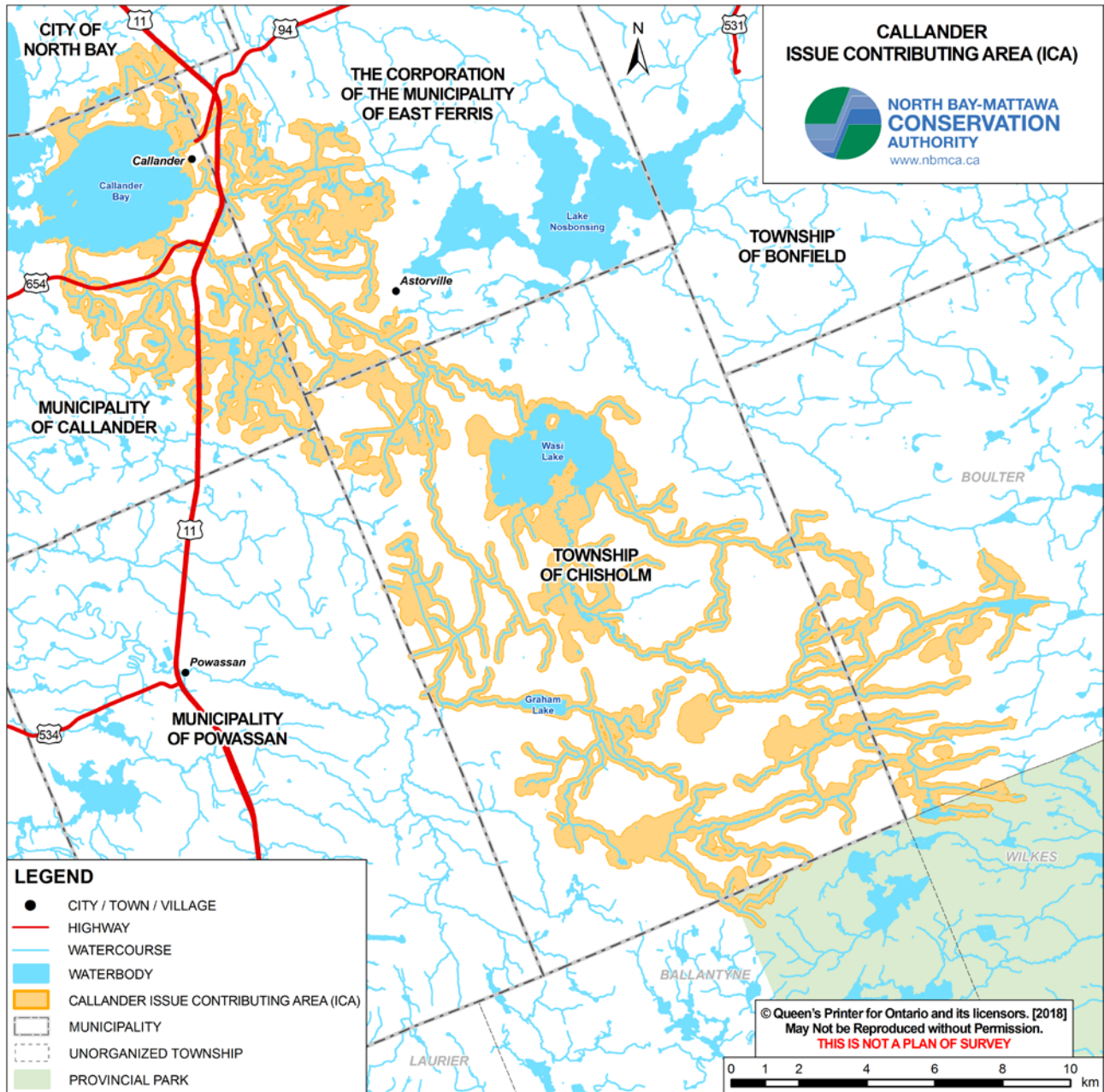


Figure 7: Callander ICA subject to Mandatory Maintenance Inspections

NBMCA has undertaken re-inspection programs which are not legislated programs under the building code. As such they can be conducted outside of the legislated requirements. Inspectors assigned to conduct re-inspections are not required to be certified under the building code but should be technically knowledgeable about on-sewage systems and legislative frameworks. These programs have the flexibility to be customized to the specific requirement of the geographical area and the needs of the proponent.

8.5 OBC CLEARANCE

The North Bay-Mattawa Conservation Authority reviews garage or accessory building applications to assess whether the proposed construction complies with Part 8 (Sewage Systems) of the Ontario Building Code (OBC). See [www.nbmca.ca \(permits\)](http://www.nbmca.ca/permits) for application information.

8.6 ON-SITE SEWAGE SYSTEM REVIEW – PLANNING ACT PROPOSALS

In addition to our Municipal Plan Review services to our member Municipalities, the North Bay-Mattawa Conservation Authority provides comments on *Planning Act* proposals in accordance with Part 8 of the Ontario Building Code (OBC), NBMCA policies for lot creation, municipal zoning by-laws and other applicable law, to applicants outside of the NBMCA's *Conservation Authority Act* jurisdiction, but within the on-site sewage system area of jurisdiction.

It is very important to consult with the planning approval authority at the beginning of the planning process before submitting an application to the Conservation Authority. As part of your complete application to the planning approval authority you may require supporting documentation such as an on-site sewage system review.

NBMCA will conduct a site inspection and provide comments to applicants on all lots less than 4 ha (10 ac) in size. Lots that are greater than or equal to 4 ha in size may require site inspections if there are constraints associated with development, however, in the majority of cases they are subject to a desktop review. Unless otherwise specified, NBMCA on-site sewage system comments are based on the ability of a proposed lot to accommodate development (a single family dwelling, a well, and room to accommodate an initial and a replacement Class 4 on-site sewage system) based on the OBC minimum requirements for a 3-bedroom single family dwelling (with less than or equal to 20 fixture units and less than 200m² floor area). On-site sewage system sizing calculations are based on a fully raised system with a T-time of 50. The retained lands are also assessed to ensure that the minimum setbacks as required under the OBC are maintained from proposed lot lines.

Applications and applicable fees can be found on NBMCA's website:
<https://www.nbmca.ca/planning-permits/application-forms-fees/> .

**Planning & Development
Administrative Procedural Manual**



Appendix A

**Memorandum of Understanding (MOU) between
Conservation Ontario and Province of Ontario:
Conservation Authority Delegated Responsibility**

**Planning & Development
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Appendix B

**Ontario Regulation 177/06, Development, Interference with
Wetlands and Alterations to Shorelines and Watercourses**

**Planning & Development
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Appendix C

Review Checklist for NBMCA Plan Review

**Planning & Development
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Appendix D

**Client Service Standards for Conservation Authority Plan and
Permit Review**

Appendix E

Application Checklist for Ontario Regulation 177/06 Permits

**Planning & Development
Administrative Procedural Manual**



Appendix F

NBMCA Hearings and Procedural Manual