

Development Application

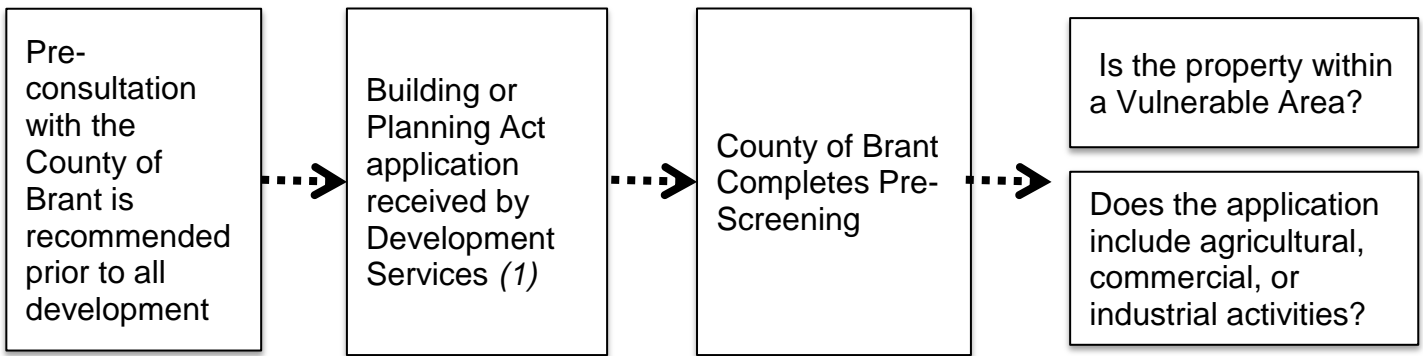
Clean Water Act, 2006 Section 59

Section 59 [Restricted land uses] enables a process for catching or flagging activities before they are established so they do not become a drinking water threat. The process is triggered by development applications (under the Planning Act) and building permit applications. Restricted land uses are applied to areas where significant drinking water threats are possible and where Section 57 [Prohibited activities] or Section 58 [Regulated activities] policies apply.

The RMO should verify with the planning and building authorities that they are aware of the areas prescribed in the SPP as being subject to Section 59 and the activities that they pertain to. Mapping should be provided and/or verified to allow respective authorities to flag applications and forward to the RMO for review.

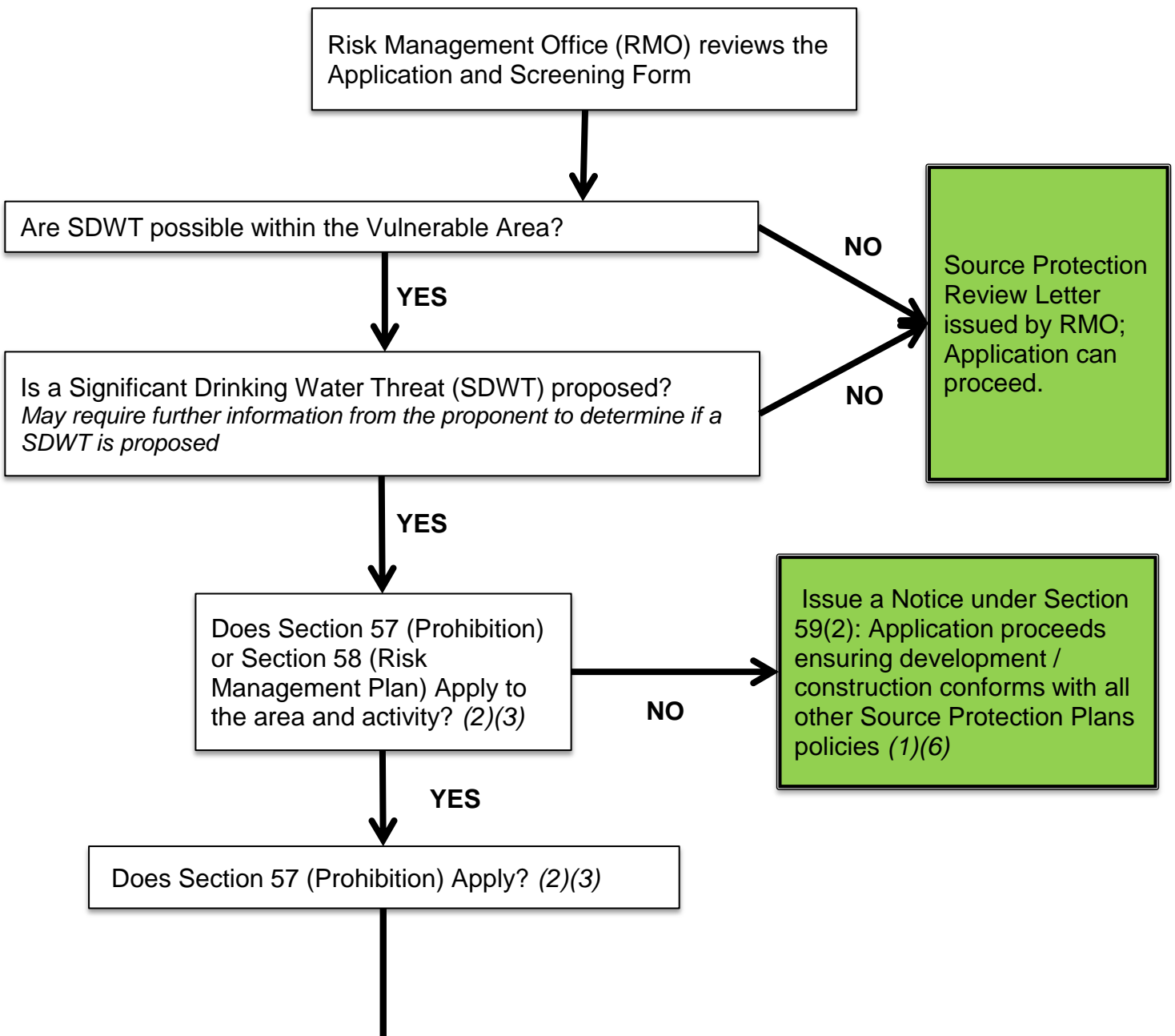


Development Application - CWA, Section 59

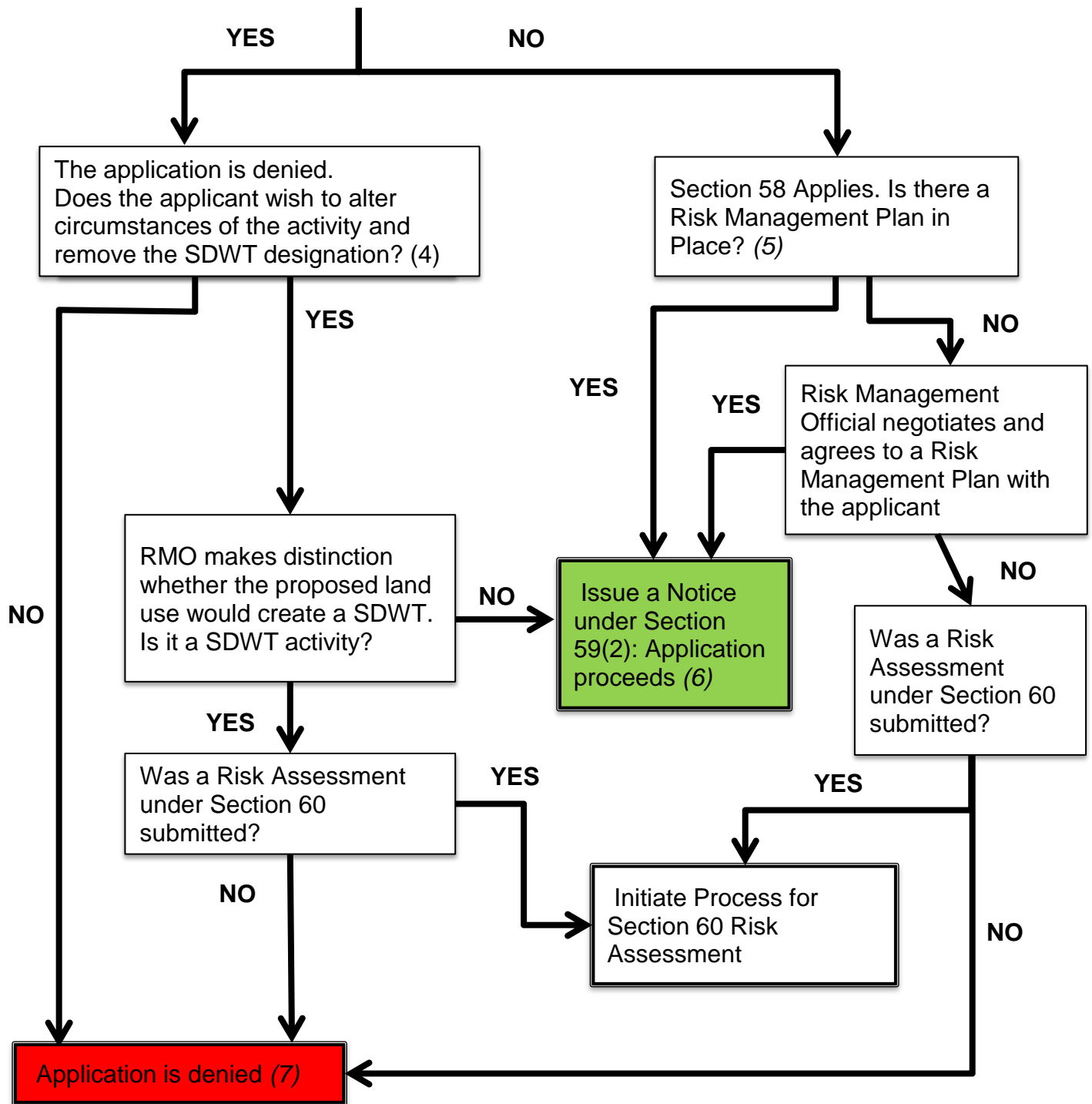


IF THE ANSWER TO BOTH QUESTIONS WAS 'YES', APPLICATION PROCEEDS TO S. 59 REVIEW

Proponent is provided within the S.59 Restricted Land Use Screening Form



Development Application - CWA, Section 59



Step	Process	Details	Explanation / Support / Decisions
1	Development Applications CWA S. 39, 40, and 59	Section 39 [Effect of plan] and 40 [Official plan and conformity] of the CWA proclaims SPP policies supersede official plans and bylaws and requires Municipalities to conform their official plans to SPP policies. Section 59 [Restricted land uses] enables a process for catching or flagging activities before they are established so they do not become a drinking water threat. The process is triggered by development applications (under the Planning Act) and building permit applications. See SPP List I for a list of threat policies that are applicable to Section 59 and Lists G and H for threat policies applicable to Section 57 [Prohibited activities] and 58 [Regulated activities], respectively. List A provides all threats applicable to Planning Act or Condominium Act approvals.	The RMO should verify with the planning and building authorities that they are aware of the areas prescribed in the SPP as being subject to either Section 57 or Section 58 and the activities that they pertain to. Mapping should be provided and/or verified to allow respective authorities to flag applications upon receiving them. All applications under the Planning Act and Condominium Act within areas subject to the SPP, regardless if a RMP is required or Prohibition exists, are subject to the threats policies provided in List A.
2	Development Application Review	The RMO will review development applications where vulnerability scores indicate a SPP policy applies and where a land use indicates a SDWT activity may be associated.	Initial screening by the RMO will confirm the land use application is within a vulnerable area subject to the SPP policies. Once confirmed the RMO will consider the proposed land use and associated activities to identify any SPP policies that may be associated with the activities. At this point, if it is unclear what activities are associated, additional information may be sought to clarify whether a SDWT activity is proposed.
3	Building Application Review	The RMO should review building permit applications with a potential SDWT activity where SPP policies apply under Section 57 or 58.	Initial screening by the RMO will confirm if the building permit application pertains to a prohibited SDWT activity or to a SDWT activity requiring a RMP. An application may also require an amendment to an existing RMP based on a proposed alteration or use of the building.
4	Prohibition of Land Use CWA S. 57 and ss. 59(3)	If it has been determined that a land use applied for is for an activity and in an area where prohibition applies, the application shall be denied. The applicant may file a Risk Assessment for the activity at that location; see Risk Assessment Flow Chart.	Should the applicant wish to make application for the RMO to review the application to determine if the prohibition applies, they may make an application for the issuance of a notice under ss. 59(2).
5	RMP Applies CWA S. 58 and ss. 59(3)	If a building permit application proposes an alteration of an existing building or new construction of a building and either will be used in conjunction with a SDWT activity requiring a RMP, the application cannot proceed without the issuance of Notice under ss. (59)(2)	If an applicant proposes an alteration or new construction related to a SDWT activity currently subject to a RMP they may also apply to the RMO office for an issuance of notice under ss. (59)(2) at the same time.
	Fees CWA ss. 55 (1)(d)	The RMO upon receiving the application can require fees to process the application if the municipality has passed a fee by-law in accordance with the Act	
6	Notification to Applicant CWA ss. 59(2)(a) and 59(2)(b)	The RMO shall provide a notice, once fees have been paid, indicating that the proposed land use, construction, or alteration is not subject to prohibition under S. 57 or a RMP under S. 58 OR that a RMP is required and a RMP has been agreed to or established under S. 58.	The RMO does not need to notify the applicant and the planning/permitting authority if there is a Prohibition in effect or RMP required under the legislation, however it is good practise to notify both parties and provide rationale for not providing the notification.
7	Approval Process	The planning/permitting authority shall not issue an approval for any land-use change or building permit application in an area subject to Source Protection Plan Policies where SDWT activities may be associated with the intended use/construction/alteration without the required notice from the RMO as above.	While the onus is on the respective planning/permitting authority to flag potential SDWT activities in applicable areas and apply the condition of a ss. 59(2) notice, it is good practise for the RMO office to build a working relationship with the authorities to assist them in making this determination, particularly in the infancy of the Part IV implementation phase.