

Section II – Items for Executive Action

TO: Chair and Members of the Executive Committee
Meeting #5/19, Friday, June 07, 2019

FROM: Sameer Dhalla, Director, Development and Engineering Services

RE: **REQUEST TO DELEGATE PERMIT APPROVAL**
Seaton Community and July 5, 2019 Executive Committee

KEY ISSUE

The development of the new Seaton Community in the City of Pickering and other sites in our jurisdiction requires the approval of multiple TRCA permits to proceed in July 2019. In addition, the July 5, 2019 Executive Committee is proposed to be cancelled. Therefore, staff request the Executive Committee to delegate approval authority of all permits in Seaton all permits for the entire jurisdiction originally scheduled for the July 5, 2019 meeting to staff.

RECOMMENDATION

WHEREAS TRCA supports the provincial government's efforts to improve efficiencies and consistency for regulating development, as evidenced by TRCA's ongoing streamlining initiatives for our roles in the development and infrastructure regulatory permitting process;

AND WHEREAS multiple TRCA permits under O. Reg. 166/06 are required to facilitate the development of the new Seaton Community in the City of Pickering and other sites in our jurisdiction;

AND WHEREAS the timely issuance of TRCA permits is necessary for the construction of the Seaton Community to proceed;

AND WHEREAS the July 5, 2019 Executive Committee meeting is proposed to be cancelled;

AND WHEREAS the timely issuance of multiple TRCA permits across our jurisdiction in the summer construction season is necessary;

NOW THEREFORE LET IT BE RESOLVED THAT the approval of all development and infrastructure permits within the Seaton Community in the City of Pickering be delegated to the Director of TRCA Development and Engineering Services staff;

AND FURTHER THAT the approval of all development and infrastructure permits within the TRCA's regulatory jurisdiction originally scheduled for the July 5, 2019 Executive Committee meeting be delegated to the Director of TRCA Development and Engineering Services staff.

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BACKGROUND

At Board of Directors Meeting #2/16, held on April 1, 2016, Resolution #A28/16 was approved as follows:

WHEREAS Toronto and Region Conservation Authority (TRCA) administers Ontario Regulation 166/06, as amended, "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation" under Section 28(1) of the Conservation Authorities Act;

AND WHEREAS the Conservation Authorities Act and Ontario Regulation 166/06, as amended, enables TRCA to approve permits with or without conditions;...

THEREFORE LET IT BE RESOLVED THAT the Standard Permit Conditions as outlined in this staff report be endorsed and applied to all future permits approved by TRCA pursuant to Ontario Regulation 166/06, as amended;...

THAT staff be directed to prepare additional Application-Specific Permit Conditions to be considered on individual permit applications before the Executive Committee, as may be required from time to time at the discretion of staff, in consultation with TRCA's legal counsel, depending on the unique circumstances of the individual application;...

Seaton is a new community in the City of Pickering located north of Taunton Road and south of Highway 7, west of Brock Road, and is planned to accommodate 70,000 residents and 30,000 jobs. There are multiple TRCA permits required to construct the Seaton Community. These applications include *Application-Specific Permit Conditions* that per Resolution #A28/16 must be approved at a meeting of the Executive Committee.

In addition, the July 5, 2019 Executive Committee meeting is proposed to be cancelled. There were permits for the Seaton Community and other "major" permits within the TRCA's regulatory jurisdiction scheduled for approval at that meeting.

RATIONALE

Seaton Community (City of Pickering) – Application-Specific Permit Conditions

Permit approvals required in the Seaton Community include those for site alteration and grading, regional road and servicing infrastructure, utilities, and stormwater management outfalls, ponds and low impact development facilities. Many of these works by their nature must be located in the area regulated under O. Reg. 166/06 in the Natural Heritage System lands owned by Infrastructure Ontario. A number of additional site-specific conditions consistent with Draft Plan of Subdivision approval are required for each permit in Seaton in order to: ensure adequate erosion and sediment control monitoring and maintenance; appropriate landowner authorization from Infrastructure Ontario; and securities to be held to ensure compensation for lost ecosystem services. These conditions in addition to the 13 standard conditions include the following outlined below. Staff are requesting approval to add these conditions, as needed, to site specific applications within the Seaton Community.

14. The Owner shall coordinate a pre-construction meeting with the agent, contractor, engineer, inspector, TRCA, municipality and any other regulatory agencies prior to the commencement of the approved works to the satisfaction of TRCA.

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15. The Owner shall ensure all works within and adjacent to the watercourse are directly supervised by a qualified ecologist and/or fluvial geomorphologist (or an equivalent as approved by TRCA) to the satisfaction of TRCA.
16. The Owner shall ensure all erosion and sediment controls are monitored by an environmental monitoring professional certified by CISEC; and the environmental monitoring professional shall utilize an on-line erosion and sediment control document monitoring software as may be updated from time to time in carrying out their duties; and the appropriate access permissions to the software shall be granted to TRCA staff.
17. No work as authorized by the issuance of this permit may be commenced by the permit holder unless and until all conditions precedent as set out in the Licence of Land for Temporary Use and Access (date to be determined) between Her Majesty The Queen In Right Of Ontario, as represented by The Minister of Economic Development, Employment and Infrastructure ("I/O") and <insert proponent> have been either fulfilled by <insert proponent> or waived by I/O. For greater certainty, the purpose of the foregoing is to ensure that <insert proponent> does not rely on this permit to commence work, or even enter onto the subject lands, unless and until all requisite permissions to enter as granted by I/O are in full force and effect and without outstanding conditions precedent.
18. The Owner shall obtain clearance from TRCA Development and Engineering Services prior to requesting the full or partial release of any Letters of Credit or other securities from the City of Pickering for the approved works and associated compensation plantings.

Seaton Community (Pickering) – Delegation of Major Items

The development of multiple Draft Plans of Subdivision and regional infrastructure is underway. Many of the permits required to facilitate these works require Executive Committee approval as “major” items. This results in an extended permit approval time frame and additional staff resources necessary to prepare for the agenda. Given that the additional conditions are standardized and both the TRCA Board of Directors and the City of Pickering have adopted the TRCA Guideline for Ecosystem Compensation, staff are requesting an exception to Resolution #A28/16 to allow for the approval of all “major” development and infrastructure permits within the Seaton Community to be delegated to TRCA Development Planning and Permits staff. Staff will continue to bring permit applications for extensive infrastructure such as the Whites Road bridge or those with significant environmental impacts requiring ecological or other compensation to the Executive Committee for approval, at their discretion.

Delegation of Major Items for July 5, 2019 Executive Committee

In addition, given the busy summer construction season results in a high volume of permit approval requests, and the proposed cancellation of the July 5, 2019 Executive Committee meeting, staff request an exception to Resolution #A28/16 to allow for the approval of all “major” development and infrastructure permits within the TRCA’s regulatory jurisdiction originally scheduled for the July 5, 2019 Executive Committee meeting to be delegated to TRCA Development and Engineering Services staff.

Further streamlining efforts for permit approvals will be brought to the Executive Committee for their consideration later in 2019.

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Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:
Strategy 7 – Build partnerships and new business models

FINANCIAL DETAILS

Account Code 105-82 has been established to fund for TRCA's permitting. This account is funded by permit application fees.

DETAILS OF WORK TO BE DONE

Staff will continue to work with proponents of "major" permit applications to ensure their timely approval upon satisfaction that the applications meet the five tests of O. Reg. 166/06.

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