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SENT ELECTRONICALLY ONLY: [emilne@southgate.ca](mailto:emilne@southgate.ca)

November 18, 2021

Township of Southgate  
185667 Grey Road 9  
RR 1  
Dundalk, Ontario N0C 1B0

ATTENTION: Elisha Milne, Administrative & Legislative Coordinator

Dear Ms. Milne,

RE: Consent B7-21 (NB Wood Machining Inc)  
unassigned civic address, with frontage on Southgate Road 14, and Southgate Sideroad 21  
Lots 33 and 34, Concession 11  
Roll Nos.: 420709000405900 and 420709000405800  
Geographic Township of Proton  
Township of Southgate

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Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the Township of Southgate representing natural hazards, and natural heritage. Furthermore, the application has been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

### **Purpose**

The purpose of the application is to sever the two original Township lots being lot 33 and lot 34 which have inadvertently merged, back into to their original lot dimensions. Lot 33 will be 40.61 hectares (ha) and have 540.50 metres (m) of Frontage on Southgate Road 14. Lot 34 will have approximately 40.61ha with 269.78m of frontage on Southgate Road 14.

### **Background**

As part of the pre-submission consultation process, the agent for the landowner contacted the SVCA in December 2020 regarding a proposed severance for the property. SVCA did not provide formal comments at that time, as the SVCA was not requested to do so, however SVCA staff (Michael Oberle) verbally explained that SVCA policies would not support the severance proposal with laneway through the hazard lands without:



Watershed Member Municipalities  
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,  
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,  
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,  
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

1. Floodplain assessment to ensure safe access across the watercourse to the build location, and
2. A favorable Environmental Impact Study (EIS) that would support installing a laneway over the watercourse and that would support a development envelope within the adjacent lands to the woodlands and wetlands on the property.

### **Recommendation**

The proposed consent application is NOT acceptable to SVCA staff at this time, as natural hazard and natural heritage policy has not been addressed. It is the understanding of SVCA staff that both an EIS and a flood assessment are being prepared to support the proposal, however SVCA staff have not received any said report at this time. Should the above referenced reports be prepared and be acceptable to the SVCA, then the SVCA may revise our comments accordingly. We elaborate in the following comments.

### **Delegated Responsibility and Advisory Comments**

**SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the Township of Southgate in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.**

#### **Natural Hazards:**

SVCA Hazardous Lands mapping shows large areas of the property to be low in elevation associated with wetlands and/or floodplain of a watercourse. It is SVCA staff's opinion that the Hazard Lands designation as shown in Schedule A of the Grey County OP, and Schedule A of the Southgate OP, and the Environmental Protection (EP) Zone as shown in the Township of Southgate Zoning By-law 19-2002, as amended, generally coincide with the Hazardous Lands as plotted by SVCA staff for the property.

#### **Provincial Policy Statement – Section 3.1**

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands and hazardous sites. Furthermore, Section 3.1.2 c) of the PPS, 2020 states, in general, that development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard. Proposed development for both the parcel to be severed and the parcel to be retained will directly affect and be located within (for the proposed crossing over the watercourse) or within the lands adjacent to the hazardous lands found on the property. Therefore, it is the opinion of SVCA staff that Sections 3.1.1 and 3.1.2 of the PPS, 2020 have not been addressed at this time.

#### **Township of Southgate Official Plan and Grey County Official Plan**

Section 6.2 of the Southgate OP and Section 7.2.3 of the Grey County OP states in part that buildings and structures are generally not permitted in the Hazard Lands land use type. Some of the proposed development (crossing over the watercourse) will directly affect and be located within the hazardous lands found on the

property. Therefore, it is the opinion of SVCA staff that the natural hazard policies of the Southgate OP and the Grey County OP have not been addressed at this time.

### **Natural Heritage:**

SVCA staff's desktop review of the proposal indicated the following natural heritage features affecting the property including significant woodlands, wetlands, fish habitat and its adjacent lands, and significant wildlife habitat.

#### Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, significant wetlands, fish habitat and its adjacent lands, significant wildlife habitat, and the adjacent lands to the above referenced features except in accordance with the specified policies found in Section 2.1.

#### Township of Southgate Official Plan and Grey County Official Plan Policies

##### Significant Woodlands

Significant woodlands are identified as per Appendix B Constraint Mapping of the Grey County OP and are shown to include the woodlands on the property. Section 7.4.1 of the Grey County OP states in part that no development or site alteration may occur within significant woodlands or its adjacent lands unless it has been demonstrated by an Environmental Impact Study (EIS) that there will be no impact on the feature or its ecological functions. Based on the plans submitted with the application, development will not be proposed within the woodlands, but would be within their adjacent lands, therefore the preparation of an EIS to address the woodlands is recommended for this proposal at this time.

##### Fish Habitat

Part of Bouwmeister Drainage Works Municipal Drian, an open channel watercourse, flows through the property. The watercourse is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2020) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions. Based on the plans submitted as part of the application, the watercourse is proposed to be crossed, and that proposed development for new building or construction is proposed within the adjacent lands to the watercourse. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to fish habitat or its adjacent lands is recommended for this proposal at this time.

##### Other Identified Wetlands

Other Identified Wetlands are shown on the Appendix B Constraint Mapping, of the Grey County OP. SVCA data indicates that part of Ventry Swamp Locally Significant Wetland is located on much of the wooded area. However, the wetland is not included in Appendix B of the Grey County OP, and perhaps should be at the next update to the schedules of the Grey County OP. Section 2.8.6 (6) and (7) of the Grey OP states in part that no development or site alteration may occur within other identified wetlands or their adjacent lands unless it has been demonstrated through an EIS, that there will be no negative impacts on the natural features or their ecological functions. Based on the plans submitted as part of the application, the building envelope appears to be proposed within the adjacent lands to the wetlands. Therefore, in the opinion of SVCA staff the preparation of an EIS to address potential impacts to wetlands is recommended for this proposal at this time.

#### Significant Wildlife Habitat

While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. The Grey County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. Based on the plan submitted with the application, it is the opinion of SVCA staff that the preparation of an EIS to address impacts to significant wildlife habitat is recommended for this proposal at this time.

#### Statutory Comments

**SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.**

The majority of the property associated with the low areas, floodplain, and wetlands, are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area requires the permission (permit) from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
- b) *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;*
- c) *site grading; or,*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

#### SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, and interference with a watercourse and/or wetlands, proposed within the SVCA Approximate Screening Area on the property will require permission (SVCA Permit) prior to those works commencing. Development on the property, including installation of a laneway will require a permit from the

SVCA. Once the EIS and flood assessment have been prepared, the applicant/owner should contact SVCA staff (Michael Oberle: m.oberle@svca.on.ca ) at their convenience to continue with the permit review process.

### **Summary**

SVCA staff has reviewed this application in accordance with our MOA with the Township of Southgate, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

Given the above comments, it is the opinion of SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has not been demonstrated.
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS has not been demonstrated.
- 3) Consistency with Grey County OP and Township of Southgate policies for natural hazards and natural heritage has not been demonstrated.

Please inform this office of any decision made by the Township of Southgate with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle  
Environmental Planning Technician  
Saugeen Conservation  
MO/

cc: NB Wood Machining Inc (Norman Bowman), owner (via email: norm@nbwood.ca)  
Solomon Martin, agent (via email)  
Barbara Dobreen, SVCA Authority Member representing the Township of Southgate (via email)