

Private members bill briefing: Local Municipality Democracy Act Community ownership and benefit, not more red tape

MPP Todd Smith of Prince Edward Hastings has tabled a bill based on concerns expressed about windmill development and municipal control.

Unfortunately Mr. Smith may have fallen prey to two myths that are being perpetuated. The first myth is that municipalities have no power regarding green energy project siting or design. The second is that the *Planning Act* with its patchwork of standards, burdensome processes for under-resourced municipalities and endless red tape is a preferable option.

Municipalities under the *Green Energy and Green Economy Act (GEGEA)* do have significant powers. In fact with only 1MW of wind constructed since the Act was passed, those examining the facts should recognize that large wind developments now in operation were developed under the old *Planning Act*. The truth is that the province-wide Renewable Energy Approvals (REA) process is open and transparent, requiring a more rigorous and cohesive process than the red tape heavy patchwork approach of the past.

Unfortunately a few municipalities may not be aware of the tools and powers provided by the *GEGEA*.

OSEA proposes that rather than wasting precious time in the legislature pursuing this bill, attention should be committed to finding out why some municipalities are not aware of, or willing to use the tools they have been provided. Further, an examination of how these mechanisms can be refined and better applied seems like a worthy endeavor. Each of these points demonstrates the powers municipalities do in fact have and why the proposed private members bill is unnecessary.

OSEA would be happy to help connect those needing assistance with other municipalities undergoing the process. In early 2012 we will be hosting a webinar to provide an overview of the REA and other process specifically for municipalities from both the perspective of them being the proponent as well as an impacted party. We are also pleased to make all of our past webinar archives available for free to all MPPs, political staff, bureaucrats, mayors, councilors and municipal employees. To gain access please contact Nicole@ontario-sea.org.

Recognizing that there is a desire to ensure local control and benefit, OSEA as the representative of the Community Energy sector, strongly recommends that all parties support Community Power projects involving municipalities, First Nations, schools, service clubs, churches, farmers, cooperatives and other local individuals and Community Power groups.

The following table provides a summary of the powers that municipalities may not be aware of to influence the development of commercial, community and aboriginal renewable energy projects in their jurisdictions.

Powers	Under the GEGEA
Ability to approve the location of projects and setback distances between projects and other land uses	<p>The project proponent must provide the municipality with a consultation form. The form allows municipalities to raise concerns about the impact on municipal infrastructure and other aspects of the project. Municipalities are not limited to simply completing the consultation form. Municipalities can also include appendices setting out concerns or additional studies and alternative locations.</p> <p>The <i>GEGEA</i> supersedes the <i>Planning Act</i> requiring renewable energy projects to adhere to more stringent province-wide standards rather than a patchwork of individual municipal by-laws in a way akin to the <i>Smoke-Free Ontario Act's</i> introduction of a province-wide standard.</p>
Knowledge of project and receipt of reports outlining impact of project	<p>This is required under the consultation requirements for an REA process created under the <i>GEGEA</i> which builds on the previous Environmental Assessment process.</p> <p>Under the REA process, municipalities must be given the project description report and any studies or reports related to the project that will be submitted as part of the proponent's REA application.</p>
Power to veto a project	<p>Community and commercial proponents must show how they have addressed concerns raised by municipalities during consultation, or why the proponent was unable to address the concerns.</p> <p>Under the <i>GEGEA</i> municipalities do not have a veto.</p>
Appeals	<p>Municipalities like all other parties can appeal an REA application to the Environmental Review Tribunal. However the grounds for appeal must be that the project will cause serious harm to human health or serious and irreversible harm to plant life, animal life, or the natural environment. Superfluous appeals will not be heard.</p>

The Ontario Sustainable Energy Association (OSEA), works to initiate, facilitate and support the work of local sustainable energy organizations through membership services and province wide capacity-building and non-partisan policy work. It promotes the benefits of Community Power and renewable energy through advocacy, public outreach and capacity building.

To discuss policy and regulatory considerations please contact Kristopher Stevens Executive Director at 416-977-4441 x5201. For further information on our webinars and to learn how we can help build capacity in your local community please visit us at www.ontario-sea.org. Please also feel free to contribute through our website to our discussion regarding Green Energy Ontario 2.0 and the future of the FIT.