

Submission #12 Sept 12 2011 to North Kawartha Council by Ambrose Moran

Subject **Zoning of Lake Beds**

Background

The Public lands Act was deregulated by the Harris government leaving many lakes beds owned by the Province basically **unregulated with respect to in water development in the absence of municipal zoning** regulation under the Planning. The MNR **free use policy** is flawed and according to my calculation would allow a 36,000 sq ft in water boat house to be built in certain lakes within North Kawartha in the absence of municipal zoning.

Burleigh Anstruther Township passed a new comprehensive zoning bylaw in **1995** which was appealed to the OMB by myself which led to a negotiated settlement resolving various issues but **did not deal with my stated opinion that the township should zoning bylaw should have zoning provisions applicable to the lake beds.**

Havelock Belmont Methuen Township passed a boat house bylaw 2009-97 which I appealed to the OMB for various valid concerns including the lack of zoning on lake beds to control in water development. Council decided to **repeal the bylaw rather than defend it which denied me the opportunity to challenge the Council position stated in that bylaw that they have no jurisdiction beyond the high water mark.**

COMMENT

Peterborough County appears to be far **behind Haliburton and Muskoka areas where waterfront development controls have been developed and refined over the past many years.**

Since about 1987 Muskoka lakes have been regulated by zoning and more recently in Haliburton.

The province has been pushing through OP reviews to set back development from lakes to protect water quality in accordance with Provincial Policy Statement but allow for major development in the lakes if Townships do not have in place zoning regulations.

County of Peterborough OP Policy 4.43 stated lands which form the beds of water bodies should generally be open, free and clear from buildings or structure....

The current situation on Lakes such as Chandos and Jack and Big Cedar is that those lakes are exposed to major unregulated in water development.

MNR are required to respect municipal zoning bylaws passed under the Planning Act –6.2 states Ministry before carry out any undertaking that the ministry considers will directly affect any municipality, shall consult with and have REGARD FOR the established planning policies of the municipality.

RECOMMENDATION

That in order to respect and implement the Provincial Policy Statement and County and Township OP policies.

-----**North Kawartha Council proceed immediately with zoning the lakes beds of some or all lake in the township taking into account role of Trent Severn waterway , Public lands Act and Parks Act**

-----North Kawartha Council recognize the immediate risk of unregulated development our lake are today exposed to and pass an interim control bylaw under the Planning Act prohibiting boat house boathouse construction while a study is completed

Ambrose Moran