

Are Western Forest Product's Subdivision Applications in the Public Interest?

Submissions of Sea-to-Sea Greenbelt Society to Mr. Bob Wylie, Provincial Approving Officer

October 6, 2008

Executive Summary

On April 14, 2008, Western Forest Products applied to subdivide lands stretching from Sooke to Jordan River. In January 2007, the Minister of Forests removed these lands from provincially regulated Tree Farm Licences without notifying the public, local governments, or First Nations. The subdivision applications now sit before the Ministry of Transportation's provincial approving officer, Bob Wylie, who may accept or reject them. If accepted, the proposed subdivisions would open up pristine coastal areas and expansive forest resource lands west of Victoria to low-density, residential and commercial development.

Provincial approving officers are required by law to consider whether subdivision applications before them are in "the public interest", and can reject applications on that basis. This legal brief explains the legal meaning of the public interest in this context, and then reflects on whether WFP's subdivision applications are in the public interest.

The "public interest" is broadly defined, and the provincial approving officer has discretion to consider a broad array of relevant factual matters—regardless of whether these are itemized in the *Land Title Act*. These factual matters include the views expressed by local governments, the public, and local First Nations in relation to the unique facts of a proposed subdivision.

The brief provides and comments on information that is relevant to the public interest, including the following: (1) the Capital Regional Growth Strategy and other regional planning documents; (2) regional land use planning; (3) Official Community Plans; (4) *Land Title Act* requirements, including the presences of endangered species and other wildlife concerns, riparian areas and watersheds, and climate change impacts; (5) heritage sites; (6) increased cost to government from public infrastructure; (7) environmental hazards; and (8) interference with agricultural activities.

This information suggests that the WFP subdivision applications are not in the public interest. The Sea-to-Sea Greenbelt Society therefore urges the provincial approving officer, Bob Wylie, to exercise his authority under section 85(2) of the *Land Title Act* to reject these applications.