

The following are summaries of TRCA submissions to each of the ERO postings listed in **Table 1**. The full TRCA response letters can be found in **Attachments 2 through 11**.

In all submissions, TRCA indicated support for the Province's goal of addressing the housing crisis through expediting development approvals and noted that TRCA has taken actions to support this objective. The submissions maintained, however, that resolving the housing crisis should not have to come at the expense of the environment or public safety.

### **ERO #019-6160 – MNR Proposed Updates to the Ontario Wetland Evaluation System (OWES)**

Proposal Overview: Add new guidance to the Ontario Wetland Evaluation System related to re-evaluation of wetlands and updates to mapping of evaluated wetland boundaries, and recognize professional opinion of wetland evaluators and role of local decision makers.

Summary of TRCA's Response: TRCA's main concern with the proposed changes to the OWES process is that it would significantly reduce the number of wetlands evaluated as provincially significant (PSWs). PSWs are currently afforded greater environmental protections in provincial policy and subsequent impacts/removals would see their essential natural functions lost. We recommended that "complexing" not be removed from the OWES process as it is a mechanism to value hydrologically and biologically connected wetlands across the landscape; further, that wetland evaluation be tied to habitat of endangered species, and that greater clarity regarding government oversight and accountability in the OWES approval process be provided. Please see **Attachment 2** for TRCA's full response to ERO 019-6160.

Outcome: A Decision Notice was posted on December 22, 2022, that the government updated the OWES as proposed, with the following additional clarifications:

- the evaluation would be considered final once a trained evaluator attests that they have undertaken an evaluation in accordance with OWES,
- require that evaluators send the final wetland boundary mapping and wetland status to MNR within 30 days,
- require evaluators to notify landowners that a wetland evaluation is being conducted.

### **ERO #019-6174 – MMAH Proposed Revocation of the Central Pickering Development Plan (CPDP)**

Proposal Overview: To revoke the Central Pickering Development Plan (CPDP), under the *Ontario Planning and Development Act, 1994*, with a view to streamline, reduce and eliminate burdens and potentially increase housing supply.

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Summary of TRCA's Response: TRCA recommended that, prior to revocation, clear direction be provided to affected municipalities to ensure official plans and by-laws uphold the ecological systems established through the CPDP and be consistent with the Duffins Creek Watershed Plan. TRCA also recommended that the CPDP stay in place until watershed and sub-watershed plans for Petticoat Creek were completed and details of proposed infrastructure improvements to the York Durham Sewer System (YDSS) in Bill 23 were better known. We further recommended convening a multi-agency panel to identify shared interests, potential impacts, mitigative policies and a path forward to protect and restore natural systems and address local and downstream natural hazard risks. Please see **Attachment 3** for TRCA's full response to ERO 019-6174.

Outcome: On December 21, 2022, a Decision Notice was posted that the government is revoking the CPDP.

### **ERO #019-6141 – MNRF Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0**

Proposal Overview: Legislative and regulation changes under the *Conservation Authorities Act* to streamline processes, provide clarity and certainty for development, and focus on conservation authorities' natural hazards mandate.

Summary of TRCA's Response: TRCA expressed significant concern that the proposed legislative changes as per Schedule 2 (CA Act) of Bill 23 represented a major departure from the first round of CA Act amendments, (which required Memorandums of Understanding between municipalities and CAs for non-mandatory programs and services) and exceeded the scope of items discussed with the CA Working Group (CAWG). TRCA also articulated major concerns that the proposed changes would severely limit CAs' commenting role in the plan review process (under the *Planning Act* and the *Environmental Assessment Act*) and eliminate our ability to assess permits for "conservation of land" and "pollution". It was argued that taking away the holistic ecosystem approach was counter to the purpose of "focusing CAs on their core mandate of natural hazards" since the ecosystem approach is integral to managing hazards.

TRCA firmly requested removal and/or revision of these changes submitting that natural hazards (mandatory service) cannot be effectively managed without consideration of natural heritage (non-mandatory service), as affirmed in the 2019 Provincial Flood Advisor's report recommendation #17: "That the Province support municipalities and conservation authorities to ensure the conservation, restoration and creation of natural green infrastructure (i.e., wetlands, forest cover, pervious surfaces) during land use planning to reduce runoff and mitigate the impacts of flooding."

TRCA recommended the Province re-engage the CAWG and act upon recommendations brought forward to create certainty for development projects while maintaining required protections. Please see **Attachment 4** for TRCA's full response to ERO 019-6141.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022. Refer to main Board report for outcome of the amendments.

On December 28, 2022, a new Minister's regulation ([Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 \(1.1\) and 21.1.2 \(1.1\) of the Act](#)) was made to focus CAs' role (on natural hazards) when reviewing and commenting on proposals,

applications, or other matters related to development and land use planning. Under this regulation, CAs are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- *Aggregate Resources Act*
- *Condominium Act, 1998*
- *Drainage Act*
- *Endangered Species Act, 2007*
- *Environmental Assessment Act*
- *Environmental Protection Act*
- *Niagara Escarpment Planning and Development Act*
- *Ontario Heritage Act*
- *Ontario Water Resources Act*
- *Planning Act*

CAs' plan review role must continue to be in accordance with the amended Conservation Authorities Act and [O. Reg. 686/21: Mandatory Programs and Services](#), under 21.1 (1) of the Act

### **[ERO #019-6216](#) – MMAH Proposed Amendments to the Greenbelt Plan**

Proposal Overview: Changes to the Greenbelt Plan were proposed that would remove or redesignate 15 areas of protected land, totaling 7,400 acres from the edge of the Greenbelt to build 50,000 new homes. In exchange, the Province proposed to add 9,400 acres of land to the Greenbelt in the Paris Galt Moraine area and 13 Urban River Valleys (URVs) previously considered for addition through earlier phases of consultation on growing the Greenbelt.

Summary of TRCA's Response: TRCA noted that a shortage of land supply is not the problem with land available inside the existing built-up areas and on undeveloped land outside greenbelts based on the Report of the Ontario Housing Affordability Task Force. TRCA suggested the Province work with our partner municipalities, TRCA and the development industry to support reasonable development in approved urban areas outside the Greenbelt that considers current science and policy. TRCA maintained the position that the Greenbelt and the policy protections it provides should not be reduced. However, if the removals were to proceed, a science-based approach based on comprehensive watershed and natural heritage studies must be considered, e.g., to ensure removals/additions are within the same watersheds and that natural systems, natural hazards and buffers/setbacks remain. Please see **Attachment 5** for TRCA's full response to ERO 019-6216.

Outcome: As posted on the respective EROs ([019-4485](#), [019-6217](#), [019-6218](#)), a decision was made on December 21, 2022 to amend the Greenbelt Plan and Greenbelt Area boundary regulation, and redesignate land under the Oak Ridges Moraine Conservation Plan, as proposed.

### **[ERO #019-6163](#) – MMAH Proposed Planning Act and City of Toronto Act Changes (Schedules 9 and 1 of Bill 23 - the proposed More Homes Built Faster Act, 2022) and [019-6197](#) - Proposed Changes to O. Reg 299/19: Additional Residential Units**

Proposal Overview: Legislative changes to the *Planning Act* and the *City of Toronto Act* proposed to support increasing housing supply and streamlining planning approvals, including:

- Allowing up to three units per lot “as-of-right” in many existing residential areas
- Requiring municipalities to implement “as-of-right” zoning for transit supportive densities in specified areas around transit, and to update their zoning by-laws accordingly
- Removal of planning policy approval responsibilities from certain upper-tier municipalities (regions of Durham, Halton, Niagara, Peel Waterloo, York, and Simcoe County)
- Limits to third party appeals for planning matters
- Exempting all aspects of site plan control for residential development up to ten units and removing the ability for municipalities to regulate architectural details and landscape design through site plan control
- Enacting provisions limiting CA appeals to matters on natural hazard policy in provincial statements

Summary of TRCA’s Response: With Bill 23 having been passed in advance of the comment deadline, TRCA requested that CAs be consulted on the regulations necessary to implement the amendments to address our concerns related to reduced oversight for managing natural hazards and meeting source water protection requirements, e.g., via site plan control exemptions and “as-of-right” zoning permissions. TRCA also expressed concerns on how removal of regional planning responsibilities could impact watershed planning and source protection plan implementation through diminished regional scale planning coordination and oversight. Please see **Attachment 6** for TRCA’s full response.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022.

### **ERO #019-6192 – MECP Supporting Growth and Housing in York and Durham Regions Act, 2022**

Proposal Overview: Legislation was proposed that would require York and Durham Regions to expand and improve the existing YDSS to convey sewage from communities in upper York Region to the Duffins Creek Water Pollution Control Plant in Durham Region for treatment and discharge into Lake Ontario.

Summary of TRCA’s Response: TRCA noted that related ERO postings (e.g., Greenbelt Amendments) contemplated urban expansion and new development that would require a re-examination of servicing capacity beyond the capacity of what had been envisioned previously for these areas. We recommended that additional details on transmission routes and associated infrastructure, be provided and that the Province conduct and consult on an appropriate EA for the undertaking (or similar requirements within contemplated Environmental Reports) to inform alternatives and avoid/mitigate

unavoidable environmental impacts. Please see **Attachment 7** for TRCA's full response to ERO 019-6192.

Outcome: Bill 23 was passed by the Legislature and received Royal Assent on November 28, 2022.

### **[ERO #019-6167](#) – MMAH Proposed Revocation of the Parkway Belt West Plan**

Proposal Overview: Feedback was sought on revoking the Parkway Belt West Plan, 1978 (PBWP), under the *Ontario Planning and Development Act, 1994* to help streamline, reduce, and eliminate burdens and to potentially increase housing supply.

Summary of TRCA's Response: The features, functions corridors and linkages provided PBWP are critical in supporting biodiversity, especially in urban settings and are vital in combating the effects of climate change. Open space corridors also bring social benefits, e.g., portions comprise elements of the [TRCA Trail Strategy for the Greater Toronto Region](#). The PBWP has been effective in protecting vital infrastructure and greenspace, however, no insight is provided on how Plan objectives will continue to be met, or how policy gaps would be addressed. As such, TRCA recommended that the PBWP stay in place until a more fulsome Plan review process involving public consultation is undertaken and/or that some parts be included in the Greenbelt. Please see **Attachment 8** for TRCA's full response to ERO 019-6167.

Outcome: At the time of writing, a decision on this proposal has not been released.

### **[ERO #019-6161](#) – MNRF Conserving Ontario's Natural Heritage**

Proposal Overview: Through a discussion paper entitled, "Conserving Ontario's Natural Heritage", feedback was sought on a policy framework to offset development pressures on wetlands, woodlands, and other natural wildlife habitat. This offset policy would require a net positive impact on these features to help reverse the long-term loss of natural heritage in Ontario.

Summary of TRCA's Response: In addition to detailed commentary specific to the discussion paper, the following general comments were provided:

- Natural feature offsetting should not be the default option for land use proposals; avoidance of negative impacts to features and functions should take precedence
- Although beneficial in some circumstances, offsetting has significant limitations and cannot practically replace all ecosystem structure and functions
- Effective implementation requires clarity and collaboration

Please see **Attachment 9** for TRCA's full response to ERO 019-6161.

Outcome: As at the time of writing, a decision on this proposal has not been released.

### **[ERO #019-6177](#) – MMAH Review of A Place to Grow and Provincial Policy Statement**

Proposal Overview: Input was sought on how to streamline a province-wide land use planning policy framework to enable municipalities to approve housing faster and

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increase housing supply. In doing so, the Provincial Policy Statement (PPS) would be integrated with A Place to Grow (Growth Plan) to form a new planning policy instrument that:

- Leverages the housing-supportive policies of both policy documents;
- Removes or streamlines policies that duplicate, delay or burden housing development;
- Ensures growth management and planning tools increase housing supply and options;
- Continues to protect the environment, cultural heritage, public health and safety; and
- Ensures growth is supported with the appropriate amount and type of infrastructure.

Core elements of this new policy instrument of interest to TRCA could include:

- Less-prescriptive policy direction requiring fewer studies, more flexible comprehensive reviews enabling faster implementation of provincial policy.
- Streamlined policy direction for natural heritage through empowered local decision making and options to reduce development impacts, including offsetting/compensation.
- Simplified policy direction to enable municipalities to expand settlement area boundaries.
- Direction enabling municipalities to use alternate population and employment information to determine housing and land needs.
- Direction to increase housing supply through intensification in strategic growth areas.

Summary of TRCA's Response: The proposed amalgamation of the PPS and Growth Plan risks diluting environmental protections specific to the urban centres and settlement area boundary issues of the Greater Golden Horseshoe, in favour of province-wide housing-focused direction. The absence of area-specific environmental policies contained in the Growth Plan could result in diminished overall protections. Policies pertaining to the wise use and management of resources (e.g., natural heritage, water), protecting public health and safety (e.g., natural hazards), integrated infrastructure and land use planning to support growth (e.g., water, wastewater and stormwater management) and protecting what is valuable (natural heritage and water resource systems, key natural features, etc.) should not be seen as barriers to housing. They are fundamental to effective land use, infrastructure and environmental planning and should be carried forward as prerequisites to development. Please see **Attachment 10** for TRCA's full response to ERO 019-6177.

Outcome: As at the time of writing, a decision on this proposal has not been released.

**ERO #019-2927 – MNR Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario**

Proposal Overview: A regulation is proposed governing the activities that require permits under the CA Act. It would focus permitting decisions on matters related to the control of flooding and other natural hazards and the protection of people and property and would allow updates to the CA Act in recent years to come into effect. A consultation guide was provided with additional descriptions of the proposed changes.

Summary of TRCA's Response: TRCA supported certain aspects of the proposal in principle (e.g., service delivery standards as requirements, updating "other areas" associated with wetlands, streamlining approvals for low-risk activities). TRCA expressed concern, however, regarding the modified definition of "watercourse" as it would result in headwater drainage features no longer being regulated by CAs, making them and the vital functions they provide vulnerable to development. TRCA also highlighted the potential implications of CA permit exemption framework being tied to a *Planning Act* approvals process not designed to respond to the dynamic, science-based nature of natural hazards at the watershed scale or having the staff and technical capacity to do so as provided under the CA Act. TRCA further cautioned against exemptions where detailed design of a project and limits of development relative to natural hazards is not fully determined. TRCA recommended reinstating the multi-stakeholder CAWG to provide input on the new regulation(s) prior to finalization. Additionally, TRCA recommended that the definition of wetland be amended for consistency with the PPS. Please see **Attachment 11** for TRCA's full response to ERO 019-2927.

Outcome: A government decision specific to this ERO has not been released and a section 28 regulation has not been released at the time of writing.