

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #3/19, Friday, March 29, 2019

FROM: John MacKenzie, Chief Executive Officer

RE: **MEETING PROVINCIAL PRIORITIES FOR REDUCING REGULATORY BURDEN AND STREAMLINING APPROVALS**

KEY ISSUE

To provide a progress report to the Board of Directors on Toronto and Region Conservation Authority (TRCA) staff's ongoing efforts to increase operational efficiencies, streamline processes and enhance customer service, which collectively aim to support and contribute to provincial priorities to streamline the planning and development approvals process.

RECOMMENDATION

WHEREAS the provincial government intends to streamline the land use planning and development approval process to increase the supply of housing;

AND WHEREAS Conservation Authorities play an important role in the planning and development review process with respect to watershed protection and hazard lands;

AND WHEREAS Conservation Authorities support and can help to deliver on the Government's objective while not jeopardizing public health and safety or the environment;

THEREFORE, LET IT BE RESOLVED THAT the staff report entitled "Meeting Provincial Priorities for Reducing Regulatory Burden and Streamlining Approvals" be received;

AND THAT the Board of Directors endorse the three key areas identified by the Conservation Ontario working group for all Conservation Authorities to: 1) improve client service and accountability; 2) increase speed of approvals; and 3) reduce the notion of "red tape" and regulatory burden, in addition to the ongoing streamlining measures being undertaken by TRCA as set out in this report;

AND THAT staff be directed to work with Conservation Ontario, municipalities and stakeholders, including but not limited to the Building Industry and Land Development Association (BILD), to identify additional improvements and report back to the Board of Directors on the outcome of this work.

BACKGROUND

In June of 2018, a new government was elected and moved quickly to implement the Plan for the People platform which included promises to:

"Cut red tape and stifling regulations that are crippling job creation and growth, and ...single-window access for approvals with a hard one-year deadline"

Item 8.6.

Since that time, the government has introduced a number of consultations, draft proposals and proposed amendments to legislation in support of their agenda.

The Ministry of Environment, Conservation and Parks released the *Preserving and Protecting our Environment for Future Generations: A Made-in-Ontario Environment Plan* (2018) that affirmed support for conservation and environmental planning and specifically mentioned that they would:

“work in collaboration with municipalities and stakeholders to ensure that conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources”.

To inform the development of a *Housing Supply Action Plan* to increase the supply and mix of housing and streamline the development approval process, the Province recently undertook a public stakeholder consultation process. The Ministry of Municipal Affairs and Housing (MMAH) also introduced proposed changes to the *Growth Plan for the Greater Golden Horseshoe* to address implementation challenges that were identified by municipal and development sectors and other stakeholders. The changes are intended to provide greater flexibility and address barriers to building homes, creating jobs, attracting investments, and putting in place the right infrastructure while protecting the environment. The Ministry is also reviewing the *Planning Act* and the *Provincial Policy Statement* to ensure that the land use planning and development approvals process is aligned with their goals.

Recently, Conservation Ontario (CO) established a small working group of General Managers (GMs) of Conservation Authorities (CAs) from across Ontario to address specific concerns that have been expressed related to the role of CAs in the planning and development approvals process (e.g. mandate, timely reviews and approvals). The CO working group has identified the following three key areas for all CAs to work on with stakeholders (municipalities, development industry, etc.) that would support the government’s priorities while maintaining the mandate and important role of CAs in protecting people, property, the environment and health of Ontario’s watersheds:

- Improve client service and accountability
- Increase speed of approvals
- Reduce “red tape” and regulatory burden

Similar actions were initiated in 2007 when the provincial government created the Conservation Authorities Liaison Committee (CALC) in response to the perceived lack of clarity on conservation authority roles and responsibilities in plan review and permitting. The Committee brought together representatives from various ministries, the Building Industry and Land Development Association (BILD), the Ontario Home Builders Association (OHBA), municipalities, conservation authorities (including representation from TRCA), Conservation Ontario and environmental organizations. In 2010, as an outcome of the Committee’s work, the Province approved a new chapter, *“Policies and Procedures for Conservation Authorities Plan Review and Permitting Activities”* for inclusion in the Ministry of Natural Resources and Forestry’s (MNRF) *Policies and Procedures for Conservation Authorities Manual*. This chapter articulates the legislative and operational framework under which CAs conduct their planning and regulatory functions, and promotes greater consistency and improved transparency in the delivery of these activities. TRCA adheres to the Policies and Procedures chapter as further described in this report.

Item 8.6.

Conservation Ontario is seeking a commitment from all CAs to pursue streamlining and customer service measures in order to contribute to achieving provincial priorities and as such this report is being brought forward to the Board of Directors. Staff are taking this opportunity to provide an update on TRCA's ongoing efforts to increase operational efficiencies, streamline processes and enhance customer service, which collectively, aim to support provincial priorities. Additionally, this report includes comments and suggestions for streamlining from TRCA's submission of January 25, 2019 on the provincial consultation for *Increasing Housing Supply in Ontario* (ERO #013-4190). TRCA recognizes the importance of efficiency, certainty, transparency and accountability in the development and infrastructure review processes, so that quality housing supply can be brought to market in a timely and environmentally sustainable manner.

RATIONALE

Critical role of conservation authorities in a growing and intensifying city-region

TRCA's jurisdiction is the most highly urbanized, rapidly intensifying and redeveloping city-region in the Province. As a result, TRCA has expertise and experience in addressing the integration of key provincial policy priorities such as:

- 1) Protecting people, property and infrastructure from the natural hazards of flooding and erosion and for protecting and restoring the natural environment; and,
- 2) The need for residential growth/housing supply and the substantial infrastructure projects to service growth.

TRCA exercises all of its roles and responsibilities in the planning and development process in accordance with the Province's "*Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*" (2010), as:

- A regulator under Section 28 of the *Conservation Authorities Act*;
- A public commenting body under the *Planning Act* and the *Environmental Assessment Act*;
- A resource management agency operating on a local watershed basis;
- A body with delegated authority in plan review to represent the provincial interest for natural hazards;
- One of the largest landowners (18,000 hectares) in the Toronto region; and
- A source protection authority under the *Clean Water Act*.

Where applications for new development and/or servicing fall within TRCA regulated areas, TRCA works with both private and public proponents to facilitate sustainable development and infrastructure that is adequately set back and protected from natural hazards and/or from environmentally sensitive areas. TRCA also works with our provincial and municipal partners to seek opportunities for remediation and restoration to reduce risk and increase resiliency where comprehensive redevelopment/community revitalization is proposed that includes areas of historical residential development within the flood hazard. In this way, increased housing supply is facilitated while risk is reduced and provincial and municipal policies for public safety and environmental protection are upheld.

Item 8.6.

The natural resources that TRCA is charged with protecting under the *Conservation Authorities Act* convey many benefits to humans – these “ecosystem services” of nature become that much more important when housing is increasing/urban areas are expanding and intensifying. These ecosystem services include clean air, water, greenspace and trails for recreation and mental health.

Front loading the planning process for more certainty and innovation

Ultimately, the advisory and regulatory responsibilities of conservation authorities in the development process are not about slowing or preventing development and all its attendant economic benefits. Rather, they are about good environmental planning in which the municipality, the conservation authority and the development industry take a comprehensive, creative and collaborative approach early in the process. TRCA finds that when these efforts to compile all required information to make decisions are done well and made early, it leads to innovative urban designs that result in shorter review times, more timely approvals, and cost reductions in the short and long term for all stakeholders. This collaborative approach, which includes the provision of high quality information in appropriate formats at the front end of the development process, also helps to avoid appeals to the Local Planning Appeal Tribunal (LPAT) thus avoiding delays, costs and uncertainty associated with these appeals processes.

Overall, more effort upfront in the planning process to coordinate and project manage complete applications, taking into account public agency requirements, provides greater clarity, more certainty, opportunities for innovation, and better enables timely approvals of residential development and its supporting infrastructure.

Providing certainty through clear policies and guidelines

The provincial policy framework in Ontario clearly sets out what is important to protect and manage in the context of development and redevelopment adjacent to dynamic natural systems. Policies in the *Provincial Policy Statement* (PPS) and the Provincial Plans on natural hazards, natural heritage and water management direct municipalities on where and how to grow. In addition, the PPS guides land use planning to serve the public interest and deliver development that balances economic, environmental and social objectives. These land use policies are critical to the development of safe, healthy and affordable communities. As such, they need to be maintained and strengthened in order to provide certainty to all stakeholders in the development and infrastructure planning processes.

TRCA's own policy document, “The Living City Policies” (LCP, 2014) is consistent with the provincial framework in its policy intent and supporting technical guidelines. The LCP describes all of TRCA's roles in the planning process, and directs staff participating in the review of applications under the *Planning Act* and the *Environmental Assessment Act*, to ensure that the applicant and municipal planning authority are aware of the section 28 Regulation permitting requirements under the *Conservation Authorities Act*, where applicable. This helps to assist in the coordination of these planning and permitting applications to avoid ambiguity, conflict and unnecessary delay or duplication in the process. Further, TRCA works routinely with provincial agencies, (e.g., Metrolinx) utilities (e.g., Enbridge) and other public infrastructure providers, which may be exempt from TRCA's section 28 Regulation, to achieve shared objectives for sustainable infrastructure planning that supports growth in the residential sector.

Item 8.6.

Municipal Context

The governance model of conservation authorities as watershed-based jurisdictions facilitates coordination of local technical expertise to inform municipal decision making. It should be made clear that streamlining of CA activities alone will not be sufficient to materially improve the timelines for planning approvals. Streamlining initiatives need to be coordinated with the activities and processes of our municipal partners, as they are the approval authorities for applications under the *Planning Act*. Moreover, streamlining efforts are required for municipalities to respond to LPAT timelines. To this end, TRCA has begun meeting with our municipal partners to discuss opportunities for better coordination, alignment of our review timelines and priorities, improved pre-consultation and clarification of roles, responsibilities and process improvements. The leadership of our municipal partners has enabled innovation in climate change research, strategies and technical guidance tools that help solve block and site plan design challenges within developments affected by dynamic natural systems.

A recent example of improving technical guidance to better inform municipal decision-making, is TRCA's comprehensive update to TRCA Regulated Area mapping. Through consulting with municipalities on updates to the mapping, staff are also soliciting municipal input on improving efficiencies in circulation and review processes of planning and building permit applications. At the same time, internally, staff are examining options for streamlining measures in its TRCA permitting review processes. These recent initiatives are timely and consistent with the government's goals and CO's pursuit for finding efficiencies, improving client service and accountability. Specific examples of actions that have been and that are being undertaken by TRCA are described below.

Prior Streamlining and Service Delivery Improvements at TRCA

TRCA has been hearing and responding to the suggestions of stakeholders over the past several years to introduce continuous strategic improvements (CSI) to improve customer service and streamline our processes, including initiatives such as:

- New or updated Memorandums of Understanding (MOU) with many of TRCA municipal partners to establish review roles and technical clearance responsibilities to improve efficiency by assisting municipalities to fulfill their responsibilities under the *Planning Act* and the implementation of the *Provincial Policy Statement* (PPS) and provincial plans;
- The introduction of Service Delivery Agreements for municipal and provincial infrastructure projects;
- Permit streamlining protocols with delegated staff approval: Permissions for Minor Works (2006), Permit Re-Issuance and Permission for Routine Infrastructure (both in 2008);
- Public release in 2008 of the Planning and Development Procedural Manual that provides guidelines and checklists reflecting current practices, to assist applicants in making planning and permit submissions that will comply with TRCA policies for natural hazards, natural heritage and water resources;
- Board of Directors approved Fee Policy Guideline (2009), consistent with MNRF's Policies and Procedures for Charging of Conservation Authorities Fees;
- Monitoring trends in submission demand, level of service, cost recovery and necessary revisions on a biennial basis and reporting to the Board of Directors on the status of cost recovery and service delivery as part of the approval process of TRCA's Planning, Permitting and Environmental Assessment Fees
- Consultation with BILD for input on TRCA's Planning and Permitting fee schedules;

Item 8.6.

- The Continuous Strategic Improvements (CSI) of 2013 including:
 - delegation to staff of permit approvals for non-complex applications (those consistent with TRCA policies and procedures) to quicken approval timelines;
 - the introduction of on-line credit card payments for client convenience;
 - the investment in improved computer hardware for planning staff to facilitate digital plan review and map creation and analysis;
 - the development and implementation of an automated file tracking database allowing managers to track the number of submissions by applicants and assess if review timelines are being met;
 - the introduction of standardized internal commenting templates to facilitate clarity in technical comments and track responses; and
- A revised and updated TRCA policy document – The Living City Policies – which underwent an extensive external consultation process and was approved by the Board of Directors in 2014, consistent with provincial policies and compliant with MNRF's Policies and Procedures Manual.

Current and Ongoing Streamlining and Service Delivery Improvements at TRCA

TRCA continues to promote the “front loading” of the planning process by taking a creative, comprehensive and collaborative approach early on to ensure certainty and innovation to shorten review times and reduce overall costs; TRCA is investigating the use of a “Charrette” process with all parties to “triage” applications to “get to yes” faster, helping to avoid appeals, and further avoiding delays, costs and uncertainties:

- TRCA conducts workshops with the development and consulting community on our application requirements and technical guideline creation and training to assist proponents in preparing their submissions;
- TRCA policy documents, technical guidelines and mapping tools are being continuously updated and improved, in consultation with municipal and development industry stakeholders and housed on our website for easy access;
- TRCA's recent (Feb. 2019) reorganization of the newly named Development and Engineering Services Division will improve service delivery and centralize staff with similar corporate functions in one division to achieve operational efficiencies. This will also channel existing staff resources across TRCA to priority initiatives and services to better reflect stakeholder and partner needs, to ensure we improve client and stakeholder satisfaction and have a solution-oriented customer service approach. Some of the immediate process improvements and operational efficiencies this new division will aim to achieve include:
 - Integrated planning and engineering teams with dedicated site plan review teams;
 - Streamlined reviews for low risk understandable projects i.e. road resurfacing;
 - Establishing early scoping and pre-consultation sessions focused on identifying issues and required studies at the outset of the development process;
 - Better integration of watershed plan science to increase the level of certainty required to inform official plans, block plans and other major developments;
 - Updating MOUs with our municipal partners and assessing opportunities for the transfer of plan review functions from provincial ministries;
 - TRCA's regulation mapping project and tools to help create certainty in the development review process;
 - Providing tools, guidelines and standard operating procedures for stormwater management and erosion and sediment control training and certification for the development industry that will hopefully result in improved quality of submissions;

Item 8.6.

- Updating the Procedural Manual to provide further clarification as to TRCA requirements, including updates to the "complete application" checklist.

Process Streamlining and Service Delivery Improvement Opportunities with External Partners

In the Greater Toronto Area, there may be other opportunities to streamline approvals while not compromising public safety from natural hazards and the environment. TRCA suggests further leveraging of conservation authority expertise in natural resource management for development and infrastructure, where capacity exists. In recent submissions to the Province, the following recommendations to enable more timely reviews and approval were made:

- Streamline provincial approvals by having CAs with expertise and capacity play a larger role in undertaking wetland evaluations and approvals, and staking of provincially significant wetlands;
- CAs could expand their role in wildlife management by administering fisheries timing windows and wildlife collection permits;
- CAs could play a role in the application of the *Endangered Species Act*, which could include habitat delineation, permit negotiation and issuance, timing window applications and Overall Benefit Permit planning and implementation. Through experience, science and monitoring expertise, CAs could assist in the development of a recovery strategy; and
- Transfer the review of Environmental Compliance Approvals along with associated resources for stormwater management under the *Ontario Water Resources Act* to conservation authorities that have the expertise in place and that have completed watershed plans with set stormwater management targets to ensure provincial interests are protected.

Development Community

TRCA staff regularly engage the development community, (BILD, developers, consultants and proponents), about the implementation and delivery of our planning and regulatory program. The development community needs to participate in and be a part of these streamlining and efficiency-finding efforts and solutions. TRCA's report on January 26, 2018 to the Board of Directors on Planning and Development Service Delivery and Fee Update, 2018-2019 (available [here](#), pages 658-704), outlines some of the areas to improve service delivery (project management of timelines, coordination and higher quality submissions) as well as TRCA's commitment to increase efficiencies and enhance customer service. TRCA service delivery standards are based on a complete application that meets policy requirements.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 7 – Build partnerships and new business models

Strategy 9 – Measure performance

Strategy 10 – Accelerate innovation

FINANCIAL DETAILS

Staff is engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy work associated with the preparation of these comments.

Item 8.6.

CONCLUSION

TRCA recognizes the importance of efficiency, certainty, transparency and accountability in the development and infrastructure review and permitting processes. This report identifies past and ongoing efforts to increase operational efficiencies, streamline processes and enhance customer service which collectively aim to support provincial priorities and provide benefits for municipal partners, the development community and public stakeholders. Similarly, TRCA is committed to supporting and advancing the key action items identified by the Conservation Ontario working group to ensure the delivery of our mandate and important role of CAs in protecting people, property, the environment and health of Ontario's watersheds.

DETAILS OF WORK TO BE DONE

TRCA will communicate with our stakeholders on any changes to our processes regarding planning and permitting via meetings, email communications, and other means to ensure a smooth transition.

Report prepared by: David Burnett, extension 5361

Emails: david.burnett@trca.on.ca

For Information contact: Laurie Nelson, extension 5281; Sameer Dhalla, extension 5350

Emails: laurie.nelson@trca.on.ca; sameer.dhalla@trca.on.ca

Date: March 25, 2019