



Via Upload to the Environmental Registry

January 29, 2021

Planning Consultation
Provincial Policy Branch
777 Bay Street
13th Floor
Toronto, ON M7A 2J3

Dear Sir/Madame:

**Re: Lake Simcoe Region Conservation Authority's Comments in Response to
ERO #019-2811 "Proposed Implementation of Provisions in the Planning
Act that provide the Minister Enhanced Authority to Address Certain Matters
as Part of a Zoning Order" (ERO #019-2811)**

We take this opportunity to provide a response to the captioned Environmental Registry posting. We applaud the Province's commitment to Economic Recovery through Bill 197- the *COVID-19 Economic Recovery Act* and provide the following comments for consideration. The following comments are intended to provide assistance in the assurance that development will occur in a manner which will minimize risk to people and property associated with development in areas prone to natural hazards, and also with consideration of the requirement to follow the direction provided by the Lake Simcoe Protection Plan.

The Lake Simcoe Region Conservation Authority (LSRCA) provides provincial mandated programs and services related to risk of natural hazards, duties, functions and responsibilities as a source protection authority under the *Clean Water Act*, as well as those duties and functions as prescribed by the *Lake Simcoe Protection Act*. We are a unique Conservation Authority in that we have the benefit of the guidance and targets provided by the Lake Simcoe Protection Plan. On this basis, please consider the following:

Planning Act – Natural Hazards

It is requested that the Ministry consider a limitation of the use of enhanced Minister's Zoning Orders in areas that are subject to natural hazards. In all hazard areas, but most specifically, in areas subject to flooding and erosion hazards as these present a great risk to people and property. Recognizing hazardous lands through the zoning process, or at minimum through site plan control, will reduce the potential for increased risks to public safety.

Through our review of applications made under s.41 of the *Planning Act* (Site Plan Applications) is our opportunity to assist and support our municipal partners with detailed design decisions. It is at this stage in the approval process where we provide expertise related to the detailed aspects of hydrogeology as well as stormwater management, and work with our municipal and industry partners in an effort to address and manage hazards through the development approval process. It is through this process that we are often able to ensure that hazard lands are conveyed to the municipality in an effort to ensure that lands which would be unsafe for development are no longer available for private ownership.

Clean Water Act - Source Protection Authority

The *Clean Water Act* requires that any decision made under the *Planning Act* relating to a source protection area shall conform with the significant threat policies and designated Great Lakes policies and have regard to other policies set out in the source protection plan. Section 105 of the *Clean Water Act* requires that if there is a conflict between the *Clean Water Act* and another Act, regulation or instrument, the provision that provides the greatest protection to the quality and quantity of the water prevails. On this basis, it is strongly recommended that any MZO issued by the province conform with the Source Protection Plan Policies as described in s. 39 (1) (a) (b) in the *Clean Water Act* and ensure that any conflicts are resolved with regard to the greatest protection of drinking water.

Lake Simcoe Protection Act – Duties, Functions and Responsibilities

As noted above, we are a unique Conservation Authority in that we benefit from the guidance, direction, and targets provided by the Lake Simcoe Protection Plan (LSPP). In a land use planning context, at the functional stage (Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision) is where the strength of the Natural Heritage policies of the plan are focused on. It is through the detailed design process (i.e. Site Plan Approval or Final Plan of Subdivision) is where many of the Designated Policies of the LSPP are the focus, most specifically, with respect to stormwater management and hydrogeology. Section 41 of the *Planning Act* (Site Plan Approval) and Section 51 (Subdivision Approvals) provide the opportunity for legal agreements to be entered into as a part of the approval process. These agreements are the tool which we use, in collaboration with our municipal partners, to implement the policies of the LSPP and further to implement our offsetting policies related to phosphorus, loss of natural heritage features, and groundwater recharge (note: groundwater recharge offsetting in the WHPA Q2 area of the South Georgian Bay Lake Simcoe Source Protection Plan is also addressed through these legal agreements).

On this basis of the above, it is requested that Municipalities retain authority in the site plan control process to address natural hazards, source protection and the Lake Simcoe Protection Act as part of the Minister's Zoning Order process or require that these topics be addressed as part of an agreement between the municipality and the development proponent.

Thank you for your consideration. Should you have any questions concerning the above, please do not hesitate to contact Melinda Bessey, MSc, MCIP, RPP (m.bessey@LSRCA.on.ca) or the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Glenn MacMillan".

Glenn MacMillan
General Manager
Planning and Development and Restoration

Copy: LSRCA, Rob Baldwin, CAO
LSRCA, Melinda Bessey, Director- Planning