

Thursday, December 22, 2022

**To be sent via email to [mnrwaterpolicy@ontario.ca](mailto:mnrwaterpolicy@ontario.ca),  
[minister.mnrf@ontario.ca](mailto:minister.mnrf@ontario.ca) and the Environmental Registry of Ontario**

The Honourable Graydon Smith  
Minister of Natural Resources and Forestry  
Government of Ontario  
99 Wellesley St. W.  
Toronto, ON M7A 1W3

Dear Minister Graydon,

**RE: Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (ERO# 019-2927)**

The City of Guelph (the City) welcomes the opportunity to provide comments on the proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario. This submission will provide comments from the City's Planning and Building Services perspective.

The stated purpose of the proposed changes is to streamline approvals under the Conservation Authorities Act to focus on natural hazards and to help meet Ontario's housing supply needs. These changes are intended to improve clarity and consistency in decision making to support faster, more predictable, and less costly approvals. Comments are being sought on anticipated benefits or costs to better help the Ministry understand the real costs or cost savings associated with these proposed changes. Feedback on the proposed improved coordination between Conservation Authorities Act regulations and municipal planning approvals is also being sought.

**Analysis:**

1. Provided the new regulation maintains all aspects of the current O. Reg. 150/06 (GRCA regulation that applies in Guelph), the City supports the proposed replacement of the existing regulations for each of the conservation authorities with a new, single regulation. However, this does not appear to be the case due to the proposed focusing of permitting decisions on matters related solely to the control of flooding and other natural hazards (it is noted that the proposed regulation was not provided in the posting). This is a major concern as it appears that it will likely lead to significant wetland loss in the City. Ontario Reg. 150/06 regulates wetlands in the City by requiring GRCA permission to develop in or alter them. As the majority of wetlands in Guelph are not within a floodplain or other natural hazard, focusing these permissions as stated will

leave the majority of the wetlands in the City without regulatory oversight and therefore vulnerable to detrimental activities (e.g., filling) that can be done outside of planning approvals. While the City's site alteration bylaw provides protections from dumping / filling / grading for natural areas, it does not provide the equivalent breadth of protection and is not typically used for the purpose of protecting wetlands and watercourses. Therefore, this would lead to lessened protection and represent a transfer of responsibilities to the City with associated increased costs (staff resources) and administrative burden. Further, in combination with the proposed changes being contemplated in ERO#019-6160 and ERO#019-6141, this would also lead to wetland loss through planning approvals (see City comments on those proposals for more details).

Additionally, the proposed focusing will result in impacts to watercourses as typical projects that may be permitted outside of planning approvals (e.g., watercourse crossings, etc.) would no longer need to consider natural heritage components and functions (e.g., restoration, fish passage, sediment transport, etc.).

2. The proposed updating of "other areas" in which the prohibitions on development apply to within 30 m of all wetlands is acceptable to the City provided any subsequent proposals by the province do not limit the ability of the City to address potential impacts to wetlands through the existing "adjacent lands" framework in our Official Plan.
3. While the City may support some of the proposed streamlined approvals, depending on what the unspecified rules that must be followed may be, some could result in impacts to wetlands or watercourses in the City's Natural Heritage System and are therefore of concern.

### **Recommendations:**

1. Remove the proposed focusing of permitting decisions on matters related solely to the control of flooding and other natural hazards from the updates to the regulation (i.e., continue to allow natural heritage aspects of wetlands and watercourses in conservation authority permitting).
2. Allow the City the opportunity to review and comment on the proposed new regulation and all of the details for the streamlined approvals to ensure they support local decision making (i.e., consistency with community and corporate values as identified in the City's Community Plan, Strategic Plan, and Official Plan).
3. Do not include Guelph as a municipality in which the proposed exemption of permitting decisions on matters related solely to the control of flooding and other natural hazards would apply. See City comments on ERO#019-6141 for more details and rationale.

The City is grateful for the opportunity to provide input on this important matter. If you have any questions, please feel free to contact us.

Sincerely,



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Services**  
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