



May 18, 2023

Ministry of Municipal Affairs and Housing

Submitted via email: [PlanningConsultation@ontario.ca](mailto:PlanningConsultation@ontario.ca)

**Re: Conservation Ontario's Comments on "Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister's Regulations under the Planning Act and the City of Toronto Act, 2006" (ERO #019-6822)**

Thank you for the opportunity to comment on "Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister's Regulations under the Planning Act and the City of Toronto Act, 2006". Conservation Ontario is the network for Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the comments submitted by individual CAs.

As part of "Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023" the Province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. Schedule 6 of the Bill proposes amendments to the *Planning Act* to increase housing supply to reach the goal of building 1.5 million homes by 2031.

One proposed legislative amendment to the *Planning Act* provides the Minister of Municipal Affairs and Housing (MMAH) new regulation-making authority to permit Municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in specific circumstances. As outlined in the proposal, these specific circumstances would include where any part of a parcel of land is located within 120 metres of a shoreline or within 300 metres of a railway line.

In our previous comments on proposed *Planning Act* and *City of Toronto Act* changes proposed through Bill 23 (ERO#019-6163) we note that using site plan controls provides Municipalities greater ability to receive expert input from CAs on detailed design items such as setbacks and the location of buildings concerning hazardous lands and hazardous sites, and protecting sources of drinking water.

Early engagement enables the Municipality, proponent, and CA to address potential issues and opportunities with the application. The proposed legislative amendments (and subsequent regulations) ensure planning authorities can consider site plan components relating to natural hazards, including flooding, erosion, and other natural features.

Draft regulatory text was not included as part of the proposal; it is unknown if future consultation opportunities will occur. In response, Conservation Ontario recommends including

a definition of “shoreline” in the regulation. For consistency, the definition of “shoreline” referenced in the regulation should include that of a lake, river or stream, as outlined in section 34(1)(3.2)(ii) of the *Planning Act* and as well as in the definition of “flooding hazard” in the Provincial Policy Statement (PPS, 2020).

The PPS provides development shall generally be directed to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, as well as river, stream and small inland lake systems impacted by hazards including flooding and erosion. Including the broad definition of a shoreline as that of a lake, river or stream, consistent with the current PPS and the *Planning Act*, will allow CAs to continue to provide useful feedback to planning authorities regarding potentially hazardous lands (e.g., flooding and erosion hazards).

In addition to the proposed specific circumstances to permit use of site plan control for developments of 10 units or less, Conservation Ontario recommends the proposed regulation permit use of site plan control for developments where land is located within a designated vulnerable area in an approved source water protection plan under the *Clean Water Act*. Site plan control is identified in approved source water protection plans as an available tool to ensure development and site alteration activities do not have adverse impacts on drinking water supplies in designated vulnerable areas. Including this specific circumstance in regulation would be beneficial to developers and Municipalities to ensure consistency with source water protection plans prepared under the *Clean Water Act* and to ensure continued protection of Ontario’s drinking water sources.

Thank you for the opportunity to provide comments on “Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister’s Regulations under the Planning Act and the City of Toronto Act, 2006”. We are pleased to work together to keep development safe from natural hazards and to protect sources of drinking water. We remain committed to working with the Province, Municipalities, and other partners to support increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety and the environment. Please contact Leslie Rich, Policy and Planning Specialist should this letter require any clarification.

Sincerely,



Leslie Rich  
Policy and Planning Specialist

c.c: All Conservation Authority CAOs / GMs