



# Board of Directors Meeting Agenda

Thursday, June 6, 2024



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## **Board of Directors Meeting**

**Thursday, June 6, 2024 at 6:00 p.m.**

**Hamilton Conservation Authority is now conducting meetings in a hybrid format via an in-person and WebEx platform.**

**All hybrid meetings can be viewed live on HCA's You Tube Channel:  
<https://www.youtube.com/user/HamiltonConservation>**

**1. Call to Order**

– Brad Clark

**2. Declarations of Conflict of Interest**

**3. Approval of Agenda**

**4. Delegations**

**5. Consent Items for Applications, Minutes and Correspondence**

- |  |         |
|--|---------|
| 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses            | Page 1  |
| 5.2. Approval of Board of Directors Minutes – May 2, 2024  | Page 5  |
| 5.3. Two items of correspondence Received re: Development Sulphur Springs Road                                     | Page 15 |
| 5.4. Closure of Ancaster Wells Due to Road Construction on Sulphur Springs Road                                    | Page 17 |
| 5.5. Letter to Minister of Health re: Phasing out of Free Well Water Testing and Closure of the Hamilton water lab | Page 19 |

**6. Foundation Briefing**

Foundation Chair – Jennifer Stebbing

## **7. Member Briefing**

- 7.1. Verbal Update, 60<sup>th</sup> Anniversary of Provincial (Stream) Water Quality Monitoring Network – Jonathan Bastien

## **8. Business Arising from the Minutes**

- 8.1 Final Draft HCA Strategic Plan Report – 2WA Consultants Page 27

## **9. Reports from Budget & Administration Committee and Conservation Advisory Board**

## **10. Other Staff Reports/Memorandums**

### Reports to be approved

- 10.1. ERO #19-8364 – Proposed Amendments to Development Permit Exemptions, Under R.R.O. 1990, Regulation 828 for lands in Niagara Escarpment Planning Area – Scott Peck Page 39

### Memorandums to be received

- 10.2 Proposed Regulatory Changes under the Planning Act (Bill 185) and associated EROs – Scott Peck Page 45
- 10.3. Watershed Conditions Report – Jonathan Bastien Page 65
- 10.4. Conservation Areas Experiences – Brandon Good Page 71

## **11. New Business**

## **12. In-Camera Items**

## **13. Next Meeting – Thursday, July 4, 2024 at 6:00 p.m.**

## **14. Adjournment**





# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED & PREPARED BY:** Mike Stone, MCIP, RPP, Manager, Watershed Planning, Stewardship & Ecological Services

**DATE:** June 6, 2024

**RE:** Permit Applications Summary Report

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HCA permit applications approved by staff under the *Conservation Authorities Act* and Ontario Regulation 41/24 between the dates of April 19, 2024 and May 27, 2024 are summarized in the following Permit Applications Summary Report (PASR-5/24).

## RECOMMENDATION

THAT the Board of Directors receive this Permit Application Summary Report PASR-5/24 as information.

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HAMILTON REGION CONSERVATION AUTHORITY

PERMIT APPLICATION SUMMARY REPORT(PASR 5/24)

HCA permit applications approved by staff under the *Conservation Authorities Act* and Ontario Regulation 41/24 between the dates of April 19, 2024 and May 27, 2024

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C/24/18	15-Mar-24	22-Apr-24	35		95 Lakeview Dr Lot 15, Concession BF Stoney Creek	for the installation of a pool	Approved subject to standard conditions.
F/F,C,A/24/20	16-Apr-24	01-May-24	15		43 Highway 5 W Lot 24, Concession 3 Flamborough	for the alteration of watercourses and construction of a new industrial subdivision	Approved subject to standard conditions.
H/F,C,A/24/12	25-Jan-24	07-May-24	44		Red Hill Valley Parkway, between Queenston and QEW Lot 29, 31, Concession 1, 2 Hamilton	for erosion control works within an area of the Red Hill Valley Parkway	Approved subject to standard conditions.
P/F,C,A/24/16	05-Mar-24	14-May-24	50		Gore Rd west of Valens Rd Lot , Concession Puslinch	to replace seven existing Culverts on Gore Road from East side of Valens Road to West of Foreman Road.	Approved subject to standard conditions.
D/F,C/24/30	23-Apr-24	22-May-24	30		Park St E and York Rd ROW Lot 16, 17, Concession 1 Dundas	for the for directional bore and cable installation along Park St E and York Rd	Approved subject to standard conditions.



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# Hamilton Region Conservation Authority

## Minutes

### Board of Directors Meeting

**May 2, 2024**

Minutes of the Board of Directors meeting held on Thursday, May 2, 2024 at 6:00 p.m, at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

**PRESENT:**

<b>Brad Clark – in the Chair</b>	
<b>Jeff Beattie – Virtual</b>	<b>Craig Cassar</b>
<b>Lisa DiCesare</b>	<b>Susan Fielding – Virtual</b>
<b>Matt Francis – Virtual</b>	<b>Brian McHattie – Virtual</b>
<b>Wayne Terryberry – Virtual</b>	<b>Alex Wilson</b>
<b>Maureen Wilson</b>	

**Jennifer Stebbing – Foundation Chair - virtual**

**REGRETS:** **Mike Spadafora**

**STAFF PRESENT:** **Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Marlene Ferreira, Scott Fleming, Matt Hall, Scott Peck, Mike Stone, Jaime Tellier, and Sandra Winninger**

**OTHERS:** **Media – Richard Leitner**

#### 1. Call to Order

The Chair called the meeting to order and welcomed everyone present.

#### 2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none. HCA's Indigenous Land Acknowledgement was read.

#### 3. Approval of Agenda

The Chair requested any additions or deletions to the agenda.

**BD12, 3344**

**MOVED BY: Alex Wilson**

**SECONDED BY: Craig Cassar**

**THAT the agenda be approved.**

**CARRIED**

#### **4. Delegations**

There were none.

#### **5. Consent Items for Applications, Minutes and Correspondence**

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – April 4, 2024
- 5.3. Approved February 8, 2024 Conservation Advisory Board Minutes – for receipt only
- 5.4. One item of correspondence from Halton-Hamilton Source Protection, Regarding Recommended Phase Out of Free Well Water Testing

There was discussion regarding item 5.4, specifically regarding concerning closure of the Hamilton water testing lab and the gap in water testing this may result in. It was decided that a letter from the HCA would be sent to the Ministry of Health from Board Chair & CAO.

#### **6. Foundation Briefing**

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$21,964** in new donations from April 1<sup>st</sup> to April 30<sup>th</sup> 2024. They break down as follows:

- **\$12,080** to the Area of Greatest Need Fund
- **\$5,175** to the Dundas Valley Trails Fund
- **\$2,500** to the Memorial Bench Fund



The remaining **\$2,209** was directed to various projects, including Westfield Heritage Village, the Tribute Tree Fund, Webster Falls, and the Land Securement Fund. This brings the fiscal year-to-date fundraising total to **\$133,748** which is 17% of the Foundation's annual goal and slightly ahead of the same time last year.

It was noted that members will have received an email with information about the current 50/50 Raffle; she requested that the information be shared with their contacts.

It was also noted that a new Executive Director, Amanda Martin, has been hired and who will be starting May 6<sup>th</sup>; there will be two weeks overlap with Grace before she retires.

The Chair expressed the Board's appreciation for the work Grace has done with the Foundation and wished her well for the future.

**BD12, 3345**

**MOVED BY: Maureen Wilson  
SECONDED BY: Lisa DiCesare**

**THAT the Foundation Briefing be received.**

**CARRIED**

## **7. Member Briefing**

There was none.

## **8. Business Arising from the Minutes**

8.1. Verbal Presentation, Wetland Mapping and Impact Assessment as result of *O. Reg. 41/24*

Mike Stone reviewed, through a presentation, a summary of impacts as they are currently understood of the changes to the *Conservation Authorities Act*. The presentation reviewed changes in regard to regulation limits and mapping for watercourses and wetlands, permit exemption and tests and provided some specific examples.

In summary, Mike noted that HCA continues to regulate watercourses, wetlands and hazard prone areas such as river valleys and shoreline areas

- Wetland mapping has been updated; no change to watercourse mapping
- Overall regulated area reduced by 9%
- Relatively few properties removed from regulated area had file history (10%)

- Permits will continue to be required for development activities in such areas in most cases
  - Most permits have natural hazard considerations
  - Relatively few permits where conservation of land / pollution were the only considerations (6% of permits in 2023)
  - Anticipate relatively few permit exemptions (5-7 annually)

Mike answered questions posed by the Board and member McHattie expressed concern regarding the role that cumulative impacts play in loss of ecosystem functions and biodiversity. There was discussion regarding how these regulatory changes will be communicated to the public. It was noted that following this presentation to the Board, that staff will create an information piece. It was noted that the slide-show will be shared with Board members.

**BD12, 3346**

**MOVED BY: Brian McHattie**

**SECONDED BY: Jeff Beattie**

**THAT the Verbal Report be received.**

**CARRIED**

**9. Reports from Budget & Administration Committee and Conservation Advisory Board**

**9.1. Budget & Administration Committee – April 18, 2024**

**9.1.1. BA 2404 Asset Management Strategy**

Susan Fielding brought forward the staff report and members' questions were answered.

**BD12, 3347**

**MOVED BY: Susan Fielding**

**SECONDED BY: Alex Wilson**

**THAT the Budget & Administration Committee recommends to the Board of Directors:**

**THAT the HCA 2024 Asset Management Strategy be approved.**

**CARRIED**

- 9.1.2 BA 2405 Hiring of Contract Employee to support Compliance with new Public Sector Accounting Asset Retirement Obligations

Susan Fielding brought forward the staff report and members' questions were answered.

**BD12, 3348**            **MOVED BY: Susan Fielding**  
**SECONDED BY: Alex Wilson**

**THAT the Budget & Administration Committee recommends to the Board of Directors:**

**THAT this report on the new Asset Retirement Obligations be received for information; and further**

**THAT in order to achieve compliance with the Public Sector Accounting Board's newly instituted PS 3280 Asset Retirement Obligations requirement, a contract employee be added to the Finance department's complement, funded through reserves as needed.**

**CARRIED**

9.2. Conservation Advisory Board – April 11, 2024

- 9.2.1. CA 2411            HCA Natural Hazard Infrastructure – Asset Management and Operation Plans

Wayne Terryberry brought forward the staff report and member's questions were answered.

**BD12, 3349**            **MOVED BY: Wayne Terryberry**  
**SECONDED BY: Lisa DiCesare**

**THAT the Conservation Advisory Board recommends to the Board of Directors of the Hamilton Conservation Authority that the Hamilton Conservation Authority Natural Hazard Infrastructure - Asset Management Plan dated March 2024 be approved; and further,**

**THAT the Conservation Advisory Board recommends to the Board of Directors of the Hamilton Conservation Authority that the Hamilton Conservation Authority Operational Plan dated March, 2024 be approved.**



**CARRIED****9.2.2. CA 2412      Saltfleet Study Area Master and Management Plans**

Wayne Terryberry brought forward the staff report and Madolyn Armstrong provided a brief overview of the three master/management plans. Question arose regarding connectivity of trails, specifically between the Dofasco Trail and the Bruce Trail within the Vinemount Conservation Area. It was noted that a meeting between Councillors Clark, Beattie and HCA staff will occur to discuss this further. Members congratulated staff on the work done to prepare these plans.

**BD12, 3350**

**MOVED BY: Wayne Terryberry  
SECONDED BY: Lisa DiCesare**

**THAT the Conservation Advisory Board recommends to the Board of Directors:**

**THAT this report and accompanying Master and Management Plans of March 2024 be received as information for project background and general understanding;**

**and further**

**THAT the Saltfleet Conservation Area Master Plan, Dofasco 2000 Trail Management Plan and Winona and Vinemount Conservation Areas Management Plan of 2024 be approved.**

**and further**

**THAT the Winona and Vinemount Conservation Areas Management Plan be submitted to the NEC and MNRF for final approval.**

**CARRIED****10. Other Staff Reports/Memoranda**Reports to be approved

10.1. ERO #019-8320 – Regulation detailing new Minister's Permit and Review Powers Under the *Conservation Authorities Act*

Mike Stone reviewed the staff report and answered member's questions.

**BD12, 3351**

**MOVED BY: Craig Cassar  
SECONDED BY: Maureen Wilson**

**THAT this report be received as information; and**

**THAT HCA staff be directed to submit the comments included in Attachment A to the Conservation Authorities and Natural Hazards Section of the Ministry of Natural Resources and Forestry as detailed in the ERO posting #019-8320.**

**CARRIED**

10.2. Appointment of Officers under the Conservation Authorities Act

Mike Stone reviewed the staff report and answered member's questions.

**BD12, 3352**

**MOVED BY: Lisa DiCesare  
SECONDED BY: Alex Wilson**

**THAT the HCA Board of Directors appoint the staff identified in Attachment A as Officers under Section 30.1 of the *Conservation Authorities Act*, for the purposes of enforcing the *Conservation Authorities Act* and related regulations, as well as the *Trespass to Property Act*, as more specifically identified in Attachment A.**

**CARRIED**

Memorandums to be received

10.3. Watershed Conditions Report

Jonathan Bastien reviewed the staff memorandum and answered the member's questions.

**BD12, 3353**

**MOVED BY: Susan Fielding  
SECONDED BY: Matt Francis**

**THAT the memorandum entitled Watershed**

**Conditions Report be received.**

**CARRIED**

**10.4. Conservation Areas Experiences**

Gord Costie reviewed the staff memorandum and introduced the two new Senior Managers of the Conservation Areas Services.

**BD12, 3354**

**MOVED BY: Wayne Terryberry  
SECONDED BY: Lisa DiCesare**

**THAT the memorandum entitled Conservation Areas Experience Update be received.**

**CARRIED**

**11.New Business**

There was none.

**12.In-Camera Items**

**BD12, 3355**

**MOVED BY: Craig Cassar  
SECONDED BY: Maureen Wilson**

**THAT the Board of Directors moves *in camera* for matters of law, personnel and property.**

**CARRIED**

**During the *in camera* session, one Legal Matter was discussed.**

**12.1. Confidential Report – BD/May 01-2024  
(legal matter)**

**BD12, 3356**

**MOVED BY: Alex Wilson  
SECONDED BY: Craig Cassar**

**THAT the confidential report entitled BD/May 01-2024 be approved.**

**CARRIED**

**BD12, 3357**

**MOVED BY: Alex Wilson**

**SECONDED BY: Craig Cassar**

**THAT the Board of Directors moves out of closed session.**

**CARRIED**

### **13.Next Meeting**

The next meeting of the Board of Directors will be held on Thursday, June 6, 2024 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

### **14.Adjournment**

On motion, the meeting adjourned.

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Scott Fleming  
Secretary-Treasurer

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**From:** [Peter Appleton](#)  
**To:** [Sandra Winninger](#); [brad.clark@hamilton.ca](mailto:brad.clark@hamilton.ca); [maureen.wilson@hamilton.ca](mailto:maureen.wilson@hamilton.ca); [craig.cassar@hamilton.ca](mailto:craig.cassar@hamilton.ca); [alex.wilson@hamilton.ca](mailto:alex.wilson@hamilton.ca); [mike.spadafora@hamilton.ca](mailto:mike.spadafora@hamilton.ca); [matt.francis@hamilton.ca](mailto:matt.francis@hamilton.ca); [jeff.beattie@hamilton.ca](mailto:jeff.beattie@hamilton.ca)  
**Subject:** 4000 sq ft home on sulphur creek?!  
**Date:** May 7, 2024 10:37:31 AM

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Hello All

Greenbelt Guardians understand a monster home is asking to be built 20m from sulphur creek on sulphur springs road.

1. Wetlands need protection, full stop. The compaction and sediment run off from a massive project like this can never be mitigated.
2. The species present in this area are significant contributors to biodiversity and should be protected under Hamilton's Biodiversity Projects.
3. HCA understands the importance of the water filtration that these wetlands supply, especially at the bottom of this massive ravine and its water catchment.
4. Climate change is already causing havoc. We need less monster homes directly adjacent to creeks and conservation areas. They consume massive amount of concrete and will introduce even more invasive species to the area with all the soil and fill extraction.

Please add this to the next agenda and we ask that we finally put an end to these types of houses in ecologically sensitive areas.

Best regards

Peter Appleton  
Greenbelt Guardians Hamilton

Peter Appleton



**From:** [Caroline Hill Smith](#)  
**To:** [Sandra Winninger](#); [brad.clark@hamilton.ca](mailto:brad.clark@hamilton.ca); [jeff.beattie@hamilton.ca](mailto:jeff.beattie@hamilton.ca); [craig.cassar@hamilton.ca](mailto:craig.cassar@hamilton.ca); [Wilson, Alex](#); [mike.spadafora@hamilton.ca](mailto:mike.spadafora@hamilton.ca); [matt.francis@hamilton.ca](mailto:matt.francis@hamilton.ca); [maureen.wilson@hamilton.ca](mailto:maureen.wilson@hamilton.ca)  
**Subject:** Comments on development at 820 Sulphur Springs Road  
**Date:** May 7, 2024 1:53:31 PM

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Hello Councillors and HCA Clerk,

I am providing comments as a water quality expert as well as a member of the charitable organization, Save Our Streams.

McMaster University environmental science intensive 15- day field courses collect data each year at the benchmark along Sulphur Springs Road at the creek. Students conduct benthic invertebrate surveys, vegetation surveys, stream flow (flux) measurement using transects, elevation surveys for mapping as well as water quality sampling along Sulphur Creek. All this data is collected starting from the benchmark located east of the proposed new structure across the bridge.

I still have my field notes dated August 2015. My individually graded Environment Assessment report discussed the impacts to the creek in the event of changes in building footprint/land use change just west of that benchmark.

Our elevation survey data mapped an extensive floodplain just downstream of the benchmark noting the flashy nature of the creek as large concrete chunks and logs were jammed at meanders downstream. While baseflow is principally the groundwater response to flow in the creek, quickflow increases after a precipitation event. The anticipated increase in intensity and frequency of precipitation events interspersed with drought as a result of human induced climate change make streamflow response forecasting unpredictable. In addition, degradation of water quality results from erosion and runoff from impermeable surfaces in that sub-watershed.

Nitrogen, phosphorous and chlorophyll concentrations were measured and of note is that N,P and chlorophyll increase as the creek flows downstream closer to residential neighbourhoods. This was 9 years ago. My more recent graduate degree in Geography and Environmental Management within the Faculty of the Environment at University of Waterloo focused on the nexus of climate change, urban land use change and water quality. For example, salinization of freshwater streams can be directly linked to changes in land use.

The newly created city of Hamilton Watershed Action Plan must address all land use changes as non-point source pollution as increased sedimentation resulting from disturbance to Creekside lands has significant downstream and cumulative impacts to lake water as it enters Spencer Creek and Cootes Paradise in an environment of an increasing volume of novel entities deposited into our lake source drinking water.

Please consider future generations when deciding on this application.

Kindest Regards,  
 Caroline

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Caroline Hill Smith, B.A. Economics, B.Sc. Environmental Science (hon.)  
 Integrated Water Specialist MES Water





Dear Ancaster Well Passholder:

We are writing to inform you about an upcoming temporary closure of the Ancaster Well due to a construction project by the City of Hamilton. The details of the project are as follows:

**Location:** Sulphur Springs Road, 225 metres south of Governors Road

**Construction Project Description:** Bridge #113 Rehabilitation, including concrete repairs, crack injections, retaining wall replacement, culvert replacement, distribution slab, road construction and associated works.

**Closure timeline:** Beginning July 2, 2024, for approximately four to six weeks.

Access to the well will not be possible during this period due to the necessary construction activities. We understand the well's importance to you as per the user agreement, and we sincerely apologize for any inconvenience this may cause. We value your understanding and patience during this time.

To ensure passholders are well-informed, we are taking the following steps:

1. Mailing Letters: This letter serves as your official notification.
2. Posting Signs: Clear signage will be posted at the well site to remind and inform all passholders of the upcoming closure.
3. Website and Social Media: An alert will be posted to the Hamilton Conservation Authority's social media channels and website about the closure and when the well reopens.

If you have any questions or need further assistance, please contact us at 905-525-2181 or [nature@conservationhamilton.ca](mailto:nature@conservationhamilton.ca). We appreciate your understanding and cooperation during this time.

Sincerely,

Gordon R. Costie  
Director of Conservation Area Services  
Hamilton Conservation Authority

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May 3, 2024

The Honourable Sylvia Jones Minister of Health Ontario Provincial Government

Ministry of Health  
The Honourable Sylvia Jones  
777 Bay Street, 5th Floor  
Toronto, ON M7A 2J3

Via email: [Sylvia.jones@ontario.ca](mailto:Sylvia.jones@ontario.ca)

**Re: Recommended Phase out of Free Well Water Testing and Closure of Hamilton water lab**

Dear Minister Jones,

We are writing to you on behalf of the Hamilton Conservation Authority Board of Directors to express our profound concern regarding the proposed phase-out of free water testing for private drinking water wells, as highlighted in the 2023 Auditor General's audit of Public Health Ontario. While we acknowledge recent assurances that a commitment has been made to continue the free testing of well water in the Province, we remain deeply apprehensive about the ramifications of the recommended closure of the Hamilton water lab.

Further to the April 12, 2024 letter submitted by the Halton-Hamilton Source Protection Committee (attached), the potential closure of the Hamilton water lab would leave a significant gap in accessibility to water testing services in our region, resulting in uncertainty and concern among our residents. Without a local facility to provide such services, residents will face challenges in obtaining timely and accurate information about the quality of their private well drinking water. This could lead to increased health risks and concerns among our population.

In light of these concerns, we urge you to reconsider the proposed closure of the Hamilton water lab and to ensure the continued provision of free water testing services in our region.

Sincerely,



Brad Clark, Chairman



Lisa Burnside, CAO

Encl.

c.c. Donna Skelly, MPP – Flamborough-Glanbrook,  
Sandy Shaw, MPP – Hamilton West-Ancaster-Dundas  
Ted Arnott, MPP – Wellington-Halton Hills  
Minister Environment Conservation and Parks  
Hamilton Public Health

April 12, 2024

The Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks  
The Honourable Sylvia Jones, Minister of Health

Via email: [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)  
[sylvia.jones@ontario.ca](mailto:sylvia.jones@ontario.ca)

**RE: Recommended Phase Out of Free Well Water Testing**

Dear Ministers,

The 2023 Auditor General's audit of Public Health Ontario (PHO) recommends that PHO, in conjunction with the Ministry of Health, update and implement a plan to streamline public health laboratory operations. In response, the Halton Hamilton Source Protection Committee passed the following resolution at their meeting on March 19, 2024:

***THAT** the Halton-Hamilton Source Protection Committee direct staff to write a letter to the Minister of the Environment, Conservation, and Parks, the Minister of Health, area municipalities, other Source Protection Committees and local health units requesting that the province does not proceed with the recommended phase out of free private well water testing in Ontario.*

The Halton Hamilton Source Protection Committee is concerned about the proposed phase-out of free water testing for private drinking water. Approximately 50,000 residents in the Halton Hamilton Source Protection Region rely on non-municipal water sources, like private wells, which lack legislative protection. Free testing reduces financial and logistical barriers for residents, enabling regular testing that helps ensure safe drinking water sources. The committee urges the province to not proceed with the phase-out, as outlined in the attached March 19, 2024 committee report.

Yours truly,



Robert Edmondson  
Chair, Halton-Hamilton Source Protection Committee

Cc. Source Protection Committee Chairs and Program Managers  
City of Hamilton Public Health  
Halton Region Public Health



Halton-Hamilton  
Source Protection Region

City of Hamilton, Town of Grimsby, Niagara Region, Township of Puslinch, County of Wellington, Halton Region, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Peel Region, City of Mississauga

**Report To:** Halton-Hamilton Source Protection Committee  
**Report No.:** SPC-24-03-09  
**From:** Martin Keller, Senior Manager, Watershed Planning and Source Protection  
**Date:** March 19, 2024  
**Subject:** 2023 Auditor General Report – Proposed Phase Out of Free Well Water Testing

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### **Recommendation**

**THAT** the Halton-Hamilton Source Protection Committee receives for information the staff report SPC-24-03-09 2023 Auditor General Report – Proposed Phase Out of Free Well Water Testing;

**AND THAT** the Halton-Hamilton Source Protection Committee direct staff to write a letter to the Minister of the Environment, Conservation, and Parks and the Minister of Health requesting that the province does not proceed with the recommended phase out of free private well water testing in Ontario.

### **Executive Summary**

The 2023 Auditor General's Value-for-Money audit of Public Health Ontario (PHO) recommended that PHO, in conjunction with the Ministry of Health, update and implement a plan to streamline public health laboratory operations. The plan included gradually discontinuing free private drinking water testing. The proposed phase out of free water testing for private drinking water is of concern. Private systems are not protected through legislated requirement under the *Safe Drinking Water Act, 2002*, and *Clean Water Act, 2006*, but are more likely to contribute to cases of gastrointestinal illness than municipal systems. In the Halton Hamilton Source Protection Region, about 50,000 resident do not receive water from municipal systems, with many relying on private drinking water system, including wells. Currently, both the City of Hamilton and Halton Region offer free well water testing. In 2012, a quarter of all samples from private residential wells and cisterns in Hamilton had unsafe levels of bacteria. Free private well water testing reduces barriers for residents to regularly test their wells. If implemented, the proposal to privatize well water testing will increase the risk for residents on private systems becoming ill.

### **Report**

In December 2023 the Auditor General released its [Value-for-Money Audit of Public Health Ontario \(PHO\)](#). The audit, among other items, found that PHO's laboratory sites were not operating efficiently. In 2017, PHO developed a plan collaboratively with the Ministry of Health to modernize its laboratory operations by consolidating resources into



fewer laboratory sites and discontinuing or restricting eligibility for certain tests. This plan has not been approved and implemented. According to the audit, implementation of this plan was put on hold due to the construction of the new London public health laboratory, as well as increased capacity required from all PHO laboratory sites for COVID-19. Audit recommendation #5 states that PHO, in conjunction with the Ministry of Health, should update and implement a plan within 12 months to streamline public health laboratory operations.

The 2017 plan proposed to gradually close six of the 11 public health laboratory sites (Hamilton, Kingston, Orillia, Peterborough, Sault Ste. Marie and Timmins) and changing the types of test offered at the PHO laboratory sites, including gradually discontinuing free private drinking water testing. Mitigating rising costs of maintaining facilities and establishing a more efficient operating model that reduces the rerouting of samples to other PHO laboratory sites are stated as the main reasons for the plan.

The proposed phasing out of free private drinking water well testing is of concern. Private drinking water systems do not have the legislated safeguards that are required for municipal, communal, and public systems under the *Safe Drinking Water Act, 2002*. Neither are the water sources of private drinking water systems protected through the source protection program under the *Clean Water Act, 2006*. Under the *Clean Water Act, 2006*, only municipal drinking water systems are mandated to be included in the source protection program. According to Health Canada's guidance on waterborne pathogens, private and small community water systems are vulnerable and recognized as being more likely to contribute to cases of human gastrointestinal illness than municipal systems.

In the Halton Hamilton Source Protection Region, 95% of the population receive their drinking water from municipal systems. The remaining 5%, or about 50,000 residents, receive their drinking water from non-municipal systems, many of them private drinking water wells. Testing of private well water is one of the only avenues for residents on private systems to ensure their drinking water is safe. Well water testing of private wells is the responsibility of each well owner. Currently, both the City of Hamilton Public Health Services and Halton Region Public Health offer free private drinking water testing through the PHO Hamilton laboratory site. The City of Hamilton Public Health Services recommends testing at least three times a year for bacteria. In 2012, about a quarter of all water samples from private residential wells and cisterns in Hamilton had unsafe levels of bacteria.

Free private well water testing is important to reduce barriers for residents to test their wells on a regular basis. Without free water testing, well owners would need to use commercial labs for a fee, which disincentivizes testing. Without regular testing, water quality is unknown, and residents are at increased risk of falling ill.

In the Walkerton Inquiry Report Part 2, Justice Dennis O'Connor concluded the privatization of laboratory testing of drinking water samples contributed directly to the E. coli O157:H7 outbreak in Walkerton, Ontario in May 2000. Twenty-four years later, there is a proposal to privatize water testing once again.

Signed & respectfully submitted:



Martin Keller  
Senior Manager, Watershed Planning and Source Protection



Mardi Bergen  
Source Water Information Coordinator, Watershed Planning and Source Protection

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# **Strategic Plan Report**

to

**Board of Directors**

**March 7, 2024**

**Updated May 30, 2024**

Submitted by Anne Bermingham and Michael H. Howes



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## Document Overview

This document provides an update to the Hamilton Conservation Authority (**noted as HCA below**) Board of Directors of the strategic plan being proposed for 2025-2029.

At the December 2023 Board meeting, an overview of the data gathered at the front end of the process (interim report) was provided to the Board of Directors. In this March 7 strategic plan document, the proposed strategies and initiatives are outlined. Senior staff have developed these during January and February 2024.

## Methodology

Using the December report as a foundation for this work, the strategic planning steering committee met and determined that there are four strategic directions that best meet the needs of the organization going forward. Four working groups were then created - one per strategy and initiatives were proposed.

These initiatives were fine-tuned by the steering committee and now presented here to the Board of Directors. Once your feedback has been received, there are other final steps to this process.

- Share this draft strategic plan with the public, First Nations and some stakeholders as a final validation step that this plan is on point
- Determine which initiatives are to be the focus in year 1, 2 or 3 of the plans
- Set some measurable goals for each initiative

## Highlights from Data Gathering Report

No revisions to the Vision or Mission were suggested by the Board or any of the respondents in the data gathering stage of the strategic plan. Therefore, this strategic plan will build on these 2 statements as its foundation - namely:

### Our Mission

**To lead in the conservation of our watershed and connect people to nature.**

### Our Vision

**A healthy watershed for everyone.**

When asked what the Hamilton Conservation could do more of or do differently to deliver on its vision- the top 4 areas identified and summarised below as follows:

1. **Land Acquisition and Stewardship:** There is a strong emphasis on acquiring more land for conservation, as this approach is seen as one of the most effective methods for watershed protection and growth. As well, people spoke of the need for a continued focus on fostering private land stewardship and employing technology for monitoring purposes.
2. **Community Engagement and Education / Public Relations and Communication:** There were two broad areas of responses to this question as noted in the title. Both

spoke specifically to a need to educate the public on what the HCA is and what it does, along with its relationships to various levels of government.

Suggestions include increasing outreach and educational efforts so more people understand what conservation authorities do and the benefits they provide. Also, emphasising connections with diverse community groups, including Indigenous nations and new Canadians, is seen as essential for inclusive conservation efforts.

3. **Technology and Innovation:** Utilising and investing in technology was a common theme amongst respondents. The suggestion of increased technology was related to the internal practices of the HCA, ensuring that staff were working with the most efficient, effective technology.
4. **Diversity, Accessibility, and Inclusivity:** This topic came up in both this question and in other questions. Respondents suggested a focus on engaging underrepresented communities and ensuring conservation areas meet diverse needs.

In the December report, there was an extensive outline of the many Political, Economic, Sociological, Technological, Legal and Environmental Factors that should be considered when setting the next strategic plan.

## Strengths of the Hamilton Conservation Authority

Many strengths were identified in the interim report. They are important to understand as the HCA wants the next strategic plan to build on these strengths. Summarised below are the top 6 that respondents noted:

1. **Agility and Responsiveness:** The Hamilton Conservation Authority boasts a small, flexible, and mobile team that can adapt quickly, ensuring swift reactions to changing conditions or needs. The pivot to virtual meeting technology during the pandemic was an oft-cited example. Also, the HCA is quick to respond to requests for assistance or in seeing opportunities to help others, such as doing water sampling for the City of Hamilton.
2. **Financial Self-Sustainability:** It is financially self-reliant (beyond the municipal levy), largely due to efficiently managed conservation areas and facilities. Despite its smaller size compared to other conservation areas in Ontario, it generates significant revenue beyond the municipal levy. Respondents from Conservation Ontario and other conservation authorities indicated that the HCA is seen to be a leader in this area.
3. **Diverse Recreational and Conservation Areas:** The authority offers a variety of well-maintained areas, services, and experiences for visitors. Its conservation spaces are kept in better condition compared to others, with clear trail maps and well-maintained infrastructure. People indicated that the state of the trails, the infrastructure, and the accessibility of the conservation lands were key strengths.
4. **Innovative Technologies and Programs:** Innovations, such as advance day pass purchases and automated gates, enhance visitor experience and help manage access and revenue.
5. **Customer Service and Public Engagement:** Staff are recognized for their professionalism, client orientation, and community engagement. They are seen as



passionate, dedicated, and entrepreneurial, contributing to a positive workplace environment.

6. **Organizational Profile, Community Engagement and Educational Programs:** The Hamilton Conservation Authority has strong ties with annual pass holders and engages in initiatives with the Hamilton Public Library to tackle socio-economic barriers. They also feature outdoor education programs, partnerships with schools, and a significant volunteer base, all aimed at fostering environmental awareness.

## Weaknesses of the Hamilton Conservation Authority

Some weaknesses were identified in the interim report. Importantly, these will be addressed in the future strategic plan and initiatives. Summarised below are the top 3:

1. **Employee Recruitment and Retention:** There's a high reliance on key individuals, creating a burnout risk. Issues with staff retention have been noted, with a more frequent need to review compensation, internal hierarchy, career growth opportunities and enhance internal recognition and promotion to help prevent loss of employees.
2. **Technology and Modernization:** The Hamilton Conservation Authority is perceived to be slow to adopt new technology (both in the office and in the field), though efforts are being made to modernise through an IT strategy.
3. **Engagement and Public Perception:** There are gaps in Indigenous engagement, though some steps towards improvement are being taken. Beyond that, a number of people suggested that the broader public doesn't know what the HCA is all about, who runs it, what its mandate is, etc. More social media and online presence are some recommended steps.

## First Nation Input to the Draft Strategic Plan

### Overview

HCA steering committee, board chair and consultant met with Six Nations and Mississauga of the Credit First Nation through March and April 2024. Results of this consultation suggested edits to wording in initiative #7 under Organizational Excellence, which has been incorporated. Both encouraged continued collaboration and relationship building for educational opportunities, sharing and incorporating traditional knowledge, and water / land access for ceremonies. Preliminary outreach to the urban indigenous group Circle of Beads has been initiated to build further outreach and relationships.

## Public Input to the Draft Strategic Plan

### Overview

The HCA Public Input Summary and Detailed Report on Strategic Plan Engagement captures feedback from various stakeholders to guide the development of the Strategic Plan for 2025-2029. This feedback was gathered through a survey conducted between April 1, 2024, and May 17, 2024. The survey aimed to collect insights and suggestions to shape strategic initiatives.

## Highlights from the Input

Respondents appreciated several aspects of the current strategic initiatives:

- Continued land acquisition and expanded water management plans.
- Collaboration with city initiatives, particularly watershed action plans.
- Emphasis on strategic areas such as engaging people with nature, enhancing technology, and educational initiatives.

## Priority Programs and Initiatives

Key programs and initiatives highlighted by respondents include:

- Additional campgrounds to enhance public engagement with nature.
- More educational programs and outreach to instil environmental stewardship in youth.
- Restoration and protection of natural spaces, especially sensitive areas
- More volunteer opportunities and community engagement events.
- Enhanced accessibility features for aging populations and those with mobility issues.

## Community Engagement and Communication

Respondents emphasized the importance of effective communication and community engagement:

- Effective use of social media and email for announcements and updates.
- Enhanced regular communication with annual membership pass holders.
- Initiatives such as guided hikes, community events, and educational programs to connect people with nature.
- Integration of cultural heritage with natural conservation efforts.

## Staff Input to the Draft Strategic Plan

### Overview

A series of staff meetings were held in April 2024, in which the March 7<sup>th</sup> report was circulated, and input was gathered. The highlights are below.

### Highlights from the Input

There was a great deal of positive feedback, partially because of the content of the draft strategic plan but also on the fact that people felt part of the process by being asked to provide input prior to the plan being finalized. Specific points included:

- Appreciation for the emphasis on connecting people to nature and using technology to enhance operations.
- Positive reception to diversity and inclusion initiatives, and community engagement strategies.
- Recognition of educational commitments and the strategic importance of land acquisition and restoration initiatives.

The collective staff input included suggestions for workplans to include:

- Climate change initiatives and improved accessibility to conservation areas.
- Further development in volunteer roles and Indigenous collaborations.
- Enhanced visitor management programs and educational outreach.
- Enhancements in technology and security systems.
- Communication goals and community engagement strategies.
- Alignment of goals across different areas, such as land management, partnerships, and educational programs.
- Conducting reviews to remain responsive to environmental changes and stakeholder needs.

## Proposed Strategic Directions

With the strengths and weaknesses considered and the potential strategies reviewed, the final recommendation is to have four strategic directions in this next plan. The details are provided here.

### Strategic Priority Area A: Water Resources Management

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#### Preamble:

Focused on safeguarding the health of the watershed and protecting people and property from natural hazards. We will prioritise measures such as flood and erosion control, water quality monitoring to assess changes in watershed health and guide restoration and enhancement programs, collaborate with watershed partners and evolve conservation priorities to address climate change, regulatory updates, and creation of new strategies.

#### Initiatives:

- 1) Advance the implementation of our floodplain mapping program within our watershed to better understand flood risks and direct development away from natural hazards
- 2) Enhance our flood forecasting and warning program to issue relevant and timely flood messaging and assist municipalities and the public in responding quickly and effectively to flood events
- 3) Promote our Watershed Stewardship Program to further strengthen landowner education and restoration efforts on private lands and to align with the heightened public focus on climate change
- 4) Collaborate with the City of Hamilton on their Watershed Action Plan and support our partners involved in the Hamilton Harbour Remedial Action Plan to achieve shared environmental goals
- 5) Monitor the impacts of climate change through existing and enhanced monitoring programs and networks to inform adaptation and mitigation strategies
- 6) Update planning and regulatory policy based on the recommendations of the 2024 Shoreline Management Plan and amendments to the *Conservation Authorities Act* and associated regulatory changes

#### Year 1 Priorities:

- Undertake and complete floodplain mapping for Boer's, Logie's and Sydenham Creeks
- Undertake a system review to identify where we can enhance connectivity and reliability for HCA rain and stream flow gauge network
- Enhance community and landowner outreach for the Hamilton Harbour Watershed including hiring of a contract staff person
- Undertake regulatory policy update to incorporate CA Act and regulation changes and 2024 Lake Ontario Shoreline Management plan

## Strategic Priority Area B: Organizational Excellence

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### Preamble:

Focused on our organizational resources to ensure efficient and responsive operations are available to meet the needs of the future. We will prioritise attracting and retaining skilled talent, financial sustainability, building organizational and technological capacity while also focusing on enhancing communication and engagement within our watershed's communities, First Nations, and all levels of government.

### Initiatives:

- 1) Promote employee training, engagement, well-being, diversity, and inclusivity to strengthen our organizational resilience and ensure employees are equipped with the necessary skills to address emerging needs
- 2) Identify and further invest in technology that improves security measures, business processes, optimises workflows, and facilitates broader access to open data resources
- 3) Build upon the initial investments and initiatives in the Corporate Climate Change Strategy to reduce our carbon footprint
- 4) Further the physical asset inventory and enhance how we manage HCA assets through their lifespan
- 5) Enhance communications efforts to promote our accomplishments, programs, and services, including results of our monitoring and restoration programs, to strengthen awareness and engagement with the watershed community
- 6) Uphold our ties to federal, provincial, and municipal partners to work together to advance conservation efforts
- 7) Increase our engagement with First Nations Peoples to learn about and incorporate traditional knowledge in stewardship and teachings on the Treaty and traditional lands within the HCA watershed

### Year 1 Priorities:

- Creation of a DEI policy and program through the establishment of an internal diversity, equity, inclusion and belonging committee
- Initiate corporate strategies review related to people operations to enhance talent retention, professional development and succession planning
- Build on current IT modernization strategy to include a digital transformation plan, to support expansion of digital systems and business processes
- Increase and enhance internal collaboration to better communicate and feature our projects and work to the public
- Creation of an Indigenous Engagement Guideline document through the establishment of an internal Indigenous Engagement Committee

## Strategic Priority Area C: Natural Heritage Conservation

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### Preamble:

Focused on the management and conservation of natural areas, which include the forests, wetlands, meadows, and watercourses within the watershed. We will prioritise the acquisition, restoration, and enhancement of the diverse natural areas, along with ecological monitoring to enhance our understanding of watershed ecosystems and stressors.

### Initiatives:

- 1) Expand protected natural areas and HCA land holdings through the HCA's Land Securement Strategy and based on other sources of natural areas information and identified priorities
- 2) Advance progress on the Saltfleet Conservation Area Wetland Restoration Program and promote its objective and benefits
- 3) Manage natural areas on HCA lands through monitoring, inventories, strategies and approved master and management plan recommendations to ensure enhancement of natural areas and ecosystems
- 4) Engage our watershed residents and stakeholders to enhance and restore natural features through participation in stewardship programs, education initiatives, and adoption of best management practices
- 5) Improve our understanding of watershed ecosystems and address emerging issues by broadening scope of HCA monitoring activities and working with our municipal partners on the Biodiversity Action Plan and Natural Areas Inventory

### Year 1 Priorities:

- Develop funding strategy to actively implement land acquisition for priority lands identified through the HCA's Land Securement Strategy
- Develop a comprehensive plan for the aquatic, terrestrial and water quality monitoring programs to gauge the impact of climate change and link this to the HCA Climate Change Strategy to formulate adaption and mitigation approaches
- Identify and undertake active restoration of HCA owned and managed lands through implementation of restoration activities per the approved master and management plans and where invasive species have been removed

## Strategic Priority Area D: Connecting People to Nature

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### Preamble:

Focused on the conservation of HCA lands and connecting communities to natural areas. We will prioritise the provision of high quality, diverse and safe conservation areas, while promoting environmental education and awareness initiatives, outdoor recreation for health and well-being and opportunities for participation in local conservation efforts on HCA lands.

### Initiatives:

- 1) Identify and support an inclusive and accessible range of programs and amenities in our conservation areas and managed lands to welcome visitors and enhance inclusivity
- 2) Manage and enhance conservation lands utilising best management practices to support nature appreciation and recreation activities as communities continue to grow and look to HCA's conservation areas to spend time in nature
- 3) Continue development of master and management plans and implementation of priority capital reinvestments
- 4) Enhance volunteer engagement opportunities and outreach efforts, promoting a sense of stewardship and community involvement
- 5) Strengthen and continue to deliver environmental and cultural heritage education and outreach programs that connect people to nature and foster conservation
- 6) Collaborate with partners to share knowledge and work together to enhance access to conservation areas and trail networks

### Year 1 Priorities:

- Expand visitor engagement opportunities through the development of an HCA Conservation Area program to grow guided hikes and other related experiences
- Enhance stewardship and community outreach efforts through the hiring of a volunteer engagement coordinator
- Undertake a review of amenities and access to our conservation areas to welcome visitors and enhance inclusivity



# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer CAO

**RECOMMENDED & PREPARED BY:** Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Management Services

**MEETING DATE:** June 6, 2024

**RE:** Proposed amendments to development permit exemptions under R.R.O 1990, Regulation 828 for lands in the Niagara Escarpment Planning Area that is the area of development control - ERO #019-8364.

## STAFF RECOMMENDATION

**THAT** the comments as detailed in Appendix “A” of the report titled “Proposed amendments to development permit exemptions under R.R.O 1990, Regulation 828 for lands in the Niagara Escarpment Planning Area that is the area of development control - ERO #019-8364” dated June 6, 2024 be approved; and further,

**THAT** HCA staff be directed to submit the approved comments to the Public Input Coordinator as detailed in the posting 019#8364.

## BACKGROUND & PURPOSE

The Province has released the above noted posting on the Environmental Registry of Ontario. Comments are due by June 17, 2024. The posting relates to proposed exemptions to the requirement to obtain a development permit for certain activities. Exemptions to development control for certain activities are already detailed in Regulation 828. The ERO posting proposes to clarify or expand exemptions for developments that would be consistent with the purpose and objectives of the Niagara Escarpment Plan. The proposal relates to:

- Accessory structure activities
- Agricultural activities



- Business Activities
- Construction and decommissioning activities
- Environmental management activities
- Forestry and vegetation management activities
- Infrastructure activities
- Private servicing activities

The purpose of this report is to highlight the proposed changes and to provide the proposed HCA response to the ERO Posting for Board approval.

## **STAFF COMMENT**

The HCA submission to ERO 091-8364 is provided in Appendix “A”. The proposed changes are supported by the HCA in general terms. The HCA response highlights the following issues for consideration.

- Exemptions would not apply across the entirety of the Niagara Escarpment Plan area and some may be limited to area outside of certain environmentally sensitive areas or natural areas. Clarification is requested regarding what exemptions would be limited in this regard.
- Setbacks from natural features are identified as a condition of certain exemptions. HCA staff propose that setbacks as detailed in the Greenbelt Plan be implemented to ensure consistency.
- Some exemptions relate to placement of fill and potential work within watercourses. To avoid potential conflicts between the exemptions and other legislation such as the Conservation Authorities Act, It is suggested in permitting the exemptions as noted, that proponents be advised of the need to obtain approvals through other legislation.
- Special events are proposed as a potential exemption. Clarification is requested to confirm if the exemption would apply to events on conservation authority lands.
- Exemptions are proposed for certain environmental management activities. The HCA fully supports these proposed exemptions. Clarification is requested regarding the scale of which the exemptions would apply and definitions of government and non-government conservation organizations.

The proposed exemptions are positive in nature and HCA comments support the proposal with noted clarifications and requests for revision.

## **STRATEGIC PLAN LINKAGE**

The initiative refers directly to the HCA Strategic Plan 2019 – 2024:

- **Strategic Priority Area – Organizational Excellence**

- Initiatives – Support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current
- **Strategic Priority Area – Natural Heritage Conservation**
  - Initiatives – Promote sustainable development by working with the City of Hamilton on natural heritage issues and undertake the HCA plan input and review program

## **AGENCY COMMENTS**

N/A

## **LEGAL/FINANCIAL IMPLICATIONS**

N/A

## **CONCLUSIONS**

The proposed exemptions are positive in nature and HCA comments support the proposal with noted clarifications and requests for revision. Pending Board approval of the HCA submission, the comments noted in Appendix “A” will be submitted to meet the June 17, 2024 comment deadline.

## Appendix “A”

Thank you for the opportunity to comment of ERO 019-8364, Proposed Amendments to Exemption Regulation for Niagara Escarpment Planning Area under Development Control. We note that the Hamilton Conservation Authority is supportive of the proposed regulation and we offer the following points for consideration in the development of the regulation to implement these proposed exemptions.

1. The ERO posting notes that not all exemptions would apply across the entirety of the Niagara Escarpment Plan area. Some exemptions may be limited to only outside of certain environmentally sensitive areas or natural areas. The HCA supports this approach but would request clarification as to what exemptions would be limited. Based on the ERO posting, would such uses as temporary or permanent structures accessory to a dwelling, home occupation or home industries and special events be examples that would not be exempt from development control in certain environmentally sensitive areas or natural areas?
2. Feedback is requested on conditions of the proposed exemptions such as limits on size or distance from a sensitive area or feature. Given the range of proposed exemptions, suggesting conditions for exemptions is difficult. In reviewing the Niagara Escarpment Plan and the existing regulation, it is suggested that existing setback requirements as noted in these documents could be applied to the proposed exemptions. Further, the construction or placement of a temporary or permanent structure that is exempted per the proposed regulation should be of a scale that is smaller than the principle dwelling. The Greenbelt Plan provides information regarding setbacks to environmental features. This Plan could be utilized to consider specific setbacks for the proposed exemptions to a sensitive area or feature.
3. Some of the proposed exemptions relate to construction, installation of private sewage disposal system, fill placement and installation, maintenance or replacement of a culvert. It should be noted that these activities may be proposed in hazardous area (floodplain and areas subject to erosion) and may require approvals through other legislation such as the Conservation Authorities Act. This has the potential to create situations where development takes place that is exempt from Development Control but requires a permit pursuant to the Conservation Authorities Act with the associated issues of seeking compliance. It is suggested in permitting the exemptions as noted, that proponents be advised of the need to obtain approvals through other legislation.
4. For business activities, it is proposed that “Special events that are accessory to a permitted use and which do not constitute a change in land use (e.g., change of residential use to a commercial use). The HCA has undertaken special events in the past within our conservation areas within the Niagara Escarpment Plan area. The proposed regulation should detail if a conservation authority who are hosting/holding “Special

events” on C.A. lands is exempt or if an NEC Development Permit is required for these events. The HCA fully support an exemption for these special events that are accessory to permitted uses on HCA lands.

5. Environmental management activities, such as the following are proposed.

- Certain projects carried out by government or non-government conservation organizations (e.g., upgrades to trail systems, construction of boardwalks, stairs).
- Restoration activities carried out by government or non-government conservation organizations.
- Extend timelines from 5 years to 10 years for Niagara Escarpment Parks and Open Spaces System (NEPOSS) agencies to implement exempted development identified in an approved management plan.

The HCA supports all of these noted exemptions as it will allow for projects to proceed to construction and afford additional time to implement development as approved in a management plan. We would request clarification on what “Certain projects” would be exempt from an NEC Development Permit and also a definition on what the NEC considers “government and non-government conservation organizations”? Conservation authorities should certainly fall within the definition of government or non-governmental conservation organizations.

The HCA is supportive of the exemption for restoration activities carried out by government or non-government conservation organizations as this permits the implementation of restoration works that benefit the environment and the overall Niagara Escarpment. There is a question of scale as it relates to restoration projects. The HCA is currently undertaking wetland development work at the Saltfleet Conservation Area with one of the wetland parcels located within the Niagara Escarpment Plan area. This project is based on an approved Environmental Assessment, detailed design and archaeological work to facilitate construction of the wetlands (<https://conservationhamilton.ca/saltfleet-conservation-area-wetland-restoration-program/>). This wetland creation and restoration involves large areas with upwards of 30 acres of created wetland for the property areas. The scale of which an exemption would apply should be clarified. The HCA is fully supportive of the exemption applying to a project such as the Saltfleet Conservation Area Wetland project.

Thank you for the opportunity to comment on ERO 019-8364.

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# Memorandum

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**PREPARED BY:** T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Management Services

**MEETING DATE:** June 6, 2024

**RE:** Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units (ERO# 019-8366);

Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024) (ERO# 019-8369);

Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes” (ERO# 019-8370)

Proposed policies for a new provincial planning policy instrument” (ERO# 019-8462)

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## BACKGROUND & PURPOSE

The Province has released four postings on the Environmental Registry of Ontario as noted above. Three of the postings (ERO 019-8366, ERO 019-8369 and ERO 019-8370) relate to Bill 185, the Cutting Red Tape to Build More Homes Act, 2024. The fourth posting (ERO 019-8462) relates to a review of proposed policies for a new provincial planning policy instrument (PPS).

Comments on the ERO's related to Bill 185 were due May 10, 2024. HCA staff did not provide comments on these postings. However, Conservation Ontario did comment on the postings in a letter dated May 10, 2024 (see Appendix "A"). HCA staff support the comments provided by Conservation Ontario.

Comments on the ERO posting related to the provincial planning policy instrument were due May 12, 2024. HCA staff and Conservation Ontario provided comments on this proposal in letters dated May 8, 2024 and May 10, 2024 respectively (see Appendix "B").

The purpose of this memorandum is to provide the Board of Directors the submissions made by HCA staff and Conservation Ontario regarding the noted ERO postings and to highlight the key issues noted for these postings.

## **STAFF COMMENTS**

The key issues related to the ERO's for Bill 185 and the provincial planning policy instrument are noted as follows:

### Bill 185 (ERO 019-8366, ERO 019-8369 and ERO 019-8370)

- Clarify that proposed expedited development (i.e., Additional Residential Units (ARU's), institutional uses and student housing, standardized housing,) and settlement area boundary expansions are excluded from hazardous lands and hazardous sites, areas where safe access through a natural hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies.
- Maintain legislation that enables councils and planning authorities to pass by-laws requiring pre-application consultation

### Provincial planning policy instrument (PPS) (ERO 019-8462)

- Natural Hazard policies from the 2020 Provincial Policy Statement (PPS) have been carried forward to the proposed 2024 PPS. Planning authorities are to work collaboratively with conservation authorities in identifying hazardous lands and hazardous sites and the management of development in these areas.
- Inclusion of stormwater volumes under the Stormwater Management Policy 3.6.8 as a critical component of planning for stormwater management.

- Water Policy 4.2.3, 4.2.4 and 4.2.5 encourages municipalities and requires fast-growing municipalities to undertake watershed planning. All municipalities are encouraged to collaborate with applicable conservation authorities

## **STRATEGIC PLAN LINKAGE**

HCA's Strategic Plan 2019 – 2023 outlines its major strategic priority areas and related initiatives for advancing HCA's Vision to provide a healthy watershed for everyone. HCA implements a wide variety of programs to fulfill this mandate, including programs and services for natural hazards. The Water Management priorities of the HCA will be maintained with the proposed changes as noted in the ERO's.

## **AGENCY COMMENTS**

N/A

## **LEGAL/FINANCIAL IMPLICATIONS**

N/A

## **CONCLUSIONS**

The ERO postings seeks to address legislation and policy to further the provinces goal of increasing housing and streamlining the approvals process. With that said, Natural hazard policies have been retained within the proposed provincial planning policy instrument as well as guidance provided regarding the importance of watershed planning and municipalities working collaboratively with conservation authorities.



## Appendix “A”



May 10, 2024

Ministry of Municipal Affairs and Housing  
Provincial Planning Policy Branch  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, ON M7A 2J3

**RE: Conservation Ontario's Comments on the "Proposed Regulatory Changes under the Planning Act Relating to the Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Removing Barriers for Additional Residential Units" (ERO# 019-8366);**

**"Proposed Planning Act, City of Toronto Act, 2006, and Municipal Act, 2001 Changes (Schedules 4, 9, and 12 of Bill 185 - the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024)" (ERO# 019-8369); and the,**

**"Proposed Changes to Regulations under the Planning Act and Development Charges Act, 1997 Relating to the Bill 185, Cutting Red Tape to Build More Homes Act, 2024 (Bill 185): Newspaper Notice Requirements and Consequential Housekeeping Changes" (ERO# 019-8370)**

Thank you for the opportunity to comment on the proposed legislative and regulatory changes as part of "Bill 185, the proposed *Cutting Red Tape to Build More Homes Act, 2024*". Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs.

To support the Province in reaching their goal to build more homes in a safe and expedited manner, Conservation Ontario offers two key recommendations from a natural hazard and source water protection perspective.

- 1. Protect people and property from natural hazards and protect sources of drinking water.** Amend Bill 185 to clarify that proposed expedited development (i.e., Additional Residential Units (ARU's), institutional uses and student housing, standardized housing,) and settlement area boundary expansions are excluded from hazardous lands and hazardous sites, areas where safe access through a natural

hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies.

- 2. Maintain legislation that enables councils and planning authorities to pass by-laws requiring pre-application consultation;** and allow time to complete the consultation process to enable planning authorities to make complete application decisions, prior to allowing applicants to appeal to the OLT.

In the context of increasing risks due to climate change and the reduced availability of commercial/home insurance products to mitigate financial risks and losses associated with the impacts of natural hazards, we ask the Province to strongly consider the above recommendations. This will **avoid siting development in areas where there is an increased risk to public health and safety and to property damage from natural hazards (e.g., flooding and erosion), and to ensure the ongoing protection of Ontario's sources of drinking water.** The following paragraphs elaborate on the above recommendations.

### **Enhancing the Framework for Additional Residential Units (ARUs)**

This proposal would enhance the Minister's authority to make regulations that could remove elements of municipal zoning by-laws (e.g., maximum lot coverage, limits on bedrooms allowed per lot) for the purpose of facilitating the development of ARUs, such as basement suites.

Conservation Ontario understands the importance of increasing availability of residential units in existing and proposed residential neighbourhoods to achieve the shared goal of building 1.5 million homes in a safe and expedited manner. Equally important to increasing the supply of housing is maintaining the health and safety of people, property and infrastructure, while safeguarding the natural environment. Under the *Planning Act*, the Minister shall have regard to matters of provincial interest, including the protection of public health and safety. Where the Minister considers using the new regulation-making authority, due consideration must be applied to ensure ARUs are not located in areas susceptible to natural hazards and where safe access through the hazard cannot be achieved, in accordance with Provincial standards. Furthermore, the Province should consider the potential cumulative impacts of locating ARUs on existing lots, including increased needs for stormwater management and the potential for localized flooding during storm events, resulting from increased impervious surfaces.

### **Recommendation**

Clarify the proposed Minister's regulation-making authority that would not allow the Minister to remove elements of municipal zoning by-laws that would direct ARUs outside of hazardous lands and hazardous sites and where safe access through the hazard is not achieved. Continue to empower municipalities to regulate lot coverage where there is a higher possibility that stormwater infrastructure could be overwhelmed.

## **“Use It or Lose It” Tools**

Conservation Ontario supports the Province’s proposal to enhance lapsing authority for approvals of draft plans of subdivision/condominiums and site plan control approvals. This proposal would help address outdated approvals that do not meet modern planning standards and would allow for the impacts of natural hazards to be reassessed upon lapsing. Natural hazards are dynamic and variable [especially in a changing climate] and the proposed tool would ensure that approvals reflect the current state of natural hazard features and associated risks; to reduce potential risks to public health and safety, and to property damage.

## **Municipal Pre-Application Process**

The Province proposes to make municipal pre-application consultation voluntary at the discretion of the applicant and to allow an applicant to challenge complete application requirements to the Ontario Land Tribunal (OLT) once a fee has been submitted or pre-consultation has begun. This proposal will revoke the existing-time-limited window once a municipality rejects an application as not being “complete”.

The pre-application process provides the applicant and municipality an opportunity to develop a comprehensive understanding of the site-specific application requirements for a project. Integrated pre-consultation with applicable regulatory agencies, such as CAs, is strongly encouraged as an effective process for scoping natural hazard technical studies that establish clear submission requirements. Pre-consultation also enables CAs, acting as Source Protection Authorities, to identify whether the proposal relates to a significant drinking water threat or its potential impact on any drinking water sources protected by a Source Protection Plan. Pre-application consultation frequently streamlines the applicant’s time and resources needed for a complete application and ensures natural hazard and drinking water source protection constraints are appropriately addressed. Furthermore, reasonable time should be allowed to complete the consultation process, before allowing an applicant to appeal to the Tribunal.

Should this proposal be enacted and where CAs are not included in pre-application consultation, the opportunity to address natural hazard impacts or potential impacts on drinking water sources protected by a Source Protection Plan could be missed. This may result in further delays as these impacts will need to be addressed later in the process.

## **Recommendation**

Maintain the ability for councils and planning authorities to pass by-laws requiring pre-application consultation; and allow time to complete the consultation process to enable planning authorities to make a complete application decision, prior to allowing an applicant to appeal to the OLT.

## **Expedited Approval Process for Community Service Facility Projects and Exempting Universities from the Planning Act**

A new section of the *Planning Act* is proposed that will enable regulations to provide for the

non-application of any provision of the Act, or a regulation made under the Act, or for setting out restrictions or limitations, to prescribed classes of community service facilities that meet prescribed requirements. The proposal would apply to community service facilities, including an undertaking of a board defined under the *Education Act*, a long-term care home, and a hospital. Similarly, publicly assisted colleges and universities are proposed to be exempt from the *Planning Act* and planning provisions of the *City of Toronto Act, 2006* for university-led student housing projects on- and off-campus.

The Provincial Policy Statement, 2020 strictly prohibits institutional uses, including long-term care homes, hospitals, and schools, from being located in lands affected by natural hazards and where safe access through the hazard cannot be achieved. Any proposed regulatory exemptions or expedited approval processes must consider the Province's direction regarding natural hazards to ensure vulnerable populations or sensitive uses are not located in areas that pose an increased risk to life and property.

### **Recommendation**

Amend the proposal to ensure any new regulation excludes institutional uses and student housing from hazardous lands and hazardous sites and where safe access through the hazard cannot be achieved, in accordance with provincial standards.

### **Facilitating Standardized Housing Designs**

A new section of the *Planning Act* is proposed that will enable regulations to establish criteria to facilitate planning approvals for standardized housing. The proposed changes would only apply to certain specified lands and would identify elements of the *Planning Act* and/or *City of Toronto Act, 2006* that could be overridden and/or certain planning elements that could be removed if the criteria are met.

Conservation Ontario recognizes the importance of establishing an expedited process for undertaking development of standardized housing; however, it must be provided in legislation that these projects be excluded from hazardous lands and hazardous sites, and in areas where safe access through the hazard cannot be achieved. This would further expedite approvals by only including sites that are safe to develop from a natural hazard perspective.

### **Recommendation**

Amend the proposed legislative change so that any new regulation include criteria that standardized housing shall not be permitted in lands affected by hazardous lands and hazardous sites, and where safe access through the hazard cannot be achieved.

### **Settlement Area Boundary Expansions**

The Province proposes to allow applicants to appeal a municipality's refusal or failure to make a decision on privately requested official plan or zoning by-law amendments that would change the settlement area boundaries, outside of the Greenbelt Area. Conservation Ontario is concerned that proposals for settlement area boundary expansions would disregard or underestimate natural hazards, safe access, and sustainability of municipal

sources of drinking water; resulting in a lengthy appeal process initiated by municipalities or CAs.

**Recommendation**

That the proposal be amended to require expansion of settlement area boundaries to exclude hazardous lands and hazardous sites, lands where safe access through the hazard cannot be achieved, and where development should be restricted to protect the quality and quantity of drinking water supplies, in particular if impacting sustainability of municipal sources of drinking water.

Thank you for the opportunity to review and provide comments on Bill 185. Should you have any questions regarding the comments and/or recommendations in this letter, please contact Brandi Walter at [bwalter@conservationontario.ca](mailto:bwalter@conservationontario.ca).

Sincerely,

*Brandi Walter*

Brandi Walter  
Policy and Planning Liaison

*Leslie Rich*

Leslie Rich, RPP  
Source Water Protection Manager

c.c. Conservation Authority CAOs / GMs

## Appendix “B”

BY EMAIL – [growthplanning@ontario.ca](mailto:growthplanning@ontario.ca)

May 8, 2024

Provincial Land Use Plans Branch  
13<sup>th</sup> Floor, 777 Bay Street  
Toronto, Ontario  
M7A2J3

**Re: ERO 019-8462 – Review of Proposed Policies for a new Provincial Policy Instrument**

Staff of the Hamilton Conservation Authority have reviewed the ERO posting ERO 019-8462 and we offer the following comments. We thank you for the opportunity to provide comments on ERO posting 019-8462.

**1. What are your overall thoughts on the updated proposed Provincial Planning Statement?**

We note that the Natural Hazard policies from the 2020 Provincial Policy Statement (PPS) have been carried forward to the proposed 2024 PPS. We fully support direction of planning authorities working collaboratively with conservation authorities in identifying hazardous lands and hazardous sites and the management of development in these areas (Natural Hazards Policy 5.2.1). We do note that the implementation of natural hazard policies for development proposals would benefit from updated Natural Hazards Technical Guidelines (current information supports the 1996/7 PPS and was last published in 2001 but dates from the 1980's/early 1990's era).

**2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?**

As these issues are not directly related to the HCA's mandate, we provide no comment and defer to any comments provided by our partner municipalities.

**3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?**

As these issues are not directly related to the HCA's mandate, we provide no comment and defer to any comments provided by our partner municipalities.



**4. What are your thoughts on updated proposed policies to provide infrastructure to support development?**

The HCA fully supports the inclusion of stormwater volumes under the Stormwater Management Policy 3.6.8 as a critical component of planning for stormwater management.

**5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?**

As noted in our answer to question 1, we fully support the integration of conservation authorities with respect to identification of hazardous lands and hazardous sites and the management of development in these areas in accordance with provincial guidance (Natural Hazards Policy 5.2.1).

The HCA has provided previous comments regarding integrating conservation authorities and including watershed planning as a policy requirement. Water Policy 4.2.3, 4.2.4 and 4.2.5 encourages municipalities and requires fast-growing municipalities to undertake watershed planning. All municipalities are encouraged to collaborate with applicable conservation authorities. The HCA fully support this approach to integrating conservation authorities with respect to policies for Watershed Planning.

Thank you for the opportunity to comment on ERO 019-8462. Should you have any questions regarding HCA's comments, please do not hesitate to contact the undersigned at ext.130.

Yours truly,



T. Scott Peck, MCIP/RPP  
Deputy CAO/Director, Watershed Management Services

TSP/tsp



May 10, 2024

Ministry of Municipal Affairs and Housing  
Provincial Land Use Plans Branch  
777 Bay Street, 13<sup>th</sup> Floor  
Toronto, ON M7A 2J3

**RE: Conservation Ontario's comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO# 019-8462)**

Thank you for the opportunity to comment on the "Review of proposed policies for a new provincial planning policy instrument." Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. This letter provides general comments on the proposed policies and Attachment 1 provides responses to the consultation questions provided in the Environmental Registry notice.

Conservation Authorities play a key role within Ontario's land use planning and development framework. As prescribed through the Mandatory Programs and Services Regulation (O. Reg. 686/21), CAs review and comment on applications and other matters submitted pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as the protection of drinking water sources.

Conservation Ontario is pleased with the proposed references to CA roles in natural hazard management and mitigation (see 5.2(1)) and watershed planning (see 4.2(5)), as well as promoting collaboration between CAs, planning authorities and the Province (see Vision [wise use and management of resources]). The proposed change to policy 5.2(1) requiring planning authorities to collaborate with CAs (where they exist) to identify hazardous lands and sites to manage development in such areas, is particularly welcome.

CAs apply an integrated watershed management perspective through their plan review and permitting roles which considers local conditions, potential flooding and erosion impacts to upstream and downstream communities, and future management challenges. This perspective is informed by natural hazard mapping, modelling, and knowledge of local

watershed conditions and ongoing/planned projects. This coordinated, scientific and hazard/risk-based approach used by CAs was strongly supported by Ontario's Special Advisor on Flooding in their 2019 report.

When planning for development in new or existing communities, the Province, planning authorities, and Conservation Authorities are required to work together to protect people, property and infrastructure from potential risks resulting from natural and human-made hazards. Conservation Ontario notes that language in the Vision section of the proposed PPS, 2024 is inconsistent with the proposed natural hazards policies (e.g., "mitigation" of risks associated with natural and human made hazards versus direction in policy 5.1.1 to direct development away from natural hazards where there is unacceptable risk to public health or safety or of property damage). To ensure a consistent approach with proposed policy 5.1.1 of the PPS, 2024, Conservation Ontario recommends the Vision section be amended to read "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated".

The provincial planning system has undergone significant changes in recent years, including several consultations on the replacement of the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). Upon issuance of the new PPS, planning authorities and CAs will require time to focus on implementation of updated provincial policy and legislation. To support successful implementation and increase consistency and certainty regarding planning outcomes, Conservation Ontario recommends the Province provide comprehensive implementation guidance for the proposed PPS in a timely manner. A list of the required implementation guidance is included in Attachment 1.

Ultimately, the efficacy of the proposed PPS policies hinges upon the ability to apply them through planning processes. For example, Bill 185 currently proposes amendments to the *Planning Act* to create regulations that provide for the non-application of any provision of the Act to community service facilities, including institutional uses. The Province is urged to ensure that applications involving institutional uses continue to be subject to the PPS such that the appropriate planning safeguards are in place to direct development outside of hazardous lands and hazardous sites, and areas where safe access through a hazard cannot be achieved. It is recommended that any proposed exemptions from the *Planning Act* and subsequently, the PPS, should be subject to the development being outside of a natural hazard area, where safe access can be achieved, and where no restrictions are required to protect the quality and quantity of drinking water supplies.

Thank you for the opportunity to provide comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO#019-8462). Comprehensive provincial policy must strike the appropriate balance on all matters of provincial interest. This balance will not only support the government's initiative to increase the supply and

diversity of housing in Ontario, but also provide for the continued protection of people, property and infrastructure from the impacts of natural hazards, drinking water sources, and natural spaces that support safe and healthy communities. Should this letter require any clarification, please contact Brandi Walter at [bwalter@conservationontario.ca](mailto:bwalter@conservationontario.ca).

Sincerely,

*Brandi Walter*

Brandi Walter  
Policy and Planning Liaison

*Leslie Rich*

Leslie Rich, RPP  
Source Water Protection Manager

Attachment: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument.

c.c. All Conservation Authorities' CAOs / GMs

Conservation Ontario  
120 Bayview Parkway, Newmarket ON L3Y 3W3  
[www.conservationontario.ca](http://www.conservationontario.ca)

## Attachment 1: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

Conservation Ontario offers the following responses to the consultation questions provided by the Ministry of Municipal Affairs and Housing (MMAH) on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in Conservation Ontario's covering letter.

### 1. What are your overall thoughts on the updated proposed Provincial Planning Statement?

- Conservation Ontario is pleased with the reference in the Vision section to the Province, planning authorities and CAs working together to mitigate potential impacts on development or risks to public health and safety associated with natural hazards, including the risks associated with the impacts of a changing climate.
- In addition to the proposed references for collaboration and coordination with CAs, Conservation Ontario continues to recommend CAs be explicitly referenced in policy 6.2(1) as a part of the "coordinated, integrated and comprehensive approach...when dealing with planning matters". The integration of CAs throughout the proposed Provincial Planning Statement is a positive step forward to continue protecting people, property and infrastructure from potential impacts of natural hazards as well as protecting sources of drinking water.
- Conservation Ontario notes that the Province is not proposing to carry forward policy 1.1.1(c) from the PPS, 2020 which emphasizes the need for healthy, livable and safe communities to avoid development which may cause environmental or public health and safety concerns. The development of safe and healthy communities and the protection and conservation of ecological systems and natural resources are identified as matters of provincial interest under section 2 of the *Planning Act*. As mentioned in the covering letter, the proposed Vision section states that "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be **mitigated**" (*emphasis added*). This represents an unacceptable departure from the Province's commitment to directing development away from natural hazards; potentially increasing the risk to people and property. The Provincial "Understanding Natural Hazards" Technical Guide, identifies that prevention measures, including "good land use planning, development and management, and the regulation of hazardous lands and unsafe developments" is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the "Independent Review of the 2019 Flood Events in Ontario" as well as "Ontario's Flooding Strategy". A suggested revision is provided in the covering letter.

**2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?**

- Section 5.1 in the proposed PPS, 2024 states that development shall generally be directed to areas away from hazardous lands and hazardous sites. The proposed PPS must ensure that, in accordance with the natural hazard policies (section 5.2) and water policies (section 4.2), intensification does not occur in hazardous lands or on hazardous sites, where safe access through the hazard cannot be achieved, or where development should be restricted to protect the quality and quantity of drinking water supplies.
- CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.

**3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?**

- Existing policy 2.2.8.3 in the Growth Plan requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan. This includes ensuring that the proposed expansion would be planned and demonstrated to avoid, or if not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. Conservation Ontario continues to recommend this policy be brought forward into section 2.3.2 of the proposed Provincial Planning Statement (New Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities.” This inclusion would provide consistency with policies related to using the watershed as the meaningful scale for integrated and long-term planning.

**4. What are your thoughts on updated proposed policies to provide infrastructure to support development?**

- Policies in section 4.2 encourage all municipalities and require large and fast-growing municipalities to undertake watershed planning to inform planning for several purposes, including planning for sewage and water services. Conservation Ontario is pleased with policies in section 4.2 that now encourage all municipalities to collaborate with applicable CAs when undertaking watershed planning. The proposed changes to the definition of watershed planning are further supported which relate watershed planning to the evaluation and consideration of impacts of a changing climate on water resources systems and clarify that the process can be

undertaken at many scales.

- A list of “large **and** fast-growing municipalities” is provided in Schedule 1 of the proposed PPS, 2024. Further to proposed policy 4.2, these municipalities would be required to undertake watershed planning to inform planning for several purposes. While Conservation Ontario notes that all municipalities are “encouraged” to undertake watershed planning, the requirement to do so would not capture smaller municipalities currently experiencing rapid growth. Such municipalities would benefit from undertaking watershed planning to inform how best to manage and plan for growth, rather than waiting until a time where they may meet the criteria to be designated a “large municipality,” and mitigative options identified through watershed planning would be more limited.
- Conservation Ontario is pleased with the amendments to policy 3.6.8 (“planning for stormwater management”) which provides direction related to minimizing, preventing or reducing increases in stormwater volumes. This direction is a positive addition and will ensure planning authorities have regard to increased volumes which may contribute to pluvial and fluvial flooding in developed areas from stormwater flows.
- Existing policy 3.2.7 of the Growth Plan has not been carried forward into the proposed PPS, 2024, which requires municipalities to develop stormwater master plans that are informed by watershed planning or equivalent, and examine / assess cumulative impacts to stormwater from development, including how impacts are exacerbated during extreme weather events. This policy is significant for mitigating impacts associated with a changing climate within Ontario’s communities. Conservation Ontario recommends this policy be retained for large and fast-growing municipalities.
- Conservation Ontario supports the new proposed policy 2.3.2.2 that requires planning authorities to “identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”

**5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?**

- Conservation Ontario is pleased with the integration of CAs with respect to identification of hazardous lands and sites, and management of development in those areas.
- As noted in comments on previous consultation about the PPS, Conservation Ontario supports the proposal to keep the natural heritage policies and related definitions analogous to those in the PPS 2020. Natural heritage features such as forests and wetlands play important roles in reducing flows, storing floodwaters, and mitigating drought. The natural heritage, water resource and natural hazard systems are inextricably linked, and coordinated protection of these systems is necessary to mitigate potential impacts associated with natural hazards, protect

drinking water sources, and provide access to green / open space which contribute to the development of safe, sustainable, and complete communities.

**6. What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?**

- Conservation Ontario continues to recommend that the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the updated Provincial Planning Statement. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes, resulting in more timely approvals.
- Specifically, the Province should consider updating and/or finalizing the following: the Natural Hazard Technical Guides, the 1993 Watershed Planning Guidelines, the 2022 Subwatershed Planning Guide, and the Natural Heritage Reference Manual (and related guidance). Updated implementation guidance should include direction on planning for a changing climate, particularly with regard to natural hazard management, watershed/subwatershed planning, and stormwater management.



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# Memorandum

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED BY:** T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Management Services

**PREPARED BY:** Jonathan Bastien, P.Eng. – Manager, Water Resources Engineering

**DATE:** June 6<sup>th</sup>, 2024

**RE:** Watershed Conditions Report

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## SYNOPSIS

During the period of April 23<sup>rd</sup> 2024 to May 26<sup>th</sup> 2024, there were no observations, reports, or expectations of significant water safety concerns, significant watercourse flooding events, or Lake Ontario shoreline flooding events.

There is an ongoing rain event at this time. There are no observations, reports, or expectations that significant watercourse flooding or significant water safety concerns are occurring at this time. HCA staff continue to monitor conditions closely.

Current flows range from elevated but below the adopted thresholds for significant water safety concerns to elevated and just below the adopted thresholds for significant water safety concerns, due to the ongoing rain event.

However, the average monthly recorded flows for May so far have been well below to slightly above long-term averages.

Currently, there are no observations, reports, or expectations that significant Lake Ontario shoreline flooding is occurring. The Lake Ontario mean daily water level averaged across the entire lake was about 12 cm below average for this time of year, as of yesterday.

Current Christie Lake and Valens Lake levels are within the preferred summer operating levels.

The most recent drought assessment indicated that normal conditions are an appropriate overall characterization of the watershed.

There is potentially a significant rainfall event today. There is considerable uncertainty as to expected watercourse conditions, and given this HCA staff continue to monitor conditions closely and will issue flood messages as appropriate.

Starting tomorrow, there are no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks, at this time. In the next 9 days, no significant Lake Ontario shoreline flooding is expected, at this time. HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

## **CURRENT WATERSHED CONDITIONS – May 27<sup>th</sup>, 2024**

### Current Flows in Major Area Watercourses

There is an ongoing rain event at this time. There are no observations, reports, or expectations that significant watercourse flooding or significant water safety concerns are occurring at this time. HCA staff continue to monitor conditions closely.

Current flows range from elevated but below the adopted thresholds for significant water safety concerns to elevated and just below the adopted thresholds for significant water safety concerns, due to the ongoing rain event. The five available streamflow gauges are Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, Lower Spencer Creek at Market Street, Ancaster Creek at Wilson Street and Red Hill Creek at Barton Street.

Ice conditions within the creeks artificially affected flow readings in January, February and March, thus there were inaccuracies in the provided average monthly flows for those months. That said, ice condition effects were less prevalent in March.

The average monthly recorded flows for May so far have been well below to slightly above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road has been 120% of long-term averages (considered slightly above average). Monthly in flow Middle Spencer Creek at Highway 5 has been 61% (considered below average). Monthly flow in Lower Spencer Creek at Market Street has been 64% (considered below average). Monthly flow in Ancaster Creek at Wilson Street has been 99% (considered near average). Monthly flow in Red Hill Creek at Barton Street has been 49% (considered well below average). The higher flows in Upper Spencer Creek at Safari Road are expected to be the result of higher precipitation amounts received in the area upstream of this gauge. April 2024 average recorded flows ranged between below to near long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 55% of long-term averages (considered below average). Monthly flow in Middle Spencer Creek at Highway 5 was 69% of averages (considered below average). Monthly flow in Lower Spencer Creek at Market Street

was 63% of averages (considered below average). Monthly flow in Ancaster Creek at Wilson Street was 91% of averages (considered near average). However, monthly flow in Red Hill Creek at Barton Street was 82% (considered slightly below average). The higher flows in Red Hill Creek are expected to be the result of higher precipitation amounts, compared to the majority of gauges in Spencer Creek.

March 2024 average recorded flows were typically below long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 64% of long-term averages. Monthly flow in Middle Spencer Creek at Highway 5 was 65% of averages. Monthly flow in Lower Spencer Creek at Market Street was 57% of averages. Monthly flow in Ancaster Creek at Wilson Street was 59% of averages. However, monthly flow in Red Hill Creek at Barton Street was 45% (considered well below average).

February 2024 average recorded flows ranged between below to above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 136% of long-term averages (considered above average). Monthly flow in Middle Spencer Creek at Highway 5 was 111% (considered slightly above average). Monthly flow in Lower Spencer Creek at Market Street was 108% (considered near average). Monthly flow in Ancaster Creek at Wilson Street was 90% (considered near average). Monthly flow in Red Hill Creek at Barton Street was 56% (considered below average). The lower flows in Red Hill Creek are expected to be the result of differing ice conditions within this creek, when compared to the other gauges which are in less urban catchments.

January 2024 average recorded flows ranged between well above to significantly above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 221% of long-term averages (considered significantly above average). Monthly flow in Middle Spencer Creek at Highway 5 was 227% (considered significantly above average). Monthly flow in Lower Spencer Creek at Market Street was 194% (considered well above average). Monthly flow in Ancaster Creek at Wilson Street was 163% (considered well above average). Monthly flow in Red Hill Creek at Barton Street was 306% (considered significantly above average).

### Current Lake Ontario Water Levels

At this time, there are no observations, reports, or expectations of significant Lake Ontario shoreline flooding. The Lake Ontario mean daily water level in the Hamilton area was 74.98 m to 74.99 m IGLD85 as of yesterday. The Lake Ontario mean daily water level averaged across the entire lake (74.94 m IGLD85 as of yesterday) is about 12 cm below average for this time of year.

### Current Storages in HCA Reservoirs

Current Christie Lake levels (771.41 ft) are within the preferred summer operating levels (771.00 to 771.50 ft).

Current Valens Lake levels (275.39 m) are within the preferred summer operating levels (275.25 to 275.45 m).

### Current Soil Conditions

Surface and root-zone soils are considered moist to wet, and fully thawed, across the watershed.

## **RECENT STORM EVENTS**

During the period of April 23<sup>rd</sup> 2024 to May 26<sup>th</sup> 2024, there were no observations, reports, or expectations of significant water safety concerns, significant watercourse flooding events, or Lake Ontario shoreline flooding events.

However, there is an ongoing rain event at this time, and HCA staff continue to monitor conditions closely.

## **RECENT WATERSHED LOW WATER CONDITIONS**

The most recent drought assessment (including data up to April 30) indicated that normal conditions are an appropriate overall characterization of the watershed.

## **FORECASTED WATERSHED CONDITIONS**

### Watercourse Flooding

There is potentially a significant rainfall event today, with forecasted total rain amounts for today of 7 to 63 mm. There is considerable uncertainty as to expected watercourse conditions, given the large range in forecasted rain amounts. HCA staff continue to monitor conditions closely, and will issue flood messages as appropriate.

Starting tomorrow, there are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks.

HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently anticipated rain are not expected to result in significant watercourse flooding.

### Lake Ontario Shoreline Flooding

In the next 9 days, no significant Lake Ontario shoreline flooding is expected.

### Watershed Low Water Conditions

HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

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# Memorandum

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**PREPARED BY:** Brandon Good, Senior Manager of Conservation Area Services

**MEETING DATE:** June 6, 2024

**RE:** Conservation Areas Experiences Update

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## BACKGROUND:

HCA provides high quality, diverse conservation areas that promote outdoor recreation, health and well being and strengthen public awareness of the importance of being in or near our conservation areas.

## STAFF REPORTING COMMENTS

- Spencer Gorge Reservation Service – For 2024, the reservation service at Spencer Gorge Conservation Area will be in effect only during the peak fall colour period. During this time, reservations will be required 7 days a week. The reservation operation parameters strive to reflect greater visitor and passholder access by not requiring reservations during the summer months, while controlling visitation access during the high visitation levels of the fall colour period. Further operational details on the 2024 reserve service will be shared with the Conservation Advisory Board at the June 13 meeting.
- Birding by Ear in the Dundas Valley – our May and June bird hikes were once again hugely popular and sold out. The hikes are led by staff member James Lees who is our resident bird expert and current superintendent of Dundas Valley Conservation Area. During the hikes, participants learn the calls and songs of a large number of migrant and resident birds and other wildlife along the way.



- Westfield Heritage Village Conservation Area 60<sup>th</sup> Anniversary – This year marks the 60<sup>th</sup> anniversary of Westfield Heritage Village Conservation Area. Celebrations will be held on June 15 & 16 2024. Preparations for our 60th anniversary celebration are well underway and will include a new interactive garden that will engage visitors with hands-on learning opportunities. Métis artist Tracey-Mae Chambers will be creating a special art installation, adding cultural richness to the event. Many buildings will be open with costumed interpreters and demonstrations. All-day musical performances will create a festive atmosphere. Visitors can enjoy steam traction engine wagon rides in the Village and guided hikes on the new trails in the Conservation Area. A new logo has been created, reflecting the heritage and conservation elements that make up Westfield. The trail and trees of the logo symbolize the conservation area, while the stylized Bamberger House represents the heritage village.

