

Ministry of Natural Resources and Forestry
Fish and Wildlife Policy Branch
300 Water Street, 2nd Floor South Tower
Peterborough, ON
K9J 3C7
NHplanning@ontario.ca

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Public Works

10 Peel Centre Dr.
Suite B
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

RE: Environmental Registry of Ontario (ERO) 019-8364 Proposed amendments to development permit exemptions under R.R.O. 1990, Regulation 828 for lands in the Niagara Escarpment Planning (NEP) area that is under the area of development control

Thank you for the opportunity to review and comment on ERO 019-8364, which proposes regulatory changes to R.R.O. 1990 Regulation 828 (O.Reg. 828), under the *Niagara Escarpment Planning and Development Act, 1990* (the Act). Peel Region staff understand that the purpose of the proposed amendments to O.Reg. 828 serves to expand the number of development activities to be exempt from a development permit issued by the Niagara Escarpment Commission (the Commission), by introducing new or modifying existing exemptions for permitted activities under the Act. These exemptions are to apply to activities that are deemed by the Commission to be permitted under the Act and have little or no environmental impact.

Comments

Peel Region staff are generally supportive of a simplified and expedited process for applicants seeking to obtain the Commission's approval for common, small development activity applications that are expected to have little or no environmental impacts. However, there are aspects of the proposed amendments that require further consideration by the Ministry.

Self-Reporting Process

The proposed procedural change and introduction of an applicant led, online self-reporting process that is then submitted to the municipality by the applicant as part of their development approval, will download and place the onus of responsibility on to municipal governments to ensure the accurate completion of the self-reported development application. There may be some municipalities that are unable to incorporate this addition process into their development review due to capacity.

The proposed self-reporting process can also lead to confusion as the applicant may misconstrue the Commission's exemption as an exemption to municipal Official Plan policies, by-laws, permits and building approvals. The self-reporting process needs to emphasize that local approval would still be required when moving forward with an activity exempted by the Commission.

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Conditions of Exemption

The ERO states that the proposed new exemptions or modifications to existing exemptions will be subject to conditions and not all will be allowed across the NEP area. However, these conditions have not been provided in the posting. It is not clear if the exemptions will be allowed in all or just some NEP land use designations (e.g., exclusions in the Escarpment Natural Area).

While Peel Region staff are supportive of a streamlined and more simplified process, it is not clear how the identification of key natural heritage features, key hydrologic features or their vegetation protection zone will be identified and protected through the self-reporting tool. Peel Region staff request that the conditions of the proposed exemptions, such as limits on development size or distance from natural heritage and water resource features, are harmonized with the NEP's Development Criteria policies and with similar policies in the Provincial Policy Statement, 2020, Growth Plan and Greenbelt Plan.

We trust that the Region's comments will be helpful as the Ministry considers the proposed amendments. If there are any further questions or clarifications, please do not hesitate to contact Learie Miller, Acting Manager, Planning & Development Services at Learie.Miller@peelregion.ca.

Kind Regards,



Tara Buonpensiero, RPP, MCIP
Chief Planner and Director of Planning & Development Services
Tara.Buonpensiero@peelregion.ca
437-218-7724