



June 11, 2025

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

**Re: Conservation Ontario's comments on "Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)" (ERO#025-0461), "Proposed Regulations- Complete Application" (ERO#025-0462), and the "Proposed Regulation- As-of-right Variations from Setback Requirements" (ERO#025-0463).**

Bill 17, *Protect Ontario by Building Faster and Smarter Act, 2025*, received Royal Assent on June 5, 2025, amending eight pieces of legislation, including the *Planning Act* and *City of Toronto Act, 2006*. The amendments alter or exempt certain planning requirements and approval processes related to minor variances and elementary schools, enable enhanced oversight for projects proceeding through a Minister's Zoning Order (MZO), and provide regulation-making authority to create rules regarding study requirements for complete applications.

Conservation Ontario is the voice of Ontario's 36 Conservation Authorities.

**Conservation Ontario supports the government's commitment to timely and transparent planning and development approvals.**

- We appreciate the provincial government's continued commitment to ensuring development does not occur on hazardous lands, as noted in ERO#025-0461.
- Strong natural hazard planning and regulatory frameworks are essential to protect housing, sensitive institutional uses such as schools, hospitals and care facilities, critical infrastructure, and the public from natural hazard impacts, including flooding and erosion.

**Conservation Ontario is committed to the goals of:**

- **Protecting people, property, and infrastructure from the impacts of natural hazards; and,**
- **Protecting sources of municipal drinking water.**

**Conservation Ontario believes that achieving these goals requires informed planning supported by a comprehensive understanding of hazard areas and significant (drinking water) threat policies within municipal jurisdictions.**

- Municipalities rely on Conservation Authorities<sup>1</sup> for mapping for hazardous lands and sites in municipal planning documents, including Official Plans and Zoning By-Laws.
- Working with Source Protection Authorities, municipal planning documents further incorporate significant drinking water threat policies that must be 'conformed with' and other policies that they 'have regard to' arising from their local Source Protection Plan.

Conservation Ontario provides the following comments on select aspects of these proposals. A summary is provided in Attachment 1. These comments are limited to changes implemented through Bill 17 and are not reflective of the full suite of proposed changes as outlined in the Province's Bill 17 Technical Briefing Deck.

### **1. Minor Variances (As-of-Right Variations from Setback Requirements)**

- Bill 17 enables new regulation-making authority to allow variations to a municipal zoning by-law to be permitted "as of right" if a proposal is within a percentage of the required setback on specified lands (currently proposed to be 10%).
- These provisions would only apply to buildings or structures on urban residential lands outside of the Greenbelt Area and would further exclude any area that is within 120 m of certain hazardous lands (including shorelines) and lands within 300 m of most railways.

**Conservation Ontario supports process improvements to facilitate safe housing and infrastructure development, while ensuring that development occurs outside of hazardous lands.**

- Recent publications<sup>2,3,4</sup> highlight limited municipal capacity to map and effectively manage flooding and other natural hazards, emphasizing the need for collaborative partnerships with Conservation Authorities to ensure hazardous areas are accurately reflected in municipal planning documents.

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<sup>1</sup> Ontario Ministry of Municipal Affairs and Housing. (2024). *Provincial Planning Statement, 2024*. Policy 5.2. Government of Ontario.

<sup>2</sup> Office of the Auditor General of Ontario. (2022). *Value-for-Money Audit: Climate Change Adaptation: Reducing Urban Flood Risk*.

<sup>3</sup> Office of the Auditor General of Ontario. (2024). *Follow-up on the 2022 Performance Audit: Climate Change Adaptation: Reducing Urban Flood Risk*.

<sup>4</sup> McNeil, D. (2019). *Ontario's Special Advisor on Flooding Report to Government: An Independent Review of the 2019 Flood Events in Ontario*.

- To ensure “as-of-right” setback reductions do not have the effect of siting development in areas impacted by natural hazards, Conservation Authorities will continue to collaborate with municipal partners to ensure current hazard mapping is incorporated into municipal Official Plans and Zoning By-Laws.

## 2. Study Requirements and Certified Professionals

- Bill 17 enables new regulation-making authority to specify the type and topics of studies/reports that may be requested as part of a complete application under the *Planning Act* and limit complete application study/report requirements to what is currently outlined in Official Plans, unless otherwise approved by the Minister.
- Applications made under the *Planning Act* are often accompanied by municipally requested technical studies or reports to confirm site constraints, policy compliance, and assess impacts on infrastructure, municipal drinking water sources, and public health and safety.

**Conservation Ontario recommends future regulations enable municipalities to require studies/reports used to confirm consistency with provincial policies related to natural hazards and applicable drinking water source protection policies as part of a complete application.**

- Supporting studies and reports provide approval authorities with technical information to make informed decisions on development proposals.
- These studies ensure the proposed development does not negatively impact natural hazards, safeguard sources of municipal drinking water, and maintain a high standard of public safety.
- A list of potential study/report topics and types is provided in Attachment 2.

- Amendments further require municipalities to accept studies/reports prepared by “prescribed professionals” as “final” for the purpose of determining a complete application.
- It is anticipated that a range of professions / professional designations may be included in a future regulation, each with varying technical expertise to support the development of municipally-requested studies/reports.

**Conservation Ontario recommends the regulation clarify the specific designations and expertise for “prescribed professionals”, specific to each report type, to ensure studies/reports are prepared by appropriate professionals.**

### 3. Streamlined Planning Approval for Schools

- Bill 17 provides “as-of-right” permission to locate public elementary and high schools on urban lands zoned for residential uses. The Bill further exempts the placement of all portable classrooms at public schools from site plan control.

#### **Conservation Ontario supports efforts to facilitate timely and safe development of institutional uses, such as schools and day-care facilities.**

- As previously noted, we recommend municipal zoning resources be updated to ensure development is not situated in hazardous lands or sites, further to prohibitions in policy 5.2.6 (a) of the Provincial Planning Statement, 2024.
- Consideration should also be given to scoping “as-of-right” provisions to exclude areas subject to natural hazards and/or areas where safe access cannot be achieved.

#### **Conservation Ontario recommends in lieu of the requirement for a Zoning By-Law Amendment, a streamlined review process to confirm that natural hazards do not pose a safety threat for the siting of schools and day-care facilities.**

- Conservation Authorities are prepared to assist municipal partners with an expedited review to help facilitate timely and safe development.

### 4. Minister’s Zoning Orders

- Bill 17 provides the Minister with the ability to impose enforceable conditions on municipalities or proponents that must be met before a use permitted by a Minister’s Zoning Order comes into effect.

#### **Conservation Ontario supports using this new authority to improve transparency and effective implementation of MZOs.**


For example, conditions could be applied to request completion of satisfactory studies/reports, or inclusion of appropriate safeguards for drinking water sources or against the impacts of natural hazards (e.g., flooding and erosion).

#### **Conservation Ontario requests that the Province, when considering a request for a Minister’s Zoning Order, consult with affected municipalities and Conservation Authorities on potential conditions.**

Thank you for the opportunity to review and provide comments on “Proposed Planning Act and City of Toronto Act, 2006 Changes (Schedules 3 and 7 of Bill 17 - Protect Ontario by Building Faster and Smarter Act, 2025)” (ERO#025-0461), “Proposed Regulations– Complete

Application" (ERO#025-0462), and the "Proposed Regulation- As-of-right Variations from Setback Requirements" (ERO#025-0463). We would be pleased to further discuss these comments at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bonnie Fox". The signature is fluid and cursive, with the first name "Bonnie" and last name "Fox" clearly distinguishable.

Bonnie Fox  
Policy and Planning Director

c.c. Conservation Authority CAOs/GMs

## **Attachment 1: Summary**

1. Conservation Ontario supports the government's commitment to timely and transparent planning and development approvals.
2. Conservation Ontario is committed to the goals of:
  - a. Protecting people, property, and infrastructure from the impacts of natural hazards and
  - b. Protecting sources of municipal drinking water
3. Conservation Ontario believes that achieving these goals requires informed planning supported by a comprehensive understanding of hazard areas and significant (drinking water) threat policies within municipal jurisdictions.
4. Conservation Ontario supports process improvements to facilitate safe housing and infrastructure development, while ensuring that development occurs outside of hazardous lands.
5. Conservation Ontario recommends future regulations enable municipalities to require studies/reports used to confirm consistency with provincial policies related to natural hazards and applicable drinking water source protection policies as part of a complete application.
6. Conservation Ontario recommends future regulations clarify the specific designations and expertise for "prescribed professionals", specific to each report type, to ensure studies/reports are prepared by appropriate professionals.
7. Conservation Ontario supports efforts to facilitate timely and safe development of institutional uses, such as schools and day-care facilities.
  - a. Conservation Ontario recommends in lieu of the requirement for a Zoning By-Law Amendment, a streamlined review process to confirm that natural hazards do not pose a safety threat for the siting of schools and day-care facilities.
8. Conservation Ontario supports the use of new MZO authority to improve transparency and effective implementation of MZOs.
  - a. Conservation Ontario requests that the Province, when considering a request for a Minister's Zoning Order, consult with affected municipalities and Conservation Authorities on potential conditions.

## **Attachment 2: Potential Studies/Reports that Municipalities may request to support complete applications under the *Planning Act***

The following studies are examples of what may be required to support informed decisions on applications submitted under the *Planning Act*. These lists are not exhaustive. The specific proposal, geographic context, and applicable local policies will further scope necessary studies. Where study/report recommendations are put forward by Conservation Authorities through their mandatory plan review and input roles, CAs will work with municipal partners to scope study requirements to capture necessary details to support municipal decision-making.

### **1. Studies required by Source Protection Plan policies. Examples include, but are not limited to:**

- a. Groundwater Impact Studies (in areas identified as significant Groundwater Recharge Areas).
- b. Hydrogeological analysis / risk assessment (where proposed development may pose risk to vulnerable aquifers).
- c. Water balance assessment.
- d. Intake / wellhead vulnerability mapping.
- e. Transport Pathway Vulnerability Assessment.

### **2. Studies required to assess consistency with provincial natural hazard policies (e.g., PPS, 2024) and conformity with natural hazard policies in provincial plans. Examples include, but are not limited to:**

- a. Detailed site plan / site screening report.
- b. Studies/ reports to assess potential flooding hazards (*e.g., flood plain study reports, flood hazard assessments, hydraulic modelling, topographic report, grading plan, drainage catchment assessments, post-development drainage plans, etc.*)
- c. Studies / reports to assess potential erosion hazards (*e.g., geotechnical investigations / assessments, erosion hazards assessments [meander belts, slope stability, etc.], sediment and erosion control plans, etc.*)
- d. Studies / reports to assess potential shoreline/coastal hazards (*e.g., coastal hazard / engineering assessment, shoreline stability report, etc.*)
- e. Studies / reports to assess potential wetland hazards/impacts (*e.g., hydrological evaluations / water balance, wetland delineation study, scoped Environmental Impact Study, etc.*)
- f. Studies / reports to assess potential stormwater management needs (*e.g., stormwater management report, functional servicing report, etc.*)