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**Report To: Board of Directors**

**Subject: Status Update RE: CA Programs and Services Further to Royal Assent of Bill 23**

**Report No: FA-56-22**

**Date: December 16, 2022**

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**Recommendations:**

1. **THAT** Report No. FA-56-22 RE: Status Update RE: CA Programs and Services Further to Royal Assent of Bill 23 **BE APPROVED**.
2. **AND FURTHER THAT** staff **CIRCULATE** Report No. FA-56-22 to NPCA watershed municipalities as information and post the report to the NPCA Planning and Permits webpage.

**Purpose:**

The purpose of this report is to provide an update on the status of Bill 23, *An Act to amend various statutes, to revoke various regulations and to enact the Supporting Growth and Housing in York and Durham Regions Act, 2022* as it relates to Conservation Authority programs and services.

**Background:**

At the November 4, 2022 meeting of the Board of Directors, NPCA staff presented comments on Bill 23, which were sent to the Standing Committee on Heritage, Infrastructure and Cultural Policy, and forwarded to our watershed municipalities (Report No. FA-45-22). On November 28, 2022, Bill 23 passed third reading and received Royal Assent, which includes sweeping changes to the land use approvals system in the province, with the goal of facilitating the construction of 1.5 million new homes by 2031. Amendments to the *Conservation Authorities Act* and *Planning Act* affect the plan review and permitting function of the NPCA. While some changes have come into force immediately, several of the amendments will come into force at a later date.

**Discussion:**

The changes to legislation through Bill 23 primarily affect the review of *Planning Act* applications and Section 28 work permits.

Plan Review Services

The NPCA's plan review services will be operating status quo at this time as changes in Bill 23 will not take effect until such time as the Minister of Natural Resources and Forestry (MNR) issues a clarifying regulation. NPCA municipal partners are being requested to continue to circulate planning applications to the NPCA for review. Specifically:

- NPCA's mandatory plan review and commenting role (commenting on natural hazards) is not affected by Bill 23 and continues to be required under Ontario Regulation 686/21.
- NPCA's non-mandatory plan review and commenting role (commenting on natural heritage and stormwater as per our MOUs with municipalities) is also status quo as changes in Bill 23 will not take effect until such time as the Minister of Natural Resources and Forestry issues a clarifying regulation. Should this happen in 2023, the NPCA will contact the City of Hamilton and Haldimand County, and work with them to explore options to maintain service continuity.

Therefore, the NPCA is providing the same plan review services at this time and will continue to do so in a timely manner to support our watershed municipalities to meet the legislated deadlines under the *Planning Act*.

### Section 28 Work Permits in Regulated Areas

It is business as usual for the NPCA's permitting services, except for new provisions concerning Minister's Zoning Orders (MZOs) and Community Infrastructure and Housing Accelerator Orders (CIHAs) for which the Minister can impose or review conditions of Section 28 work permits. If one of these orders is issued within our watershed municipalities, we will collaborate with them on any required permits from the NPCA.

Changes in Bill 23 that allow the Minister to exempt certain development projects with *Planning Act* approval in certain municipalities from needing conservation authority permits is not currently in effect and would require a regulation to be released at a later date. The NPCA is working with watershed municipalities to address any future gaps and provide continued support to ensure risk from natural hazards is addressed.

### Updated Plan Review and Permitting Fee Schedule

The 2023 Plan Review and Permitting Fee Schedule meets the requirements of the Minister's List of classes of programs and services for which conservation authorities may charge a fee. This fee schedule remains in effect unless the Minister issues a direction to freeze conservation authority fees. The NPCA will notify our watershed municipalities should such a direction be issued.

### Other Services Provided through MOUs/Agreements

It is important to note that Bill 23 does not affect any other programs and services that the NPCA may provide to municipalities in our watershed jurisdiction, such as monitoring, restoration etc.. Discussion with municipal partners on these ongoing and potential services is currently underway.

### Provisions in Force January 1, 2023

The provisions related to the following matters come into force January 1, 2023: Process changes for disposition and leasing of conservation authority lands.

- Prohibition on municipal services related to reviewing and commenting under prescribed Acts related to non-mandatory services such as Natural Heritage and Stormwater Management review takes effect once a regulation is passed listing the prescribed Acts. It is not known whether the Minister's Regulation containing the prescribed Acts will be released on January 1, 2023, or at a later date. It is important to note that the NPCA's Mandatory Natural Hazard review under the prescribed Acts remains unchanged.

- Minister's direction to freeze conservation authority fees. The clause takes effect once there is a Minister's Direction issued. It is not known whether the Minister's Direction will be released on January 1, 2023, or at a later date.
- Minister's power to impose terms and conditions on "projects of authority" under s. 24 of the CA Act.

The remaining provisions come into effect when related unproclaimed sections from previous amending acts are proclaimed [e.g. amendments from Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)].

### **Financial Implications:**

Recent changes to the *Conservation Authorities Act*, associated transition requirements, and Bill 23 related matters continue to require extensive staff time and resources. This is being addressed in 2023 through reallocation of resources and continued management of pressures related to heavy work load. NPCA staff will continue to monitor the implementation of Bill 23 and will advise the Board of Directors of any financial implications, such as freezing of fees.

### **Links to Policy/Strategic Plan:**

N/A

### **Authored by:**

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