

# Staff Report

Presented By: Candace Hamm, Development Services Officer

Meeting Date: February 18, 2025

Subject: Comments on the Saugeen Valley Conservation Authority Policies Manual

Attachment(s): Town of Saugeen Shores Stakeholder Feedback  
Draft SVCA EPR Policies Manual

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## **Recommendation**

That Council endorse the comments in this report and the attached Stakeholder Feedback form and forward them to the Saugeen Valley Conservation Authority (SVCA) for inclusion in the consultation.

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## **Report Summary**

Saugeen Valley Conservation Authority (SVCA) has proposed an update to the SVCA Environmental Planning and Regulations Policies Manual. This report outlines comments to be forwarded to the SVCA for consideration before a final manual is brought to the SVCA Board of Directors for approval.

## **Background/Analysis**

The SVCA has proposed an updated Environment Planning and Regulations (EPR) Policies Manual and is reviewing feedback before the draft is brought to the SVCA Board of Directors for approval. The SVCA describes the Policies Manual as a cornerstone document outlining the SVCA's approach to environmental planning and regulatory responsibilities and serves as a critical guide for SVCA staff when providing comments on natural hazards under the Planning Act and reviewing permit applications.

The updated EPR Policies Manual is intended to reflect changes in legislation and to comply with the Conservation Authorities Act (CA Act), Ontario Regulation 686/21 (Mandatory Programs and Services), Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), and the Provincial Planning Statement (PPS, 2024).

In review of the proposed draft EPR Policies Manual, topics that are of key interest to the Town have been outlined in this report and further examined as they relate to or affect the local context of Saugeen Shores, an analysis of the impact on the Town, and a recommendation.

## 1. Planning Act Priority and Prior Planning Approvals

### **Draft EPR Policies Manual**

Section 1. Introduction (1.3 Legislative Authority / 1.3.5 Key Principles)

Section 3. Planning Advisory Services (3.4.8 Right to Appeal by SVCA)

The draft EPR Policies Manual indicates that the ‘principle of development’ is preferred to be established through the Planning Act, noting that Planning Act approvals are to be secured first; and SVCA permit approvals second. The draft also indicates that when there are historical planning approval decisions made in the absence of current technical information which could preclude development under the CA Act, the SVCA will work diligently with the applicant and the municipality to resolve the issue. Similar policies have been drafted in the Right to Appeal by SVCA section of the draft EPR Policies Manual, indicating that wherever possible, if an issue remains unresolved, SVCA will work with the proponent and the municipality to pursue a resolution when considering the appeal of a planning decision that relates to a natural hazard.

For planning related matters, the [Memorandum of Agreement \(MOA\) for Planning Services between Bruce County, SVCA, GSCA and MVCA](#) includes a Dispute Resolution Procedure (Appendix D) for cases when the County’s Planning staff and Conservation Authority staff disagree on a recommended action.

### **Analysis**

The Planning Act Priority and Prior Planning Approval wording included in the draft EPR Policies Manual have been carried forward from the current policies manual.

The Memorandum of Agreement for Planning Services between Bruce County, SVCA, GSCA and MVCA Dispute Resolution Procedure is not referenced in the draft EPR Policies Manual.

### **Saugeen Shores Context**

The continuation of the Planning Act Priority and Prior Planning Approval policies in the updated EPR Policies Manual are appropriate to ensure that development proposals in the Town are reviewed in a consistent manner that accounts for historical planning approvals. This is particularly critical for the areas of Southampton where updated Flood Hazard Mapping was produced. The new mapping is precluding development; and we look forward to the SVCA working diligently with the Town and the impacted developers to resolve the issue.

Bruce County provides planning services to the Town of Saugeen Shores, and the Town is supportive of the efforts taken by the County to negotiate and enter into a MOA with the local Conservation Authorities that outlines a procedure for dispute resolution.

### **Recommendation 1**

The Town is supportive of the draft EPR Policies as it relates to Planning Act Priority and Prior Planning Approvals.

### **Recommendation 2**

That the EPR Policies Manual refer to the Dispute Resolution Procedure in the Memorandum of Agreement for Planning Services between Bruce County, SVCA, GSCA and MVCA.

## 2. Vision, Goals & Principles and Provincial Standards

### **Draft EPR Policies Manual**

Section 2. Approach to Natural Hazard Management (2.4 Vision, Goals & Principles)

Section 3. Planning Advisory Services (3.7.1.2 Provincial Standards)

The draft EPR Policies Manual indicates the SVCA will focus on mandatory programs and services for natural hazard planning and deliver on legislated responsibilities, providing clear direction to watershed municipalities to distinguish between recommendations and requirements. Section 3.7.1.2 Provincial Standards states that the SVCA will make recommendations consistent with established provincial policy, standards and guidelines when determining the extent of hazardous lands and sites, and when assessing impacts of development and site alterations on the hazards.

### **Analysis**

The Vision, Goals & Principles related to Natural Hazard Management included in the draft EPR Policies Manual have been carried forward from the current policies manual with some minor changes.

### **Saugeen Shores Context**

The continuation of these policies in the updated EPR Policies Manual is appropriate to ensure natural hazards in the Town are managed in a consistent manner in accordance with Provincial standards, and that the Town is provided with clear direction to distinguish between recommendations and requirements. This is particularly critical as the Town continues to explore the implementation of a Two-Zone Floodplain Management Concept for the areas of Southampton impacted by the updated Flood Hazard Mapping.

### **Recommendation 3**

The Town is supportive of the draft EPR Policies as they related to the SVCA approach to natural hazard management and provincial standards, apart from the policies related to Climate Change, which is discussed in more detail below.

## 3. Request for Review

### **Draft EPR Policies Manual**

Appendix C: Administrative Review Policies

Appendix C of the draft EPR Policies Manual outlines the SVCA Administrative Review Policies when receiving, evaluating and making a decision related to a request for review under Section 8 of Ontario Regulation 41/24.

### **Analysis**

When reviewing the SVCA's Administrative Review Policies, a number of discrepancies between the draft policies and Ontario Regulation 41/24 were noted, as summarized in the table below:

Ontario Regulation 41/24	Draft EPR Policies Manual	Town Comments
<p><b>Request for review</b></p> <p><b>8.</b> (1) An applicant may request a review by the authority if,</p> <p>(a) the applicant has not received a notice from the authority within 21 days in accordance with subsection 7 (2);</p> <p>(b) the applicant disagrees with the authority's determination that the application for a permit is incomplete; or</p> <p>(c) the applicant is of the view that a request by the authority for other information, studies or plans under clause 7 (1) (i) is not reasonable.</p> <p>(2) A review requested by an applicant under subsection (1) shall be completed by the authority no later than 30 days after it is requested and the authority shall, as the case may be,</p> <p>(a) confirm that the application meets the requirements of subsection 7 (1) and is complete or provide reasons why the application is incomplete; or</p> <p>(b) provide reasons why a request for other information, studies or plans under clause 7 (1) (i) is reasonable or withdraw the request for all or some of the information, studies or plans.</p>	<p><b>4. Eligibility</b></p> <p>Administrative reviews undertaken by the Authority (<i>or its delegate</i>) shall be conducted under the following circumstances: ...</p>	<p>The SVCA is seeking to delegate, or has already delegated, administrative review powers to the General Manager / Secretary-Treasurer.</p> <p>The ability to request a review lies with the applicant. The drafted wording suggests that the SVCA initiates the process.</p>
	<p><b>5. Timeline for Review</b></p> <p>Administrative reviews are completed within 30 days of receipt of a requested review. However, there may be extenuating circumstances where it is not possible to complete the administrative review within 30 days. In these cases, the Authority (or its delegate) will provide notice to the applicant of any anticipated delays and obtain written approval of the applicant to extend the timeline, if feasible.</p>	<p>The policies have been drafted to allow the SVCA to circumvent the 30-day timeline for review specified in the Regulation.</p>
	<p><b>9. Evaluation Criteria</b></p> <p>The Authority (<i>or delegate</i>) shall evaluate the request for administrative review in accordance with the following standards:</p> <p>4. That the applicant has submitted all components of a complete application required by SVCA staff.</p>	<p>An applicant disagreeing with the authority's determination that the application for a permit is incomplete can be the basis for the request for review. Evaluating whether the applicant has submitted all components of a complete application required by SVCA staff circumvents the process.</p>

	<p><b>11. Notice and Communication</b></p> <p>The Authority (or delegate) shall provide the following correspondence in writing to the applicant:</p> <ol style="list-style-type: none"> <li>1. Within 1-2 business days, upon receipt of a "Request for Review" form, confirm the receipt of the request, set out the start and end dates of the administrative review period (requests for administrative review shall be completed within 30 days upon receipt of the request, unless an extension is approved by the applicant);</li> </ol>	<p>Same comments as above. The polices have been drafted to allow the SVCA to circumvent the 30-day timeline for review specified in the Regulation.</p>
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**Saugeen Shores Context**

Ensuring the EPR Policies Manual is aligned with the regulations made under the Conservation Authorities Act will better serve the Town of Saugeen Shores.

The delegation of the Ontario Regulation 41/24 Section 8 Request for Review powers to the SVCA General Manager / Secretary-Treasurer is concerning to the Town. Under this framework, the Town, and other applicants from the community, will not be afforded an opportunity to approach the SVCA Board of Directors in instances where the applicant disagree with the determination of the General Manager / Secretary-Treasurer on the completeness of the application, or the studies required in support of the application.

**Recommendation 4**

That the Draft EPR Policies Manual be revised to align with Section 8 Request for review of Ontario Regulation 41/24.

**Recommendation 5**

That Ontario Regulation 41/24 Request for Review powers remain the responsibility of the full Authority and not be delegated to the General Manager / Secretary-Treasurer.

**Recommendation 6**

That a Dispute Resolution Procedure for permit applications submitted to the SVCA under Section 28.1 of the Conservation Authorities Act be set out in the EPR Policies Manual; and

That the Dispute Resolution Procedure within the EPR Policies Manual specify that in the event that a dispute between an applicant and SVCA staff cannot be resolved through the dispute resolution process, the dispute may be submitted to the SVCA Board of Directors.

#### 4. Minister's Powers

##### **Draft EPR Policies Manual**

The provisions in the Conservation Authorities Act (CAA) that include powers of the Minister of Natural Resources to review or make permit decisions is not referenced in the draft EPR Policies Manual.

##### **Analysis**

New provisions in the CAA came into effect on April 1, 2024, that included powers for the Minister to 1) issue an order to prevent a conservation authority from issuing a permit and to take over the permitting process in the place of a conservation authority ("Minister's permit"), and 2) review a conservation authority permit decision at the request of the applicant ("Minister's review").

Ontario Regulation 474/24, which came into effect on January 1, 2025, sets out the circumstances under which the Minister may use these powers. The circumstances are where the proposed development activity or other activity, in the opinion of the Minister, pertains to or supports a matter of provincial interest described in the regulation. Additionally, it includes a transparent process for individuals or businesses to request the use of these powers and sets out the information that must be submitted as part of such a request.

The provincial interests described in Ontario Regulation 474/24 are:

- Housing
- Community Services like schools, healthcare or recreation
- Infrastructure like roads, waste management or energy systems
- Jobs through businesses like factories, farms or stores
- Any other matter that, in the opinion of the minister, is a provincial interest.

##### **Saugeen Shores Context**

It is important for the Town and its residents to be aware of and understand that for matters of provincial interest, there are alternative options outside of the SVCA permitting process to facilitate the review and approval of development proposals within the SVCA Regulated Area.

##### **Recommendation 7**

That the EPR Policies Manual include a section on Minister's Powers.

#### 5. Climate Change

##### **Draft EPR Policies Manual**

Section 2. Approach to Natural Hazard Management (2.3 Preparing for a Changing Climate)

Section 2. Approach to Natural Hazard Management (2.4 Vision, Goals & Principles)  
Section 3. Planning Advisory Services (3.2 Introduction)  
Section 3. Planning Advisory Services (3.4.6 Identifying and Addressing Hazards)  
Section 3. Planning Advisory Services (3.7.1.7 Climate Change)

There are multiple references through the draft EPR Policies Manual that relate to climate change and preparing for the impacts of a changing climate. The Introduction of the Planning Advisory Services Section (Section 3.2) indicates that SVCA's mandate to help build climate resilient communities is carried out through their planning advisory services.

### **Analysis**

The draft EPR Policies Manual indicates that there is not a specific reference in the CA Act or Ontario Regulation 41/24 to addressing climate change and its impacts, and Section 1.3 Legislative Authority of the draft EPR Policies Manual also does not reference climate change.

Section 2.9 Energy Conservation, Air Quality and Climate Change and Section 5.2 Natural Hazards of the PPS indicates that planning authorities should prepare for the impacts of a changing climate. While it has been noted that planning authorities should identify hazardous lands and hazardous sites in collaboration with conservation authorities, preparing for the impacts of a changing climate appears to be solely the responsibility of the planning authority.

As indicated on the Conservation Ontario website, the core mandate of Conservation Authorities is to undertake watershed-based programs to protect people and property from flooding and other natural hazards, and to conserve natural resources for economic, social and environmental benefits. The inclusion of climate resilient communities in the SVCA's mandate does not seem to align with provincial direction. It is acknowledged that conservation authorities play a supporting role in climate change through local adaptation strategies such as green infrastructure and tree planting, flood management programs, and data collection, monitoring, modelling and research.

### **Saugeen Shores Context**

Ensuring the EPR Policies Manual is focused on the delegated roles and responsibilities of the SVCA, and that the EPR Policies Manual does not permit the SVCA to be involved with issues that are beyond the scope of the Provincial mandate will better serve Town of Saugeen Shores.

### **Recommendation 8**

That the Draft EPR Policies Manual be revised to align with the SVCA's mandated roles and responsibilities related to climate change.

## 6. Other

Additional comments in review of the entirety of the proposed updated EPR Policies Manual will be provided to the SVCA for consideration. These comments are included in the attached Stakeholder Feedback Table, and are listed below:

- a) Updating the reference to the Ministry of the Environment, Conservation and Parks (MOECP).

- b) Ensuring consistent wording in different sections of the manual.
- c) The inclusion of virtual meetings as an option during the pre-consultation process.
- d) Clarification that the SVCA does not play a role in deeming Planning Act Applications complete.
- e) Ensuring that the 1996 Southampton Dynamic Beach Study is included in the appropriate sections of the manual and accurately reflected.
- f) A review of the Important Definitions and Areas section of the manual, as well as Appendix A: A Glossary of Terms with suggestions for updating or the removal of terms.
- g) General editorial comments.
- h) Request for clarification on the delegation of Ontario Regulation 41/24 Section 8 Request for Review powers to the General Manager / Secretary-Treasurer.
- i) Request for clarification on the CA's Service Delivery Standards for the Administration of Ontario Regulation 41/24.
- j) A review of Appendix D: Section 28.1 Hearing Guidelines with a recommendation that the Ontario Land Tribunal (OLT) E-file Portal and on-line appeal option be included in the manual.

## 7. Conclusion

The Town agrees that the SVCA EPR Policies Manual should be updated to reflect changes in legislation and to comply with the Conservation Authorities Act (CA Act), Ontario Regulation 686/21 (Mandatory Programs and Services), Ontario Regulation 41/24 (Prohibited Activities, Exemptions, and Permits), and the Provincial Planning Statement (PPS, 2024). However, multiple revisions, additions and improvements to the manual will be required to gain the support of the Town.

### **Recommendation 9**

That a revised draft of the Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual be circulated to stakeholders for further review prior to advancing to the SVCA Board of Directors for approval.

### **Linkages**

- Strategic Plan Alignment: Pillar 1: Meeting the Needs of a Growing Community
- Business Plan Alignment: Development Services Business as Usual

### **Financial Impacts/Source of Funding**

No costs or revenue is associated with this report.

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Approved By: Kara Van Myall, Chief Administrative Officer



## Stakeholder Feedback

### 2025 Revised SVCA Environmental Planning and Regulations Policies Manual

Please submit your feedback to Matt Armstrong, Manager of Planning and Regulations at Saugeen Valley Conservation Authority, by January 6<sup>th</sup>, 2025.

If you have any questions or require an alternative format for submitting your feedback, please contact Matt Armstrong at [m.armstrong@svca.on.ca](mailto:m.armstrong@svca.on.ca)

When providing feedback, please enter the section number of the manual your comment refers to in the left-hand column and your feedback in the right-hand column. For comments of a general nature that do not relate to a specific section, write “General” in the left-hand column. You may add additional rows as needed.

Thank you for your valuable input in shaping the policies that guide our work.

### Feedback Table

Policies Manual Section Number	Feedback
1.1	Introduction <ul style="list-style-type: none"> <li>- Reference to Ministry of Environment &amp; Climate Change (MOECC)</li> <li>- <b>Reference should be updated to Ministry of the Environment, Conservation and Parks (MOECP) throughout the manual.</b></li> </ul>
3.1	Implementation <p>“In some cases, there may be a need for coordination between planning applications and those under the Authority’s Regulation and Permitting Program. This can also be complicated by the fact that the two applications may be received years apart. The Authority will ensure that its position on a <i>Planning Act</i> application is the same as its position on a permit application for the same property; except where planning policies supported by the PPS, municipal official plans or the Authority’s Members, may be more restrictive. The principle of development is determined through the review process under the Planning Act and is discussed elsewhere in this manual.”</p> <ul style="list-style-type: none"> <li>- <b>Similar wording in Section 4 Administration of Ontario Regulation 41/24 and Related CA Act / Planning and Permit Applications. Wording should be consistent throughout the manual.</b></li> </ul>
3.4.3	Application Pre-submission Consultation & Processing Timelines <ul style="list-style-type: none"> <li>- <b>Considering adding language to include virtual meetings as an option during the pre-consultation process</b></li> </ul>

3.4.4	<p>Submission Requirements</p> <ul style="list-style-type: none"> <li>- Where development proposals are located within an SVCA area of interest, Planning Act applications are determined completed by the municipal planner in consultation with the SVCA.</li> <li>- The SVCA may be involved with pre-consultation and may advise the planning authority on supporting materials that should be included with the Planning Act application submission, but the SVCA does not have a mandated role in deeming Planning Act applications complete. Consultation by the municipal planner with the SVCA regarding the completeness of Planning Act applications is not required. This wording should be updated to accurately reflect the role of the SVCA.</li> </ul>
3.9.1.2	<p>Dynamic Beach Hazard</p> <p>In 1996, there was as assessment completed for the Geographic Town of Southampton, which revised the 30-metre setback.</p> <ul style="list-style-type: none"> <li>- What was the 30-metre setback revised to?</li> <li>- Are there further details for Southampton that should be included in the manual?</li> </ul>
4	<p>Administration of Ontario Regulation 41/24 and Related CA Act</p> <p>Planning and Permit Applications</p> <p>“In some cases, there may be a need for coordination between planning applications (Section 3) and those under the Authority’s Regulation and Permitting Program (Section 4). This can also be complicated by the fact that the two applications may be received years apart. Except where legislation or policies have changed, or where planning policies supported by the PPS, municipal official plans or the SVCA are more restrictive, the Authority will ensure that its position on a <i>Planning Act</i> application is the same as its position on a permit application for the same or similar proposal on the same property. The principle of development is determined through the review process under the Planning Act.”</p> <ul style="list-style-type: none"> <li>- Similar wording in Section 3.1 Implementation. Wording should be consistent throughout the manual.</li> </ul>
4.2.1	<p>Important Definitions and Areas</p> <p>“ . . . definition that is provided for ‘development’ under the Planning Act”</p> <ul style="list-style-type: none"> <li>- Development is defined in specific sections of the Planning Act (i.e. Section 41, specific to Site Plan Control).</li> <li>- The Provincial Planning Statement (PPS, 2024) defines development.</li> </ul>
4.6.3.4 / 4.6.3.5	<p>Inverhuron Specific Policies / Huron-Kinloss - Baird Coastal Reports Shoreline Management Area Policies</p> <ul style="list-style-type: none"> <li>- Policies specific to the 1996 Southampton Dynamic Beach Study which revised the 30-metre setback are not included.</li> </ul>

	<ul style="list-style-type: none"> <li>- Are there further details for Southampton that should be included in the manual?</li> </ul>
5.8	<p>Other Related Legislation</p> <ul style="list-style-type: none"> <li>- Reference to Ontario Ministry of Environment, Climate Change &amp; Parks</li> <li>- Reference should be updated to Ministry of the Environment, Conservation and Parks (MOECP) throughout the manual.</li> </ul>
Appendix A	<p>A Glossary of Terms</p> <p>Buffers</p> <ul style="list-style-type: none"> <li>- The definition for Buffers is associated with natural heritage features and was adapted from Ontario Ministry of Natural Resources' Natural Heritage Reference Manual, 2nd Edition, 2010.</li> <li>- Natural Heritage features are no longer part of the SVCA purview.</li> <li>- This definition should either be removed or updated appropriately to remove the reference to natural heritage features if the term is used in a different context within the manual.</li> </ul> <p>Development</p> <ul style="list-style-type: none"> <li>- "As defined by the Planning Act"</li> <li>- The Planning Act doesn't have a general definition of development; development is defined in relation to specific Sections of the Planning Act (i.e. Section 41 Ste Plan Control Area).</li> <li>- The definition of Development from the Provincial Planning Statement (PPS, 2024) should be used.</li> </ul> <p>Wetland (as defined by the Provincial Policy Statement)</p> <ul style="list-style-type: none"> <li>- Should be updated to the Provincial Planning Statement (PPS, 2024) definition.</li> </ul> <p>Woodlands</p> <ul style="list-style-type: none"> <li>- 2014 PPS referenced</li> <li>- Should be updated to the Provincial Planning Statement (PPS, 2024) definition.</li> </ul> <p>General</p> <ul style="list-style-type: none"> <li>- Various definitions that only appear in the Glossary and are not found within the Manual, including those related to Natural Heritage that no longer fall under the purview of the SVCA, should be removed from the manual (i.e. Endangered Species [federal], Endangered Species [provincial], Natural Heritage System, Lot of Record, etc.)</li> </ul>
Appendix C	<p>Administrative review policies</p> <ul style="list-style-type: none"> <li>- 6. Authority (or Delegate) Powers (insert resolution number here)</li> </ul>

	<ul style="list-style-type: none"> <li>- Clarification is needed. Is this proposed? Or has the Authority passed a motion to delegate Ontario Regulation 41/24 Section 8 Request for Review powers to the General Manager / Secretary-Treasurer?</li> <li>- 12. Administrative Review Policies – Updates – The Authority will review and update the Administrative Review Policies consistent with the CA’s Service Delivery Standards for Administration of Ontario Regulation 41/24.</li> <li>- What are the CA’s Service Delivery Standards for Administration of Ontario Regulation 41/24?</li> </ul>
Appendix D	<p>Section 28.1 Hearing Guidelines</p> <ul style="list-style-type: none"> <li>- Appendix D – Notice of Decision – Appeal to the Minister – send a letter to the Minister within 90 days to the Ontario Land Tribunal.</li> <li>- Conservation Authorities Act Section 28 Appeals can be submitted on-line through the Ontario Land Tribunal (OLT) E-file Portal using OLT Appeal Form (A1) and Checklist Section 6 Mining Claim and Conservation Matters.</li> <li>- The Hearing Guidelines should be updated to ensure applicants/appellants are aware of OLT appeal filing process, including the on-line appeal options.</li> </ul>