

March 4, 2024

To: Planning & Building Departments of the Town of Blue Mountains, Municipality of Meaford, Municipality of Grey Highlands, Township of Chatsworth, City of Owen Sound, Township of Georgian Bluffs, Grey County, Bruce County, Municipality of Arran-Elderslie & Town of South Bruce Peninsula

RE: Legislative and Regulatory Changes Affecting Conservation Authority Development Permitting (Effective April 1, 2024)

On February 16, 2024, a new Minister's regulation (Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the Province. This regulation will replace the existing individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation Ontario Regulation 151/06 held by the Grey Sauble Conservation Authority (GSCA) and moving forward, O. Reg. 41/24 will be used by all Conservation Authorities (CAs). The regulation's effective date is April 1, 2024. The enactment of O. Reg. 41/24 will also coincide with the proclamation of associated sections within the *Conservation Authorities Act*.

While O. Reg. 41/24 represents a single regulation for all CAs, much of the CA regulatory process remains the same. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the [Conservation Authorities Act](#) and as stipulated in [O. Reg. 686/21: Mandatory Programs and Services](#). Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

CAs will continue to require applications for a permit to undertake otherwise prohibited development, interference and alteration activities in regulated areas as defined under the *Conservation Authorities Act* and in O. Reg. 41/24.

For those applications submitted prior to the enactment of O. Reg. 41/24, the current permitting process will be followed. New permit applications submitted on or after April 1, 2024 will follow the processes outlined in the updated Section 28 of the *Conservation Authorities Act* and O. Reg. 41/24. GSCA will keep our member municipalities informed as we work to develop and update our implementation support materials. CAs will continue to discuss transition plan details with their Municipalities to minimize disruptions to approvals processes for development applications.

Key Changes

While much of the CA regulatory process remains the same, key changes of interest for our municipal partners include:

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula

- The definition of a “watercourse” has been amended from “***an identifiable depression in the ground in which a flow of water regularly or continuously occurs***” to “***a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs***”.
- The regulated area around wetlands (“other areas”) will be consistent at 30 m, including around provincially significant wetlands.
- Exceptions for certain low-risk activities (see Attachment One for further details).

These changes will require CAs to review and update their regulatory mapping (as appropriate) to reflect the new regulated limits. Municipalities are advised that CA regulatory mapping which has been shared for screening purposes may require updates, and in the interim, CA staff may need to undertake site visits to confirm regulated features and areas.

Additionally, section 5 of O. Reg. 41/24 provides a list of activities or works where a CA permit is no longer required, where works are carried out in accordance with the regulation. Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work. CAs will work to provide implementation support materials to municipalities.

Plan Review Services

There are no changes to CA planning services at this time. Conservation Authorities **continue to provide mandatory or Category 1 programs or services related to reviewing and commenting on applications and other matters (e.g., planning document updates) under the *Planning Act*, and for proposals under Acts** referred to in Section 6 (2) of Ontario Regulation 686/21: Mandatory Programs and Services. Municipalities must continue to circulate planning applications and other matters, including technical reports to CAs so that we may review and comment on natural hazards and wetland matters per Ontario Regulation 686/21. Comments provided will reflect a watershed-based approach to the provision of mandatory programs and services.

Fee Schedule

The Minister has issued a direction to freeze Conservation Authority fees for planning and permitting for the year of 2024. GSCA is in the process of revising the permit application form and fee schedule for the purpose of facilitating applications made under O. Reg. 41/24.

We look forward to continuing our strong working relationship with our member municipalities. We will continue to be in contact as we work to transition to this new legislative and regulatory framework.

If you have any questions or concerns, please let me know.

Regards,



Mac Plewes
Manager of Environmental Planning

Encl. Attachment One, Excerpt from O. Reg. 41/24: Prohibited Activities, Exemptions and Permits

Attachment One

Excerpt from [O. Reg. 41/24: Prohibited Activities, Exemptions and Permits](#) as of March 4, 2024

Note: Applicants are encouraged to confirm exceptions with the CA prior to carrying out the work.

5. Paragraph 2 of subsection 28 (1) of the Act does not apply to,

- (a) the construction, reconstruction, erection or placement of,
 - i. a seasonal or floating dock that,
 - A. is 10 square metres or less,
 - B. does not require permanent support structures, and
 - C. can be removed in the event of flooding,
 - ii. a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or watercourse,
 - iii. agricultural in-field erosion control structures that are not within and that do not have any outlet of water directed or connected to a watercourse, wetland or river or stream valley,
 - iv. a non-habitable accessory building or structure that,
 - A. is incidental or subordinate to the principal building or structure,
 - B. is 15 square metres or less, and
 - C. is not within a wetland or watercourse, or
 - v. an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a watercourse or wetland and does not utilize any method of cantilevering;
- (b) the installation of new tile drains that are not within a wetland or watercourse, within 30 metres of a wetland or within 15 metres of a watercourse, and that have an outlet of water that is not directed or connected to a watercourse, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- (c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a watercourse or wetland, within 15 metres of a wetland or a watercourse, and where no excavated material is deposited within an area where subsection 28 (1) of the Act applies;
- (d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- (e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and
- (f) the reconstruction of a non-habitable garage with no basement, if the reconstruction does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a habitable space.