

ERO 019-8364 Niagara Escarpment : Climate Action Newmarket-Aurora input
Submitted to ERO, emailed to pertinent provincial MPPs and local MPs. May 5/24

Proposed amendments to development permit exemptions under R.R.O. 1990, Regulation 828 for lands in the Niagara Escarpment Planning Area that is under the area of development control

Climate Action Newmarket-Aurora *is opposed to ERO 019-8364 in its entirety.*

The Niagara Escarpment 'spanning 725 kilometres from the tip of the Niagara Region to the top of the Bruce Peninsula, the Niagara Escarpment, a UNESCO World Biosphere, is one of the world's most magnificent natural landforms...the Escarpment makes up almost one-quarter of Ontario's Greenbelt and is home to Canada's longest footpath, the Bruce Trail. As one of the last remaining bands of continuous forest cover and natural heritage linkages in Southern Ontario, it provides vital habitat for numerous species at risk and is the source of many of the Greater Golden Horseshoe's major river systems.'

The Niagara Escarpment Commission was given the mandate since 1973 to oversee development and protection of this important terrain. ERO 019-8364, in conjunction with Bills 162 and 185, will allow this government to undermine yet another governing body that protects green spaces under the guise of needed housing development. This ERO is aiming for land that is under development control in several municipalities. Municipalities that have repeatedly stated that they don't need to develop into green spaces.

The NEC has 17 members (11 public-at-large and 8 municipally-elected) and 24 supporting staff, and reports to the Minister of Natural Resources, yet it is the Minister of Natural resources who is choosing to change the development application and approval processes, not the non-partisan Commission.

Similar to what is happening with the Ontario Energy Board, The Greenbelt Council, Conservation Authorities and municipalities through the series of current Bills and EROs over the past few years, including Bill 185, the Provincial Planning Statement, Bill 162, Bill 165 and ERO 019-8562, this legislation seeks to take control away by gradual erosion and one piece of land at a time, and allow this government to literally give developers and fossil gas carte blanche for development and profit.

ERO 019-8364 states ' The purpose of the Niagara Escarpment Planning and Development Act, (NEPDA) is to provide for the maintenance of the Niagara

Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.' However, the changes proposed by ERO 019-8364 would impact the level of oversight by the NEC. One only has to look at the developer's proposed plan for the Talisman site to see the significance since currently 75% of the property cannot be developed. This ERO would potentially change that.

Premier Ford vowed not to touch the Greenbelt, yet here we are again. A back door approach now to get developers into the Greenbelt and set precedence. Instead of using legislation to allow this property and similar ones, to be reverted under greater Greenbelt protection, the Premier, the Minister of Housing and Municipal Affairs and Minister of Natural Resources have once again considered developers ahead of protecting the Greenbelt. Interestingly, neither Ministers spoke of ERO 019-8364 which will give them the power to overrule the NEC, and therefore allow such developments to go through. Additionally, Bill 185 also allows this if it passes, since developers can appeal at the Land Tribunal and any municipal decisions be overruled if the development is deemed 'in the interests of Ontario'. Then, undoubtedly, Bill 162 Get It Done Act and other Bill 185 components, would allow for the taking of more agricultural and green space land adjacent for further highway and commercial or residential development with little to no environmental impact studies, as it has done with the 413 and Bradford Bypass.

ERO 019-8364 states: 'the proposed changes would provide greater certainty and clarity for landowners and businesses within the NEP area in circumstances where a development permit may not be required. Some proposed changes would make it easier for conservation organizations to carry out activities that would benefit the escarpment. Most of the proposed changes are expected to have little or no environmental impact.' Despite the government's 'expectations, in reality, what this potentially means is that a site like the Talisman that could be rezoned by the NEC to protect it, wouldn't be if the Minister deems the development proposal falls in line with the Niagara Escarpment Development Plan, therefore circumventing the NEC. It suggests that conservation organizations will benefit but this is not really something that has been an issue in the past. Moreover, conservation organizations are saying that developments like the Talisman proposal are not wanted and so ultimately their voice is going unheard.

"It's clearly counter to the Niagara Escarpment Commission's objectives and it certainly does not fulfill any of the objectives of the provincial government around affordable housing," (Escarpment Corridor Alliance). Niagara Escarpment Foundation also agrees and that the Greenbelt as well as the Escarpment will be 'in serious trouble'.

To compound the issues, under the proposed Provincial Policy Statement, developers could literally demand parcels of farmland, including prime agricultural land, wetlands and wildlife habitat not just for housing but also industry, infrastructure. and non-permanent residences like hotels and resorts. The new appeal rights provided by Bill 185 would in effect overrule any municipal decisions about development in and adjacent to their boundaries, while also curtailing any third party appeals. The potential therefore, is that a developer could buy a piece of agricultural or green space land, be denied municipal permission to proceed, appeal to the Ontario Land Tribunal and effectively without much of an argument if it provides housing and/or industry deemed important 'to the interests' of Ontario, will be able to proceed. Moreover, while the Bill attempts to add the caveat that if the land in question is prime agricultural land, the developer must first develop the least prime sections of the land in question, yet it doesn't prevent the developer from developing on all the land at some point. (subsection 22 6.2, subsections 34, 41 & 51).

Furthermore, Bill 185 transfers development decision making to lower-tier councils who may not have the strong legal and land use planning teams to handle pressure from, and volume of developer teams. It also ignores the Association of Municipalities of Ontario's recommendation to only permit MZO's with municipality agreement and through Bill 185, the government can lease or sell municipal lands cheaper than market value, which could be the case for the Talisman lands. Additionally, Bill 185 overturns much of ERO 019-6877, 'A Place to Grow' that protects farmland or natural habitats. The number for people housed per acre used to be 80. This government reduced it previously to 50 and Bill 185 reaffirms this. Skilled labour will likely channel itself to where the profit and pay is greater. This effectively means that urban sprawl housing will draw away the workforce needed to create the lower-cost housing in existing neighbourhoods. Moreover, this Bill doesn't allow 4plexes. The climate, environment, farmland, and marshes will suffer yet middle to lower income families will not even get what they need.

The latest Census of Agriculture shows 116,478 acres of farmland are lost annually. This is vital carbon sequestration, 1 metric tonne per hectare per year, to meet emissions goals. It impacts the GDP, and our current and future food security. The Golden Horseshoe provides 25% of Canada's GDP. \$47 billion or 6.4% of Ontario's GDP is from agriculture and '1-in-10 of the province's labour force are employed throughout the agri-food supply chain'.

Ontario's 'Place to Grow' Growth Plan needed to be removed for this new legislation as it states:

'Unique and high quality agricultural lands will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable'.

Ontario already loses over 319 acres **a day** of agricultural land (Stats Can. 2021) and 383 kha of tree cover/carbon sequestration. Bill 185, the 413, the Bradford Bypass, and now ERO 019-8364 threaten to undermine the economic value of Ontario's green spaces and agricultural land, of which the Niagara Escarpment area belongs.

With the pending legislation there are no longer provincial or regional growth plans on how Ontario moves forward to handle population growth while maintaining farmland and green spaces, unlike the comprehensive, visionary Growth Plan of 2006. No longer legislation will ensure hard boundaries for human growth in order to protect food security, water systems and biodiversity. Now, this Bill removes that hard line and the governmental support to decide what lands are protected outside of the Greenbelt and no requirement to map agricultural systems. Bill 185, the Provincial Planning Statement and ERO 019-8364 would erase the protective Settlement Area Boundaries and Municipal Comprehensive Review processes. The latter both prevent low-density sprawl from destroying farmland and natural areas outside the Greenbelt.

Therefore, Climate Action Newmarket Aurora's opposition to the components of ERO 019-8364 and Bill 185 with all its contributing legislation, remains in regard to: increased emissions and the ongoing protection and promotion of fossil gas; continued urban sprawl single dwelling planning; the potential to diminish carbon sink lands as well as prime agricultural land and GDP; and the potential to deteriorate the quality of soils, water systems and crops of the Greater Golden Horseshoe and Greenbelt-adjacent areas.

To reiterate, Ontario is no longer set to meet its emissions reduction targets given the legislative policies (Bills 162 and 165 included) of the current government. Bill 185 and ERO 019-8364 will move Ontario further away from its climate target given the potential loss of green space means a loss of substantial carbon sequestration, and new housing will be powered by gas-produced electricity.

Climate Action Newmarket-Aurora opposes ERO 019-8364.

Sincerely,

Melanie Duckett-Wilson

On behalf of Climate Action Newmarket-Aurora

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