



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: October 30, 2025
To: Board of Directors
Re: Proposed Update to O. Reg 41/24 Policy Document
Prepared by: Gage Comeau, Manager, Watershed Management,
Planning and Regulations

PROPOSED RESOLUTION:

THAT the proposed revisions and updates to the LTC Ontario Regulation 41/24 Policy, and the new Hearing Guidelines - Appendix F and Administrative Review – Appendix M documents be approved and adopted pending a 30-day Public Consultation.

BACKGROUND:

Lower Trent Conservation Board of Directors approved the LTC Regulation Policy Document through Resolution G67/16 on June 13, 2024. Through our annual review and day-to-day use of the policy document, staff identified policy areas where additional detail was required, and general improvements could be made that would provide staff the necessary flexibility for the administration of Ontario Regulation 41/24 and Section 28 of the *Conservation Authorities Act*. The changes to the appendices reflect the changes in the Act and provide clarity for the Hearing and Administrative review processes.

A list of the policy updates can be found in the chart below. It is important to note that minor edits or revisions such as minor typographical errors were not noted.

RECOMMENDATION:

Staff recommends to the Board of Directors THAT the proposed revisions and updates to the LTC Ontario Regulation 41/24 Policy, Hearing Guidelines -Appendix F and Administrative Review – Appendix M documents be approved and adopted pending a 30-day Public Consultation.

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Lower Trent Conservation Regulatory Policies Policy Section Updates

	Document Section	Existing Policy/Page	Revised Policy	Comment
1	1.3	The Ministry of Natural Resources and Forestry (MNRF; 2014-2021, 2022-Present), was previously known as the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF; 2021–2022) and Ministry of Natural Resources (MNR; 1997 – 2014).	The Ministry of Natural Resources and Forestry (MNRF; 2014-2021, 2022- 2024), has returned to their previous name of the Ministry of Natural Resources (MNR; 1997 – 2014, 2024-Current). For a period, the MNR was previously known as the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF; 2021–2022). MNRF acronym changed throughout document to MNR	Revision for new Ministry name
2	1.3	The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has held this name since 1994. Prior to that it was known as the Ministry of Agriculture and Food (1972-1994).	The Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has held this name since 1994; however, it has now been labelled as the Ministry of Agriculture, Food and Agribusiness . Historically, it was known as the Ministry of Agriculture and Food during the period of 1972 to 1994.	Revision for new Ministry name
3	1.4.1.4	Heading type under 1.1.1.1	Change formatting for Application/Hearing, Renewable Energy Projects, Request’s for Minister’s Review and Appeal to Tribunal to NORMAL.	Changed to improve table of contents
4	1.5	<i>Other Related Legislation</i> It is important to note that the LTC Section 28 permission, if granted, does	Removed and added to Section 1.4.2.5	Removal of “Other Related Legislation Section”

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		not exempt the applicant from complying with any or all other approvals, laws, statutes, ordinances, directives and regulations that may affect the property or the use of same. Alternatively, complying with or obtaining all other approvals, laws, statutes, ordinances, directives and regulations, does not exempt the applicant from obtaining permission under Section 28 of the <i>Conservation Authorities Act</i> .		
5	1.5.1	1.5.1 Planning Act	1.5 Planning Act	Changed to be its own section
6	NEW 1.5	n/a	Addition - The <i>Planning Act</i> sets out the framework and rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them. The <i>Planning Act</i> also establishes the foundation for review and approval of development proposals and gives citizens and public entities/organizations, such as LTC, the opportunity to be notified about planning proposals to give their views to their municipal council and, where permitted, to appeal decisions to an administrative tribunal, known as the Ontario Land Tribunal. The essential elements of the <i>Planning Act</i> include the listing of key planning issues noted as “Provincial Interest” and provisions that	To add context and clarity to section

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			enable the Provincial Planning Statement (PPS) to provide specific province-wide policy direction to address Provincial Interests. This includes policies of paramount interest and importance that relate to Conservation Authorities' mandate through flooding and erosion related hazard policies. Finally, the <i>Planning Act</i> requires LTC's review of planning applications and comments to be "consistent" or, alternatively "to conform to" the Provincial Planning Statement and Provincial Plans.	
7	NEW 1.5	LTC is also involved in the review of planning applications under the <i>Planning Act</i> primarily in four ways: as an agency with delegated responsibilities for the review of natural hazards; as a regulatory agency with respect to the <i>Conservation Authorities Act</i> and O. Reg. 41/24; as a technical advisor; and as a commenting agency. Ontario Regulation 41/24 complements the natural hazard policies in policy statements issued under the <i>Planning Act</i> including policies of the Provincial Planning Statement (PPS). The legislated and regulatory responsibility for reviewing applications or other matters under	Moved to newly created Section 2 – Land Use Planning – Subsection 2.1	Reduce the size of the introduction and produce a section specific to Planning policies

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		the <i>Planning Act</i> is limited to Natural Hazards. This responsibility requires Conservation Authorities to review and provide comments on policy documents (e.g., Official Plans and comprehensive Zoning By-laws) and applications submitted pursuant to the <i>Planning Act</i> in accordance with the Mandatory Programs and Services Regulation. Conservation Authorities provide technical support and advisory services to municipalities and applicants/watershed residents for planning applications. In this capacity, Conservation Authority staff provide technical input regarding potential natural hazard impacts and advice about how negative impacts can be avoided or minimized. In addition, regulations under the <i>Planning Act</i> (O. Reg. 545/06, 543/06 and 200/96) require municipalities to give notice to Conservation Authorities regarding planning applications and changes to policy documents. Conservation Authorities may comment on natural hazard matters as outlined in the <i>Conservation Authorities Act</i> and <i>Planning Act</i>. Consistent with its watershed-based resource management strategy, LTC may provide observations which relate to		

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		its goals and objectives for watershed management. One of the main differences between the PPS and the O. Reg 41/24 is that the <i>Planning Act</i> establishes the principle of development and the LTC regulations, like a building permit, identify specific site requirements prior to activities taking place. Prior to the review of a Regulation application, LTC will often see the proposal through their Plan Review process including applications under the <i>Planning Act</i> (e.g., severances, site plan, subdivision applications), and the <i>Environmental Assessment Act</i>. Although permission may not be issued for many years after the planning application, LTC endeavours to ensure, through its comments on the planning application, that the requirements under the Regulation process can be fulfilled at the time an application under the Regulation is received. If an application under the <i>Planning Act</i> does not meet the Board approved policies (for its regulation), staff should work with the municipality and the proponent to modify the application. As previously noted, the principle of development is established through the <i>Planning Act</i> process. It is not		

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		acceptable to recommend approval of a planning application and then recommend refusal of a regulatory permission, unless the applicant refuses to meet the specific requirements under the Regulation. If an issue remains unresolved, LTC should not recommend approval of the <i>Planning Act</i> application and assess the option of making an appeal to the Ontario Land Tribunal (OLT). Note that Conservation Authority's ability to appeal to the OLT regarding municipal decisions of <i>Planning Act</i> applications was limited to appeals regarding Natural Hazards only with the approval of Bill 229 - An Act to implement Budget measures and to enact, amend and repeal various statutes, in December 2020. Alternatively, it is also recognized that there may be historic planning approval decisions that were made in the absence of current technical information or prior to the establishment of the current regulations and policies, which would now preclude development. In these situations, innovative efforts may be necessary to address the site constraints and accommodate the development. However, in some cases approval should not be granted.		

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9	2.0	2.0 General Policies	2.0 Land Use Policies	Addition to the document to include a section on Land Use planning policies and comment
10	NEW 2.0	n/a	Addition of Subsection - 2.1 Context	New subsection added to new section header
11	NEW 2.1	n/a	Text from Item 9 moved to subsection 2.1	Content maintained in document but shifted to new section
12	NEW 2.0	n/a	Addition of Subsection 2.2 Planning First Approach to Regulation Integration Efficient and effective local planning decision-making that is based on modern official plans and zoning by-laws, will integrate information related to natural hazard and other environmental features, such as wetlands, and streamline review and approvals in the <i>Conservation Authorities Act</i>. LTC supports a “Planning First” approach to its regulatory mandate, which means that development proposals should be evaluated through up-to-date provincially and municipally approved planning policy and zoning before any regulatory requirements under Part VI of the CA Act are integrated and applied. It is noted that although we support this approach, we do understand that it may not always be possible to implement for all situations.	Addition to new section
13	NEW 2.0	n/a	Addition of Subsection 2.3 Provincial Policy Statement	Addition to new section

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			In the review and comment on development proposals and making decisions on permit application, LTC will seek to ensure consistency with the policies contained in: • Chapter 5: Protecting Public Health and Safety, specifically, policies 5.1 General Policies for Natural and Human-made Hazards and 5.2 Natural Hazards; and, • The associated implementation of technical guidelines issued by the Province and amended from time -to-time.	
14	NEW 1.6	n/a	Addition of Section 1.6 Clean Water Act One of LTC's "mandatory programs" includes "programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the <i>Clean Water Act, 2006</i>". LTC's mandate in this regard includes supporting the local Source Water Protection Committee, regular reviews and updates of the Trent Source Protection Plan and assisting in the review of development applications that have a source water protection component.	Added to ensure consistency with our mandatory programs
15	NEW 1.7	n/a	Addition of Section 1.7 Environmental Assessment Act Under the provisions of the <i>EA Act</i>, LTC reviews	Added to include consistency with our roles and responsibilities

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			and comments on class and individual environmental assessments that occur in the watershed. LTC brings local natural hazard and watershed knowledge into the review and assessment process. It is a requirement for proponents to identify and consult with government agencies and may include CAs if the proposed project may have an impact on an issue related to the CAs areas of interest (i.e., mandate). CAs as landowners may also be a project proponent under the <i>EA Act</i> for proposed projects that may occur on CA lands. The Class EA for remedial flood and erosion control projects establish a planning and approval process for a variety of remedial flood and erosion control projects.	
16	NEW 1.8	n/a	Addition of section 1.8 Building Code LTC works closely with local building officials to ensure that legislative requirements for development and construction activities within regulated areas are being adhered to. The Building Code Act specifies a need to conform to other existing legislation, which is referred to as “applicable law”. Ontario Regulation 41/24 is considered applicable law, which means where O. Reg. 41/24 applies, a permit must be obtained from LTC prior to a municipal building permit being issued.	Added to provide additional information and context as part of applicable law.

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17	1.5.2	1.5.2 Other Legislation	Revised to – be Section 1.9 Other Legislation	Refined introduction section no longer needed the other legislation to be a subsection
18	1.6	1.6 Definitions and Interpretations	Revised to 1.10 due to changes above. Subsections also changed	Change in section number
19	1.6	1.6.3 Provincial Policy Statement	Revised to 1.10.3 – Provincial Planning Statement	Change in PPS name
20	1.7	1.7 Activities Typically Regulated	Revised to 1.11 Activities Typically Regulated	Change in section number
23	1.8	1.8 Provincial Perspective on Natural Hazards	Revised to 1.12 – Subsections also changed	Change in section number
24	1.9	1.9 Flood, Erosion and Dynamic Beach Hazard Applications in the Lower Trent Conservation Watershed	Revised to 1.13 – subsections also changed	Change in section number
25	2.0	2.0 General Policies	Revised to Section 3 following addition of NEW Section 2.0 Land Use Policies	Change in section number
26	3.0	3.0 Great Lakes and Large Inland Lakes Shorelines	Revised to Section 4 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number
27	4.0	4.0 River or Stream Valleys	Revised to Section 5 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number
28	5.0	5.0 Hazardous Lands	Revised to Section 6 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number
29	6.0	6.0 Wetlands and Other Areas	Revised to Section 7 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number
30	7.0	7.0 Watercourses	Revised to Section 8 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number
31	8.0	8.0 Procedure for Application under Ontario Regulation 41/24	Revised to Section 9 following addition of NEW Section 2.0 Land Use Policies. Subsection numbers revised as well.	Change in section number

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32	9.0	10.0 Glossary	Revised to Section 10 following addition of NEW Section 2.0 Land Use Policies.	Change in section number
33	NEW 6.0	NEW 6.0 Hazardous Lands 6.3.1.1 4) <i>Major development</i> within the Regulatory floodplain shall not be permitted.	NEW 6.0 Hazardous Lands 6.3.1.1 4) <i>Major development</i> within the Regulatory floodplain shall not be permitted. This includes multiple residential development projects or additional dwelling units.	Changed to note that multiple residential units or additional dwelling units is not supported.
34	NEW 6.0	n/a	Addition of a new policy related to development on a existing lot of record – noted as provision 6.3.1.1 1 1) Notwithstanding Section 6.3.1.1 1), development associated with the construction of a single-dwelling on an existing lot where the current zoning is appropriate to the nature of the proposed development and the existing lot is not in a historic flood damage area may be permitted within the Regulatory floodplain if it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. The submitted plans must demonstrate that: a. the proposed works do not create new hazards or aggravate flooding on adjacent or other properties and there are no negative	Added as part of historic board approvals and direction. Following provisions numbers updated.

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			upstream and downstream hydraulic impacts; b. the development is protected from the flood hazard in accordance with established floodproofing and protection techniques; c. the proposed development will not prevent access for emergency works, maintenance, and evacuation; d. no basement is proposed and any crawl space is designed to facilitate services only; e. proposed septic systems is protected and in accordance with established floodproofing and protection techniques; f. the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control and site stabilization/restoration plans; g. the control of flooding, erosion and dynamic beach	

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			hazards, and unstable soil and bedrock have been adequately addressed; and, h. an engineering assessment and design carried out by a qualified professional with recognized expertise in the appropriate discipline must be prepared using established procedures and recognized methodologies to the satisfaction of LTC.	
35	NEW 7.0	n/a	Addition of a new policy related to development on an existing lot of record – noted as provision 7.5.1 10 1) Notwithstanding Section 7.5.1 1), new development to facilitate the construction of a single-family dwelling unit on an existing vacant lot of record may be permitted within a small portion of a wetland OR where a wetland is less than 0.5 hectares may be permitted provided that: a. Existing Municipal zoning supports residential development without additional <i>Planning Act</i> applications being required;	Policy added to assist staff and provide direction for circumstances related to single-family dwellings and wetlands

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			b. There is no alternative location for the development activity on the subject lot outside of the wetland inclusive of municipal/county setbacks and/or other applicable setbacks; c. A technical site-specific report undertaken by a qualified professional demonstrates to the satisfaction of LTC that all hazards and risk associated with flooding and/or unstable soils have been addressed; d. It can be demonstrated through technical studies or plans as will be requested by LTC that offsetting will be accommodated on the subject lands resulting in a net gain in wetland function and, where applicable, the maintenance of existing hydrologic linkages; e. Inert fill material will be used; and, f. it has been demonstrated to the satisfaction of LTC that	

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			the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected and the interference on the natural features and hydrologic functions of the wetland has been deemed to be acceptable by LTC.	
36	NEW 7.0	n/a	Addition of a new policy related to development/interference – noted as provision 7.5.1 13 1) Notwithstanding Section 7.5.1 1), interference to a wetland by selective tree harvesting through employing good forestry practises may be permitted provided it can be demonstrated through an EIS or equivalent technical study, such as a forest management plan, that there will be no negative impacts on the hydrologic function of a wetland.	Policy added to address forested areas on properties that meet the definition of a wetland. Policy provides direction for staff to help provide landowners information and regulatory direction. I.e., dead or dying ash that may be removed and/or replaced to ensure continuation of forest function
37	NEW 8.0	n/a	Addition of a new policy related to development for agricultural lands– noted as provision 8.3.1 9 Notwithstanding Section 8.3.1 1), the construction, replacement or repair of a bed	Policy drafted for flexibility associated with bed level crossings – previously not noted or easily managed under previous policies.

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			level crossings may be permitted if it has been demonstrated to the satisfaction of LTC that the interference on the natural features and hydrologic of the watercourse has been deemed to be acceptable. Additionally, the submitted plans must demonstrate that: Stable, non-erodible, rounded inorganic material is used; a. crossings avoid any bends or meanders in the watercourse; b. crossings are located to take advantage of the existing impacted or open areas on the channel bank or valley slope; c. the risk of flood damage to upstream or downstream is reduced through site and structure design; d. physical realignments or alterations to the river, creek, stream or watercourse channel associated with the bed level crossing are avoided or in accordance with policy provisions 8.3.1 7 and 8; and, e. Maintenance requirements are minimized.	

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38	NEW 7.0	n/a	Addition of a new policy related to development/interference – noted as provision 7.5.1 11 1) Notwithstanding Section 7.5.1 1), stream, bank and channel realignment, stabilization, lowering, channelization or straightening to improve hydraulic and fluvial processes or aquatic habitat may be permitted within a wetland if it has been demonstrated to the satisfaction of LTC that; a. the control of flooding, erosion, dynamic beaches or unstable soils or bedrock will not be affected; b. the interference on the natural features and the hydrologic functions of the wetland has been deemed to be acceptable by LTC; and, c. the policies outlined in Section 8.3.1 dealing with interference to watercourses are addressed.	Policy drafted to manage wetland components of watercourse realignments and similar projects. Mostly relevant for wetland features where watercourse features are present.
39	NEW 6.0	n/a	Addition of a new policy related to development on a existing lot of record – noted as provision 6.3.1.1 19 1) Notwithstanding Section 6.3.1.1 1), development within a spill flood hazard associated with the	Policy drafted to add flexibility where previously there was none.

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			Regulatory floodplain may be permitted provided that it has been demonstrated to the satisfaction of LTC that the control of flooding, erosion, dynamic beaches or unstable soils or bedrock land will not be affected. The submitted plans must demonstrate that: a. All <i>Planning Act</i> approvals/permissions are in place for the proposed development activity; b. flood depths are less than one (1) metre and velocities are less than one metre per second (1 m/s) under regulatory event conditions; c. the development activity does not significantly impede flood conveyance or storage, and changes in flood depths, velocities and storage will not result in an unacceptable risk to life or property; and, d. a technical report and study has been prepared by a qualified professional that includes hydraulic modelling and a flood storage assessment;	

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			e. development was not previously damaged or destroyed by the spill flood hazard; f. the development is protected from the flood hazard in accordance with established floodproofing and protection techniques; and, g. the control of flooding, erosion and dynamic beach hazards, and unstable soil and bedrock have been adequately addressed.	
40	NEW Section 3.0	n/a	New general policy added to reflect the legislative test the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.	Added to reflect legislative tests
41	NEW Section 7	n/a	Policy added to 30-metre wetland setback provisions Notwithstanding Section 7.5.2.1 1), development within the area between 20 and 30 metres of a field verified wetland may be permitted where LTC is satisfied that: a) there is no feasible alternative site outside of the 30 metre	Policy added to allow for flexibility within the 30-metre wetland buffer without requiring an EIS for specific development projects that are unlikely to impact the hydrologic function of a wetland.

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			adjacent lands for the proposed development and the proposed development is located in an area of least (and acceptable) impact; b) the wetland feature has been delineated by an Ontario Wetland Evaluation System individual and is characterized as being heavily impacted by anthropogenic sources (e.g., low species diversity, dominated by invasive species, etc.); c) Where an existing vegetative buffer is not present, a buffer/planting plan will need to be developed in consultation with LTC staff; d) the hydrologic function of the wetland will not be further impacted; e) the potential for surficial erosion has been addressed through the submission of proper drainage, erosion and sediment control, site stabilization, restoration and / or planting plans; and, f) natural features are protected, and the control of flooding, erosion, dynamic beaches or	

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			unstable soils or bedrock have been adequately addressed.	
42	NEW Section 10	Minor Development: A small addition to an existing building or accessory building that does not exceed 15 square metres (160 square feet) and does not increase number of dwelling units in a hazard land. Uncovered decks less than 23 square metres (250 square feet) are also considered minor development.	Minor Development: A small addition to an existing building or accessory building that does not exceed 15 square metres (160 square feet) and does not increase number of dwelling units in a hazard land. Uncovered decks that are anchored using established techniques and are less than 46 square metres (500 square feet) are also considered minor development.	Provide flexibility in deck structures within the policy document and reduce costs to owners.
43	NEW Section 10	Moderate Development: <i>Minor additions</i> , detached accessory buildings and above ground pools that do not exceed 46 square metres (500 square feet). Uncovered decks larger than 23 square metres (250 square feet) are also considered moderate development. All moderate development (excluding uncovered decks) will be considered cumulative and will not exceed the 46 square metres (500 square feet). If cumulative moderate development exceeds 46 square metres (500 square feet) <i>major development</i> definitions apply.	Moderate Development: <i>Minor additions</i> , detached accessory buildings and above ground pools that do not exceed 46 square metres (500 square feet). Uncovered decks larger than 46 square metres (500 square feet) are also considered moderate development. All moderate development (excluding uncovered decks) will be considered cumulative and will not exceed the 46 square metres (500 square feet). If cumulative moderate development exceeds 46 square metres (500 square feet) <i>major development</i> definitions apply.	Revised to reflect minor development sizing for deck (see above)