

Niagara Escarpment Commission 2019-2020 Annual Report



Niagara Escarpment Commission
An agency of the Government of Ontario



June 30, 2020

THE MINISTER OF NATURAL RESOURCES AND FORESTRY

I have the honour to submit to you the Annual Report of the Niagara Escarpment Commission for the year commencing April 1, 2019 and ending March 31, 2020.

A handwritten signature in blue ink that reads "Rob Nicholson". The signature is written in a cursive, flowing style.

Rob Nicholson

Chair, Niagara Escarpment Commission

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Introduction and Background

Chair's Message

The focus of the Niagara Escarpment Commission's (NEC) 2019-20 fiscal year was the continued implementation of its multi-year Operational Strategy.

The goal of the NEC's Operational Strategy is to improve customer service and efficiently manage the growing demand for development within the NEC's jurisdiction through a number of modernizations, efficiency and resourcing initiatives.

I am pleased to report that the strategy continues to produce positive results. The NEC kept pace with the number of development permit applications that it received during the past year, which has markedly spiked since 2015-16, and has generally remained at this elevated level for the past three fiscal years. In fact, the agency's output capacity—its ability to process development permit applications—increased markedly over the past fiscal years.

Our increased capacity is due to two key elements of the agency's Operational Strategy: the introduction of a team-based, regionally focused, service delivery model and additional funding approved by Ministry of Natural Resources and Forestry (MNRF) to hire additional front-line staff resources. In fact, the team approach has been instrumental in the NEC continuing to process applications during the onset of COVID-19.

As with the previous three fiscal years, the measures put in place to improve customer service and sustain this elevated service-delivery capacity led to increased business costs for the agency. Specifically, at the start of the fiscal year the NEC received approval from the MNRF to spend beyond its budget allocation to allow the agency to maintain its full staffing complement of 24 permanent positions, and an additional four seasonal positions. The NEC projected a budget pressure of \$291,945 at year start.

In order to mitigate this structural budget deficit, the NEC implemented in-year cost-saving measures through:

- A reduction in discretionary spending (e.g. reduction in staff training and travel, outreach and education meetings, telecommunications); and
- Cost-savings associated with planned changes for the Commission meeting schedule as well as unanticipated changes due to cancellation of meetings because of delays in the appointments of Commissioners and Chair positions.

In addition, as the 2020-21 fiscal year begins, the NEC is working with MNRF on modernization and efficiency measures aimed at further cost savings and streamlining of processes.

An additional achievement under the NEC's Operational Strategy in 2019-20 was work done in partnership with the Ontario Surveyor General to digitize the area of Development Control. This is consistent with the resolution Commissioners passed in 2018 to:

- Modernize Ontario Regulation 826/90 that would bring into force a precise set of digitized maps, replacing the existing set of maps that are derived from word-based descriptions. This would

drastically improve the accuracy of these maps, providing a more efficient process for NEC customers. The maps are completed and have been submitted to the Minister of Natural Resources and Forestry to implement; and

- Start a process to modify the Development Control boundary in urban areas where municipal zoning is in place and where specific criteria are met. This second phase of the initiative would include consultation with municipalities, conservation authorities, stakeholders and land owners. By modifying the Development Control boundary, and potentially removing it in certain urban areas, this would reduce the number of approvals required without diminishing environmental protection.

The NEC's 2019-2020 Annual Report highlights concrete measures the agency achieved during the past year to modernize and streamline the delivery of its business. The NEC's Operational Strategy seeks to strike the right balance between maintaining the significant gains the agency has made over the last two years in improving customer service, while at the same time doing its part to find efficiencies and contribute to the Ontario government's imperative to reduce government spending.



Rob Nicholson

Chair

The Niagara Escarpment

Spanning 725 kilometers from the tip of Niagara Region to the top of the Bruce Peninsula, the Niagara Escarpment is one the world's most magnificent natural landforms. More than 450 million years old, 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.

In 1973, the Ontario government passed the *Niagara Escarpment Planning and Development Act* (NEPDA) to protect the Escarpment. Through the NEPDA, a land-use planning process was put in place and the NEC was established.

In 1985, the Province created the Niagara Escarpment Plan (NEP), Canada's first large-scale environmental land-use plan. The NEP area covers 195,000 hectares in portions of 23 local municipalities within seven regions and counties and the City of Hamilton. The plan establishes land-use designations, development criteria and related permitted uses. It also provides the framework for a string of more than 160 parks and open spaces linked by the Bruce Trail.

While the NEP contains a strong emphasis on environmental protection, its role in preserving the open landscape character of the Escarpment and supporting agriculture is also good for business in Ontario. Rural and agricultural communities on the Escarpment support thousands of jobs and produce food consumed by people locally and all over the world, contributing millions of dollars annually to the region's economy. As well, the Escarpment contributes an estimated \$100 million annually to local and regional economies through tourism.

In 1990, this visionary model of environmental protection established through the NEC and the NEP earned the Escarpment recognition as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve—one of 18 across Canada. This prestigious designation recognizes the Escarpment as an internationally significant landform that balances cultural and biological diversity with economic and social development.

With the Escarpment traversing the Greater Golden Horseshoe, today one of the most heavily developed and fastest growing regions in North America—with a population of more than 9.245 million—the preservation of this precious and world-renowned landscape has never been more challenging and important.

The Niagara Escarpment Commission

The NEC was established in June 1973 as a non-board governed regulatory agency that operates at “arm’s-length” from the provincial government.

The NEC’s role is to administer the NEP by making decisions on proposed development permit applications and making recommendations to the Minister of Natural Resources and Forestry on proposed NEP amendments. The NEC is mandated to interpret and apply policies of the NEP in a way that achieves the purpose and objectives of the NEPDA and NEP. The decisions of the NEC are made independently, impartially and according to a risk management framework.

The NEC has 17 positions—16 Commissioners and a Chair—appointed by Order-in-Council. Nine members, including the Chair, represent the public-at-large and eight members represent the upper- and lower-tier municipalities within the NEP area. A full list of Commission members that served in 2019-20 is listed in Appendix 1.

The Commission normally meets regularly to consider development permit applications and land-use proposals, policy items and amendments. However, in 2019-20 the Commission did not meet from September 2019 through to the end of March 2020 due to the lapsing terms of several appointees and the Chair.

Meetings are open to the public and are usually held at the NEC’s main office in Georgetown. The NEC is supported by 24 full-time and four seasonal staff positions.

The Niagara Escarpment Plan

The Niagara Escarpment and lands in its vicinity are protected by the NEP. In 1985, the Ontario government adopted this visionary, environment-first plan, which aims to maintain the Escarpment “substantially as a continuous natural environment”. Any development that occurs within the NEP area must be compatible with this purpose.

The NEP area covers portions of 23 local municipalities within seven regions and counties, and the City of Hamilton. A map of the NEP area is found in Appendix 2 and a full list of the municipalities found within the NEP area is contained in Appendix 3.

The NEP outlines land-use designations and associated development criteria. The plan also provides the framework for more than 160 parks and open spaces linked by the Bruce Trail. As well, the NEP protects significant natural heritage features and ensures the maintenance of the Escarpment’s open landscape, conserving the Escarpment’s scenery, agricultural land and complementary rural activities.

The NEP is reviewed and amended on a regular basis. Legislated reviews of the NEP were completed in 1994, 2005 and most recently in 2017. In 2005, the NEPDA was revised to coordinate the review of the NEP with the 10-year review of the Greenbelt Plan. In May 2017, the most recent review came to a conclusion with the release of four revised provincial land-use plans: the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Growth Plan for the Greater Golden Horseshoe, and the NEP. The updated NEP came into effect on June 1, 2017.

The NEP (2017) includes updated mapping that reflects changes on the landscape, and new policies that provide stronger protection for natural heritage features and functions. New agricultural policies support the Province’s efforts to grow Ontario’s agri-food and rural sectors and ensure that farming continues to be a viable economic activity in prime agricultural areas. The NEP also enables the Commission, in consultation with MNRF, to prepare and issue guidance material and technical criteria to assist implementation. The section of this Annual Report entitled “Niagara Escarpment Plan Implementation” provides a summary of work initiated by the NEC in this regard.

Strategic and Operational Context

As a provincial agency, the NEC functions in accordance with the following values of the Ontario Public Service (OPS): trust, fairness, diversity, excellence, creativity, collaboration, efficiency and responsiveness. The NEC's strategic focus is rooted in MNRF's vision as set out in its strategic plan, Naturally Resistant, in which:

Ontarians benefit from the health and wealth of the province's natural resources, today and in the future.

The NEC is governed by the NEPDA, the provincial government's Agencies and Appointments Directive, and a Memorandum of Understanding (MOU) and Delegation of Authority between the NEC Chair and the Minister of Natural Resources and Forestry. The NEPDA establishes the planning framework for the NEP. The role of the NEC is to implement the NEP in a way that achieves the purpose and objectives of the Plan and the Act:

Purpose

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.

Objectives

- To protect unique ecological and historic areas
- To maintain and enhance the quality and character of natural streams and water supplies
- To provide adequate opportunities for outdoor recreation
- To maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery
- To ensure that all new development is compatible with the purpose of the plan
- To provide for adequate public access to the Niagara Escarpment
- To support municipalities within the Niagara Escarpment Plan Area in their exercise of the planning functions conferred upon them by the Planning Act.

The MOU between the NEC Chair and the Minister of Natural Resources and Forestry provides additional detail to the NEC regarding its mandate and core functions, while the Delegation of Authority designates the power to approve Development Permit Applications to the Commission. Taken together, the NEPDA, the NEP, the MOU and the Delegation of Authority define the governance structure of the NEC.

Under the provincial government's Agencies and Appointments Directive (January 2019), all provincial agencies are required to undergo a mandate review at least once every seven years. In 2017-18, the government procured the advisory services of the not-for-profit Institute on Governance to conduct the review of the NEC's mandate. The purpose of the review was to assess if the NEC's mandate remains relevant, is being met, and is being met in the most appropriate way. As part of the mandate review, the NEC's governance and strategic documents were reviewed, and several MNRF and NEC staff and Commission members were interviewed. The results of the review were provided to the government in 2018-19 and the NEC was deemed to be meeting its mandate.

In 2019 the NEC underwent review through the provincially appointed Agency Review Taskforce which supported the continuation of the Commission and suggested enhancements be considered to further modernize the Niagara Escarpment Program and enhance implementation.

Also, under the Agencies and Appointments Directive (January 2019) the NEC is required to submit an Annual Report to the Minister of Natural Resources and Forestry for approval within 90 days of the end of the fiscal year. This report describes the activities in fiscal year 2018-19. Once approved by the Minister, the Annual Report is tabled in the Legislature before being made publicly available and posted to the NEC's website at www.escarpment.org.

Operational Strategy

Operational Strategy Overview

In June 2017, at the conclusion of the provincial government's Co-ordinated Land Use Planning Review, the NEC began implementing a multi-year Operational Strategy to guide its mandate: the implementation of the 2017 NEP. This section of the Annual Report provides an update on the agency's continued progress in 2019-20 toward implementing the agency's Operational Strategy.

The NEC's Operational Strategy has three main priorities, as noted below. The strategy has formed the basis for the NEC's past Business Plans and continues to do so for the one-year plan for 2020-21¹. Specific activities and achievements under each of the priorities are described in the sections that follow.

NEC Operational Strategy

1. Business & Organizational Effectiveness

- Develop and align resources (i.e. people, information, tools and space) and streamline business processes to continuously improve program implementation and customer service.

2. Promote the NEC

- Seek partnerships and collaboration with regulatory partners and stakeholders on the efficient and streamlined implementation of the NEP.
- Educate clients, regulatory partners, stakeholders and Indigenous communities on the 2017 NEP and the Niagara Escarpment's UNESCO Biosphere Reserve designation.

3. Streamline and Modernize Regulations and Update Legislation

- Propose to the government changes to the NEPDA focused on process and program delivery efficiencies, and to modernize the legislative framework governing protection of the Niagara Escarpment.
- Propose to the government refinements to the NEC's Development Control boundary and consider regulatory refinement to cut red tape and support more efficient approval processes and program delivery.

¹ The NEC received approval from Treasury Board to submit a Business Plan for one year (rather than the normal requirement for a three year plan).

1. Business and Organizational Effectiveness

Team-Based Model

In 2019-20, the NEC continued to deliver its business through a team-based service delivery model. Through this model, multi-functional teams are assigned to geographically-based client groups to deliver the full range of NEC services. There are three teams – one for each of the southern, central and northern portions of the NEP area. The goal is to continuously improve customer service by increasing collaboration, sharing workload through efficient and consistent triaging and providing a forum to facilitate knowledge transfer and collaboration amongst NEC staff and with regulatory partners. The benefits of the Integrated Team approach were highlighted throughout the COVID-19 pandemic and the requirement for staff to work from home. Regular Team meetings continued, and the approach ensured staff had a network of support, as well as a process to highlight issues and obtain assistance from colleagues.

Each Team consists of:

- Senior Strategic Advisor
- Senior Planner(s)
- Planner
- Administrative Support

In addition, support is provided across all teams by the following:

- Geographic Information System, Information Management and Information Technology Unit
- Compliance Unit
- Landscape Architect
- Marketing and Communications
- Commission Meeting and Administrative Support

Table 1 below compares the volume of development permit applications received by the NEC with the volume processed during the last five fiscal years. The data shows that the number of applications received spiked after 2015-16 and continued to rise until 2018-19 when it levelled off. There was a slight decrease in applications received this fiscal year over last year in part due to onset of the COVID-19 pandemic and general decrease in economic activity.

Notably, the data shows that the NEC's output capacity—its ability to process this increased workload—increased significantly over the period of 2015-16 to 2017-18 (by 58%) and by 44 per cent in 2018-19. This increased output capacity is due to the implementation of the Operational Strategy, specifically the introduction of the new team-based service delivery model and additional funding approved by MNRF to hire additional staff resources. The decreased in applications process for the past fiscal year can be attributed to several staff changes, delays in recruitment of key positions and the need to realize fiscal savings.

Table 1

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020
Applications Received	650	746	760	733	641
Applications Processed	519	644	823	748	656
*Active Applications (as of March 31)	521	633	585	488	445
**Backlog +/- (as of March 31)	131	102	-63	-15	15
Average Processing Time (months)	5.25	5.5	6	5.5	27
* Due to a number of factors, some files carry over fiscal years. The Active Applications category represents the number of total open applications at any given point in time, regardless of when they were submitted. It is accumulative and is not dependent on any given fiscal year. ** The Backlog category measures whether the total number of open applications (i.e. Active Applications) is growing or shrinking. If more applications are processed than received in a given fiscal year, the backlog is decreased. Conversely, if more applications are received than are processed in a fiscal year, the backlog grows.					

Recruitment and Succession Planning

Implementation of the team-based service delivery model required the NEC to re-organize its staffing complement. This has involved the following major initiatives:

Reviewing Job Descriptions

NEC management completed review and re-write of job descriptions to reflect different, and in many cases enhanced, functional responsibilities. This review was initiated in 2017-18. In 2019-2020, NEC management completed the task of re-writing all job descriptions for staff positions to better reflect the new roles and expectations within the Integrated Team service delivery model.

Enhancing Capacity

The NEC received approval in 2017-18 to hire permanent staff up to its FTE² limit of 24, and to hire four additional positions on a seasonal basis (42 weeks a year). The purpose of these additional positions was to support the NEC's core planning and compliance work and to improve customer service. This approach was implemented in 2019-20, but was impacted by staffing changes noted below.

Staffing Changes

The list below outlines the recruitment and successional assignments that occurred during 2019-20. During this year, several significant staffing changes lead to some organizational disruption, which in turn, contributed to delays in processing applications and impacted the NEC's staffing complement.

- Retirements:
 - Senior Planning Coordinator, Owen Sound office – Position not filled. Temporarily vacant.
 - Manager Finance and Administration – Filled temporarily through continuation of person previously acting in position.
 - Landscape Architect - Filled
- Resignations:
 - Administrative Coordinator, Owen Sound office – Individual resigned due to office location move from Thornbury to Owen Sound. Position filled temporarily. Recruitment

² FTE limit refers to the number of full-time permanent staff within the organization

for permanent position initiated by put on hold due to operational challenges associated with COVID-19.

- Temporary Assignments:
 - Director – Former Director moved to position within OPS. Manager in position on acting basis.
 - Manager – Filled on temporary basis through individual in Senior Strategic Advisor position.
 - Planner, Owen Sound office – Position temporarily vacant due to parental leave (18 months). Filled temporarily through competition.
 - Senior Strategic Advisor – Position temporarily vacant due to parental leave (continued from 2018-19). Filled by Senior Planner within the NEC.
 - Senior Planner – One position temporarily vacant due to individual's assignment to Senior Strategic Advisor – Filled by Planner. Recruitment occurred for vacant position but put on hold due to operational challenges associated with COVID-19.
- Planner (Seasonal) – Two positions in Georgetown were filled.
- Compliance Specialist (Seasonal): Experienced Administrative Coordinator placed in position for one season as a developmental opportunity.
- Permanent Assignment:
 - Senior Planner – Thornbury position became vacant and was filled by Planner through a return to competition that occurred within the past year.
 - Landscape Architect – Filled on permanent basis through competitive recruitment process.

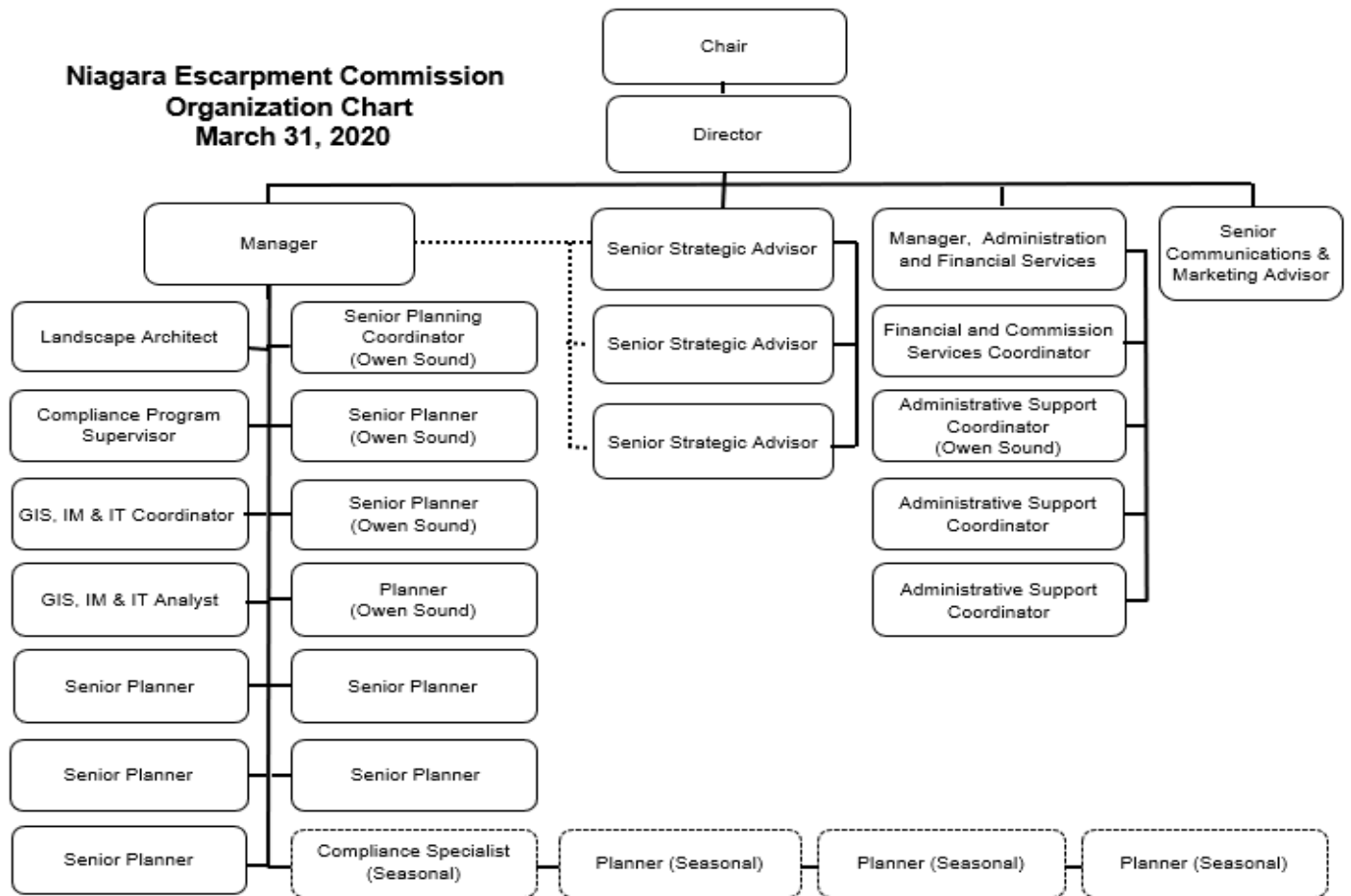
Succession Planning

Succession planning is important to ensure the NEC continues to be a healthy and vibrant organization that has the human resources to effectively implement the Niagara Escarpment program. The NEC has experienced recent staff turnover due to individuals moving to positions outside of the Ontario Public Service, retirements of long serving staff, as well as through parental leaves and individuals being placed into more senior positions. The number of concurrent changes has resulted in a higher than normal number of vacant positions, temporary assignments and recruitment.

From a succession planning perspective, the NEC has significantly benefitted from having a “feeder group” of seasonal planners that have the experience and capacity to move into more senior positions. This approach minimized disruption to service delivery through a significant period of transition in 2018-19. The NEC's staffing strategy has continued to result in an organization that is nimble and can more readily align its resources to emerging challenges. However, the number of individuals placed in positions on an acting or fixed term basis is creating disruption and an organization in transition. It is hoped that the situation will stabilize in 2020-21.

Figure 1 below shows the NEC's organization as of March 31, 2020.

Figure 1



Enhancements to Staff Training

Land-use planning is an ever-changing and highly complex discipline. In 2017-18, the NEC initiated a Learning Strategy to ensure staff members keep pace with changes in this field, have the skills and knowledge they need to do their jobs effectively, and that learning opportunities are provided strategically and equitably across the NEC. Fiscal restraints impacted the ability to support staff training. However, several approaches to informal training were used to support capacity building and staff development.

NEC staff participated in the following learning events in 2019-20 (in brackets is the organization that presented the training sessions):

- Indigenous Cultural Competency Training (OPS/San'yas Indigenous Cultural Safety Training Program)
- Indigenous Cultural Competency Training Workshop (Ontario Association of Landscape Architects)
- Black Bear Encounter Safety Training (MNR)
- Ontario Professional Planners Conference
- CIP Centennial Conference
- CIP World Town Planning Day sessions
- Species at Risk implementation (MECP)

Alternate Work Arrangements (Telecommuting)

In 2018-19 the NEC launched a pilot program regarding alternative work arrangements. The program allows staff to work from home, or an alternate approved location, based on agreed-upon terms. In 2019-20 the NEC made a strategic decision to replace desktop computers with laptops and VPN capacity to facilitate working from home and further reduce the need for desktop computers.

This was extremely advantageous during the onset of COVID-19 when all staff were directed to work from home effective March 16, 2020 with little advance notice. Having alternative work arrangements in place meant that the NEC could make the transition in a seamless and highly effective manner.

Business Process Improvement

In 2017-18, the NEC began an initiative to map its main business processes as a means of improving organizational effectiveness, both in terms of finding business efficiencies and enhancing customer service. Business process mapping involves documenting processes in a flowchart format and initiating an ongoing effort of continuous improvement by identifying redundancies, bottlenecks and opportunities to streamline.

The following table shows the processes that have been completed, those in progress and those that are planned for future.

Table 2

Processes Mapped	Processing In Progress	Processes Planned
• Development Permit Application (DPA) • Responding to DPA Inquiries • Responding to Property Inquiries • Preparing Property Information Reports • Processing Development Permit Exemptions • Notice of Decision & Appeals Process • Commission Meetings • Niagara Escarpment Plan Amendments	• Enforcement/Compliance Procedures	• Commission Staff Reports (Policy) • Commission Policy Meeting Procedures • Planning Act Applications

In documenting business processes, NEC continues to identify efficiencies. This work is providing greater consistency of NEP implementation and is building a permanent record of how NEC business is done, which is an invaluable training and succession-planning tool. The process also identified the need for guidelines to support various process elements. Some of this work is still underway.

More significantly, the NEC was well positioned to on-board new staff in the midst of COVID-19 since all processes were clearly documented and accessible through collaborative IT platforms.

Database Renewal and Information Technology Enhancements

The NEC's current database, which serves its core business function of processing development permit applications, dates to the early 2000s and has reached its end-of-life cycle. The current database lacks any of the robust relational and search capabilities of modern applications, is prone to human error and cannot produce robust statistics to accurately measure performance and support continuous improvement. The following activities occurred in 2019-20 to address this:

a) Increased Bandwidth – Owen Sound Office

- The Bandwidth increased from 10 mbps to 30 mbps which significantly reduced network latency and improved staff efficiency.
- With that extra bandwidth, Owen Sound staff started to save all digital files on the Georgetown server, instead of the Own Sound server. This new practice simplified access to business data and accelerate shared business processes across two offices.
- Two NEC offices are using one common GIS map template, which was not possible before due to the slow network. By using one template, the NEC was able to simplify everyday business activities related to GIS and ease the burden on its GIS staff of managing two systems.

b) Replacing the existing permit application database

- Working with the Land and Resource Cluster (LRC) and the MNRF, the NEC submitted a project proposal in fiscal 2017-2018 through the Ministry's Committee on Information Management and Information Technology (MCIMIT) to replace the existing permit application database with a modern information management system.
- This initial phase of the project included a high-level preliminary scope to determine available solutions and provide a blueprint for the development of a modern information management system. Out of this initial phase, three options were identified (.NET, Siebel and Java) with coarse level cost estimates for each.
- The Permission Enterprise Platform (PEP), an existing Java solution currently in use throughout the OPS, was identified as a potential option to replace the NEC's existing development permit database.
- In 2018-19, the NEC, working with LRC Solution Designers, completed the work of identifying the core functionality of a PEP solution that would be required to meet the agency's business needs. NEC staff tested the application and confirmed that it would support database needs and enable a comprehensive on-line application and process management.
- The PEP is scalable and can be phased in over time. LRC provided costing for the application.
- The NEC continues to work with MNRF regarding funding support for a PEP application and is participating in discussions regarding how NEC needs can be addressed through other similar projects occurring within the Ministry.

c) Enhancements to the existing permit application database

- The existing development permit database is a critical application that is utilized by NEC staff daily. Until a new system is developed, the NEC has undertaken a process to clean up the data and to maintain and enhance the existing permit application database to ensure it is operating as efficiently as possible.
- Overall, the process has led to a better representation of current active applications within the database, which has supported the setting of priorities and the triaging of development permits. It has also enabled better oversight and quality control of the development permit process, thereby improving service delivery.

In 2019-20, the NEC also undertook the following information management and information technology initiatives:

a) Migration to the Office 365 platform

- Microsoft Office 365 is a collection of the latest Microsoft Office productivity suite of desktop applications plus other productivity services that are enabled over the internet through Microsoft cloud services.
- Office 365 has been identified as a key contributor to modernizing the OPS workspace and enhancing the employee experience with industry-leading communication and collaboration tools, such as OneDrive, SharePoint and Teams. In 2018-19, all NEC workstations have been successfully migrated to Office 365.

- Office 365 allowed NEC staff to facilitate work from home during the COVID-19 emergency period. Microsoft Teams made it easier to maintain close communication and collaboration among colleagues through group chats, audio and video calls and file sharing. Microsoft OneDrive and SharePoint provided cloud storage for files, giving staff the convenience of accessing files, sharing documents and collaborating with colleagues from any location and on any device.

b) Paperless or digital Commission meeting package pilot

- Last year NEC staff undertook an exercise to provide Commissioners with an option to go “paper-free” for Commission meeting packages.
- The goal of NEC’s paper-free initiative is to reduce the amount of paper produced and thereby reduce the costs of Commission meetings.
- Adobe Acrobat software was the preferred solution to deliver a paper-free Commission package as it provided the most cost-effective and ease-of-use solution across various devices such as tablets, mobile phones and computers. Adobe Acrobat and the corresponding Reader application is a trusted standard for viewing, printing, sharing and annotating PDF documents.
- Paperless meetings will be pursued in 2020-21, particularly considering COVID-19 and restrictions in access to resources to produce and distribute paper meeting materials.

c) NEC Open Data Inventory

- The Ontario Government has adopted the principle of “Open Government”—an initiative aimed at creating a more open and transparent government for the people of Ontario. Open Data, which is one of three streams under the Open Government initiative, is about releasing and sharing data online to encourage innovation and solve problems through new ideas and applications.
- The NEC has identified over 20 data themes for inclusion in the Ontario Data Catalogue. These datasets are currently moving through the publishing process and ultimately will be listed on the Ontario Data Catalogue and made publicly available for download.

d) Web Based Mapping Tool

- In 2019-20 the NEC submitted and received approval for a project through MNRF’s IM & IT committee which involves developing an accurate on-line tool that will enable the public, applicants and agencies to find information.
- This will be delivered by providing users with a digital experience they have grown accustomed to in the private sector such as a modern web mapping application.
- The deliverable would include an online web mapping application that would be accessed through NEC’s current website and based on the Geocortex framework.
- The NEC’s web mapping application would be like MNRF’s “Make a Map – Natural Heritage Areas” and include the same functionality but tailored to include data layers specific to NEC’s core business. The project will be completed in 2020-21.

2. Promote the NEC

With the updated NEP becoming effective June 1, 2017, a key focus of the NEC's Operational Strategy is to educate the agency's customers, stakeholders and regulatory partners to ensure the efficient implementation of the NEP. In 2017-18 the NEC hosted a series of outreach sessions for the general public, municipalities, conservation authorities and key stakeholders in the northern, central and southern regions of the NEP area. These sessions were attended by more than 350 people.

In 2018-19 the NEC shifted its focus from larger, multi-disciplinary events that were focused more generally on introducing the new policies of the NEP to a more targeted approach where NEC staff met with smaller groups on specific topics of focus. The following table lists the most significant educational/outreach sessions NEC staff held in 2019-20.

TEAM	EVENT	PURPOSE
General	Webinar with MECP regarding Species and Risk	Update on MECP new responsibilities and new process for circulation of DPAs
General	2019 Ontario Association of Landscape Architects – April 2019	NEP Policies
General	University of Guelph – January 2020	NEP Policies
General	Bruce Trail Conservancy – November 2019	DPA Process
General	Ministry of Environment, Conservation and Parks – November 2019	NEP Policies DPA Process
Central	Belfountain Public School – November 2019	NEP Policies
Central	Participation in Halton Area Planning Workshop	Streamlining development review and approvals
South	Ecological Restoration Event featuring various NPO/NGO groups in the Niagara Region – January 2019	Development Permit Application (DPA) process
South	University of Guelph – Advanced Planning Class – January 2019	NEP Policies
South	Niagara on the Lake Municipality/Stakeholder event – May 2019	NEP Policies DPA Process
South	Town of Lincoln – June 2019	NEP Policies, DPA Process
South	Brock University – January 2020	DPA Process
South	Staff participated in a panel discussion to discuss NEP policies at the University of Guelph.	NEP Policies
South	Brock University – August 2019	NEP Policies Niagara Escarpment Biosphere Reserve

TEAM	EVENT	PURPOSE
Central	Conservation Halton – November 2019	DPA Process, NEP Policies
Central	Milton Farmer’s Market –July 2019	NEP Policies DPA Process
North	Bruce County Natural Legacy Technical Advisory Group	Education and awareness regarding Niagara Escarpment Program
North	Landscape Architecture Student Research	Research to address Beaver Valley cultural landscapes in trail design
North	Planning event hosted by Grey County – March 2019	DPA Process, NEP Policies
North	Nottawasaga Valley Conservation Authority – February 2020	NEP Policies

NEC Website

In the summer of 2018, the NEC began a project to refresh its website and migrate it onto a government server with the support of MNRF’s Communication Services Branch. This project will create a website that provides the NEC with an opportunity to create content based on core operational goals and deliver better communications to clients and stakeholders based on their needs. By migrating onto government servers, the new website will provide easier maintenance, faster technical support and better reliability with minimal costs involved. NEC is also working with MNRF staff to integrate software components available through the Ministry such as GIS mapping, in order to make accurate Niagara Escarpment information more readily available to the public and stakeholders.

As a government agency, the NEC needs to be compliant with OPS accessibility standards by 2021. The new website will be designed in compliance with the WCAG 2.0 Level AA standard. In conjunction, NEC began developing a remediation plan for converting all existing PDFs housed on the website into accessible formats.

NEC Team-based Service Delivery Model

The NEC’s new team-based approach is aimed at improving communication of NEC programs and services. The designated teams are the “one-stop shop” for assigned regions within the NEP area and are responsible for fielding inquiries and representing the NEC on local committees, working groups and other outreach opportunities.

3. Streamlined Regulations

The NEP is implemented through a Development Control permit system. This process ensures that development is compatible with the Escarpment landscape, including its natural, physical and cultural environment.

With support from the MNRF, the NEC began a two-phased project in 2017-18 with the Office of the Surveyor General to develop electronic mapping of its Development Control boundary, which will provide a more accurate set of Regulation maps. Current mapping is based on “metes and bounds” word descriptions, which lacks precision and can present difficulties in confirming exact boundaries.

At the NEC’s November 2018 meeting, the Commission passed a resolution seeking support from the Minister of Natural Resources and Forestry to move forward with the two phases of the project outlined below:

Phase 1 - Modernization of Regulation 826

- Working with the MNRF and the Office of the Surveyor General, this phase began in 2017 to create a new series of Regulation maps that will precisely define the Development Control boundary.
- The Ontario Surveyor General has signed the maps and they have been forwarded to MNRF move them forward with a Minister’s regulation to amend Ontario Regulation 826, which is required to bring the maps into force.

Phase 2 - Rationalizing the Development Control Boundary

- In Phase 2 of the project, the NEC, in partnership with MNRF, proposes to begin a process to consider reducing the Development Control area in certain Minor Urban Centres, Urban Areas and Escarpment Recreation Areas.
- The NEC would develop a set of criteria under which Development Control might be lifted in those specific designations. This second phase of the initiative would include consultation with municipalities, conservation authorities, stakeholders and land owners.
- Municipal zoning would have to be put into place to replace the Development Control system, but the policies of the NEP would continue to apply.
- By modifying the Development Control boundary, and potentially removing it in certain urban areas, this would streamline approvals for NEC customers without diminishing environmental protection.
- In addition, in 2019-20 the City of Hamilton passed a resolution that City staff work with the NEC to petition the Minister of Natural Resources to include the Pleasant View area in Development Control. The lands were added to the NEP in 2013 but have remained subject to municipal zoning. The City has experienced challenges in addressing the NEP through zoning. This request can be brought forward through Phase 2 of the Development Control Regulation.

4. Modernized Legislation

The NEPDA is 46 years old and largely exists today as it was written in its original form. Through decades of experience in implementing the Niagara Escarpment program, the NEC has identified several parts of the Act and Regulations that, if amended, would incrementally help to further streamline NEC processes and improve customer service. In 2018-19, NEC submitted to MNRF a comprehensive list of proposed amendments to the NEPDA and Regulations for consideration.

The list of proposed amendments includes a broad range of ideas including basic housekeeping changes that would clean up outdated and/or redundant processes, enhancing compliance tools to make the NEC less reliant on MNRF, increasing the number of exemptions permitted for environmentally benign forms of development and charging application fees to bring the NEC in line with its regulatory partners while serving to mitigate the agency's structural budget deficit.

Activity Reports

Niagara Escarpment Plan Implementation

In May 2017, the provincial government's Co-ordinated Land Use Planning Review process came to conclusion with the release of four revised provincial land use plans: The Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, the Growth Plan for the Greater Golden Horseshoe, and the NEP.

In 2019-20, the NEC continued to implement the updated NEP through its review of development permits, NEP amendments, and by commenting on a range of other applications (e.g. municipal planning applications under the Planning Act, environmental assessment, telecommunication proposals, parks and protected areas proposals, applications under the Aggregate Resources Act).

The 2017 NEP provides for the NEC, in consultation with MNRF, to prepare guidance material and technical criteria to assist with implementation of the NEP. Policy guidelines are intended to support the evaluation of development permit applications against a common set of considerations. They are intended to clarify, inform, and aid in the interpretation of NEP policies. On the other hand, technical criteria are more prescriptive in nature, and include instructional information and minimum information requirements necessary to properly evaluate development permit or amendment applications.

At its October 2018 meeting, the NEC passed a number of resolutions initiating the development of guidance material and technical criteria related to the following:

- Policy guidance material:
 - On-farm diversified uses
 - Dwelling units
 - Special events
- Technical criteria:
 - Complete application requirements
 - Visual impact assessments
 - Vegetation protection plans
 - Landscape construction drawings

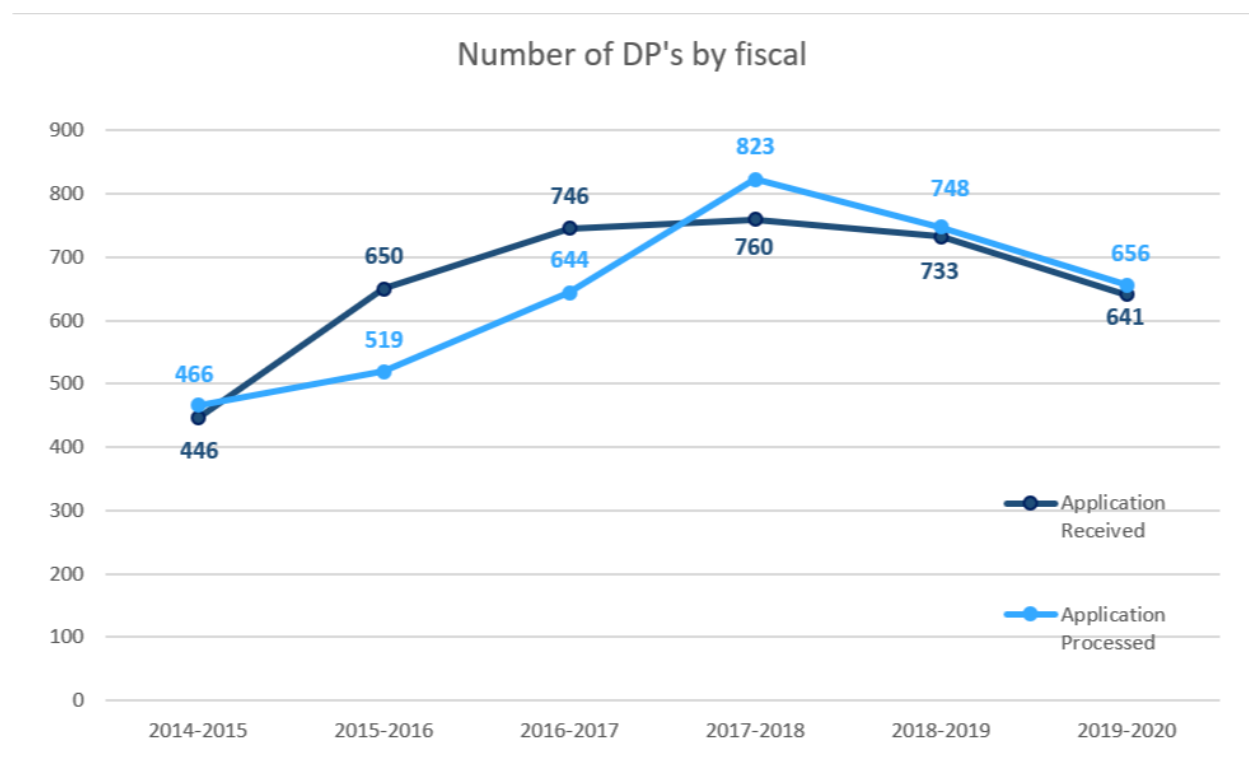
The Commission also requested that subcommittees be formed to provide feedback to staff during the guidance development process. This did not occur due to the lapsing of Commission appointments which included several individuals participating in subcommittees. The Commission intends to proceed with this work in 2020-21.

Development Permit Activity

The NEPDA requires that a development permit be obtained from the NEC prior to undertaking development within the area of Development Control, unless it is exempt under Ontario Regulation 828/90. A permit is issued with terms and conditions to ensure development is implemented in a manner that minimizes impact to the Escarpment environment.

Applicants have a prescribed amount of time (normally one year) to fulfill the conditions of approval prior to issuance of a development permit. Once issued, a permit is typically valid for three years, during which the development is to be completed. As indicated earlier in this report, and shown below in Figure 2, the number of development permits received by the NEC has risen sharply since 2015-16 to a record level in 2017-18, with a slight reduction in 2018-19 and again in 2019-20. The NEC was able to keep pace with this increased volume due to the implementation of its team-based service delivery model and MNRF's approval of additional funding to hire additional front-line staff resources. However delays or inability to fill positions will impact the backlog of applications and front line service delivery.

Figure 2



Figures 3 and 4 below show the distribution of development permit applications (DPs) processed in 2018-19 and 2019-2020 across upper-tier municipalities.

Figure 3

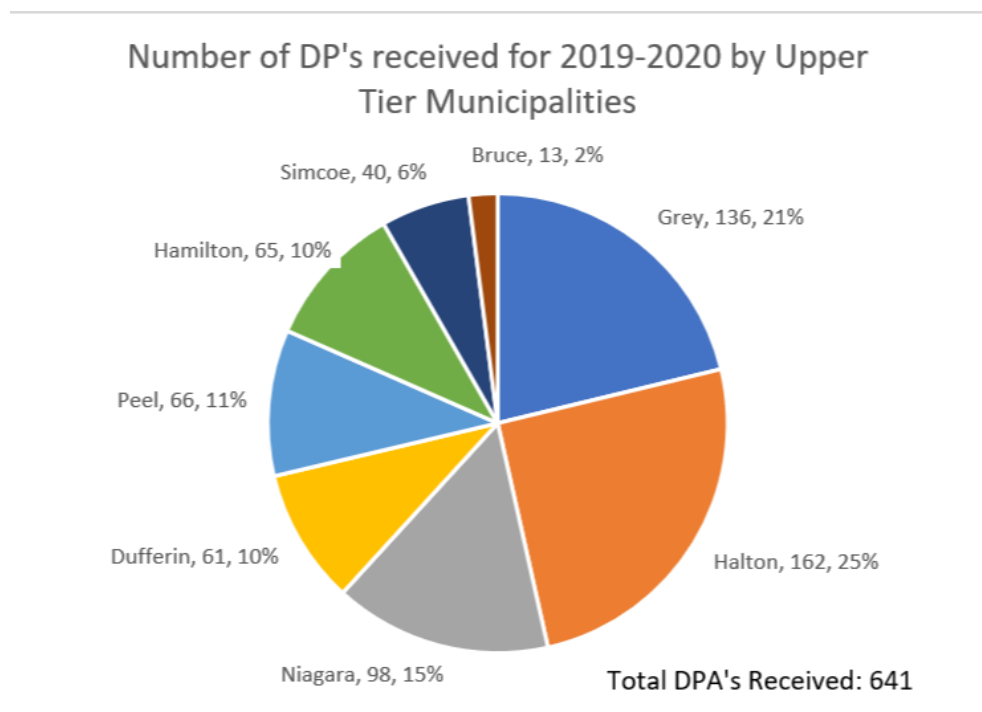


Figure 4

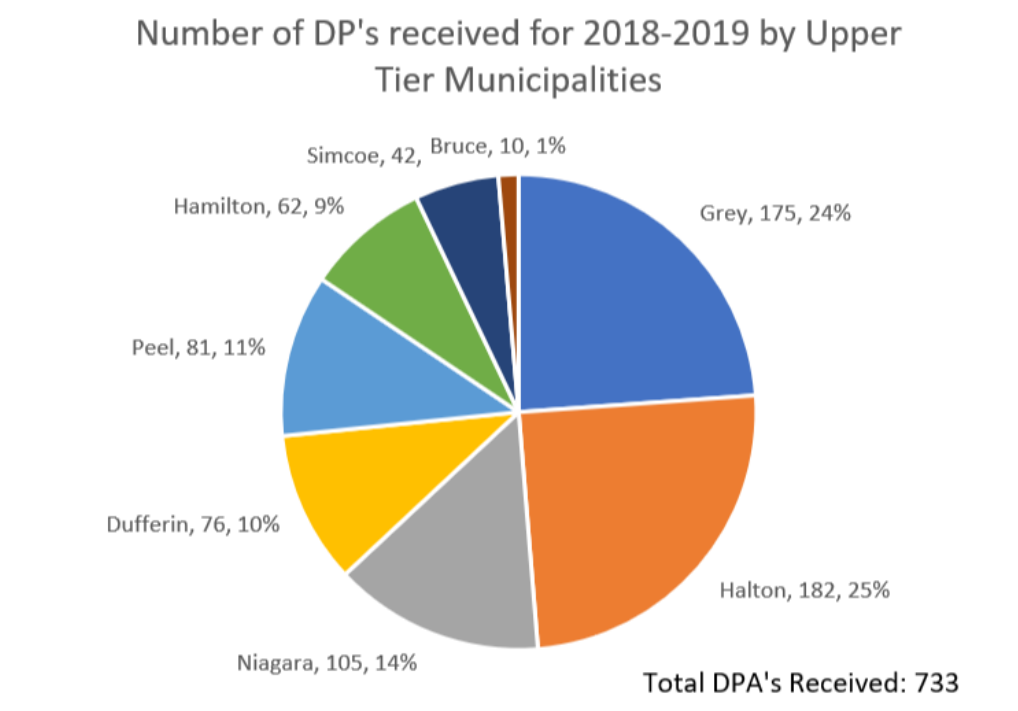
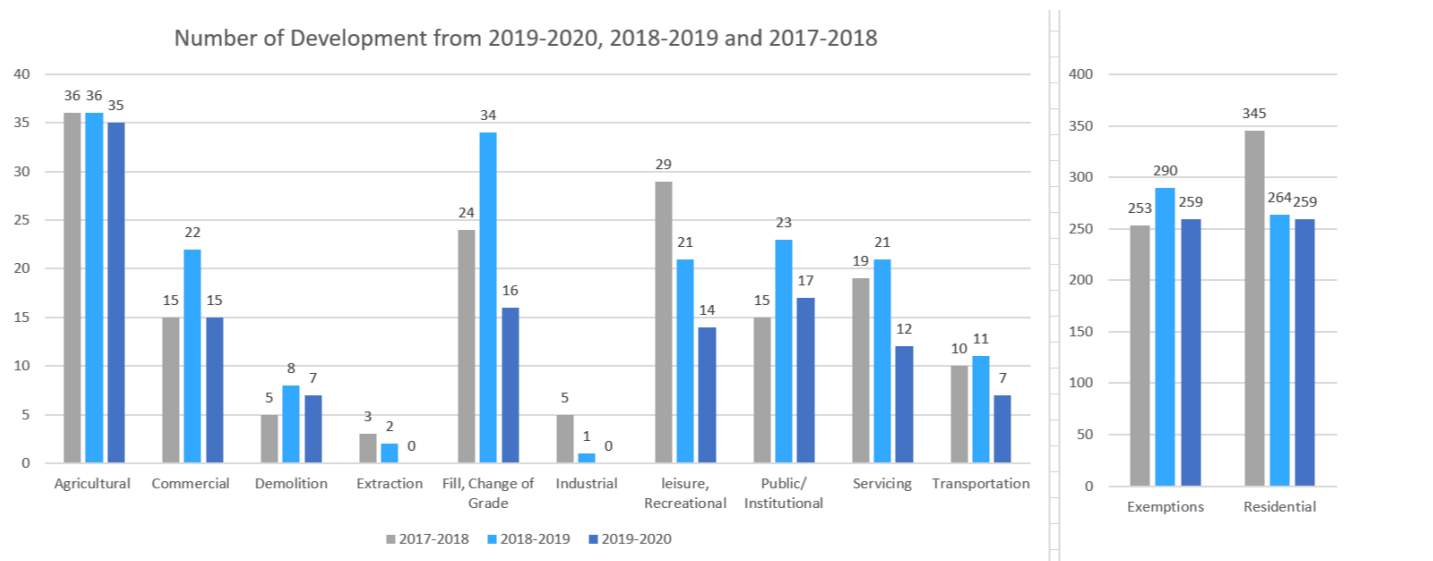


Figure 5 below illustrates the types of applications received and compares the previous fiscal years of 2017-18, 2018-19 and 2019-20. It is important to note that development permit applications received in one fiscal year can be processed in subsequent years. Therefore, there may be a discrepancy between the number of applications received and processed in a given year. The following are some key takeaways:

- By far the highest number of applications continue to relate to residential development. While many applications relate to renovations and accessory structures associated with existing residential development, an increasing number involve demolition of an existing, smaller house to be replaced by considerably larger residences with large accessory buildings (with many residences ranging from 5,000 to more than 20,000 square feet).
- The number of agricultural-related applications remained relatively the same over the prior years. Many of these involve construction of accessory structures. Some relate to the establishment of “on-farm diversified uses” and “agriculture-related uses”, which reflects new policies contained in the updated NEP.
- Fill/change-of-grade applications increased considerably in 2018-29 (40 percent rise), and declined to lower levels than the previous two fiscal years. The significant reduction may be attributed to new provincial regulations and controls regarding disposal of surplus soil. Inclusion of landform conservation policies in the NEP (2017) provides the NEC with additional tools to evaluate the compatibility of these types of development with the purpose and objectives of the NEP.

Figure 5



Under the NEPDA, the Minister of Natural Resources and Forestry has the power to delegate to the Commission the authority to approve development permits. Under the current Delegation of Authority, the power to approve certain types of development permit applications is, in turn, delegated to the NEC Director.

As illustrated in Figures 6 and 7, approximately 95 per cent of all NEC approvals (includes Directors' approvals and exemptions) are approved at the NEC Director level. For an application to be approved by the Director, it must meet the following criteria:

- The application and supporting information must be complete
- There are no objections to the application from any consulted agencies
- NEC planning staff have completed a Staff Report recommending approval
- The Staff Report is accompanied by Conditions of Approval and the proposed development complies with the NEP and does not require a policy interpretation under the plan
- In the case of development that has taken place without a development permit:
 - It is the first time the applicant has undertaken development on the property without approval; and
 - The matter is not subject to a prosecution.

There was a significant decrease in the number of applications that were dealt with by the Commission due to the decrease in number of meetings and lapsing of Commission appointments.

Figure 6

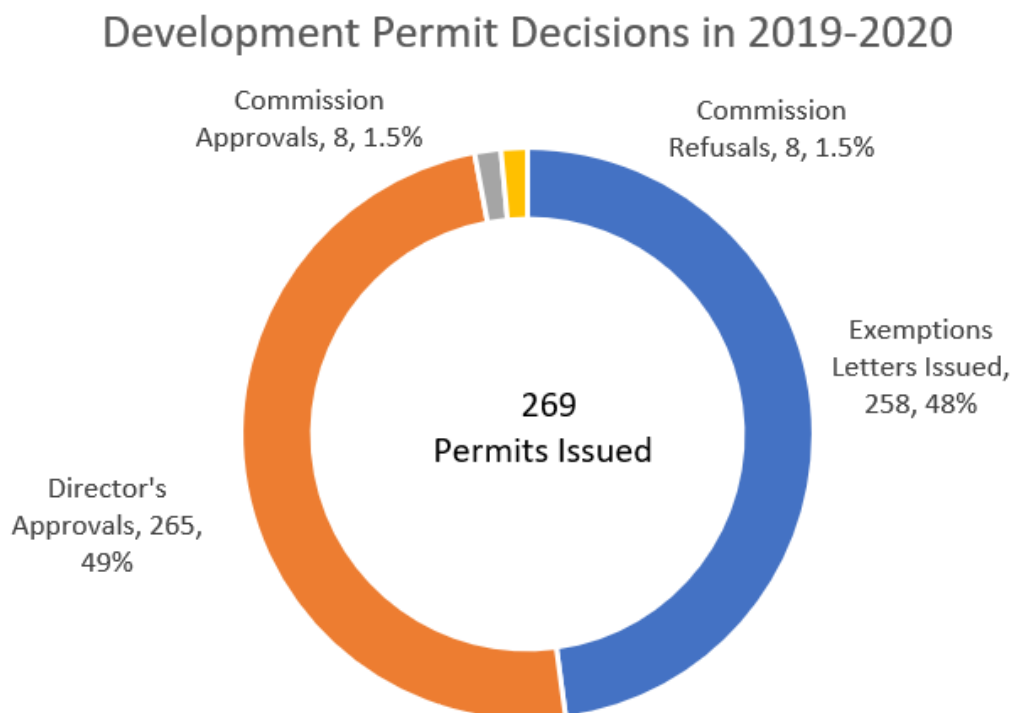


Figure 7

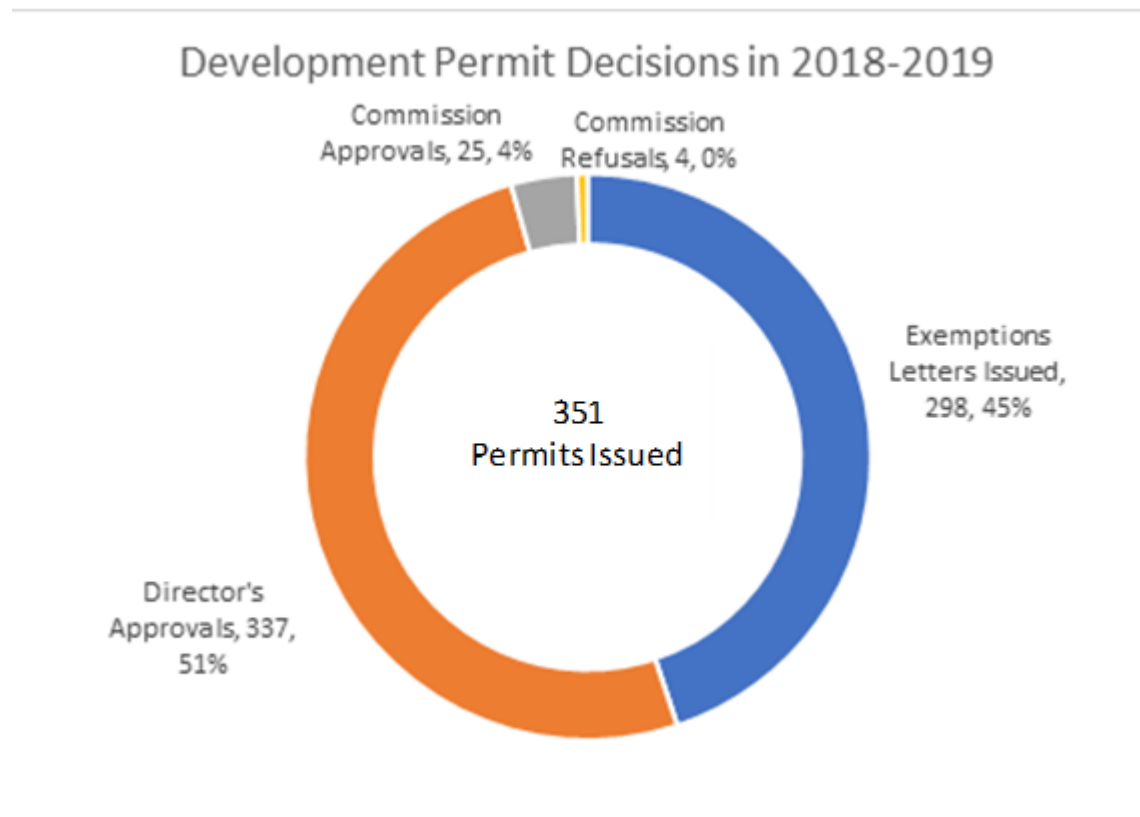
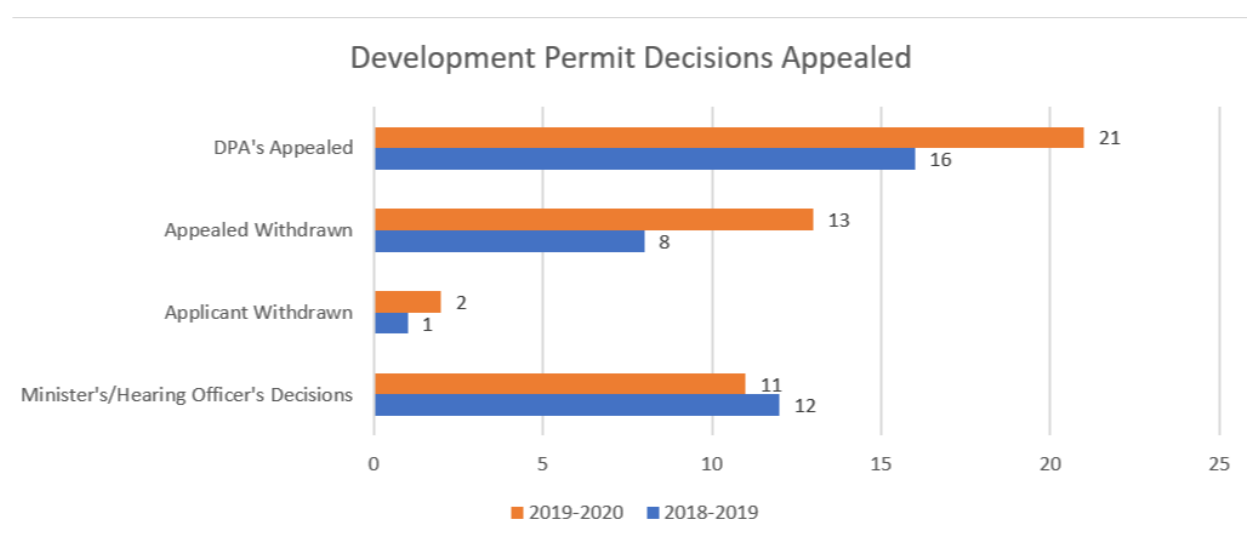


Figure 8 below illustrates the number of appeals of development permit decisions during the last two fiscal years.

Figure 8



Niagara Escarpment Plan Amendments

The government decided to approve four additional urban amendments that had been submitted during the 2015 Co-ordinated Land Use Planning Review. A decision on 7 other applications is pending. There are currently 7 other active Plan Amendments in progress; some are applications, others were initiated by the NEC. The following is an update on progress made in processing the most active of these amendment applications in 2019-20.

Plan Amendment PB 208 15 (Dyers Bay)

The purpose of the amendment is to change the designation of lands in the Minor Urban Centre of Dyers Bay from Mineral Resource Extraction Area to Escarpment Natural Area and Escarpment Rural Area in recognition of the surrender of the licence under the *Aggregate Resources Act*. The proposed Amendment, initiated by the NEC on lands in the Municipality of Northern Bruce Peninsula, was the subject of a hearing in October 2019. A settlement was reached, and the Hearing Officer recommended approval of the proposed Amendment in March 2020. This Amendment will be sent to the Minister for a final decision in early 2020-21.

Plan Amendment PP 213 18 (Blueland Farms)

The purpose of this proposed Amendment is to change the designation of this property in the Town of Caledon from Escarpment Rural Area to Mineral Resource Extraction Area to permit a new mineral aggregate operation on a 26-hectare property in the Town of Caledon. The application is still under review.

Plan Amendment PD 214 18 (Toronto District School Board)

An application was submitted by the Toronto District School Board. The purpose of this proposed amendment is to include a site-specific policy exception in the NEP to allow the Boyne River Natural Science Centre, on lands in the Escarpment Natural Area designation, to be re-established as an outdoor education centre on a property in the Township of Mulmur. The Commission endorsed staff's recommendation to support the proposed amendment at its meeting in May 2019. This application remains with the Minister for a final decision.

Plan Amendment PS 215 18 (Sideroad 26/27)

The purpose of this application by the Township of Clearview is to add site-specific policies to the Niagara Escarpment Plan to permit the re-development and upgrading of Sideroad 26/27 to make it a year-round paved road, notwithstanding the policy requirements to consider alternatives to the undertaking. This amendment relates to a Development Permit application currently at a hearing before the Niagara Escarpment Hearing Office for the proposed road improvements. A staff recommendation report is expected in 2020.

Niagara Escarpment Parks and Open Space System

The Niagara Escarpment Parks and Open Spaces System (NEPOSS), consisting of more than 160 parks and open spaces, seeks to achieve the NEP Part 3 objectives of providing opportunities for outdoor recreation, and appropriate public access to the Niagara Escarpment. Part 3 of the NEP contains policies that guide activities and development within the NEPOSS.

The MNRF coordinates the development and administration of the NEPOSS, including approval of master/management plans. The NEC works collaboratively with the MNRF to ensure that recreational activities and development within the NEPOSS are consistent with the objectives and policies of the NEP.

NEPOSS lands are owned by public agencies and conservation organizations that together comprise the NEPOSS Council. Council representatives work collaboratively to further NEPOSS objectives such as promoting land acquisition and public access. The Council, which is coordinated and administered by the MNRF in partnership with the NEC, meets at least two times a year to discuss matters related to parks and open spaces management issues.

The Bruce Trail is the common linkage connecting NEPOSS lands.

NEPOSS Council members undertook significant effort to contribute to the objectives of NEPOSS in 2019-20. Some of their highlights include:

- **Grey Sauble Conservation Authority** initiated the Management Plan process, including initial public consultations, for the Inglis Falls Conservation Area. GSCA also undertook major improvements at Spirit Rock Conservation Area and Pottawatomi/Jones Falls Conservation Area;
- **The Nottawasaga Valley Conservation Authority** received approval to proceed with the removal of a dam on Black Ash Creek in the Petun Conservation Area. Dam removal will result in reduced temperatures in Black Ash Creek and improve brook and rainbow trout habitat. A healthy fishery will contribute to the recreational and economic value of the Collingwood area sport fishery;
- The **Toronto and Region Conservation Authority's** Board of Directors endorsed TRCA's Trail Strategy for the Greater Toronto Region. The strategy establishes a vision for a connected network of 1,000 km of trails through regional greenspace system, including 480 km of new trails. The Bruce Trail through NEPOSS continues to be an integral part of the regional trail network. TRCA also initiated background work on a master plan for its NEPOSS properties, including Glen Haffy Conservation Park, Glen Haffy Extension, Mono Mills and Humber Valley;
- **Ontario Heritage Trust** experienced its first full season of operations at the Cheltenham Badlands since it reopened to the public in 2018. Final visitor numbers for the 2019 season (April to October) totaled 106,923 visitors. OHT won the National Trust Award for the Badlands Visitor Infrastructure project.
- The **City of Burlington** received approval for the construction of its City View Park Pavillion, featuring state-of-the-art sustainable design. The new facility will feature a 40kW photovoltaic (PV) array system that will offset the facility's power usage and feed power back into the grid system. Further sustainable features will include, timber structure, local building products and bird friendly glass. Interpretive displays will be included to celebrate the natural and cultural heritage of the Niagara Escarpment. Overall, City View Park provides an excellent example of how a recreational park can be integrated into the Niagara Escarpment;
- In 2019, the **City of Hamilton** completed the first phase of the implementation of the Churchill Park management plan – this included the creation of rain gardens for stormwater management and infiltration at the park, the establishment of a walking path, and naturalization planting. Phase 2 design is underway and will complete the walkways in the north section of the

park. Additionally, the City completed the public consultation and design work for a new masterplan for Sam Lawrence Park – while this isn't a NEPOSS park, it is a significant cultural site along the Escarpment and known for its spectacular views of Hamilton and Lake Ontario.

- **Ontario Parks** continues to protect significant natural heritage features and offer exceptional recreational opportunities along the Escarpment. Ontario Parks works collaboratively with the Bruce Trail Conservancy, including trail work with local clubs to improve visitor experiences and ensures protection of natural heritage features. Ontario Parks also supports a number of research and monitoring projects in various provincial parks in the NEPOSS.
- **Bruce Trail Conservancy** preserved 328 acres within that timeframe consisting of 10 acquisitions.

NEPOSS Council also continues to encourage a co-ordinated and strategic approach to member agencies' land securement efforts. The NEPOSS Council is participating in the update of the NEPOSS Planning Manual (2012), which is used by NEPOSS agencies to guide the management/master planning process. A workshop was held for Council members in March 2020 to review the proposed content for a revised manual. The Council also met in November 2019 to share experiences and provide mutual advice on Escarpment-related parks and open space issues.

Compliance Program

The NEC Compliance Program is responsible for inspections, investigations and enforcement activities within the NEC's area of Development Control. The Compliance Program plays an important role in the successful implementation of the Niagara Escarpment program by ensuring compliance with the NEPDA and its regulations.

The Compliance Program is a shared responsibility between the NEC and the MNRF, and is guided by an Inspections, Investigation and Enforcement Protocol, which was last updated in January 2015. The Protocol lays out the various roles and responsibilities for staff and provides mechanisms for shared oversight of the program and resolution of issues. Through the protocol, the MNRF's Conservation Officers assist with complex investigations, prosecutions and higher risk inspections.

The NEC has implemented a risk-based approach to compliance to make strategic, risk-informed decisions about priorities and responses. The NEC, in consultation with MNRF Enforcement Branch, uses this approach to determine the most appropriate response to compliance issues from a suite of options in the compliance continuum. Figure 9 below illustrates the range of approaches applied by the NEC.

Figure 9



To support a risk-based approach to compliance, the NEC maintains a system to document and track referrals of occurrences, follow-up inspections, investigations, and other enforcement activities and results. This information is reported annually and is used to: assess the efficiency and effectiveness of compliance operations; provide evidence in the evaluation of potential regulatory and policy changes; and, to make adjustments to compliance operations as deemed appropriate. The results for 2018-19 and 2019-20 are shown below.

REACTIVE: GENERAL BREAKDOWN	2018-19	2019-20
Total # of occurrences received per fiscal	186	195
Total # of occurrences that led to site inspections	131	151
Total # of occurrences assessed as high environmental risk	29	35
Total # of occurrences assessed as medium environmental risk	98	79
Total # of occurrences assessed as low environmental risk	59	81
Total # of occurrences received not subject to NEPDA	28	7
Total # of occurrences deemed exempt per O.Reg 828/90	12	13

COMPLIANCE ACTION TAKEN	2018-19	2019-20
Addressed through voluntary compliance or corrective action	11	52
Processed through "as-built" Development Permit	19	27
Compliance files referred to MNRF for further investigation	1	0
Tickets issued under Part 1 of the Provincial Offences Act	5	7
Occurrence files remaining open & under review	57	111

Proactive: Development Permit Compliance Monitoring	2018-19	2019-20
Inspections to assess adherence with development permits issued (per risk-based assessment process)	27	22
# of Development Permits in total compliance	19	15
# of Development Permits non-compliant	6	7

The number of compliance occurrences received in 2017-18 was the most the NEC has recorded since it began tracking this data. The number of compliance occurrences in 2019-20 has again increased over previous years.

Figures 10, 11 and 12 below show the distribution of compliance occurrences³ by upper-tier municipality, as well as changes in occurrences and inspections during the past three years. The most significant increases in compliance activity are within the southern and central portions of the Niagara Escarpment, with the Niagara, Halton and Peel Regions experiencing the highest increases (in the range of 25 to 50 per cent). The NEC is also observing an increase in the complexity of compliance issues, many of which are associated with the proximity of the Niagara Escarpment to the Greater Toronto and Hamilton Area, one of the highest growth and development areas in North America. A significant change over previous years relates to a shift in the type of public complaints and occurrences received. This past year more occurrences related to potential illegal tree cutting, whereas previously the main issue related to dumping of fill. The decrease in issues related to dumping of fill may be attributed to outreach and previous compliance actions.

Key compliance issues where development has occurred without a development permit are highlighted below:

Disposal of fill material:

- Mainly associated with excess soil and fill from urban and infrastructure development. Impacts are observed to agricultural land, wetlands, significant natural areas and the Escarpment landscape (impacts to landform conservation, human health and potential contamination of soil and groundwater systems)

Establishment of commercial and industrial uses:

- Many of which are not permitted by the NEP

Establishment of venues for special events:

- Includes establishment of wedding venues, major recreational events, concert venues, etc. In addition to the need for a development permit, not all of these types of activities would meet NEP policies.

³ An Occurrence Report is prepared for each incident or complaint that is received by NEC staff. Not all occurrences are actual situations of non-compliance.

Figure 10

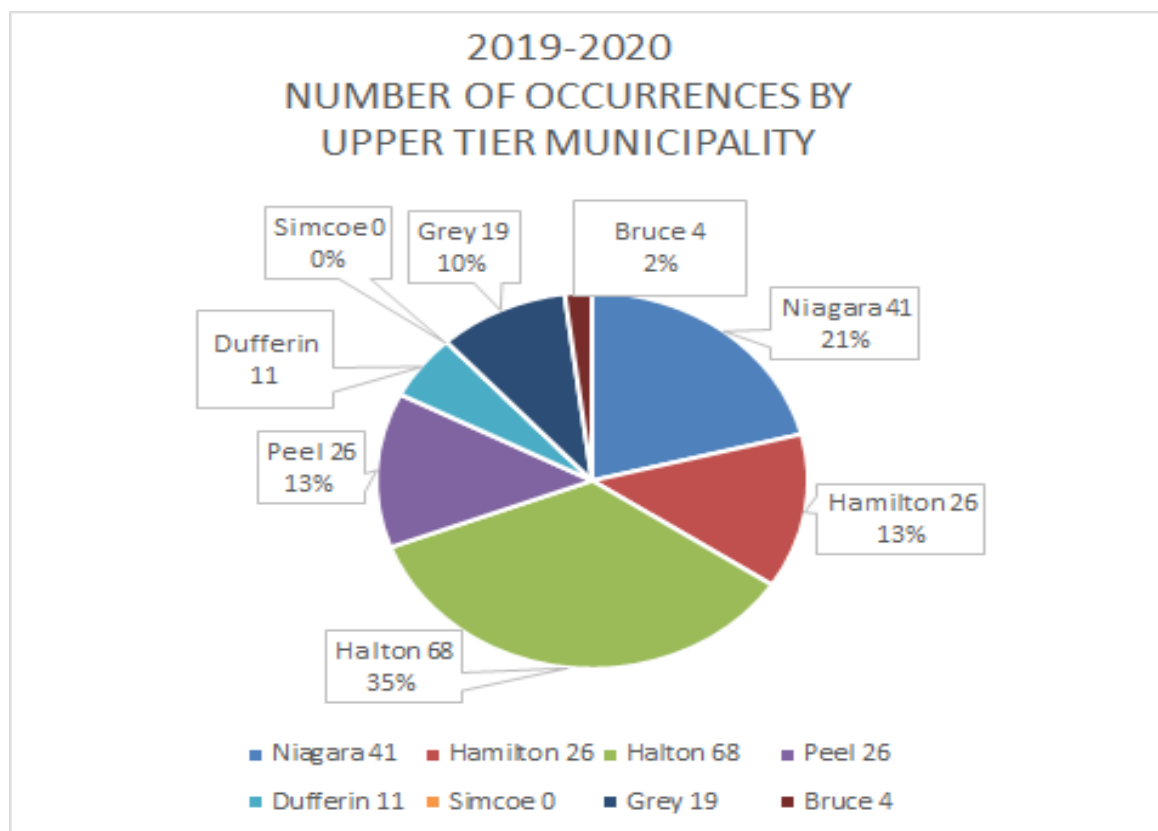


Figure 11

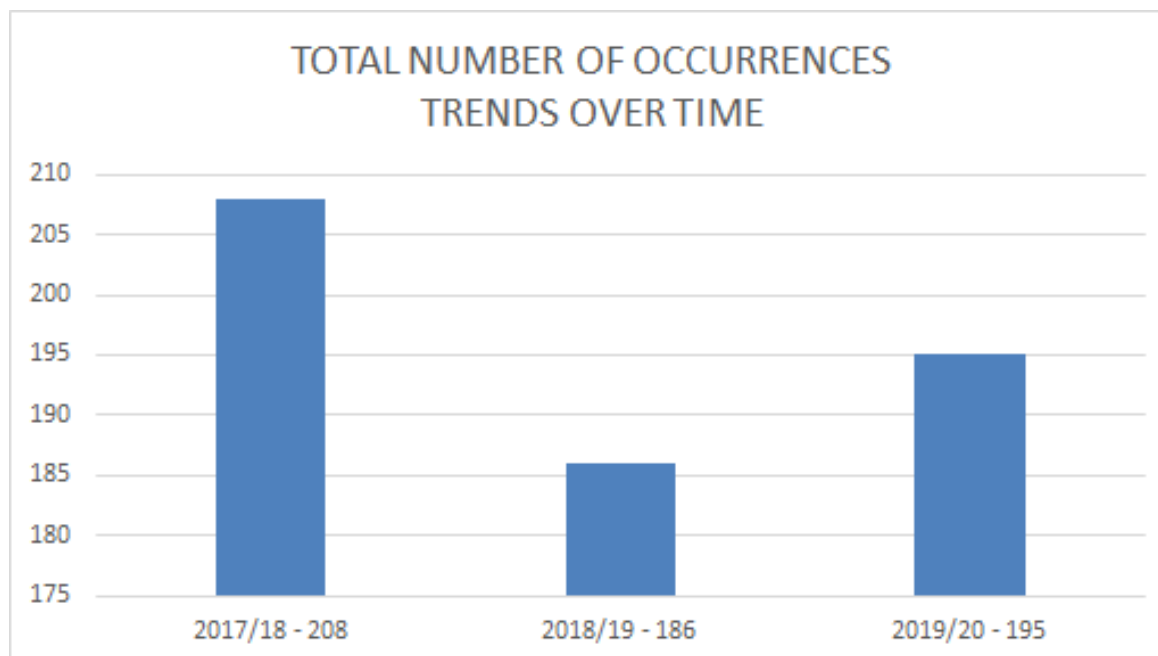
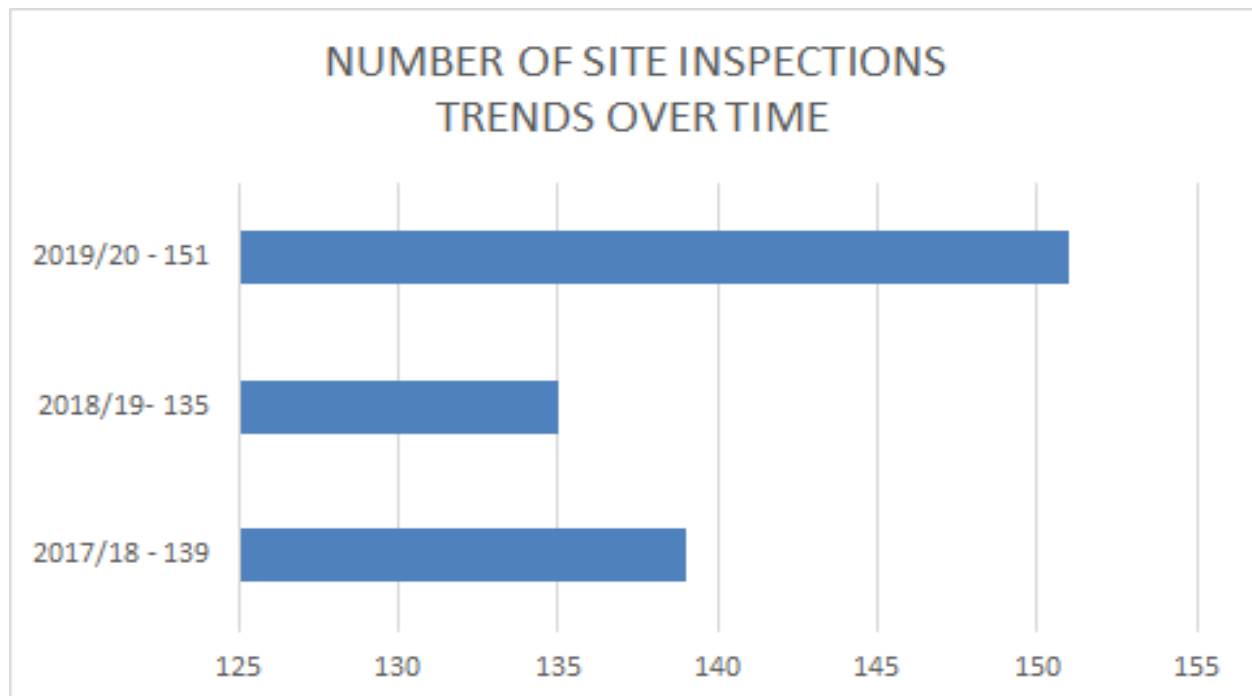


Figure 12



The NEPDA provides for administrative orders and offence provisions to address non-compliance. In support of the shared delivery of functions under the compliance protocol, and by applying an Informed Judgment Matrix (see Figure 13 below), the NEC identifies the need for MNRF support at any stage of preparing for or conducting an inspection or investigation. The request for support may be simply for advice on how to proceed on a compliance-related matter, or for the assistance of a Conservation Officer in an inspection, or for a Conservation Officer to take a lead role in the inspection or investigation. The NEC, in consultation with the MNRF, evaluates issues to determine the appropriate response from the suite of options in the compliance continuum. The options include encouraging voluntary compliance, using a development permit to gain compliance, an administrative order, a warning, and/or laying of a charge.

In addition, in 2019-20 the NEC undertook the following program and process enhancements to optimize effectiveness of its Compliance Program:

- Brought staff from across the organization together to undertake the Business Process Mapping of the Compliance Program. This end-to-end review resulted in clarified roles of Compliance, Planning and Administrative functions so that the process is managed in a more systematic, efficient and results-oriented manner.
- Business Process Mapping has identified areas where guidance material is needed to further clarify processes, support effective information and knowledge management, and enable better tracking for follow-up.
- Enhanced the Compliance Program through:
 - Additional funding approved by MNRF, hiring a Compliance Specialist in a seasonal capacity to support development of effective processes and program implementation, and to help manage the increased volume of occurrences.
 - Aligning administrative support to better manage Occurrence Tracking System and Database.

Figure 13

Informed Judgement Matrix (IJM)		Severity of Alleged Violations				
		1. Administrative	2. Minor Operational / Environmental	3. Medium Operational / Environmental	4. Major Operational / Environmental	
Compliance History	A. No history/good compliance history	Compliance Category I (Low Risk) 2019-20 81 Occurrences 42%				
	B. Previous Minor Violation(s)					
	C. Previous Repetitive Violations	Compliance Category II (Medium Risk) 2019-20 79 Occurrences 41%				
	D. Obstruction or false information					
	E. Ongoing violation not resolved despite directions	Compliance Category III (High Risk) 2019-20 35 Occurrences 17%				
	F. Previous convictions or orders					
Category I - Encourage land owner to attain voluntary compliance. Recommend education and outreach to help the land owner understand regulatory obligations. Warnings or Inspection Reports may also be considered.						
Category II - Refer to stronger mandatory application of tools such as orders, suspensions and possible charges.						
Category III - Refer to the strongest mandatory compliance tools such as the laying of charges or the Restoration Orders.						

Environmental Monitoring

The NEC's work regarding monitoring relates primarily to providing information on location of plots, providing information and orientation to students, and being the custodian of the monitoring data that is collected. The monitoring field work is undertaken by university students. The NEC's role in monitoring is derived from NEP policies that recognize the need for monitoring and development of performance indicators. In addition, the NEC's monitoring work is an example of the collaborative relationships envisioned in functioning biosphere reserves. Many biosphere reserves in Canada undertake similar monitoring, which provides a network of sites with data that can be used to assess impacts of sustainable development initiatives.

In August 2019 the NEC, in partnership with the University of Waterloo, Faculty of Environment and Resource Studies, undertook the inventory of the Hope Bay Nature Reserve in Bruce County. This marked the fifth inventory of the plot, representing 20 years of data collection. The students applied standard protocols to collect data on tree species, diameter-at-breast height, height classification, tree health assessment, shrub/sapling and ground cover layer sampling.

The purpose of these one-hectare plots is to collect quantitative data on forest biodiversity, growth, mortality and health to examine change over time in Niagara Escarpment forests. This information may be used to assess the impacts of development, recreational uses, tree disease, forest pests, invasive species and climate change on forest ecosystems.

This was the last year for the monitoring partnership with the University of Waterloo due to its changing academic program. It is heralded as a resounding success and is among the longest running plot-based biodiversity monitoring in Ontario. It is hoped that monitoring will resume in the future.

Niagara Escarpment Biosphere Reserve

Developing a New Leadership Model for the NEBR

The Niagara Escarpment was designated a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve in 1990. The Niagara Escarpment Biosphere Reserve (NEBR) is one of 701 biosphere reserves across the world and one of 18 across Canada, which recognize interdisciplinary approaches to balancing conservation of cultural and biological diversity with economic and social development. The land-use planning regime provided by the NEP is the foundation for this prestigious designation.

The NEC hosted workshops in the summer of 2019 that were well attended by many NEBR stakeholders, public interest groups, and garnered some involvement from members of indigenous communities. The goal of the workshops was to develop a more collaborative and community-driven leadership model for the NEBR that is better equipped to co-ordinate and execute on-the-ground conservation efforts across the Niagara Escarpment.

The leadership project benefitted from funding from the Greenbelt Foundation (the Niagara Escarpment being part of the Greenbelt) and the Niagara Escarpment Foundation (NEF), a non-government, non-profit charitable organization that seeks to increase public understanding of the natural and cultural significance of the Escarpment through research and educational activities. The NEF is also an NEBR partner organization.

The funding supported a consulting team with expertise in the not-for-profit sector and social financing. The consultants provided the NEBR with advice on options for the most appropriate community-based leadership structure, and worked collaboratively with interested individuals and groups on an implementation plan that established a transitional leadership committee tasked with formalizing a grassroots governance structure with more robust participation from indigenous communities. The consulting team was a partnership between Terrapin Social Finance and Good Roots Consulting:

- Terrapin Social Finance is a social finance advisory firm based in Lion's Head, Ontario. The firm's focus is on research, program development and program evaluation with the goal of improving social and economic outcomes and organizational sustainability for organizations.
- Good Roots Consulting is a research, strategy and evaluation consulting firm dedicated to supporting non-profits, governments and other social purpose organizations to strengthen their impact with minimal organizational resources.

The culmination of this phase of the project in September 2019 saw a Transitional Leadership Committee (TLC) formed that is acting as the interim convenor of the NEBR. The Committee is led by four (4) community individuals who were self-selected with the input of the NEBR network. This interim Committee is tasked with finalizing a permanent governance structure for the NEBR, developing a communications plan to better engage the overall network, and exploring options for a co-management/co-leadership model with indigenous communities.

Indigenous Engagement and Participation in the NEBR

Indigenous communities have a long history and unique relationship with the Niagara Escarpment. Indigenous individuals and groups with Treaty lands and interests on the Niagara Escarpment are central to the NEBR realizing the full understanding of its natural and cultural history.

The NEBR, under the guidance of the TLC will promote the process of Reconciliation by encouraging a positive and mutually productive relationship with Indigenous Communities/Peoples who have Treaty rights and traditional relationships to the lands of the Niagara Escarpment, encouraging participation in the NEBR through the exploration of potential shared projects and programs. In the longer term it is hoped that a productive relationship with indigenous communities will lead to a co-management/co-leadership model like other models that have been adopted by other Canadian BRs.

Performance Measures

Performance measurement provides benchmarks for evaluation of agency effectiveness, efficiency, quality of service and accountability of action. The NEC has established performance measures to help provide important information on the time it takes to process applications, how access is provided to a variety of stakeholders and to what extent agency decisions are in conformity with NEP policies.

By monitoring NEC performance, the NEC can evaluate the effectiveness of policies and quality standards and/or practices in meeting its approved performance goals. All of the following measures were met in 2019-2020. Program implementation has been further enhanced through the continuation of business process mapping and the continued implementation of the NEC's Operational Strategy.

Activity	Measure	Result
Preparation and Posting of Memorandum of Understanding (MOU), Business Plan and Annual Report	2019 Agency and Appointments Directive requires Memorandum of Understanding (MOU), Business Plans, and Annual Reports be prepared, approved and then posted on the NEC website.	• MOU between Chair and Minister of Natural Resources and Forestry has undergone review. It is intended to be finalized through the new NEC Chair. • NEC received approval from Treasury Board for submission of a one year Business Plan for 2020-2021 due to the absence of a Chair and uncertainty regarding the NEC fiscal resources. In addition, COVID-19 significantly disrupted processes, which also contributed to the delay. It was submitted by the Chair in June, 2020. • 2018-19 Annual Report was submitted to the Minister in June, 2019. It has not been approved or posted to date. • The currently approved plans and MOU are posted here: http://www.escarpment.org/commission/AgencyDirectiveReporting/index.php
Commission Meetings	Minutes of Commission meetings are posted on the NEC website (www.escarpment.org). Commission meetings are open to the public. Applicants and other stakeholders are provided opportunities to address the Commission in writing or in person.	• A total of 4 Commission meetings were held in 2019-2020 consisting of four regular Commission meetings. No policy meetings were held this fiscal. • All meetings are open to the public, except for in-camera agenda items. • Meeting minutes were posted following approval by the Commission.
Conflict of Interest (if any) by Commissioners or staff	Declaration to Chair or Director as required by OPS directives.	• OPS Directives met. • One declaration brought forward by a Commissioner; one by NEC staff). • In each case, individuals did not participate in discussions or decisions.

Activity	Measure	Result
		• Appropriate controls have been put in place to ensure integrity maintained in NEC program delivery.
Commission Decisions	Conformity with NEP policies and recommendations.	• Orientation provided for all new Commissioners regarding responsibilities to make decisions in accordance with the NEP. • All Commissioners trained on new NEP policies. • All staff reports effectively addressed NEP policies • Decisions made in conformity with the NEP policies.
Accessible Public Service	As per OPS Customer Service Standards, staff are available from 8:30 am to 5:00 pm at Commission offices (Georgetown and Thornbury) Monday to Friday and other times by appointment. Annually, the NEC is required to attest compliance with the Accessibility for Ontarians with Disabilities Act (AODA).	• Achieved.
Telephone	As per OPS Customer Service Standards, calls are answered by the third ring or sent to voicemail during business hours. Protocols in place to deal with inquiries. Calls returned within one business day.	• Establishment of the team-based approach and MNRF approval of additional funding to hire additional staff has significantly increased the NEC's capacity to address inquiries. • Majority of calls returned within one business day.
Correspondence (Written, Email and Fax).	OPS Customer Service Standards for emails and online messages require responses to be acknowledged within two business days and answered within 15 days. Best practice protocols in place for assisting staff in responding. If a conclusive response is not possible, an interim response, along with an estimated date for a complete response, will be provided within 15 days.	• Achieved, with minor exceptions. NEC has protocols in place to respond to inquiries in timely manner.
Provide Relevant Information: Application Guidelines, Forms, Maps, and Publications.	Current guidelines, maps and application forms are provided to clients and the public in both electronic (on NEC website) and printed formats.	• NEC information available to the public upon request. • Visits to NEC website in 2019-2020, 111, 109 visits (8.30 % increase from previous year).

Activity	Measure	Result
Development Permit Applications	NEC decision time varies depending upon the complexity of the application, the time required to obtain a complete application and comments from agencies. The following measures reflect elements of the process within the NEC's control: • NEC follows process for Development Permits as set out in the NEPDA. • Agencies and municipalities are provided the opportunity to comment on applications. • Notices of Decision sent out within 2 business days of decision being made. • Development Permits issued promptly after clearance of conditions of approval.	• Total of 641 development permits received in 2019/20. NEC processed 656 permits. • Geographically based teams actively triaging applications to advance those ready to proceed to decision. • Additional staff and realignment of geographic areas among planning staff has provided a better balance of applications and enhanced time in which they are advanced. • Process, consultation and notices/permits requirements met.
Niagara Escarpment Plan Amendment Applications	NEC staff follow <i>NEPDA</i> requirements for processing Plan Amendments. Plan Amendments are posted on NEC website and on the Environmental Registry (EBR) for public review.	• 0 new Amendment applications received. • 4 decisions by Minister. • 1 Amendment file closed. • All processing requirements met.
Review of municipal Official Plans, consents, zoning by-laws, etc.	NEC reply within due date (usually 30 – 60 days depending on complexity).	• Review of municipal official plans, zoning by-laws and consents took place within the specified due dates. • Commented on more than 200 Planning Act instruments and other planning-related initiatives by due date.
Reports of potential compliance issues.	Response within 48 hours of notification (call back, site inspection, or occurrence report logged).	Achieved.
Public Access to Information	The NEC meets established timelines as set out by the MNRF, Information, Privacy and Records Management Unit in order to meet Freedom of Information and Protection of Privacy Act (FIPPA) requirements.	• There were seven FIPPA requests received and processed within the specified timelines.

Financial Summary

The following provides a summary of the 2019-2020 operating budget and expenses.

Account Categories	2019-20 Budget Allocation	2019-20 Actual Expenditures
Salary and Wages	\$1,730,00	\$2,110,596
Employee Benefits	242,300	363,837
Total	\$1,972,300	\$2,474,434
Transportation and Communication	100,000	38,097
Services	262,900	153,738
Supplies and Equipment	60,000	20,877
Total	422,900	212,711
Treasury Board Order		256,400
Grand Total	\$2,395,200	\$2,687,145

The NEC's maximum staffing complement is 24 Full-Time Equivalent (FTE) positions. As of March 31, 2020, the NEC had 21 FTE employees, with 17 in its main Georgetown office and 4 in its northern satellite office in Owen Sound (formerly Thornbury). In addition, the Georgetown office had two seasonal Planning positions (which are not considered FTE positions) and one further seasonal compliance position.

The NEC's non-salary or operating allocation is composed of several categories of funds. These categories include Transportation and Communication (e.g., telephones, mail and travel expenses, etc.), Services (e.g., computer leases, per diems, leased office equipment, staff development and education, vehicles, Commission meetings, litigation costs, etc.) and Supplies and Equipment (e.g. office supplies, IT supplies).

As of March 31, 2020, the Commission had a total of 13 Commission members including the Chair. The total remuneration paid in 2019-20 was \$35,216, which is financed from NEC's operating budget. Commissioner travel expenses are posted on the NEC website quarterly.

At the start of 2019-20, the NEC received support from MNRF to spend beyond its year-start budget envelope of \$2,395,200 to implement its Operational Strategy, including maintaining its staffing complement at 24 FTEs and four additional seasonal positions to meet the increased demand for development in the NEP area. The NEC initially projected a budget pressure of \$291,945 in 2019-20. The NEC received an in-year Treasury Board Order of \$256,400 to make up the difference. However, in order to reduce its operating costs in-year, the Commission reduced its discretionary spending by significantly reducing staff training and travel, NEC education and outreach events and reducing the annual Commission meetings from 11 to six and by cancelling another two meetings due to a lack of quorum and a Chair. As a result, the Commission avoided costs at year-end totaling \$210,189.

As referenced in the NEC's Business Plan, the agency's year-start budget allocation was reduced from \$2,770,100 in 2010-11 to \$2,671,800 in 2011-12. The NEC's budget was then further reduced to \$2,410,100 in 2012-13 and has remained consistent at this level for the past eight fiscal years, when it was again reduced in 2019-20 to \$2,395,200. Over the same period, staff wages have continued to incrementally rise, as per collective bargaining agreements. This is putting a further strain on the NEC's budget.

The NEC's year-start budget allocation is projected to be relatively the same through 2020-21. The NEC will continue to be challenged to operate within this allocation if it is to maintain its current level of production and customer service. The NEC will continue to work closely with the MNRF throughout the coming fiscal year to forecast and mitigate fiscal challenges and to help achieve the government's broader fiscal targets.

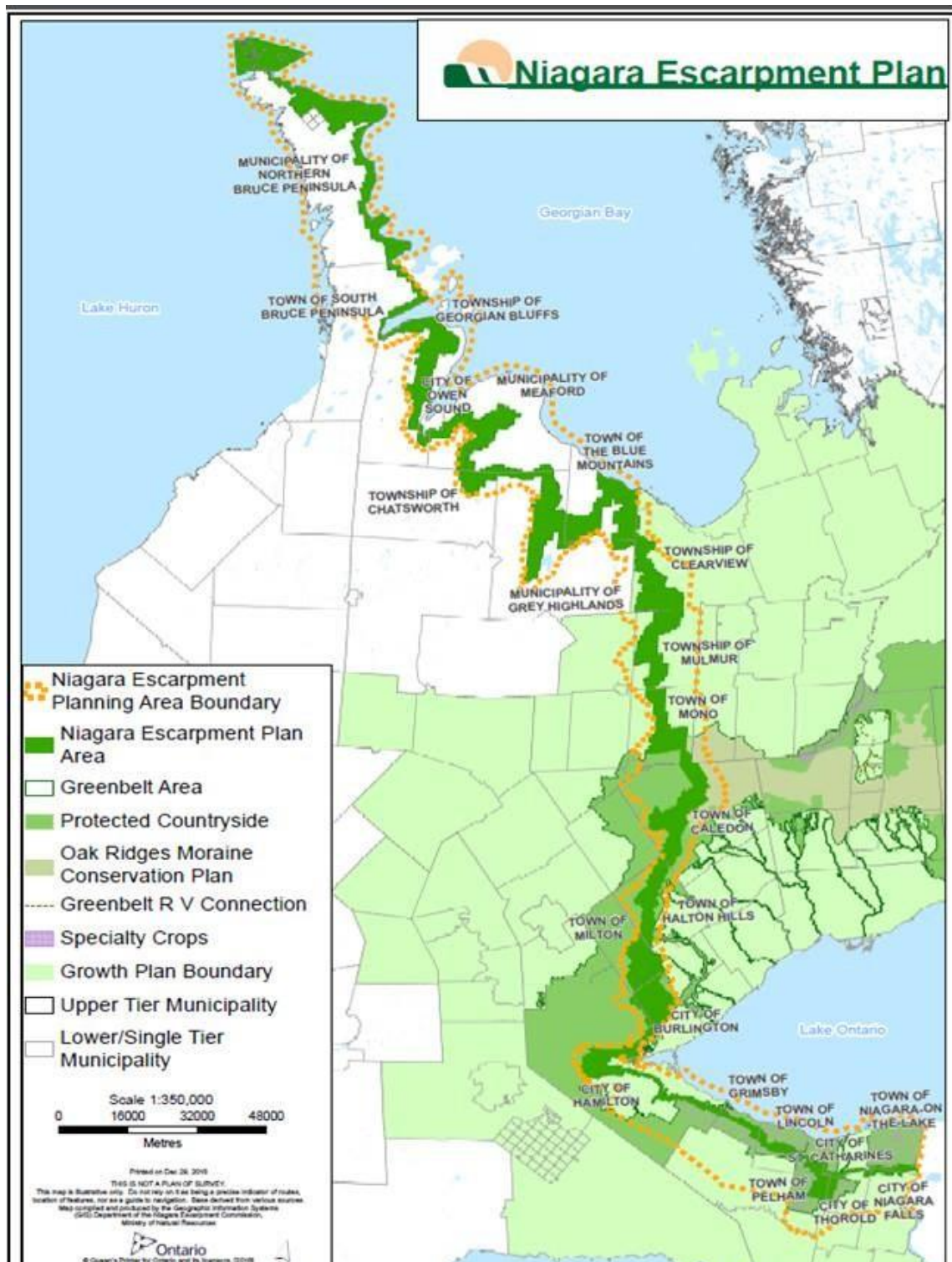
Appendices

Appendix 1: Niagara Escarpment Commission OIC Appointments

Niagara Escarpment Commission Members (As of March 31, 2020)

Commissioner	Municipal	Region/ County/ City	Term Expires
Laurie Golden	Municipal	Bruce County	December 31, 2020
Paul McQueen	Municipal	Grey County	December 31, 2022
Barry Burton	Municipal	Simcoe County	December 31, 2022
Janet Horner	Municipal	Dufferin County	December 31, 2022
Johanna Downey	Municipal	Peel Region	December 31, 2022
Gord Krantz	Municipal	Halton Region	December 31, 2022
Brad Clark	Municipal	City of Hamilton	December 31, 2022
Albert Witteveen	Municipal	Niagara Region	December 31, 2022
	Public-at-Large		
Rob Nicholson (Chair)	Public at Large	N/A	March 11, 2022
Michael Curley	Public at Large	N/A	October 31, 2021
Bruce Mackenzie	Public at Large	N/A	April 10, 2020
Duncan McKinlay	Public at Large	N/A	September 12 2022
Susan Robertson	Public at Large	N/A	April 10, 2020
Vacant	Public at Large	N/A	
Vacant	Public at Large	N/A	
Vacant	Public at Large	N/A	
Vacant	Public at Large	N/A	

Appendix 2: Niagara Escarpment Plan Map



Appendix 3: Municipalities In the NEP Area

Region of Niagara

Seven local municipalities:

- Town of Grimsby
- Town of Lincoln
- City of Niagara Falls
- Town of Niagara-On-The-Lake
- Town of Pelham
- City of St Catharines
- City of Thorold

City of Hamilton

Region of Halton

Three local municipalities:

- Town of Halton Hills
- Town of Milton
- City of Burlington

Region of Peel

One local municipality:

- Town of Caledon

County of Bruce

Two local municipalities:

- Town of South Bruce Peninsula
- Municipality of Northern Bruce Peninsula

County of Dufferin

Three local municipalities:

- Town of Mono
- Township of Mulmur
- Township of Melancthon

County of Grey

Six local municipalities:

- Township of Chatsworth
- Municipality of Grey Highlands
- Municipality of Meaford
- City of Owen Sound
- Township of Georgian Bluffs
- Town of The Blue Mountains

County of Simcoe

One local municipality:

- Township of Clearview