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Member of Conservation Ontario

October 21, 2019

via email and mail to planningconsultation@ontario.ca

Planning Consultation
Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
777 Bay Street, 13th floor
Toronto ON M5G 2E5

Dear Provincial Planning Policy Branch:

**Subject: Provincial Policy Statement Review – Proposed Policies
Environmental Registry of Ontario Notice Number 019-0279
CLOCA IMS No: PGDP27**

At their meeting of September 17, 2019 the Central Lake Ontario Conservation Authority (CLOCA) Board of Directors passed the following Resolution:

Res. #81 Moved by J. Neal
Seconded by T. Marimpietri

***THAT the commentary contained in Staff Report #5661-19 and the attached table be endorsed and submitted as CLOCA's comments to the Environmental Registry for the Provincial Policy Statement Consultation.
CARRIED***

Accordingly, please find the endorsed Staff Report containing the comments of the Central Lake Ontario Conservation Authority enclosed with this letter.

What we do on the land is mirrored in the water



Ministry of Municipal Affairs and Housing

October 21, 2019

Yours truly,



Chris Jones, MCIP, RPP
Director of Planning and Regulation
CJ/

Encl. CLOCA Staff Report 5661-19

cc: Conservation Ontario
Chris Darling, CLOCA

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REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: September 17, 2019
FILE: PGDP27
S.R: 5661-19

APPROVED BY C.A.O. 

TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Jones, Director of Planning and Regulation
SUBJECT: Provincial Policy Statement Review, 2019

Purpose

The purpose of this report is to introduce a recently initiated review of the Provincial Policy Statement (PPS) and to seek endorsement of initial CLOCA staff comments as part of the review.

Background: The Provincial Policy Statement

The PPS is a consolidated statement of the Ontario government's policies on land use planning and is issued under section 3 of the *Planning Act*. It applies province-wide and sets out the provincial policy direction for:

- The efficient use and management of land and infrastructure;
- Ensuring the provision of sufficient housing to meet changing needs, including affordable housing;
- Protecting the environment and resources including farmland, natural resources (e.g., wetlands and woodlands) and water;
- Ensuring opportunities for economic development and job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards – such as flood prone areas.

Municipal Councils must ensure that their decisions that affect planning matters are consistent with the PPS. CLOCA, as public commenting body, must also ensure that its comments on planning matters are consistent with the PPS. The current PPS came into effect April 30, 2014. Through a memoranda of understanding, the ministries of Municipal Affairs and Housing, Natural Resources and Forestry and Conservation Ontario, CLOCA represents the “provincial interest” with respect to the natural hazards policies in the PPS as an integrated public commenting body as part of the land use planning system in Durham Region.

On July 22, 2019 the Ministry of Municipal Affairs and Housing initiated a review of the PPS. The province is consulting on proposed changes to the Provincial Policy Statement to support the government's *Housing Supply Action Plan* and other land use planning related priorities. The consultation, including a draft revised PPS, is taking place via the Environmental Registry and is open until October 21, 2019. Conservation Ontario will be providing a consolidated set of comments on behalf of all conservation authorities.

Of particular note for CLOCA's interests, the policies in the consultation draft of the PPS related to natural hazards are subject to ongoing review by the Province's recently appointed Special Advisor on flooding. Further changes may be considered by the ministry as a result of that review.

Cont'd

Proposed Changes

With respect to protecting the environment and public safety, key changes in the proposed draft polices for consultation include

- Enhanced direction to prepare for impacts of a changing climate;
- Revised stormwater management policies to protect water and support climate resiliency;
- New policy to promote the on-site local reuse of excess soil;
- Maintenance of current policies related to natural and human made hazards, which directs development away from hazardous areas including flood-prone areas in order to protect public health and safety, while work by the Special Advisor on Flooding is underway; and,
- Maintenance of current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome.

Staff Comments

Support for Stronger Climate Change Directions

Critically, the proposed changes provide stronger direction for addressing climate change as part of the land use planning system. “Impacts of a changing climate” is a new defined term in the draft document:

“Impacts of a changing climate: means the potential for present and future consequences and opportunities from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.”

Concern for Change to Test for Stormwater Management Planning

However, and in a manner that may be inconsistent with the stronger approach on impacts from climate change noted above, the proposed polices would change existing stormwater management policies by removing the existing requirement that:

“1.6.6.7 c) Planning for stormwater management shall **not increase risks** to human health and safety and property damage”

And replacing it with:

“1.6.6.7 d) Planning for stormwater management shall **mitigate risks** to human health, safety, property and the environment”

Changing the “not increase risk” policy test to a “mitigate risk” test may not be consistent with the need to reduce the potential for risk to human health, safety and property posed by poor stormwater management planning and design. As severe wet weather continues to be felt in Ontario and is expected to continue to exacerbate according to climate change modelling, changes to the existing PPS directions related to stormwater management public safety tests need to be clearly understood for their potential implications. CLOCA requests that the rationale and intended outcomes from this proposed text change be articulated by the ministry. Further, CLOCA recommends that the current “not increase risks” test be retained if the intention is to reduce the rigor of the existing policy. Additional detailed commentary is contained in the table appended to this report.

Conclusion

Several changes to the PPS have been proposed by the Province of Ontario for consultation. Improvements are proposed in relation to CLOCA's interests with respect to climate change, managing water at a watershed scale, the on-site and local re-use of excess soil, and certain wetlands. There are concerns with revisions to the tests for managing risk as part of stormwater management, which should be retained as they currently exist in the PPS, 2014.

RECOMMENDATION:

THAT the commentary contained in Staff Report #5661-19 and the attached table be endorsed and submitted as CLOCA's comments to the Environmental Registry for the Provincial Policy Statement Consultation.

CJ/ms

Attach.

Selected Policies and Commentary: Proposed Changes to the Provincial Policy Statement (PPS)

[ERO 019-0279](#)

Comment Period: July 22, 2019 – October 20, 2019

Central Lake Ontario Conservation Authority Comments, September 17, 2019

Text that has been added is identified in **GREEN**

Text that has been removed is identified in **RED**

Consultation Questions	CLOCA Comments
<p>1. Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety?</p>	<p>Various text changes are proposed within existing policies that appear to be subtle or minor. It would be helpful if the ministry would share the policy rationale for changes made in the consultation draft in order to comment more effectively.</p> <p>Additional detailed comments and suggestions related to the above are provided in the Proposed Changes table below.</p>
<p>2. Do the proposed policies strike the right balance? Why or why not?</p>	<p>The proposed policies do not strike the right balance for stormwater management policies by removing the existing requirement that:</p> <p>“1.6.6.7 c) Planning for stormwater management shall not increase risks to human health and safety and property damage” And replacing it with:</p> <p>“1.6.6.7 d) Planning for stormwater management shall mitigate risks to human health, safety, property and the environment”</p> <p>Moving from a stricter “not increase risk” to “mitigate risk” test may not be consistent with the need to reduce the potential for risk to human health, safety and property posed by poor stormwater management planning and design. As severe wet weather continues to be felt in Ontario and is expected to continue to exacerbate according to climate change modelling, changes to the existing PPS directions related to stormwater management public safety tests need to be clearly understood for their potential implications. CLOCA requests that the rationale and intended outcomes from this proposed text change be articulated by the ministry. Further CLOCA recommends that the current “not increase risks” test be retained if the intention is to reduce the rigor of the existing policy.</p>
<p>5. Are there other tools that are needed to help implement the proposed policies?</p>	<p>Additional tools are required including:</p> <ul style="list-style-type: none"> • Updated Natural Heritage Reference Manual – particularly related to wetland protection and applying the mitigation hierarchy (as reference in the Ontario Wetland Conservation Strategy); and • Updated Natural hazard-related technical guidelines – particularly as it relates to including considerations for climate change and stormwater management.

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
1.0	Building Strong Healthy Communities	
1.1	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate <u>market-based</u> range and mix of residential <u>types</u> (including <u>single-detached, additional residential</u> second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting <u>the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve</u> cost-effective development patterns, <u>optimization of transit investments</u>, and standards to minimize land consumption and servicing costs; f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing <u>addressing</u> land use barriers which restrict their full participation in society; g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and h) promoting development and land use patterns that conserve biodiversity; and i) consider <u>preparing for</u> the <u>regional and local</u> impacts of a changing climate. 	<p>CLOCA supports replacing ‘consider’ with ‘preparing for’ – as this provides clear direction that in managing and directing land uses municipalities must incorporate climate change considerations in their efforts to build strong and healthy communities.</p>
1.1.3	Settlement Areas	
	<p>Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.</p> <p>The vitality <u>and regeneration</u> of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all</p>	

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
	communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.	
1.1.3.1	Settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.	
1.1.3.2	<p>Land use patterns within <i>settlement areas</i> shall be based on:</p> <p>a) densities and a mix of land uses which: a) efficiently use land and resources;</p> <p>b) are appropriate for, and efficiently use, the <i>infrastructure</i> and <i>public service facilities</i> which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) <u>prepare for the impacts of a changing climate;</u></p> <p>e) support <i>active transportation</i>;</p> <p>f) are <i>transit-supportive</i>, where transit is planned, exists or may be developed; and</p> <p>g) are <i>freight-supportive</i>; and</p> <p><u>Land use patterns within settlement areas shall also be based on</u> a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>	<p>CLOCA supports including this provision as it further supports the requirement for including climate change considerations in developing land use patterns within settlement areas.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for <u>transit-supportive development, accommodating a significant supply and range of housing options through</u> intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	
	Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.	<p>CLOCA notes that the removal of references to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) in this policy does not reduce or eliminate the need to apply the policies of Sections 2 and 3 when implementing this policy – as per required in proposed policy 4.2 which states “The Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.”</p>

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
1.1.3.6	New development taking place in <i>designated growth areas</i> should occur adjacent to the existing built-up area and shall <u>should</u> have a compact form, mix of uses and densities that allow for the efficient use of land, <i>infrastructure</i> and <i>public service facilities</i> .	
1.1.3.7	<p>Planning authorities shall <u>should</u> establish and implement phasing policies to ensure:</p> <p>a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and</p> <p>b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.</p>	
1.1.3.8	<p>A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:</p> <p>a) sufficient opportunities for <u>to accommodate</u> growth and <u>to satisfy market demand</u> are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;</p> <p>b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;</p> <p>c) in prime agricultural areas:</p> <ol style="list-style-type: none"> 1. the lands do not comprise specialty crop areas; 2. alternative locations have been evaluated, and <ol style="list-style-type: none"> i. there are no reasonable alternatives which avoid prime agricultural areas; and ii. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; <p>d) the new or expanding settlement area is in compliance with the minimum distance separation formulae; and</p> <p>e) <u>impacts</u> from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area <u>are avoided, and where avoidance is not possible, impacts are minimized</u> and mitigated to the extent feasible <u>in accordance with provincial guidelines. In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.</u></p>	
	<p>In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a settlement area by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.</p>	<p>CLOCA notes that the removal of references to Sections 2 (Wise Use and Management of Resources) and 3 (Protecting Public Health and Safety) in this policy does not reduce or eliminate the need to apply the policies of Sections 2 and 3 when implementing this policy – as per required in proposed policy 4.2 which states “The Provincial</p>

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
		Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.”
1.6.6	Sewage, Water and Stormwater	
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) <u>be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</u> b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize <u>erosion and</u> changes in water balance, and erosion <u>prepare for the impacts of a changing climate through the effective management of stormwater;</u> d) not increase <u>mitigate</u> risks to human health and, safety and, property damage and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, <u>water conservation and efficiency,</u> and low impact development. 	<p>CLOCA supports the direction to ‘prepare for’ as it enhances requirements for climate change considerations when undertaking stormwater management planning.</p>
1.8	Energy Conservation, Air Quality and Climate Change	
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and <u>preparing for impacts of a changing climate</u> change adaptation through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of <i>active transportation</i> and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; d) focus freight-intensive land uses to areas well served by major highways, <i>airports, rail facilities and marine facilities;</i> e) <u>encourage transit-supportive development and intensification to</u> improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which <u>maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and</u> 1. — maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and- 	<p>CLOCA supports the direction to ‘prepare for’ as it enhances requirements for climate change considerations when planning and selecting land use and development patterns.</p>

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
	2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and-	
	g) maximize vegetation within <i>settlement areas</i> , where feasible.	
2.0	Wise Use and Management of Resources	
2.1	Natural Heritage	
2.1.2	The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.	
2.1.10	<u>Municipalities may choose to manage wetlands not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province.-</u>	CLOCA supports the inclusion of this proposed policy which provides further support to municipalities who wish to further manage wetlands other than those referred to in policies 2.1.4 and 2.1.5. However, it is recommended that consideration be given to replace the term ‘manage’ with ‘maintain, restore or, where possible, improve’ – for consistency in terminology in this Section (i.e. policy 2.1.2).
2.2	Water	
2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <p>a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;</p> <p>b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;</p> <p>c) <u>evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</u></p> <p>d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;</p> <p>e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;</p>	<p>CLOCA supports including this provision, as it reinforces the need for effective watershed planning and enhances the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate when dealing with water resources.</p>

SELECTED Proposed Changes – PPS, 2019

Section	Policy	CLOCA Comments
	<p>f) implementing necessary restrictions on development and site alteration to:</p> <ol style="list-style-type: none"> 1. protect all municipal drinking water supplies and designated vulnerable areas; and 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; <p>g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;</p> <p>h) ensuring consideration of environmental lake capacity, where applicable; and</p> <p>i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.</p>	
3.0	Protecting Public Health and Safety	
	<p><u>(Note: policies in this section related to natural hazards are subject to ongoing review by the Province’s Special Advisor on flooding. Further changes may be considered as a result of this review)</u></p>	
3.1	Natural Hazards	
3.1.3	<p>Planning authorities shall consider <u>prepare for</u> the potential impacts of <u>a changing</u> climate change that may increase the risk associated with natural hazards.</p>	<p>CLOCA supports the replacement of ‘consider’ with ‘prepare for’ and removing the term ‘potential’ as it enhances requirements for climate change considerations, as well as recognizes the impacts of a changing climate are real/happening.</p>
3.2	Human-Made Hazards	
3.2.3	<p><u>Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.</u></p>	<p>CLOCA recommends that consideration be given to including “<i>in accordance with provincial plans and guidelines.</i>” be added at the end of the proposed policy to recognize the province’s existing directions in Provincial Land Use Plans and guidelines such as the ‘Excess Soil Best Management Practices Guide’.</p>