

To: Development Services Committee

From: Warren Munro, HBA, RPP, MCIP, Commissioner,  
Development Services Department

Report Number: DS-19-169

Date of Report: September 25, 2019

Date of Meeting: September 30, 2019

Subject: City Comments on the Proposed Amendments to the Provincial  
Policy Statement

File: D-1100-0051

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## **1.0 Purpose**

The purpose of this report is to obtain Council approval of City comments on the proposed amendments to the Provincial Policy Statement (P.P.S.).

The proposed amendments to the P.P.S. were posted on the Province of Ontario's (the "Province") Environmental Registry website on July 22, 2019 with comments due by October 20, 2019.

Additional information on the proposed amendments to the P.P.S. can be found at the following link: <https://ero.ontario.ca/notice/019-0279>.

Attachment 1 contains recommended City comments on the proposed amendments to the P.P.S.

## **2.0 Recommendation**

That the Development Services Committee recommend to City Council:

1. That, Report DS-19-169 dated September 25, 2019, including Attachment 1, be endorsed as the City's comments on the proposed amendments to the Provincial Policy Statement.
2. That staff be authorized to submit the comments contained in Attachment 1 to Report DS-19-169 dated September 25, 2019 as the City's comments on the proposed amendments to the Provincial Policy Statement in response to the associated proposal on the Environmental Registry website.
3. That a copy of Report DS-19-169 dated September 25, 2019, and Council's related resolution be sent to the Ministry of Municipal Affairs and Housing, the Association of

Municipalities of Ontario, the Region of Durham, Durham Area Municipalities, Durham Area M.P.P.s, the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders' Association.

### **3.0 Executive Summary**

Not applicable.

### **4.0 Input From Other Sources**

The following have been consulted in the preparation of this report:

- City Solicitor
- Central Lake Ontario Conservation Authority (C.L.O.C.A.)

### **5.0 Analysis**

#### **5.1 About the P.P.S.**

The P.P.S. is a consolidated statement of the Provincial 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 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.

The P.P.S. is the primary Provincial land use policy document guiding municipal decision-making. Municipalities are the primary implementers of the P.P.S. through policies in their respective official plans, zoning by-laws and other planning related documents. The Planning Act requires that decisions on land use planning matters be "consistent with" the P.P.S.

## **5.2 Proposed Amendments to the P.P.S.**

On July 22, 2019, under the lead of the Ministry of Municipal Affairs and Housing, the Province posted the proposed amendments to the P.P.S. to the Environmental Registry for consideration. The government is proposing policy changes to:

- Encourage the development of an increased mix and supply of housing;
- Protect the environment and public safety;
- Reduce barriers and costs for development and provide greater predictability;
- Support rural, northern and Indigenous communities; and
- Support the economy and job creation.

The following sections provide a synopsis of the key proposed amendments to the P.P.S. under these five broad themes.

### **5.2.1 Theme 1: Increasing Housing Supply and Mix**

The proposed key amendments to encourage the development of an increased mix and supply of housing would:

- Increase land supply requirements municipalities must meet:
  - Increase planning horizon from 20 to 25 years;
  - Increase housing land supply from 10 to 12 years; and
  - Allow for a higher minimum requirement for serviced residential land (5 years) for upper- and single-tier municipalities;
- Update Provincial guidance to support land budgeting (i.e. Projection Methodology);
- Increase flexibility for municipalities related to the phasing of development and compact form;
- Add flexibility to the process for settlement area boundary expansions (e.g. allow minor adjustments subject to specific tests, highlight that study requirements should be proportionate to the size/scale of development);
- Require transit-supportive development and prioritize intensification, including potential air rights development, in proximity to transit, including corridors and stations;
- Support the development of housing to meet current and future housing needs, and add reference to housing options;
- Support municipalities in achieving affordable housing targets by requiring alignment with Housing and Homelessness Plans; and
- Broaden P.P.S. policies to enhance support for development of long-term care homes.

### **5.2.2 Theme 2: Protecting the Environment and Public Safety**

The proposed key amendments to protect the environment and public safety would:

- Enhance direction to prepare for impacts of a changing climate;
- Enhance stormwater management policies to protect water and support climate resiliency;
- Promote the on-site local reuse of excess soil;
- Maintain 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;
- Maintain current policies that require municipalities in southern Ontario to identify natural heritage systems, and provide flexibility as to how to achieve this outcome; and
- Maintain protections for the Greenbelt.

### **5.2.3 Theme 3: Reducing Barriers and Costs**

The proposed key amendments to reduce barriers and costs for development and provide greater predictability would:

- Require municipalities to take action to fast-track development applications for certain proposals (e.g. housing);
- Allow mineral aggregate operations to use rehabilitation plans to demonstrate that extraction will have no negative impacts;
- Align policies and definition of cultural heritage with recent changes to the Ontario Heritage Act, 1990;
- Refocus P.P.S. energy policies to support a broad range of energy types and opportunities for increased energy supply;
- Direct large ground-mounted solar facilities away from prime agricultural and specialty crop areas.

### **5.2.4 Theme 4: Supporting Rural, Northern and Indigenous Communities**

The proposed key amendments to support rural, northern and Indigenous communities would:

- Allow flexibility for communities by clarifying perceived barriers to sewage and water servicing policies for lot creation and development in rural settlement areas;

- Enhance municipal engagement with Indigenous communities on land use planning to help inform decision-making, build relationships and address issues upfront in the approvals process; and,
- Enhance agricultural protections to support critical food production and the agricultural sector as a significant economic driver.

### **5.2.5 Theme 5: Supporting Certainty and Economic Growth**

The proposed key amendments to support the economy and job creation would:

- Encourage municipalities to facilitate conditions for economic investment, and at the time of official plan review or update, assess locally-identified employment areas to ensure designations are appropriate;
- Provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context (current and future); and
- Provide stronger protection for major facilities such as manufacturing and industrial uses where non-employment uses are planned nearby (i.e. buffering uses from new sensitive uses).

### **5.3 Staff Comments**

Staff comments on the key proposed amendments to the P.P.S. can be found in Attachment 1.

### **6.0 Financial Implications**

There are no financial implications associated with the comments in this report.

### **7.0 Relationship to the Oshawa Strategic Plan**

The Recommendations advance the Economic Prosperity and Financial Stewardship, Social Equity, Environmental Responsibility and Accountable Leadership goals of the Oshawa Strategic Plan.



Warren Munro, HBA, RPP, MCIP, Commissioner,  
Development Services Department

Staff Comments on Proposed Amendments to the Provincial Policy Statement (P.P.S.)

Policy	Description	Staff Comments
<b>Section 1.0 – Building Strong Healthy Communities</b>		
Policy 1.1.1	<p>Subsection 1.1.1(b) is proposed to be amended to indicate that healthy, liveable and safe communities are to be sustained by an appropriate “market-based” range and mix of residential types, and identifies a wider range of housing types as examples.</p> <p>Subsection 1.1.1(e) is proposed to be amended to clarify that cost-effective development patterns are to be achieved through promoting “the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning”. In addition, the “optimization of transit investments” is identified as an explicit objective.</p> <p>Subsection 1.1.1(i) is a newly added subsection to indicate that healthy, liveable and safe communities are to be sustained by “preparing for the regional and local impacts of a changing climate,” whereas the current P.P.S. requires that the impacts of a changing climate only be “considered”.</p>	<p>Staff recommend that additional clarity be provided with respect to what is intended by sustaining communities through an appropriate “market-based” range and mix of residential uses. “Market-based” can potentially be interpreted in a variety of ways. For instance, when interpreted from a “needs” versus “wants” perspective, the issue of affordability would suggest that the need for relatively more affordable types of dwelling units should dictate the type of housing provided. Thus, single detached dwellings – generally the least affordable types of units – would be provided in the fewest numbers relative to all other housing types.</p> <p>Alternatively, “market-based” could be interpreted to mean that demand in the regional market area (assumed to be Durham Region) is predominantly for single detached dwellings, since relative to the remainder of the Greater Toronto Area (G.T.A.), Durham’s relatively cheap land prices are attracting higher numbers of buyers to the Region for this type of product. Viewed from this perspective, the need to provide a high proportion of single detached dwellings relative to elsewhere in the G.T.A. might be argued.</p> <p>With respect to the proposed amendments to subsection 1.1.1(e), staff support these changes in view of the fact that they highlight practices already being advanced at the municipal level to achieve cost-effective development patterns.</p>

Policy	Description	Staff Comments
		In terms of subsection 1.1.1(i), staff also support the replacement of “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 healthy, liveable and safe communities.
Policy 1.1.2	Policy 1.1.2 is proposed to be amended to increase the planning horizon from 20 to 25 years.	Staff note that the proposed amendments to Policy 1.1.2 will increase the planning horizon from 20 to 25 years. Staff support extending the time horizon in this regard as it allows additional time for municipalities to plan and prepare for growth development in their communities.
Policy 1.1.3.9	<p>Policy 1.1.3.9 is proposed to be added to provide that municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:</p> <ul style="list-style-type: none"> <li>a) There would be no net increase in land within the settlement areas;</li> <li>b) The adjustment would support the municipality’s ability to meet intensification and redevelopment targets established by the municipality;</li> <li>c) Prime agricultural areas are addressed in accordance with 1.1.3.8 (c), (d) and (e); and</li> <li>d) The settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.</li> </ul>	<p>Staff note that the proposed amendments to Policy 1.1.3.9 will permit the adjustment of settlement area boundaries outside of a Municipal Comprehensive Review (“M.C.R.”), so long as certain criteria are met.</p> <p>Staff further note that under the Provincial Growth Plan, 2019 (the “P.G.P”), the M.C.R. process may only be undertaken by an upper-tier or single-tier municipality. Consequently, as a lower-tier municipality, Oshawa would not be able to undertake a M.C.R. However, the P.G.P. does have a similar policy framework as that being proposed under Policy 1.1.3.9 of the P.P.S. already in place, which allows lower-tier municipalities like Oshawa to “...adjust settlement area boundaries outside of a municipal comprehensive review...” provided certain criteria are met (Policy 2.2.8.4 of the P.G.P.). Since Oshawa is already subject under the P.G.P. to Policy 2.2.8.4, the proposed addition of Policy 1.1.3.9 of the P.P.S. would not materially affect the City.</p>
Policy 1.2.2	Policy 1.2.2 is proposed to be amended such that municipalities, rather than being encouraged to engage with Indigenous communities and	Staff note that the proposed amendments to Policy 1.2.2 may have the inadvertent effect of putting Indigenous communities in the position of requesting municipalities to pay a fee in order to receive comments. Many Indigenous communities do not have

Policy	Description	Staff Comments
	coordinate on land use planning matters, shall now be required to engage.	the financial resources to review planning-related reports, applications and studies that are circulated to them. Such a scenario has already occurred in Oshawa staff's experience. The Province should make appropriate financial resources available to Indigenous communities such that municipalities are not put in the awkward position of paying a stakeholder for input.
Policy 1.2.6.1	Policy 1.2.6.1 is proposed to be amended to specify that major facilities and sensitive land uses "shall", rather than "should", be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.	<p>Staff note that the proposed amendments to Policy 1.2.6.1 provide that major facilities and sensitive land uses shall avoid, minimize and mitigate adverse effects wherever possible. However, the proposed Policy 1.2.6.2 provides that where avoidance is not possible in accordance with Policy 1.2.6.1, that planning authorities shall ensure that the criteria outlined in this policy are met.</p> <p>Staff support the proposed amendments as they require a higher standard in terms of compliance (i.e., "shall" versus "should") but at the same time, recognize that avoidance is not always possible.</p>
Policy 1.2.6.2	<p>Policy 1.2.6.2 is proposed to be added to specify that where avoidance is not possible in accordance with Policy 1.2.6.1, planning authorities shall ensure that the planning and development of sensitive land uses adjacent to existing or planned industrial, manufacturing, or other uses that are particularly vulnerable to encroachment are only permitted if:</p> <p>a) alternative locations for the proposed sensitive land uses have been evaluated and there are no reasonable alternative locations; and</p>	Staff support the addition of this new policy given that it functions in tandem with and complements the changes proposed under Policy 1.2.6.1.

Policy	Description	Staff Comments
	b) potential impacts of these uses are minimized and mitigated in accordance with provincial guidelines, standards and procedures.	
Policy 1.3.1	Policy 1.3.1 is proposed to be amended by adding a new subsection (c) in order to clarify that municipalities shall promote economic development and competitiveness by, among other things, facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.	<p>Staff support the proposed addition of new subsection (c), and further recommend that consideration be given to adding language to ensure that the efforts of lower-tier municipalities in this regard are reciprocated at the level of the parent upper-tier municipality, to ensure a combined, coordinated approach.</p> <p>Staff also recommend that where the Province has significant land holdings that are designated as Employment Areas and/or are ideally situated to be used for Employment purposes (such as adjacent to 400-series freeways), the appropriate Provincial authorities collaborate with host municipalities to leverage and optimize the use of these land assets for economic development purposes.</p>
Policy 1.3.2.2	Policy 1.3.2.2 is proposed to be added to provide that at the time of an official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.	<p>Staff note that the proposed Policy 1.3.2.2 provides that planning authorities should assess employment areas identified in the local official plan as part of the official plan review or update.</p> <p>The Region of Durham is currently in the process of a M.C.R. and has released several discussion papers focusing on a variety of themes to engage with residents and stakeholders (this M.C.R. exercise is called “Envision Durham”).</p> <p>The Region’s Growth Management and Urban Systems discussion paper was released on June 4, 2019, and provided an overview of the proposed process for assessing employment area conversions and settlement areas expansions.</p> <p>While staff support the addition of this new policy as it puts into effect a dynamic process of assessment and re-assessment, it</p>

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		<p>is recommended that clarity be added to specify that this policy is not to be construed as lending support to the potential conversion of employment areas where it is not deemed by a planning authority to be appropriate.</p>
<p>Policy 1.3.2.3</p>	<p>Policy 1.3.2.3 is proposed to be added to provide that within employment areas planned for industrial and manufacturing uses, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial and manufacturing uses should include an appropriate transition to adjacent non-employment areas.</p>	<p>Staff note that the proposed Policy 1.3.2.3 provides that within employment areas, planning authorities shall prohibit residential and institutional uses that are not ancillary to the primary use.</p> <p>Staff further note that according to the Growth Management and Urban Systems discussion paper released by the Region of Durham under its Envision Durham M.C.R., the urban system is intended to create distinct urban areas, balance population and employment growth and function as healthy and complete communities. Employment areas are defined as:</p> <p style="padding-left: 40px;">“Lands set aside for businesses and industries that require separation from sensitive uses, such as schools and residential uses. Employment Areas are characterized by their need to have access to highway, rail, and/or shipping facilities.”</p> <p>In addition, places of worship should not be permitted in employment areas defined as a Provincially Significant Employment Zone. It is essential that employment areas in Provincially Significant Employment Zones be maintained for employment uses, in order to achieve employment forecasts and move toward a more balanced jobs-to-population ratio of one job for every two residents. However, consideration should be given to permitting places of worship in employment areas that are not located in a Provincially Significant Employment Zone.</p> <p>Staff recommend that a degree of flexibility/clarity be added to the proposed Policy 1.3.2.3 to address the fact that not all types of institutional uses are incompatible with employment areas</p>

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		planned for industrial and manufacturing uses. For example, research and development facilities established by post-secondary institutions could complement surrounding industrial/manufacturing uses.
Policy 1.3.2.5	<p>Policy 1.3.2.5 is proposed to be added to provide that until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as Provincially significant through a Provincial plan exercise or as regionally-significant by a regional economic development corporation working together with affected upper-tier and single-tier municipalities and subject to the following:</p> <ul style="list-style-type: none"> <li>a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;</li> <li>b) the proposed uses would not adversely affect the overall viability of the employment area; and</li> <li>c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</li> </ul>	<p>Staff note that the proposed Policy 1.1.2.5 provides that lands within existing employment areas may be converted to a designation that permits non-employment uses, provided that certain criteria are met.</p> <p>Staff recommend that consideration should be given to the type of land proposed to be converted. For example, large sized parcels of employment land in proximity to major infrastructure are typically in short supply, and their conversion would have a proportionately greater negative effect than the conversion of a number of smaller parcels having the same combined area.</p>
Policy 1.4.1	Policy 1.4.1 is proposed to be amended to require planning authorities to maintain at all times the ability to accommodate residential growth for a minimum of 12 years, increased from a minimum of 10 years.	Staff note that the proposed amendments to Policy 1.4.1 will increase the requirement for municipalities to maintain the ability to accommodate residential growth from 10 to 12 years. As an additional option, municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five year supply of residential units through a variety of different land

Policy	Description	Staff Comments
	<p>This policy is also proposed to be amended to provide that upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>development formats, increased from a minimum requirement of three years.</p> <p>Staff support these amendments given that they complement the amendment proposed under Policy 1.1.2 to increase the planning horizon from 20 to 25 years.</p>
<p>Policy 1.4.3</p>	<p>Policy 1.4.3 is proposed to be amended such that rather than requiring planning authorities to provide for an appropriate range and mix of housing options and densities to meet “projected requirements” of current and future residents of the regional market area, planning authorities will be required to undertake the same in order to meet the “projected <u>market-based needs</u>” [underline added] of current and future residents of the regional market area.</p> <p>Policy 1.4.3 is also proposed to be amended by adding a new subsection (e) that specifies that one of the methods by which the overarching objective (as noted above) of Policy 1.4.3 is to be achieved is by requiring transit-supportive development and prioritizing intensification, including potential air rights development in proximity to transit, including corridors and stations.</p>	<p>With the proposed addition of a new proviso indicating that planning authorities will be required to provide for an appropriate range and mix of housing options and densities to meet the projected <u>market-based needs</u> of current and future residents of the regional market area, it is recommended that additional clarity be provided in this regard. “Market-based needs” can potentially be interpreted in a variety of ways. For instance, when interpreted from a “needs” versus “wants” perspective, the issue of affordability would suggest that the need for relatively more affordable types of dwelling units should dictate the type of housing provided. Thus, single detached dwellings – generally the least affordable types of units – would be provided in the fewest numbers relative to all other housing types.</p> <p>Alternatively, “market-based needs” could be interpreted to mean that demand in the regional market area (assumed to be Durham Region) is predominantly for single detached dwellings, since relative to the remainder of the G.T.A., Durham’s relatively cheap land prices are attracting higher numbers of buyers to the Region for this type of product. Viewed from this perspective, the need to provide a high proportion of single detached dwellings relative to elsewhere in the G.T.A. might be argued.</p> <p>With respect to the proposed new subsection (e) under Policy 1.4.3, staff note that this proposed amendment is consistent</p>

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		<p>with the Made-in-Ontario Environment Plan (O.E.P.) objective to improve public transportation to expand commuter choice and support communities.</p> <p>Staff further note that the Oshawa Official Plan (O.O.P.) currently contains policies that seek to ensure transit-supportive development and intensification in major transit station areas and along transit corridors. The additional direction proposed under new subsection (e), such as potential air rights development, is supported by staff and reinforces existing O.O.P. policies. However, for clarity, it is recommended that more detail be provided with respect to what is meant by “prioritizing intensification”, i.e., prioritizing relative to what other methods of providing for an appropriate range and mix of housing options (e.g. greenfield development).</p>
Policy 1.6.6.4	<p>Policy 1.6.6.4 is proposed to be amended to provide that at the time of an official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.</p>	<p>Staff note that Policy 1.6.6.4 is proposed to be amended to provide that during an official plan review or update, upper-tier municipalities should work with lower-tier municipalities to assess the impacts of individual on-site sewage services and water services on the environmental health and character of rural settlement areas.</p> <p>Staff agree that it will be important for the regional and area municipalities to work together to assess the long-term impacts of on-site sewage and water services on human and environmental health. However, to ensure that the manner in which this is carried out is consistent across municipalities, it is recommended that the Province develop a protocol outlining appropriate standards for the required assessment.</p>

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Policy 1.6.6.5	<p>Policy 1.6.6.5 is proposed to be amended to provide that where partial services have been provided to address failed services, infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Further, the extension of partial services into rural areas will only be permitted to address failed individual on-site sewage and individual on-site water services for existing development.</p>	<p>Staff note that Policy 1.6.6.5 is proposed to be amended to provide that where partial services have been provided to address failed individual on-site services, infilling in rural areas may be permitted if there is a logical and financially viable connection to existing partial services, site conditions are suitable and there are no negative long-term impacts.</p> <p>Staff further note that on September 25, 2019, Durham Regional Council adopted the recommendations in Report 2019-P-34 to permit water and sanitary sewer service connections in prescribed circumstances for properties abutting municipal services outside of Urban Area. As such, Section 5.4.8 of the Durham Regional Official Plan, as amended, provides that the extension of partial services into rural areas is permitted even if individual on-site sewage and water services have not failed, which conflicts with the proposed amendments to Policy 1.6.6.5.</p> <p>Staff support this amendment given that it optimizes the use of investment in partial services while closely regulating opportunities for further development in areas served by partial services.</p>
Policy 1.6.6.7	<p>Policy 1.6.6.7 is proposed to be amended by adding a new subsection (a) to provide that planning for stormwater management shall be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term.</p> <p>Additional amendments to Policy 1.6.6.7 include the addition of new language specifying that planning for stormwater management shall minimize erosion and prepare for the impacts of a changing climate through effective management of stormwater.</p>	<p>Staff note that the proposed amendments to subsection 1.6.6.7 (a) provide that stormwater management shall be integrated with sewage and water services to ensure that systems are optimized and to prepare for the impacts of a changing climate. This proposed amendment is consistent with the O.E.P. action to “improve municipal wastewater and stormwater management and reporting”. Given that water and wastewater services are provided at the Regional level and that stormwater management is a City responsibility, an integrated planning approach will require a high level of collaboration which may be challenging when Regional and local municipal priorities for the provision of these services differ.</p>

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	<p>Subsection 1.6.6.7 (d) is also proposed to be amended to provide that planning for stormwater management shall “mitigate risks to human health, safety, property and the environment”, rather than “not increase risks to human health and safety and property damage”.</p>	<p>With respect to the proposed amendments highlighting erosion as a matter requiring attention as well as the need to prepare for the impacts of a changing climate, City staff support the explicit reference to erosion as a matter to be addressed as well as the direction to “prepare for”, as it enhances requirements for climate change considerations when planning for stormwater management.</p> <p>Staff note that the proposed amendments to subsection 1.6.6.7 (d) to replace “not increase risks” with “mitigate risks” could potentially be construed as not being consistent with the need to reduce the potential for risk to human health, safety and proposed 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 conditions according to climate change modelling, changes to the existing P.P.S. directions related to stormwater management public safety tests need to be clearly understood for their potential implications. Staff suggest that for clarity, the intent of this policy be more fulsomely described. For example, it is clear that past stormwater management practices have in some cases created less than ideal existing conditions which pose a level of risk higher than what currently would be permitted. The existing policy to “not increase risks” does not function well to address existing conditions where there already is a higher level of risk, whereas direction to “mitigate risks” would encompass efforts to reduce the existing level of higher risk resulting from historical practices.</p>
Policy 1.6.7.5	<p>Policy 1.6.7.5, indicating that “Transportation and land use considerations shall be integrated at all stages of the planning process”, is proposed to be repealed.</p>	<p>Staff note that Policy 1.6.7.5 is proposed to be repealed in its entirety, which would appear to be generally inconsistent with the broader policy direction of the proposed amendments to the P.P.S., identified in the E.R.O. posting, to “ensure the</p>

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		<p>appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs”.</p> <p>The City of Oshawa has initiated an integrated Planning act and Municipal class Environmental Assessment Act Study for the Columbus community that will guide future growth and development within the Columbus Part II Plan Area, taking into consideration land use and transportation infrastructure requirements.</p> <p>Staff further note that the proposed Policy 1.4.3 (as noted above) provides that planning authorities shall provide for an appropriate range and mix of housing options and require transit-supportive development. In order to improve public transportation options and access across Ontario, it will be essential for municipalities to consider current and future transportation requirements at all stages of the planning process.</p>
Policy 1.6.8.5	A new Policy 1.6.8.5 is proposed to indicate that “The co-location of linear infrastructure should be promoted, where appropriate.”	<p>Staff support this new proposed policy given that it minimizes disruption to the urban fabric of communities as well as reduces the number of crossings over components of the Natural Heritage System. It is also a practice that the City currently already encourages.</p> <p>For example, City staff worked with staff from TransCanada Pipelines (“TransCanada”) and the Ontario Ministry of Transportation to relocate the proposed alignment of TransCanada’s Eastern Mainline project through North Oshawa to a more southerly location abutting the Highway 407 East corridor traversing the City.</p>
Policy 1.6.10.1	Policy 1.6.10.1 is proposed to be amended to repeal, “Planning authorities should consider the	Staff note that Policy 1.6.10.1 is proposed to be amended to repeal the recommendation that planning authorities consider the impacts of development on waste generation, management and diversion, which is inconsistent with the O.E.P. objective to

Policy	Description	Staff Comments
	implications of development and land use patterns on waste generation, management and diversion”.	<p>reduce litter and waste. The O.E.P. states that Ontario’s waste diversion rate has been below 30% over the past 15 years, which implies a heavy reliance on landfills across the Province.</p> <p>Staff further note that in order to decrease reliance on landfills and increase diversion opportunities, it is important to consider the implications associated with development and land use planning on waste generation.</p>
<b>Section 2.0 – Wise Use and Management of Resources</b>		
Policy 2.1.10	Policy 2.1.10 is proposed to be added to provide that municipalities may choose to manage wetlands not subject to Policies 2.1.4 and 2.1.5 in accordance with guidelines developed by the Province.	<p>Staff note that Policy 2.1.10 is proposed to be added to provide that municipalities may manage wetlands that are not subject to Policies 2.1.4 and 2.1.5.</p> <p>Staff support the inclusion of this proposed policy given that it reinforces the position of municipalities seeking to further manage wetlands other than those referred to in Policies 2.1.4 and 2.1.5. However, it is noted that the Province has not provided guidelines regarding the management of wetlands not subject to Policies 2.1.4 and 2.1.5 at this time. It is recommended that the Province consult with municipalities and conservation authorities when developing said guidelines. Alternatively, if the development of guidelines in this regard is not intended by the Province, staff suggest that consideration be given to replacing the term “manage” with “maintain, restore or, where possible, improve”, as this would be consistent with the language contained in Policy 2.1.2. (as well as provide a greater level of clarity in the absence of any guidelines)</p>
Policy 2.2.1(c)	Subsection 2.2.1(c) is proposed to be added to require that planning authorities protect, improve or restore the quality and quantity of water by” evaluating and preparing for the impacts of a	Staff note that subsection 2.2.1(c) is proposed to be added to require planning authorities to evaluate and prepare for the impacts of a changing climate as it relates to water resource systems at the watershed level, which is consistent with the

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	changing climate to water resource systems at the watershed level”.	<p>O.E.P. action to ensure sustainable water use and water security for future generations.</p> <p>On April 29, 2013, Oshawa Council endorsed the Partnership Memorandum between the City and C.L.O.C.A. for Plan Review services. Through this agreement, the City of Oshawa is well-positioned to prepare for the impacts of a changing climate as identified in this provision. Accordingly, staff support the inclusion of 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>
Policy 2.3.2	Policy 2.3.2 is proposed to be amended to indicate that “Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network”.	<p>Staff note that Policy 2.3.2 is proposed to be amended to indicate that planning authorities are encouraged to use an agricultural system approach to maintain the agricultural land base and connections to the agri-food network.</p> <p>Through Envision Durham, the Region released an Agriculture and Rural System discussion paper to provide an overview of Durham’s Rural Area and the current Durham Region Official Plan policies framework. In response, the City provided the following recommendations to support agriculture throughout the Region:</p> <ul style="list-style-type: none"> <li>• Define urban agriculture (including examples such as community gardens, greenhouses and roof top gardens) and expand the agricultural focus to recognize urban agriculture as being part of the Region’s Agricultural System;</li> <li>• Support the Region’s process to evaluate and refine the Agriculture System Mapping.</li> </ul> <p>City staff support the proposed policy amendment given that it reflects the type of agricultural system approach needed to ensure a rigorous and robust agri-food system. However, it is</p>

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		important to ensure that the direction to encourage and enhance “geographic continuity” is not interpreted to downplay the importance of maintaining the integrity of the Natural Heritage System where it traverses agricultural lands.
Policy 2.6.5	Policy 2.6.5 is proposed to be amended to require planning authorities to engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.	<p>Staff note that Policy 2.6.5 is proposed to be amended to provide for a requirement that planning authorities engage with Indigenous communities to consider their interests related to cultural heritage and archaeological resources.</p> <p>Staff note that the City of Oshawa is situated on treaty land that is steeped in rich indigenous history and is the present day home to many First Nations, Metis and Inuit people, and that it is important to consult with Indigenous communities throughout the planning process. However, staff’s comments provided above with respect to Policy 1.2.2 similarly relate to the amendments proposed to Policy 2.6.5.</p>
<b>Section 3.0 – Protecting Public Health and Safety</b>		
Policy 3.1.3	Policy 3.1.3 is proposed to be amended to require that planning authorities prepare for the impacts of a changing climate that may increase the risk associated with natural hazards, rather than merely consider potential impacts.	<p>Staff note that Policy 3.1.3 is proposed to be amended to require planning authorities to prepare for the impacts of a changing climate rather than simply consider the potential impacts of climate change.</p> <p>Staff support the replacement of “consider the potential impacts of climate change” with “prepare for the impacts of a changing climate” as it enhances requirements for climate change considerations, as well as recognizes that the impacts of a changing climate are clear and present as opposed to potential.</p>
Policy 3.2.3	Policy 3.2.3 is proposed to be added to provide that planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals	Staff note that Policy 3.2.3 is proposed to be added to provide that planning authorities should support the re-use of excess soil, where feasible, which is consistent with the O.E.P. action to “make it easier and safer to reuse excess soil” in order to limit

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	while protecting human health and the environment.	<p>the amount of soil being sent to landfill and reduce greenhouse gas emissions resulting from soil transport.</p> <p>Staff suggest that additional information be provided by the Province as guidance to municipalities regarding best practices to improve the feasibility of on-site and local re-use of excess soil, in the event that the intent of the proposed new policy differs from that of the guidelines contained in such documents as the Province’s Excess Soil Best Management Practices Guide. Alternatively, if the intent is consistent, then reference to these documents should be made in the policy.</p>
<b>Section 4.0 – Implementation and Interpretation</b>		
Policy 4.1	Policy 4.1 is proposed to be amended to remove “April 30, 2014” as a compliance date. A proposed new date has not been provided for transition purposes at this time. The amended P.P.S. will apply to all decisions in respect of the exercise of any authority that affects a planning matter on or after the new date.	Staff note that a proposed transition date has not been provided at this time. Accordingly, staff recommend that municipalities be consulted as part of the process of determining a reasonable compliance date.
Policy 4.6	<p>Policy 4.6 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.”</p>	<p>Staff note that while Policy 4.6 is proposed to be repealed in its entirety, the language of this policy is merely being relocated to Policy 4.4.</p> <p>With respect to the Ontario Human Rights Code (the “Code”), if there is a conflict between the Code and other valid provincial law, the Code prevails unless that law specifically states it applies despite the Code.</p> <p>With respect to the Canadian Charter of Rights and Freedoms (the “Charter”), if there is a conflict between valid Provincial and Federal law, the Federal law will prevail and the provincial law will be inoperative to the extent that it conflicts with Federal law.</p>

Policy	Description	Staff Comments
Policy 4.7	<p>Policy 4.7 is proposed to be added to require planning authorities to take action to support increased housing supply and facilitate a timely and streamlined process for local development by:</p> <ul style="list-style-type: none"> <li>a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and</li> <li>b) reducing the time needed to process residential and priority applications to the extent practical.</li> </ul>	<p>Staff note that Policy 4.7 is proposed to be added to require planning authorities to streamline processes to facilitate residential and job-related development.</p> <p>Staff further note that although the proposed amendments may be intended to speed up the development process with respect to housing and job-related development, reducing timelines for development decisions may limit public consultation, which could result in more appeals and ultimately extend the development process. It is important for municipalities to have adequate time to consider all development applications, resubmissions and compliance issues.</p>
Policy 4.8	<p>Policy 4.8 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up to date with their official plans and this Provincial Policy Statement.”</p>	<p>Staff note that Policy 4.8 is proposed to be repealed and the text contained in this section relocated to the Preamble (Part 1) of the P.P.S.</p> <p>Section 2.1(5) of the Planning Act provides that a decision made by the Council of a municipality in respect of the exercise of any authority that affects a planning matter,</p> <ul style="list-style-type: none"> <li>(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and</li> <li>(b) shall conform with provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.</li> </ul> <p>Staff further note that as a general practice, the City of Oshawa reviews the Official Plan, Part II Plans, Secondary Plan and Zoning By-law and recommends technical amendments on an annual basis.</p> <p>The relocation of this text to the Preamble of the P.P.S. is appropriate in view of the challenges that municipalities face in their efforts to keep their zoning and development permit by-laws up-to-date with their official plans and the P.P.S.</p>

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Policy 4.9	<p>Policy 4.9 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”</p>	<p>Staff further note that Policy 4.9 is proposed to be repealed in its entirety. However, the text under “Policies Represent Minimum Standards” appearing in Part 3 (How to Read the Provincial Policy Statement) of the P.P.S. already states that planning authorities and decision-makers may go beyond the minimum standards of the policies contained in the P.P.S. to address matters of importance to a specific community, unless doing so would conflict with any policy of the P.P.S..</p> <p>Staff further note that Policy 4.9 is not necessary, as the text contained in this section is already included in Part 3.</p>
Policy 4.10	<p>Section 4.10 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“A wide range of legislation, policies, and plans may apply to decisions with respect to Planning Act applications. In some cases, a Planning Act proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.”</p>	<p>Staff note that Policy 4.10 of the P.P.S. is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.10 would be redundant in the event that it is added to the text under Part 1 (Preamble) of the P.P.S.</p>
Policy 4.11	<p>Policy 4.11 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“In addition to land use approvals under the Planning Act, infrastructure may also require approval under other legislation and regulations. An environmental assessment process may be applied to new infrastructure and modifications to existing infrastructure under applicable legislation.</p> <p>There may be circumstances where land use approvals under the Planning Act may be integrated with approvals under other legislation, for example, integrating the planning processes</p>	<p>Staff note that Policy 4.11 of the P.P.S. is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.11 would be redundant in the event that it is added to the text under Part 1 (Preamble) of the P.P.S.</p>

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	and approvals under the Environmental Assessment Act and the Planning Act, provided the intent and requirements of both Acts are met.”	
Policy 4.12	<p>Policy 4.12 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Provincial plans shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing provincial plans provides otherwise. Examples of these are plans created under the Niagara Escarpment Planning and Development Act, the Ontario Planning And Development Act, 1994, the Oak Ridges Moraine Conservation Act, 2001, the Greenbelt Act, 2005 and the Places to Grow Act, 2005.”</p>	<p>Staff note that Policy 4.12 of the P.P.S. is proposed to be repealed in its entirety. The P.P.S. provides a policy foundation whereas provincial plans provide policy direction to address specific needs or objectives in their respective areas.</p> <p>The text under “Relationship with Provincial Plans” appearing in Part 3 (How to Read the Provincial Policy Statement) of the P.P.S. already states that provincial plans are to be read in conjunction with the P.P.S., and that they take precedence over policies of the P.P.S. to the extent of any conflict, except where legislation establishing Provincial plans provides otherwise.</p> <p>Staff further note that retaining Policy 4.12 would be redundant given that it already exists as part of the text under Part 3 of the P.P.S.</p>
Policy 4.13	<p>Policy 4.13 is proposed to be repealed in its entirety. The repealed text states:</p> <p>“Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.”</p>	<p>Staff note that Policy 4.13 is proposed to be repealed and the text contained in this section relocated to Part 1 (Preamble) of the P.P.S.</p> <p>Staff further note that retaining Policy 4.13 is not necessary as the text is proposed to be added to Part 1 (Preamble) of the P.P.S.</p>

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<b>Section 5.0 – Figure 1. Natural Heritage Protection Line</b>		
There are no proposed amendments to Section 5.0.		
<b>Section 6.0 - Definitions</b>		
The following definitions in Section 6.0 are proposed to be added:		
	<p><b>Agricultural System:</b> a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:</p> <p>a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and</p> <p>b) an agri-food network which includes infrastructure, services and assets important to the viability of the agri-food sector.</p>	<p>Staff note that in 2018 the Province released a Provincial Agriculture System that was comprised of a group of inter-connected elements that create a viable, thriving agricultural section, including the following components:</p> <ul style="list-style-type: none"> <li>• an agriculture land base; and</li> <li>• an agri-food network.</li> </ul> <p>Staff further note that the proposed definitions of Agricultural System and Agri-food network in the P.P.S. are consistent with the Provincial Agriculture System.</p>
	<p><b>Agri-food network:</b> within the Agricultural System, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.</p>	
	<p><b>Greenbelt area:</b> means the area identified in Ontario Regulation 59/05, as amended from time to time.</p>	No comment.
	<p><b>Housing options:</b> means a range of housing types such as, but not limited to single-detached,</p>	No comment.

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	semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings and uses such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.	
	<b>Impacts of a changing climate:</b> 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.	No comment.
The following definitions in Section 6.0 are proposed to be amended as follows:		
	<b>Cultural heritage landscape</b> is proposed to be amended to provide that “Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, or protected through official plan, zoning by-law, or other land use planning mechanisms.”	No comment.
	<b>Habitat</b> is proposed to be amended to provide that “Habitat of endangered species and threatened species means habitat within the meaning of Section 2 of the Endangered Species Act, 2007”.	No comment.
	<b>On-farm diversified uses</b> is proposed to be amended to provide that ground-mounted solar facilities are permitted in prime agricultural areas	No comment

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	and specialty crop areas only as on-farm diversified uses.	
	<b>Planned corridors</b> is proposed to be amended to include those that are identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (I.E.S.O.) or any successor to those ministries or entities is actively pursuing the identification of a corridor.	No comment.
	<b>Public services facilities</b> is proposed to be amended to include long-term care services.	No comment.
	<b>Residential intensification</b> is proposed to be amended to include development and introduction of new housing options within previously developed areas.	No comment.