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August 3, 2023

**Re: Environmental Registry of Ontario (ERO) posting 019-6813 A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument**

Hon. Steve Clark,

The Township of Puslinch discussed in depth the Environmental Registry of Ontario (ERO) posting 019-6813 A Place to Grow and Provincial Policy Statement (PPS) 2023 to form a new provincial planning policy instrument. While there are some proposed changes that the Township supports, there are some directions in the 2023 PPS that are of concern.

The Township recognizes there is a housing crisis in Ontario and acknowledges that the draft Provincial Planning Statement, if approved, makes significant changes to the land use planning policy framework with the clear goal of creating more housing in both urban and rural areas.

The Township notes that the proposed changes adds a much more flexible approach to intensification targets, density targets, and consideration of new and expanding settlement areas. The Township is generally supportive of a more flexible approach specifically in relation to the ability to expand its existing settlement areas. However, the Township has significant concerns with communal servicing options for wastewater management and the burden placed on the municipality through maintenance agreements. Specific wording should be incorporated that requires upper tier municipality to assume the liability for communal wastewater systems through maintenance agreements.

In respect to land use compatibility, Puslinch Council disagrees that sensitive areas (residential areas) should encroach at all on industrial areas where there is a risk to human health. Sensitive land uses should have an adequate set back from industrial areas in general, and the



appropriateness of locating industrial uses in close proximity to residential uses should be prohibited where there is risk to human health.

Despite a more flexible approach to housing, the proposed 2023 PPS looks to weaken Provincial direction specific to the creation of affordable and attainable housing through the removal of those definitions and targets. The province should be using this opportunity to strengthen these policies to ensure effective and continuous delivery of these housing units across the province.

The Township notes the proposed PPS includes policies regarding planning for employment. Employment areas are critical to support sustainable growth in communities. Employment areas should include commercial and institutional uses in order to support the concept of complete communities and areas that support the community's local employment and economic development.

The Province initially presented changes that would allow the creation of up to three (3) new lots on prime agricultural lands. The Province has since [potentially] rescinded those provisions based on the feedback from the public and specifically the farming industry. The Township agrees that more consultation needs to occur in order to thoroughly understand the immediate and long-term impacts for allowing new lot creation on prime and secondary agricultural lands. The Township supports permitting one (1) severance on secondary agricultural lands.

The Township is not supportive of lot creation in prime agricultural lands and prefers a policy where severances within agricultural regions avoid prime agricultural land and prioritize alternative and lower priority agricultural lands, so as to preserve highly productive farmland. Should the Province reconsider allowing lot creation in the prime agricultural lands, a maximum lot size should be considered in order to limit the potential for subdividing the newly created lots in the future to protect the integrity of agricultural operations. The number of newly created lots and additional accessory units on subdivided lots as a cumulative total would be a concern to the Township. This potential scenario of clustered residential uses creates concern in regards to established livestock facilities and their ability to expand, as well as creates concerns in relation to the potential for communal servicing. In addition, the requirement that all multi aquifer penetrating wells be cased adequately should be included in the proposed changes to limit contamination into the deep aquifer for all newly created lots. In general, should non-agricultural uses be permitted on prime agricultural lands, the draft policy should



include the mandatory requirement for an agricultural assessment regardless of the circumstances.

In rural areas, village and hamlet build outs should be prioritized for development as opposed to more sporadic lot severance developments. This better serves rural communities that rely on limited infrastructure, strengthens communities, and limits the negative impacts of development on agricultural lands.

In general, there are capacity and access concerns with the existing wastewater treatment facilities in the Province. The existing facilities do not have existing capacity to receive the additional septage that will be produced as a result of the Province's growth targets. This is a critical issue for both urban and rural growth. Rural areas depend on sewage haulers to properly and safely dispose of septage from septic systems. The Township remains concerned and suggests that consultation occur between the Province (specifically the MMAH and the MECP), the hauling industry, and the owners of the wastewater treatment facilities to ensure a coordinated approach to septage management is articulated prior to it becoming an issue.

The Township offers its additional comments as follows:

The Township respectfully requests that a mechanism to resolve disagreements on planning matters between upper and lower tiers be included in the draft policy. Lower tiers have a high degree of local knowledge and understanding of the needs of their community.

In relation to section 4.5.2 Protection of Long-Term Resource Supply:

"Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere." This statement should not be included until such time that the Province completes a comprehensive study of supply of aggregate in order to determine the amount of aggregate that is currently licensed and therefore subsequently required. The licensing and operation compliance of aggregate extraction in Ontario is the responsibility of the MNRF and covered in the ARA and is an unnecessary duplication in the PPS.

The minor changes to the existing term "agricultural condition" raise a concern regarding the added term "enhanced" means as it relates to the rehabilitation of agricultural soil. The direction of "maintained" or "restored" seem to indicate that the pre-extraction soil conditions



will be brought back once rehabilitated, but “enhanced” is an added term which could have a much broader meaning. Clarification on the meaning of this term is necessary.

A new subsection 47 (4.0.1) is added to provide that the Minister may, in an order made under clause 47 (1) (a), provide that policy statements, provincial plans and official plans do not apply in respect of a licence, permit, approval, permission or other matter required before a use permitted by the order may be established. A new section 49.2 is added to give the Minister the power to make an order requiring an owner of land to enter into an agreement with the Minister or a municipality in matters where the Provincial Land and Development Facilitator or the Deputy Facilitator has been directed by the Minister to advise, make recommendations or perform any other functions with respect to the land. The change to subsection 47 permits a Minister’s Orders to allow a use to be established without a license, permit or approval that would normally be required. This gives the Minister the ability to address circumstances where an MZO permits residential uses in an area where the official plan does not. This is a concern to the Township as it would result in a loss of due process, including public engagement, for the municipality.

From a broader perspective, the softening of policies related to climate change in the proposed 2023 PPS are of concern. Municipalities are looking to initiate climate actions and introduce ways to adapt to significant impacts from extreme weather events. The Township is looking to the Province to lead, as well as provide financial support for municipal efforts to address the impacts of climate change. That Township suggests that the language and policy regarding climate change should be threaded throughout the PPS as previously emphasized. This demonstrates that climate change is important and should be considered a priority.

The Township encourages natural heritage components be incorporated into the proposed 2023 PPS as part of a comprehensive policy directive. It is difficult to fully comprehend an overarching policy when a significant gap exists in respect to a planning and development policy where specific natural heritage policy involving sensitive habitats are not addressed. In closing, the Township recognizes there is a housing shortage in Ontario and is confident that further consultation with key stakeholders will enable growth to occur responsibly and sustainably without compromising Ontario’s farming industry, source water, the local tax payer, and the environment. In terms of next steps, the Township respectfully suggests that the Government give municipalities’ sufficient time to understand and implement the final Provincial Planning Statement before introducing more planning policy and regulatory changes as these changes have significant financial impacts to the municipality, including the potential



need for additional staffing and other resources to address and/or implement the various changes.

Please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Municipal Clerk