

July 24, 2023

Hon. Steve Clark
Minister of Municipal Affairs & Housing
17th Floor – 777 Bay Street
Toronto, ON
M7A 2J3

Re: OPPI Feedback on Proposed Provincial Planning Statement

Dear Minister Clark,

On behalf of the Ontario Professional Planners Institute (OPPI), we are writing to provide our feedback on the “*review of the proposed policies adapted from a Place to Grow and Provincial Policy Statement to form a new provincial planning instrument*” as part of the Ministry of Municipal Affairs and Housing’s (MMAH) consultation under ERO 019-6813.

As you know, OPPI is the recognized voice of Ontario’s planning profession. With over 4,600 members, it serves as both the Professional Institute and regulator of Registered Professional Planners (RPPs) in the province. Our members work across the planning spectrum, for consulting firms, provincial and municipal approval bodies, private developers, community agencies and academic institutions. Our members work across a geographically diverse cross-section of Ontario – from small towns to big cities, from northern Ontario to the Greater Toronto Area.

OPPI is in a unique position to provide feedback on the proposed *Provincial Planning Statement (PPS)*. Every day, our members rely on provincial planning documents such as the *Provincial Policy Statement* and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* to help build sustainable, equitable, and liveable communities. The proposed *Provincial Planning Statement* represents a generational change in how planners across Ontario will work to achieve these objectives, and it is imperative that we collectively get this new policy document right. Given the efforts made over the past year to improve efficiencies and streamline the system, we want to ensure that the new PPS continues the momentum while maintaining the ability to implement good planning principles in the public interest.

To ensure we provide knowledgeable and practical comments, OPPI brought together working groups of experts who specialize in different planning-related subjects to carefully examine the document and share their valuable insights on the proposed policies.

OPPI supports the consolidation of these two documents into an integrated province-wide land use planning document with additional policy direction for fast-growing municipalities. The approach would reduce redundancy and areas of ambiguity within provincial policy for all stakeholders involved. In fact, consolidation of provincial planning policy documents was one of the key recommendations arising from a roundtable discussion OPPI held last year with senior members of the profession. However, OPPI does believe that there is a significant role for regional scale planning on growth management issues. Regional-scale planning plays a critical role for coordinating growth across local municipal borders and fosters collaboration to achieve mutual goals. That important regional focus which is embedded in the Growth Plan should not be lost in the new document.

We however have concerns with the direction taken by this policy document. It appears that two decades' worth of growth management policies are being removed without sufficient data and evidence to support these changes. The Growth Plan for the Greater Golden Horseshoe and the significant investments in transit by the government have had a profound effect on how our communities in the GGH have developed over the past 17 years. We have seen substantially more compact greenfield development, a significant increase in apartment construction, intensification in areas thought of as unfeasible for such development a few years ago and ongoing protection of our significant natural features. It is not the time to walk away from some of these policies that have been most successful. Considering the substantial impact that policies from the *Growth Plan* and the *Provincial Policy Statement* have on crucial issues like compact development, housing mix, intensification, climate change, equity, heritage conservation, Indigenous rights and reconciliation, housing affordability, and sustainability, the decision to remove several key policies on these issues is concerning.

Detailed policies like these are frequently used by staff to inform Councils and the public about sound planning decisions that promote community development and a diverse range of housing options. Without this content and guidance, we are missing out on significant opportunities to achieve the necessary shifts in public and political support that enable the planning of strong communities and facilitate the construction of additional housing.

The new *Provincial Planning Statement* will be the key guiding document for Ontario's planners for the foreseeable future. As such, OPPI's submission is comprehensive in nature to help ensure the best outcomes for the Province, our members, and the communities we serve. Our submission on the proposed contents of the *Provincial Planning Statement* is comprised of two sections.

- **Section 1** includes commentary on each chapter of the proposed document. OPPI convened working groups of planners to review the document and provide their analysis of the proposed policies. This feedback is provided on a chapter-by-chapter basis and represents OPPI's formal submission for the Ministry's consideration.



- **Section 2** includes a commentary on the proposed document from an Indigenous and equity seeking perspective. This section was prepared with input from OPPI's Indigenous Perspectives on Planning Committee (IPPC) and represents an equity lens for the Ministry's consideration. Key aspects of this response are imbedded in Section 1, while the fulsome response is included in Section 2 as a standalone section to ensure that the unique perspective and voice of the IPPC is clearly communicated.

As a summary, OPPI is proposing enhancements to the current draft of the *Provincial Planning Statement* around eight areas as follows.

1. Differentiation of Planning Across all of Ontario

Under the current policy regime, the *Growth Plan* contains policies which apply across the Greater Golden Horseshoe, one of the fastest growing regions in North America. As the *Provincial Planning Statement* applies provincially, there should be a clear delineation between urban, rural, and northern communities and the differences in planning for them respectively. Stronger policies from the *Growth Plan* relating to intensification, greenfield development, infrastructure planning, land use compatibility and transit should be retained and applied to these identified large and fast-growing municipalities, to ensure the development of healthy and complete communities while delivering a broad range of housing.

2. A Strong Provincial Planning Statement Needed for Planners to Support Growth and Housing

It is essential for the Province to provide strong and clear guidance in the *Provincial Planning Statement* which must be adhered to by municipalities and development interests, specifically relating to intensification and other policies which support healthy and complete communities. For planners, the *Provincial Planning Statement* will act as a foundational document for supporting provincial objectives such as delivering a broad mix of housing typologies through different housing market affordability segments. Ensuring that these objectives can be delivered upon by planners requires the support of a strong and clear *Provincial Planning Statement* through the hardening of language (such as "should" to "shall") where appropriate to provide a more directive, rather than advisory document. To do otherwise risks lengthy hearings arguing how vague policies are interpreted, further delaying the construction of necessary housing. Additionally, the *Provincial Planning Statement* lacks policies and definitions for key priorities such as affordable housing. Including strong references to affordability and attainability in the *Provincial Planning Statement* is an essential tool for planners for ensuring inclusive communities for all.





3. Strengthening Support for Intensification in Designated Growth and Transit Areas

The new *Provincial Planning Statement* has maintained density targets in greenfield areas and strategic growth areas which is appropriate but the requirement for intensification targets is also critically important. Increased guidance, including clearly defined intensification targets particularly for the large and fast-growing municipalities would ensure that areas which will experience growth in the coming years are developed as inclusive and complete communities which are great places to live. Municipalities also must retain the ability to develop and tailor intensification strategies that work for them to address the unique conditions of each municipality. Requiring municipalities to prepare intensification strategies and identified intensification targets also forces those municipalities less willing to accommodate intensification to contemplate and implement policies to achieve this needed housing form.

4. Planning For Growth

Policies which require municipalities to provide land for a 25-year minimum, rather than maximum timeline horizon, would have far reaching impacts for orderly phasing of growth and the ability to deliver more housing in a fiscally responsible manner. Additionally, policy 2.3.4 in the *Provincial Planning Statement* would allow for the sporadic establishment of new settlement areas, causing a patchwork pattern of growth. These policies may cause growth to occur haphazardly, creating undue municipal budget burdens to deliver the required growth infrastructure, limiting the ability to provide reliable transit service, and reduce farming opportunities on agricultural land. The efficient and orderly growth of municipalities is essential for delivering positive planning outcomes and enabling more housing production and should not encourage new settlement areas.

5. Recognizing the Threat of Climate Change

The threat of climate change is a pressing concern for the liveability of our communities and the resiliency of our infrastructure. Many policy directions on climate change, besides greenhouse gas emissions, that were present in the *Growth Plan* and *Provincial Policy Statement* have been omitted in the *Provincial Planning Statement*. It is essential to re-incorporate and strengthen this language throughout the draft document to ensure that planners can continue to plan for the inevitable impacts of climate change, to ensure a safe, liveable, and prosperous Ontario. Climate change is interwoven with housing supply, transit accessibility, environmental sustainability, heritage conservation, and matters of equity and justice across all these topics. The *Provincial Planning Statement* could provide examples of how to tackle climate change in land use planning by applying evidence-based approaches to the specific climate risks that Ontario faces, ensuring compact development, mix of land uses, intensification of built-up areas, higher density near higher order transit, climate sensitive design, planning for green infrastructure and ensuring commercial and institutional uses within walking distance of our new communities.





6. Far-Reaching Impacts to Agriculture

The *Provincial Planning Statement* proposes large-scale changes to prime agricultural and rural areas by allowing additional severances and rural residential development. These changes risk adversely impacting the long-term viability of farms due to the sometimes-disruptive nature of farming operations, including raising livestock. Additionally, rural municipalities which have limited fiscal resources, will be shouldered with additional infrastructure burdens to support this low-density growth in agricultural areas.

Another threat to Ontario's agriculture is the loosening of rules relating to settlement area boundary expansions (SABEs). The *Provincial Planning Statement* sets out criteria which must be considered by a planning authority for a SABE but does not include considering the loss of prime agricultural land. The protection of this valuable resource must be a central consideration during the SABE process, to protect both Ontario's agricultural industry and local food supplies.

7. Impacts to Effective Management of Cultural Heritage

Some of the changes proposed within the new PPS, such as the inclusion of National Historic Sites and World Heritage Sites as types of *Protected Heritage Properties*, address a significant gap in the 2020 PPS and this is a beneficial and welcomed change. Cultural heritage management is not contrary to development and intensification, and in some cases, projects such as adaptive reuse and sensitive infill can increase housing capacity. However, some of the definition changes relating to cultural heritage within the proposed PPS will likely increase confusion and may both increase appeals and place cultural heritage resources at greater risk.

8. Working Towards Reconciliation

It is critical to incorporate Indigenous perspectives and acknowledge and the rights and roles of Indigenous Nations into the *Provincial Planning Statement*. The document should recognize the Duty to Consult and Accommodate, the principles of free, prior, informed consent, and the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). These important elements should be integrated into the document, along with additional consultations with Indigenous Nations before the *Provincial Planning Statement* is finalized. In addition, some proposed policies, such as 4.6.5, while well intentioned, require clear guidance from the Province on how municipalities shall engage with Indigenous Nations on planning matters and will require conversations with Indigenous Nations concerning their capacity to respond to increased requests from planners.



9. Unintended Consequences of the *Provincial Planning Statement*

Though the *Provincial Planning Statement* strives to streamline the planning process in Ontario to speed up the delivery of new housing, the simplification of numerous policies and removal of core policies compared to the *Growth Plan* and *Provincial Policy Statement* may have the opposite effect. By providing less clarity and direction across numerous policies and chapters, the document may create unintended ambiguity which can delay the planning process and subject planning applications to political, rather than policy-based approval processes and decisions. This ambiguity may also lead to more appeals and hearings to argue the intent of the *Provincial Planning Statement*, which represents the opposite of streamlining the planning process.

To ensure effective communication of these foundational changes, the Province should develop a robust communications and education plan that reaches a wide audience, including the public, development community, and elected officials. The responsibility for introducing and defending the new provincial planning policies should not solely rest on local municipalities. Additionally, Municipal Services Offices within the Ministry of Municipal Affairs and Housing should be adequately staffed to provide support to municipal planners with navigating new policies and legislation. These offices should also be authorized to offer interpretations, provide “one window” comments, make Minister’s modifications and, where necessary, make appeals in order to respond to the Auditor General’s December 2021 recommendations regarding monitoring and implementation.

Since there is no appeal mechanism for the provincial policy changes, the Province should prioritize transparency and accountability to the public. Providing a detailed response with the notice of decision, outlining how all feedback was considered and addressed (or reasons for non-addressal), would foster this transparency.

OPPI is committed to being a partner and advisor to government on planning issues. We have appreciated our constructive relationship over the years as we have collaborated to achieve mutual goals and solve pressing issues. We hope that this history of working together can continue throughout your government’s development of the *Provincial Planning Statement*.

OPPI has put careful thought into providing feedback in response to your draft *Provincial Planning Statement*. We respectfully request that you consider the changes outlined in this submission, as we believe that they will help to enhance the *Provincial Planning Statement* to deliver better outcomes for the Province and all Ontarians.



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We would be happy to discuss our feedback further with you and provide any additional input which may be required. If you have any questions or would like to setup a meeting to further discussion our submission, please contact OPPI's Executive Director Susan Wiggins at (647) 326-2328 or by email at s.wiggins@ontarioplanners.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Lowes".

Paul Lowes, M.E.S., MCIP, RPP
President
Ontario Professional Planners Institute

A handwritten signature in black ink, appearing to read "Susan Wiggins".

Susan Wiggins, CAE, Hon IDC
Executive Director
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Appendix 'A': Section 1

OPPI Review of Chapters 1 to 7



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Chapter 1: Introduction

Overarching Comments

The most significant changes outlined in *Chapter 1* are related to the *Vision*. The *Vision* in the new *Provincial Planning Statement* document should stress the need to address the housing affordability crisis in Ontario. Not only the supply-side element of the housing crisis should be mentioned, but also the need for housing typologies that the residents of Ontario can afford to live in.

Additionally, the *Vision* in the new *Provincial Planning Statement* should also focus on intensifying Ontario's existing built-up areas while ensuring compact, climate change resilient, transit supportive new communities in greenfield development areas.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

Overarching Comments

OPPI supports the concept of having a single set of provincial planning policies specifically tailored to the province's fast-growing municipalities. This framework can reduce confusion that may arise among numerous documents and enhances accessibility for the public. The *Provincial Planning Statement* also clearly acknowledges the significance of planning in guiding growth and development, and the policies which are intended to support long-term planning decisions.

The removal of phasing policies is concerning as it is crucial for ensuring orderly and fiscally responsible development, benefiting citizens. It is critically important that new development is phased in tandem with infrastructure, transit, and public service facilities to ensure those critical elements are in place to support new residents.

Addressing the housing crisis in Ontario requires a nuanced approach, recognizing the specific challenges faced by various segments of the housing market in different municipalities. The completion of a housing needs assessment that addresses the shortfalls in various segments of the housing market unique to each individual municipality is a critical tool to properly identifying the nature of the interventions required and should be a requirement established within *Policy 2.1.1*.

Additionally, this tool should be used to focus the determination of land needs. This assessment would help to provide tailored solutions that meet the diverse housing needs across the province, including highlighting the need for affordable housing and the potential tools needed to address the ongoing problem.

Increasing the spread of settlement areas is also contrary to the best practices around climate change adaptation and has been found to exacerbate climate change-related impacts, including the number of annual extreme heat events - a core risk that endangers the lives of Ontarians. The *Provincial Policy Statement* section 1.1.3.8 outlined that settlement area boundary expansions (SABEs) could only occur if a need was demonstrated. This requirement to demonstrate the need for SABEs was removed in the *Provincial Planning Statement*, which may result in haphazard, expensive, and climate change accelerating growth across Ontario.

Thousands of hectares of land have recently been added to the urban areas in Southern Ontario, largely in the Greater Golden Horseshoe, to accommodate growth to 2051, that has yet to be planned from a land use and infrastructure perspective. The cumulative impacts of the proposed *Provincial Planning Statement*, if the below changes are not made, is expected to result in additional significant swaths of land being brought in for suburban development without

consideration for need or regional scale coordination of growth priorities, infrastructure investments and community facilities needed. This would significantly impact the Province's ability to achieve complete communities and support broad housing options that meet the needs of existing and future generations.

Recommended Changes

2.1 Planning for People and Homes

Policy 2.1.1

- **Proposed Change:** *“At the time of each official plan update, sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 30 at least 25 years, informed by provincial guidance. Planning for infrastructure, public service facilities, strategic growth areas and employment areas may extend beyond this time horizon.”*
- **Rationale:** By changing the planning horizon from a maximum to a minimum, the proposed policy 2.1.1 does not support the logical phasing of growth, infrastructure capital commitments for municipalities with finite resources, and threatens the Province's important agricultural industry. Due to these factors, a minimum planning horizon would have the unintended consequence of creating much uncertainty for both municipalities and the private sector for delivering growth in a timely, orderly, and sustainable manner.

Policy 2.1.4

- **Proposed Change:** This policy should retain the wording outlined in the *Provincial Policy Statement, 2020 S.1.1.1 a) and c)* to reflect:
 - *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.*
 - *b) improving accessibility for persons with disabilities by addressing housing land use barriers which restrict their full participation in society.*
 - *e) promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs”.*
- **Rationale:** The Province should guide municipalities to utilize and optimize existing hard and soft infrastructure investments to promote complete communities, as compact built form is more financially responsible to the taxpayer from a servicing perspective and

supports climate change mitigation efforts. Later in the document, *Provincial Planning Statement Policy 2.2.1 c)* addresses the efficiency of compact infrastructure to some degree, but only relating to “new housing”. Complete communities reflect a broader range of uses than just housing, and these policies help support municipalities in their development of policies and prioritization of infrastructure investment to support growth. Having commercial use in a community is key to increase walkability to serve day-to-day needs and reduce commuting. In addition, the language used relating to persons with disabilities is crucial, as per Accessibility for Ontarians with Disabilities Act annual report 2019, one in four Ontarians has a disability, and this has significant implications for housing design and community accessibility.

2.2 Housing

- **General Comments on Section:** OPPI recognizes the importance of provincial planning policy in tackling the ongoing housing crisis in Ontario. In particular, this crisis affects various segments of the housing spectrum more than others and varies in severity between different municipalities. Available resources to address these challenges are finite, and identifying the specific housing market segments in need in a given municipality is essential.

To address this, OPPI recommends completing a housing needs assessment to identify which market segments are experiencing shortfalls in each municipality. This municipality-focused assessment is essential for properly identifying the nature of the interventions required and should be a requirement established within *Policy 2.1.1* and could help with the determination of future land needs.

Additionally, this policy should recognize that not all segments of the housing market can be delivered by the private sector alone due to market conditions, and it should require up-front coordination between various levels of government and community groups. Referencing this reality in the policy would help to encourage the partnerships which would help to deliver a broad range of housing for all.

Policy 2.2.1 a)

- **General Comments on Subsection:** The term “Service Managers” is undefined in the current policy, and further clarity is needed to understand the intent as written.

Policy 2.2.1 c)

- **General Comments on Subsection:** This policy promotes density and the efficient use of land and other resources, which is supported by OPPI. However, also important is policy

direction for the appropriate location of affordable housing options which can best meet the needs of those residents. An additional policy should require that affordable housing be located in proximity to existing and planned community facilities, transit infrastructure, and active transportation connections. Further direction on this matter would help to both strengthen the policy and help to create stronger communities.

2.3 Settlement Areas and Settlement Area Boundary Expansions

- **General Comments on this Section:** This section of the *Provincial Planning Statement* removes many key policies to promoting density and intensification. These policies are paramount for planning complete communities. They are essential for fighting climate change through the optimization of land development and maximizing existing supporting infrastructure. Stronger intensification policies should be re-introduced into *section 2.3* to support the overall intent of the *Provincial Planning Statement* and ensure that all municipalities contribute to the housing supply.

Policy 2.3.1

- **Proposed Change:** “Municipalities that contain urban settlement areas that are currently serviced and/or are planned to be serviced with municipal water and sewage services shall be the focus of growth and development. Within settlement areas, growth should be focused in, ~~where applicable,~~ strategic growth areas, including major transit station areas where applicable.”
- **Rationale:** Growth needs to and should be focused where infrastructure investment exists or is planned to support the *Provincial Planning Statement* and *Vision* section. The above recommended changes to this policy will ensure the provision for the cost-effective use of taxpayer dollars and support the goal of long-term sustainable development.

Policy 2.3.2 b)

- **General Comments on this Section:** A definition should be provided for “planned infrastructure and public service facilities” to provide clarity. Previous OLT and OMB hearings have focused on what constitutes “planned”. The definition could incorporate criteria such as: inclusion in the municipal official plan, inclusion in the municipal 10-year capital works plan, as identified by the infrastructure provider, or has an approved environmental assessment.

Policy 2.3.3

- **Proposed Change:** “Planning authorities shall ~~should~~ support general intensification and redevelopment within the existing built-up areas to support the achievement of complete

communities, including by planning for a range and mix of housing options, establishing intensification strategies including targets for intensification and ...”

- **Rationale:** Ontario cannot achieve the complete communities policies within an existing urban settlement area without the intensification of vacant and underutilized sites. If the Province no longer wishes to set minimum intensification targets or delineate the built boundary, it should at a minimum require municipalities to establish an intensification strategy and commit to intensification in priority areas. While minimum targets have been helpful to support municipalities planning for long-term growth, it is important that the policies require municipalities plan for it and determine intensification targets based on local conditions.

The *Growth Plan* requirement for municipalities to prepare an intensification strategy was a positive planning policy and should be incorporated into the *Provincial Planning Statement*. This policy helped to counter the political rejection of applications for intensification, and it recognized the diversity of the various municipalities across Ontario and in the context of intensification areas. By having each municipality prepare an intensification strategy, it ensures that constraints and opportunities unique to every municipality can be appropriately addressed.

Policy 2.3.4

- **Proposed Change:** “~~In identifying a new settlement area or~~ allowing a settlement area boundary expansion, planning authorities ~~shall should~~ consider the following to support growth within the planning horizon of an official plan:”
- **Rationale:** Settlement area expansions must have the ability to be serviced with the appropriate hard and soft infrastructure, meet the *Minimum Distance Separation (MDS) formulae* and provide a logical sequencing of growth. They also must be tied into the broader growth management process as part of a municipality’s official plan update. The elimination of the need to include settlement area expansions in a larger comprehensive process will put significant pressure on municipalities to conduct haphazard, one-off boundary adjustments outside of their comprehensive growth analysis as part of their official plan and infrastructure master planning process.
- **Proposed Change:** Adjust wording of d) to “alternatives should be considered which avoid, or where avoidance is not possible, mitigate impacts on prime agricultural lands and agricultural operations to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance”.



- **Proposed Change:** Add new requirement: f) “that the land is needed to support growth identified in Policy 2.1.1”
- **Rationale:** As outlined above in this submission, designating land beyond a 30-year horizon causes a variety of issues in supporting the objectives of the *Provincial Planning Statement* and the document’s *Vision*. Ensuring that additional land which is added via a new settlement area or settlement area expansion is actually needed is critical.

Policy 2.3.5

- **Proposed Change:** “Planning authorities ~~should be encouraged to~~ establish density targets for new community areas in ~~new settlement areas or~~ settlement area expansion lands, as appropriate, based on local conditions. Large and fast-growing municipalities shall be encouraged to plan for a minimum density target of 50 residents and jobs per gross hectare” in new community areas. Large and fast-growing municipalities should also develop densities for new employment areas based on the anticipated market characteristics of these areas.
- **Proposed Change Rationale:** Some wording in this section has been modified to provide consistency and to encourage the efficient use of land. Across Ontario, planning authorities require density targets to ensure that new settlement areas or the expansion of settlement areas provide a range of housing types and tenure, while supporting hard and soft infrastructure, and public services and facilities. This policy would be further enhanced by tying it to the specific core housing needs of a community.
- **Additional Considerations:**
Setting out a density target of 50 residents and jobs per gross hectare for settlement expansion areas is appropriate however direction needs to be provided on how that density is to be measured similar to Growth Plan Policy 2.2.7.3.

*Growth Plan Policy 2.1.1. f) “the establishment of new settlement areas is prohibited” should be added to the *Provincial Planning Statement*. This policy would help to preserve Ontario’s vibrant agricultural sector and would eliminate land speculation and associated conflicts that would arise from new settlement areas being established across Ontario’s essential agricultural lands.*



2.4 Strategic Growth Areas

Policy 2.4.1 General Policies for Strategic Growth Area

- **General Comments on Section:** Overall, the changes which further allow municipalities to direct growth to strategic growth areas are positive and support the planning of strong and sustainable communities. However, an unintended consequence of giving more municipal control and less provincial guidance on factors such as minimum density targets, compatible land uses, and identifying the appropriate scale of development in these *Strategic Growth Areas* may result in Councils not approving an appropriate level of density. Strong provincial policies directing municipalities to appropriately intensify in strategic growth areas are essential for creating vibrant and complete communities, and avoiding local decisions based on external “not in my backyard” pressures.

Policy 2.4.2 Major Transit Station Areas

- **General Comments on Section:** Major Transit Station Areas (MTSAs) are an important part of building complete communities as they represent a chance to locate people and jobs adjacent to transit infrastructure. *Growth Plan Policy 2.2.4.9 a)* identified that MTSAs should include a mix of uses, including the provision for affordable housing. This policy from the *Growth Plan* should be carried over to the *Provincial Planning Statement* to ensure that growth around transit includes housing for all market segments.

Additionally, integrating references to affordable housing in relation to MTSA growth is also important to recognize and seek to balance the displacing impacts that transit-oriented growth has on Indigenous, Black, and equity-deserving groups, as well as lower-income households, and renters. These groups are particularly vulnerable to land value speculation and physical development.

2.5 Rural Areas in Municipalities

Policy 2.5.2

- **General comments on Subsection:** *Section 1.1.4.2* of the *Provincial Policy Statement* states that rural settlement areas will be the focus of growth in rural areas. Re-including this policy in the *Provincial Planning Statement* will ensure sustainable and orderly growth in rural areas.

2.6 Rural Lands in Municipalities

Policy 2.6.1

- **General comments on Subsection:** The *Provincial Planning Statement* states “On rural lands located in municipalities, permitted uses are:...c) residential development, including lot creation and multi-lot residential development, where site conditions are suitable for the provision of appropriate sewage and water services”. The inclusion of “multi-lot residential developments” enables the establishment of estate lots in rural areas, which threaten the viability of agricultural operations and enables rural sprawl. This reference should be removed.

Policy 2.6.2

- **General comments on Subsection:** Wording from the *Provincial Policy Statement section 1.1.5.4* which references “development that is compatible with the rural landscape” has been removed and should be retained to ensure growth is compatible with its unique and sensitive rural context.

2.8 Employment

Policy 2.8.1 Supporting a Modern Economy

Policy 2.8.1.3

- **Proposed Policy Change:** “On lands for employment outside of employment areas, and taking into account the transition of uses to prevent adverse effects, a diverse mix of land uses, including residential, employment, public service facilities and other institutional uses should ~~shall~~ be permitted to support the achievement of complete communities.”
- **Rationale:** There is a benefit to providing a range of permitted uses to support complete communities, however given market conditions, OPPI would significantly caution requiring municipalities to permit residential uses on all land outside of employment areas. Complete communities require a full range of uses, and this policy may inadvertently reduce the amount of land available for any other use than residential, potentially causing a significant negative impact on the objectives of complete communities. This includes reducing equitable access for the necessities of daily living including an appropriate range of jobs, a range of housing types, transportation options, public service facilities, and local stores and services. Policy 2.8.1.4 should also be deleted to provide the municipality the opportunity to determine where residential use is appropriate on lands for employment.



- In addition, non-sensitive land uses can function as an appropriate buffer to employment uses to protect the long-term functioning of the employment area and the protection of the public health of sensitive uses in proximity to the employment area.

Policy 2.8.2 Employment Areas

- **General Comments on Section:** As outlined in the *Definitions* section of the *Provincial Planning Statement*, the revised definition of Employment Areas removed “institutional and commercial, including retail and office not associated with the primary employment use listed above”. These permitted land uses should be retained in employment areas. If removed, it has long-term implications for how municipalities plan for and protect these essential areas over time. Municipalities should retain the ability to protect these areas over the long term.

2.9 Energy Conservation, Air Quality and Climate Change

- **General Comments on this Section:** As the Province is aware of the human, financial impacts, and implications of a climate change, the proposed provincial policy changes have not addressed the expectation and opportunity to ensure planning for communities and growth supports not only the protection of important resources residents rely on. This includes access to drinking water, local food, and natural assets, but also the design of accessible and sustainable spaces maximizing infrastructure investment and providing important activity and refuge, such as parks and open space. The *Provincial Planning Statement* should be enhanced to ensure resiliency is considered by more than mainly greenhouse gas reduction, but also through actions such as community energy planning, climate change resilience for infrastructure, and long-term climate planning.

Policy 2.9.1

- **Proposed Policy Change:**
 - b) incorporate climate risk considerations particularly relating to extreme heat and increasing storm occurrences into planning for and the development of housing, public spaces, and *infrastructure*, including stormwater management systems, transportation and transit systems, and *public service facilities*;
 - c) support energy conservation and efficiency and encourage opportunities to incorporate renewable community energy into *public service facilities*, parking facilities, and all new development or re-development;
 - d) Incorporate equity considerations into climate change planning, addressing the disproportionate vulnerabilities for Indigenous Nations, persons with disabilities, and other equity-deserving groups;



- f) Connect climate change adaptation planning to broader public health and safety considerations, including food access and supply, air and water quality, and delivery of emergency management services.
- **Rationale:** Further guidance should be given to planning authorities to focus on the risks of climate change and climate-related weather events on housing and infrastructure to ensure the safety of Ontario's communities. Additionally, considerations should be given to which people may disproportionately feel the impacts of climate-related events. This will help to ensure safe, future-oriented communities for residents.

Chapter 3: Infrastructure and Facilities

Overarching Comments:

We acknowledge that changes in other sections of the *Provincial Planning Statement* will likely have substantial impacts on *Chapter 3*. Although we have attempted to anticipate these impacts, the comments and suggestions provided below may need to be updated to reflect other policy considerations.

While the General Policies for *Infrastructure and Public Service Facilities* may offer some overarching guidance that aligns planning objectives, the subsequent policies lack the necessary details. The policies found within this document seem disconnected from the broader implications associated with the delivery of services such as schools, healthcare facilities, and support for seniors.

Several policies and references in this document will have considerable impacts on or implications for partner ministries and other public entities, including school boards and public health agencies.

The proposed changes to settlement areas and opportunities for expansion do not seem to align with the infrastructure planning and policies necessary for proper and orderly long-term infrastructure planning and the development of healthy and complete communities. Additional language from the current *Growth Plan* relating to these policies should be incorporated into this document. Overall, there is a weakening of the integration framework between infrastructure, infrastructure investment, and land use planning.

In the past decade sustainable transportation has emerged as one of the key areas of focus related to overarching planning priorities and practice. The lack of reference to these infrastructure needs may create unintended challenges related to municipal decision making and support.

We have concerns that key infrastructure policies in the *Growth Plan* have not been carried over into the *Provincial Planning Statement*. This omission may result in planning and growth decisions that are disconnected from infrastructure and servicing considerations. Planning complete communities requires substantial integration between land use and both hard and soft infrastructure. Specifically:

- **Section 3.1** of the *Provincial Planning Statement* addresses coordinating infrastructure and public service facilities with land use planning, but the framework is significantly weaker than the detailed policies in section 3.2.1 of the *Growth Plan*. Section 3.1.1 of the



Provincial Planning Statement should be expanded to include *Growth Plan* policies 3.2.1.1-4 related to facilitating intensification through infrastructure investment and assessing infrastructure risks and vulnerabilities, including climate change impacts. These policies are critical for promoting efficiency, cost-effectiveness, and resiliency.

- **Section 3.2** of the *Provincial Planning Statement* lacks the robust policies from sections 3.2.2 and 3.2.3 of the *Growth Plan*, which requires the integration of transportation and land use planning, prioritizes active transportation and public transit over vehicular use, prioritizes a complete streets approach, and mandates transportation demand management strategies. These *Growth Plan* policies, specifically policies 3.2.2.1-4 and 3.2.3.1-4 are critical for fostering complete communities, ensuring equity and safety in mobility, and mitigating climate change impacts. They should be reintegrated into the *Provincial Planning Statement*.
- **Section 3.2.8** of the *Growth Plan* relating to public service facilities is notably absent in the *Provincial Planning Statement*. The policies from the entirety of this subsection are critical for supporting the integration of public service facilities in complete communities, integrated with infrastructure investments and decisions, and supporting intensification.

Where these *Growth Plan* policies above are not appropriate for all of Ontario, these policies could be specific to large and fast-growing municipalities.

3.1 General Policies for Infrastructure and Public Service Facilities

Policy 3.1.1

- **General Comments on Subsection:** References to climate change when planning for infrastructure and public service facilities should be included in this section, to encourage sustainable and climate-friendly growth.
- **General Comments on Subsection:** Further clarity on the intent of b) “leverage the capacity of development proponents...” should be provided.

Policy 3.1.2

- **General Comments on Subsection:** This policy should be modified to re-include references to green infrastructure, to support sustainable and climate-friendly growth.

Policy 3.1.6

- **General Comments on Subsection:** This policy should be broadened beyond school boards and daycare facilities to be more inclusive of all public service facilities. Additionally, the



role of other levels of government and government bodies, such as the Ministry of Education, should be recognized for the role they play in delivering these facilities such as through funding. To achieve this, the policy should be expanded to better align with the *Growth Plan section 3.2.8.5*.

- Additionally, to better achieve goals relating to compact growth and the efficient use of land, school boards should be required to consider how to develop school sites in a more compact manner.

3.2 Transportation Systems

Policy 3.2.1

- **Proposed Change:** Policies from the *Growth Plan section 3.2.2.2* should be reintegrated into the *Provincial Planning Statement*.
- **Rationale:** *Growth Plan section 3.2.2.2* ensures that a comprehensive transportation system can be planned in an orderly manner and addresses key considerations such as reducing our reliance on personal automobiles, access to jobs, climate change, and the movement of goods.

Policy 3.2.4 (Addition to Draft PPS)

- **Proposed Change:** Maintain *section 3.2.2.4* from the *Growth Plan*.
- **Rationale:** *Growth Plan* policy 3.2.2.4 prioritizes active transportation and public transit while discouraging automobile use and is important for developing complete and sustainable communities.

3.3 Transportation and Infrastructure Corridors

Policy 3.3.6 (Addition to Draft PPS)

- **Proposed Change:** This section should be strengthened using the wording and policies from *section 3.2.5* of the *Growth Plan*.



3.5 Land Use Compatibility

Policy 3.5.1

- **General Comments on Subsection:** In its current form, it is unclear if land use compatibility policies apply where sensitive uses are permitted in lands for employment outside of employment areas. It should be clarified policies 3.5 apply whether in an employment or outside of an employment area.

Policy 3.5.2

- **General Comments on Subsection:** In its current form, the policy focuses solely on impacts on the major facility from the sensitive land use. The policy does not address impacts on the sensitive land uses from the major facility. This is an important component with respect to land use compatibility, particularly as we continue to intensify residential land uses it must be done in a manner that mitigates and minimizes adverse effects on sensitive land uses.

3.6 Sewage, Water and Stormwater

Policy 3.6.1 b)

- **Proposed Change:** References to climate change should be added to this section to ensure resilient and sustainable infrastructure.

Policy 3.6.4

- **General Comments on Subsection:** Despite planning no longer being conducted up upper-tier levels of government, this policy should still require coordination with upper-tier governments who retain control of servicing. The removal of this direction is not recommended.

Policy 3.6.8

- **Proposed Change:** References to climate change should be reintroduced to this section to ensure that stormwater management planning considers this critical aspect of forward-looking planning.



3.7 Waste Management

- **Proposed Change:** The portion of the policy on encouraging and promoting waste reduction, reuse and recycling in the *Provincial Policy Statement* section 1.6.10.1 was removed but should be re-integrated into the *Provincial Planning Statement*.

Long-Term Economic Prosperity (Addition to Draft Provincial Planning Statement)

- **Proposed Change:** Section 1.7.1 a)-i) of the *Provincial Policy Statement* should be re-introduced to the *Provincial Planning Statement*. This section provides strong statements relating to growth and the role that orderly planning has in promoting it. This section could be integrated into a more applicable *Chapter 2: Building Homes, Sustaining Strong and Competitive Communities*.

3.9 Public Spaces, Recreation, Parks, Trails and Open Space

Policy 3.9.1 a)

- **General Comments on Subsection:** This section could be enhanced by referencing “vulnerable users and people of all ages and abilities” for a greater degree of inclusivity. Additionally, including references to active transportation and recreation is important as these public spaces are intended to be used for day-to-day trips as well as for recreational activities.

Policy 3.9.1 b)

- **Proposed Change:** “planning and providing a full range of publicly accessible built and natural settings for recreation including public facilities, parklands, public spaces, open space areas, trails and where practical water-based resources with consideration for the needs of persons of all ages and abilities where appropriate and feasible”
- **General Comments on Subsection:** References to the “...equitable distribution of publicly-accessible built and natural settings for recreation...” were not carried over from the *Provincial Policy Statement* section 1.5.1 b). The inclusion of the “equitable distribution” language is necessary to ensure these are distributed throughout communities for access by varying groups and individuals. Residents and communities can experience barriers to “publicly accessible” facilities because they were not planned or distributed equitably to ensure access for all equity-deserving groups. The reference to equitable distribution in the draft *Provincial Planning Statement* should be re-integrated in alignment with the policy for equitable complete communities.

Policy 3.9.1 c)

- **General Comments on Subsection:** This policy should be enhanced to reference not only shorelines, but also include reference to natural areas or destinations where there are opportunities for public use and recreation.

Policy 3.9.1 d)

- **Proposed Change:** “recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas in tandem with safe, comfortable and respectful recreational use”



Chapter 4: Wise Use and Management of Resources

4.1 Natural Heritage

- **General Comments on Subsection:** OPPI has concerns that the natural heritage policies in the *Growth Plan* have not been carried over into the proposed *Provincial Planning Statement*. While the natural heritage policies and definitions appear to be consistent with the *Provincial Policy Statement, 2020*, this has the effect of lowering the standards of protection for natural heritage features and systems in the Greater Golden Horseshoe which currently reside within the *Growth Plan*.

While municipalities in central and southern Ontario continue to be required to identify natural heritage systems, the Natural Heritage System framework from the *Growth Plan* has not been carried over to the new *Provincial Planning Statement*. Without these additional policies, key linkages between natural heritage features are unlikely to be protected for the long term.

It is recommended that, at a minimum, provincial policy and guidance be provided to ensure consistent approaches across municipal boundaries for protection of robust natural heritage systems particularly in areas of high growth pressure.

4.2 Water

- **General Comments on Section:** Though policies for stormwater management are contained in *Chapter 3* of the *Provincial Planning Statement*, the important link between water quality and quantity and stormwater management must be understood. Stormwater, especially considering the effects of climate change, can have large impacts on streams, lakes, rivers, and wetlands, and cannot be considered in isolation. Proper controls for stormwater are essential for preventing the degradation of natural heritage features, such as water, which could severely impact the benefits of Ontario's water cycle/regime.
- **Section 4.2.3** encourages municipalities to undertake watershed planning to inform planning for swage and water services and stormwater management. We understand the importance of watershed planning for stormwater management but do not understand the linkage between watershed planning and sewage and water services. This needs to be clarified or refence to swage and water services removed.



4.3 Agriculture

- **General Comments on Section:** For nearly 50 years, Ontario has been guided by a policy framework that recognized and planned for the future of agriculture. This approach aimed to protect agricultural land for food production, limit non-farm related residential development on prime farmland and established a framework for agricultural planning. It acknowledged the complexity and diversity of agriculture and recognized that a successful agricultural sector was linked to supportive planning policy. This policy framework made significant contributions to what is arguably the most vibrant agricultural sector in the country.

The changes outlined in the *Provincial Planning Statement*, specifically relating to severances and lot adjustments threaten to impact agriculture and rural communities in numerous ways. There are approximately 170,000 to 200,000 farm parcels in Ontario, with the vast majority of these located on prime agricultural land. The result of these policies is the potential for approximately 500,000 severed residential lots scattered throughout agricultural areas.

These residential lots would potentially be interspersed with agriculture and all of the practices that can sometimes cause concern to neighbours. Ontario's *Farming and Food Production Protection Act* identifies the following "normal farm practices" as potential nuisances associated with agriculture:

- odour (e.g., manure handling and storage, cannabis operations)
- light (e.g., greenhouses, farm equipment used at night)
- vibration (e.g., trucks, fans, boilers)
- smoke (e.g., burning tree prunings)
- flies (e.g., manure or spilled feed)
- noise (e.g., crop-drying fans, bird-scaring equipment, irrigation pumps)
- dust (e.g., field tillage equipment, agricultural truck traffic)

Agriculture is unlike any other land use and has far reaching impacts. Modern agriculture utilizes sophisticated technology to produce food. Quite simply residential development (of this scale) is not compatible with agriculture. The draft PPS should protect Ontario agriculture.

The impact of 500,000 severed residential lots on agriculture is immense:

- *Loss of Farmland:* The absolute loss of farmland assuming 1.5 acres per lot is equivalent to 750,000 acres.
- *Sterilization of Farmland:* More insidious than the loss of farmland is the impact on existing and new farm operations. Minimum Distance Separation formula are a useful tool to keep houses and livestock operations separated. Every residence built on a severed lot receives a buffer limiting the future growth and expansion of the livestock sector. Over time there will be fewer and fewer spaces for animal agriculture in Ontario.
- *Impact on Individual Farmers:* A given farmer may find themselves limited in their ability to expand their livestock operation, apply herbicides, navigate equipment on roads, they may experience issues of trespass, or they may receive complaints (legal and otherwise) about a given farming practice.
- *Economic Loss:* Ontario farms average approximately \$1810/ acre of farm cash receipts. The loss of 750,000 acres will shave nearly 1.4 billion from the provincial economy. In addition to the actual loss of farmland, the productivity of many farms will be curtailed by the substantive residential development that will create a litany of issues that farmers will need to contend with.

Minimum Distance Separation formula are a useful tool to keep houses and livestock operations separated. Every residence built on a severed lot receives a buffer limiting the future growth and expansion of the livestock sector. Over time there will be fewer and fewer spaces for animal agriculture in Ontario.

Agriculture is a unique and important land use and has far reaching impacts. Rural severances in prime agricultural areas are not compatible with agriculture operations and should not be permitted.

Policy 4.3.2.5 Permitted Uses

- **General Comments on Subsection:** Section 4.3.2.5 allows up to two additional residential units subordinate to the principal dwelling. This change can help keep multi-generational farm families on the farm, but severances of these additional residential units as contemplated in 4.3.2.5 should not be permitted for the reasons noted above.

4.3.3 Lot Creation and Lot Adjustments

- **General Comments on Subsection:** The *Provincial Planning Statement* fundamentally changes the established approach to agriculture and threatens the viability of key aspects

of the agricultural industry within the Province. These changes would allow unprecedented growth to occur in rural and agricultural areas. This not only threatens the long-term viability of farms, but it increases traffic and wear and tear on rural roads and escalates service delivery and infrastructure burdens for rural municipalities. There are two main initiatives included within the *Provincial Planning Statement* that raise concern about the ongoing viability of farming in Ontario, and which should not be included in the final document:

- **Section 4.3.3.1** would allow three residential severances per farm parcel in prime agricultural areas.
- **Section 4.3.3.2** forces municipalities to abide by section 4.3.3.1, allowing the three residential severances.

4.5 Mineral Aggregate Resources

- **General Comments on Section:** It is important for Ontario to maintain strong policies for the protection and abundant availability of mineral aggregate resources, as this supports the government's stated goal to build 1.5 million new homes by 2031 and supports the growth and renewal of required infrastructure. Additionally, residential lot creation in rural areas also could threaten the protection of mineral aggregate deposits due to incompatible development.

4.6 Cultural Heritage and Archaeology

- **General comments on Section:**
There are inconsistencies between the recent changes to the *Ontario Heritage Act* and the wording of the proposed PPS. For example, while municipalities are now obligated to evaluate Section 27 "Listed" properties against O.Reg 9/06 and demonstrate that at least one provincial criterion is met, under the PPS, these properties have no formal protection under the proposed definition of *Protected Heritage Property*. The process of completing an evaluation can be time-consuming and costly for municipalities and development applicants. If Section 27 "Listed" properties have no protections, more municipalities may proceed directly to designation to ensure the protection of cultural heritage resources as their only option.
- The current wording concerning National Historic Sites and other federal sites within the definition of *Protected Heritage Property* states that it only applies to "property

protected under federal heritage legislation.” This does not protect privately owned National Historic Sites which fall outside the protection of federal legislation. The definition of *Protected Heritage Property* should be amended to ensure the protection of all National Historic Sites of Canada.

- The changes to the definition of *adjacent* as applied to cultural heritage resources will increase direct and indirect risks. The current definition, which allows for expanded definition within an official plan, is critical to ensure that development near (but not contiguous to) cultural heritage resources adequately takes their significance and heritage attributes into account. A good example are the buffer areas surrounding World Heritage Sites. These areas are often not directly contiguous but works within these areas can have significant impacts on the Outstanding Universal Value of these sites. Similarly, construction projects near cultural heritage resources can result in impacts such as vibrations (such as from blasting) or dust that are not limited to contiguous properties.
- Regarding Policy 5
Planning authorities shall engage early with Indigenous communities and ensure their interests are considered when identifying, protecting, and managing archaeological resources, built heritage resources and cultural heritage landscapes.

While this policy is laudable, it nonetheless would necessitate clear training and direction on how municipalities and development proponents will need to engage with Indigenous Nations. Further, it raises serious questions concerning capacity and within and support for these communities to handle what will be an increased in requests from planners from all sectors.

Ontario is proposing changes to Cultural Heritage and Archaeology (Section 4.6) and Implementation and Interpretation (Section 6.1) policies to encourage “early” engagement with Indigenous Nations. We support this language change and the requirement that planning authorities “shall” undertake early engagement, which remains unchanged. The term “early” however, is not interpreted consistently.

Indigenous Nations are Rights Holders and must be engaged and consulted at the project conception/formation stage collaboratively before any decisions are made.

We wish to remind the Province that Indigenous Nations may have interests beyond just cultural heritage and archaeology. Planning authorities must engage and consult with Indigenous Nations on all interests, which may also include natural heritage, climate change, infrastructure, among others.

We also wish to highlight planning authorities often face a lot of challenges on how to implement this and more guidance and support from the province is required. There is a concern the Province continues to expect the Duty to Consult and Accommodate to be undertaken by others, who are often ill equipped to fulfill this duty and that Indigenous Nations often don't have the adequate resources to participate or respond to all the requests. This approach undermines a Nation-to-Nation relationship and the true spirit of reconciliation.



Chapter 5: Protecting Public Health and Safety

5.2 Natural Hazards

Policy 5.2.1

- **General Comments on Subsection:** Further clarity on this policy is required. If municipalities have not identified these hazards, are protections still granted? Typically, Conservation Authorities have the ability to assist with identifying hazards. However, often hazard mapping is out of date and the process of updating it is cost prohibitive.



Chapter 6: Implementation and Interpretation

Overarching Comments

There have been significant changes to provincial planning policy over the last few years. Multiple rounds of these changes have challenged municipal and development sector capacity to adapt to successfully implement these changes. This is a risk to the Province's housing targets as focus on processing applications could be diverted to a continuing process of understanding and implementing the policy changes.

For example, if you are looking to have Official Plans adopted with clear, reasonable, and attainable policies (Section 6.1.5); there must be some degree of clarity regarding the provincial policy directions and expectations and a hold on changes to higher level policy. There are significant unintended consequences to the planning process if provincial policies continue to change at a rapid rate. We are unable to see and adopt updated Officials Plan and more importantly proceed with Zoning By-law changes which are required for future development applications and approvals.

The changing framework will have considerable impacts on the implementation process as well as roles and responsibilities of the authorities tasked with implementation. Coordination policies remain however with the removal of planning authorities at upper tier, there is concern as to how regional scale growth management is to be completed by lower tier municipalities. Overall, a greater degree of consideration is needed for those agencies and entities that will be impacted by the policy changes and responsible for implementation.

By eliminating the Growth Plan, the requirement to "conform to" no longer applies and any former Growth Plan policies incorporated into the Provincial Planning System are now subject to the "consistent with" test. This change is coupled with language that is more flexible and permissive. We are concerned that these changes may provide the opening for a greater degree of interpretations and inconsistent application throughout the Province. This outcome could have adverse effects on the efficiency of the overall process.

A single planning policy statement has its benefits but can be a challenge for a province that is so different and diverse. The planning realities in the Greater Golden Horseshoe versus northern Ontario are extremely different, for example. However, we have concern that the various geographic and development differences are not reflected sufficiently in the revised document.

Overall, we appreciate and support the additional inclusion of policy directions on public and stakeholder engagement and outreach. However, its inclusion as part of the Section 6.2 – Coordination does not appreciate the unique aspects and requirements of engagement relative to

various planning processes and practices. It may be more appropriate to include considerations and directions regarding engagement practices throughout the entire policy statement.

The new or additional policies included within the draft document seem to imply that the Province is looking to the municipalities to undertake the vast majority of First Nations engagement and outreach. However, the provincial and federal government's more direct role in appropriately engaging with First Nations and Indigenous Nations should not be diminished.

6.1 General Policies for Implementation and Interpretation

New Policy

- **Proposed Addition:** Insert a new policy under 6.1 that replicates *Provincial Policy Statement section 4.6* to clarify that a municipality's official plan is the most important tool for implementing the policies outlined in the *Provincial Planning Statement*.

Policy 6.1.4

- **General Comment on Subsection:** It is unclear what this policy means with respect to other considerations. If the intent is that the Minister does not have to be consistent with the *Provincial Planning Statement*, that would be a step in the wrong direction.

Policy 6.1.10

- **General Comments on Subsection:** Further clarity is requested on additional reporting expectations. Often, municipalities lack the resources to implement comprehensive data reporting.

6.2 Coordination

Policies 6.2.2; 6.2.3; 6.2.4

- **General Comments on Subsection:** These subsections establish the early engagement policies with various key stakeholders. The direction is positive as it has been the practice of many municipalities. However, it is important to ensure the provincial requirements and Treaty obligations are maintained as they relate to Duty to Consult. It is recommended that a new Section 6.3 be created specifically for the engagement policies separate from the coordination policies in Section 6.2.

Policies 6.2.7

- **General Comments on Subsection:** The proposed policy states that upper tiers would identify where growth would be focused. However, there is a need to provide clarity to whether that includes determinations on the location of settlement boundary expansions. This lack of clarity could result in confusion and differences of interpretations.



Chapter 7: Definitions

Additional Needs Housing: Further consideration is required with regards to this definition and the implications for guiding equitable land use, development, and growth in the province.

Complete Communities: The emphasis on inclusivity and equitable access in how Complete Communities are defined is encouraging.

Employment Areas: The *Provincial Planning Statement* Employment Areas definition removed “institutional and commercial, including retail and office not associated with the primary employment use listed above”. This creates issues with how municipalities plan for these areas over time and may have unintended consequences for attracting jobs.

Equity-Deserving Groups: The draft Provincial Planning Statement uses the term “equity-deserving groups” in two policies: **Policy 2.1.4. c)** Planning authorities should support the development of complete communities by improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups; and **Policy 6.2.3** “Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement this Policy Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving group.”

While this is an improvement from the *2020 Provincial Policy Statement and Growth Plan*, which did not use this language, the *Provincial Planning Statement* does not provide a clear definition as to what constitutes equity-deserving groups.

The Government of Canada defines equity-deserving groups or equity-denied groups as: “A group of people who, because of systemic discrimination, face barriers that prevent them from having the same access to the resources and opportunities that are available to other members of society, and that are necessary for them to attain just outcomes.” The *Provincial Planning Statement* should adopt this definition to provide clarity in interpreting the intent of the policy and its impacts on equity-deserving groups and communities.

Affordable Housing: The *Provincial Planning Statement* should re-integrate references to affordable housing and the need for municipalities to establish minimum targets for the provision of affordable housing explicitly for low-income households and those experiencing homelessness.



The removal of this language is counter to policy direction of the Federal National Housing Strategy Act (2019) which recognizes that housing is an essential human right that is inherent to the dignity and wellbeing of all Ontarians, as well as Provincial direction to create socially equitable complete communities.



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Appendix 'B'

Comments by Indigenous Perspectives on Planning Committee (IPPC)



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Introduction

Members of the Indigenous Perspectives on Planning Committee (IPPC) met on Friday, May 19th to summarize feedback provided by other members of the committee and their opinions as Indigenous planners and planners who work closely with and for Indigenous Peoples.

All feedback provided below has been reviewed and summarized to ensure that as many equity lenses as possible are included in the response.

Overall Concerns

Please accept this submission in the spirit with which it is created, specifically, to help inform your efforts as you consider changes to Ontario's land use planning system.

Overall, there are concerns with the proposed changes including the lack of appropriate process for consultation and engagement with both the planners who are tasked with implementing this *Provincial Planning Statement* as well as the public who will be impacted by the decisions made under this policy document. As planners, we see this as a loosening of key policies and will lead to decisions that will not be in the public interest and have impacts for generations to come. Specifically, the removal of key planning protections to facilitate growth come at the expense of the public interest.

Specifically, there seems to be a trade-off of some of the key protections that planning can afford to make development happen more cheaply and more quickly at the expense of the public interest.

The government should seek to strengthen a few key areas including:

- Appropriate recognition of the Duty to Consult and Accommodate.
- Free, prior, informed consent and the articles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- The ability for Indigenous Nations to actively participate in the planning process and practice self-determination for their traditional territories.
- Requirements to seek input from and include the perspectives of racially marginalized and other historically excluded communities who may be directly or indirectly impacted by these planning decisions.

- Protection of natural areas and the many benefits they provide in terms of climate change mitigation, biodiversity, mental health, and more, especially as most Ontarians rightly value our natural amenities.
- Local self-determination and robust democratic process at the municipal level in shaping our communities including fulsome engagement by the Ministry prior to changes to key planning documents.
- Protecting the tools that provide and consider affordable housing, alternative housing models and housing choice, and social determinants of health, including the needs of the racially marginalized and historically excluded Ontarians.
- Protecting more of our limited supply of good agricultural Lands that support food sovereignty, provide scalable rural economic development in food service industries and agritourism, and is a great untapped source of future innovation. Once these lands are gone, they cannot be easily used again for life sustaining needs of food provision.

While IPPC is supportive of working towards continuous improvement in Ontario's land use planning system, the proposed changes suggested can be enhanced to better protect the public interest.

As noted in the Ontario Professional Planners Institute Code of Practice, Registered Professional Planners have a responsibility to the public interest. This includes:

- *“Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a Member shall:*
 - *practice in a manner that respects the diversity, needs, values, and aspirations of the public and encourages discussion on these matters;*
 - *provide full, clear and accurate information on planning matters to decision makers and members of the public, while recognizing both the client's right to confidentiality and the importance of timely recommendations;*
 - *acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and*
 - *identify and promote opportunities for meaningful participation in the planning process to all interested parties.”*

For planning professionals, the public interest means making decisions that overall consider the benefits and impacts to society that on the balance support the broader public and societal needs, over those of a specific interest group. This may mean putting forward plans and policies that do not align with the political goals of the day. The public interest means accommodating economic, environmental, social, and cultural imperatives, and having respect for the existing land agreements, including Treaties. Some of the proposed changes have the potential to impact on our ability as planners to work in the public interest.

OPPI has created several taskforces and committees and had conferences and training opportunities over the past few years which highlight key areas of concern for planning practitioners and the public, which are pertinent to the proposed changes.

Taskforces and Committees including:

- Indigenous Planning Perspectives Task Force
- Anti-Black Racism in Planning Taskforce
- Indigenous Perspectives on Planning Committee (IPPC)

Conferences, symposia, and training themes and topics in the last few years including:

- Culture & Diversity:
 - Anti-Black racism, systemic discrimination, and institutional racism
 - Equity, diversity & inclusion principles, and representation in planning
 - Women and gender diversity in planning
 - Indigenous histories, cultures, and perspectives, unceded, unsundered land, Treaties and other reciprocal agreements, sovereignty and self-determination, inherent Indigenous and Treaty rights, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- Other relevant topics:
 - Climate change, climate science, mitigation, and adaptation
 - Housing, Demographics, and uneven growth
 - Food Security/insecurity and agriculture
 - Economic Development, economic finance & Sustainability
 - Planning for healthy communities
 - Infrastructure Resiliency

The proposed changes should be improved to better align with the need to address the topics above, specifically the principles in UNDRIP and TRC's Calls to Action. The federal, provincial, and many municipal governments have publicly stated their commitment to the work of reconciliation, diversity, equity, and inclusion. These proposed policy changes do not reflect these public commitments and will not allow planners to work in ways that uphold these values that are important to both our profession and our organization.

Process Concerns

IPPC is concerned about the process that was used to prepare the proposed changes. It is unclear if appropriate engagement and consultation with Rights Holders and other historically excluded communities occurred.

If not, IPPC encourages the Ministry of Municipal Affairs and Housing to:

- Engage with Indigenous Nations, communities, and organizations before finalizing these changes. If not, this proposed policy change would be misaligned with the principles of UNDRIP for free, prior, and informed consent and the Duty to Consult and Accommodate (DTCA) and Ontario's own current requirement to engage Indigenous Nations (*Provincial Policy Statement* Section 1.2.2) and proposed *Provincial Planning Statement* to "undertake early engagement with Indigenous communities..." (Section 6.2.2).
- Consult with other equity-deserving groups, historically excluded communities, and/or racially marginalized individuals to ensure "housing, employment, schools, transportation options, recreation and public spaces, and services that are equitable and sustainable for all Ontarians", as stated in the proposed policy.
- Ensure professional planners are involved in drafting these proposed changes. Planners should be key drafters of changes to key planning documents like this as they have the education and expertise and responsibility to uphold the public interest.

Policy Concerns

Respectful Language

The draft PPS uses the term "*Indigenous communities*" throughout the document, which remains unchanged from the 2020 PPS. This term undermines the sovereignty and self-determination of First Nations and the Métis as Nations, which is upheld by the United Nations Declaration on the

Rights of Indigenous Peoples (UNDRIP). The PPS should be modified to refer to “*Indigenous Nations.*”

Grouping all other historically excluded and racially marginalized peoples under the umbrella of “*equity- deserving groups*” does not allow for understanding or responsiveness to their unique interests and needs or intersecting identities that may be impacted in different ways. Other groups, communities, and interests that deserve to be engaged in planning projects should be specifically named in the policy and actively be included in its planning application in Ontario.

Further Encroachment on Indigenous Territories

The overall policy structure weakens or, in many cases, removes intensification and density targets within settlement areas and makes it easier for growth sprawl to occur. This fundamental shift may encourage unnecessary growth and development, further encroaching on and dispossessing Indigenous Peoples from the Land. This outward growth is encouraged by the policy structure despite many unsettled Land claims, which will affect Indigenous use of and access to the Land for harvesting, restitution, and Land back.

Indigenous Engagement

Ontario is proposing changes to Cultural Heritage and Archaeology (Section 4.6) and Implementation and Interpretation (Section 6.1) policies to encourage “early” engagement with Indigenous Nations. We support this language change and the requirement that planning authorities “shall” undertake early engagement, which remains unchanged. The term “early” however, is not interpreted consistently.

Indigenous Nations are Rights Holders and must be engaged and consulted at the project conception/formation stage collaboratively before any decisions are made.

We wish to remind the province that Indigenous Nations may have interests beyond just cultural heritage and archaeology. Planning authorities must engage and consult with Indigenous Nations on all interests, which may also include natural heritage, climate change, infrastructure, among others.

We also wish to highlight planning authorities often face a lot of challenges on how to implement this and more guidance and support from the province is required. There is a concern the Province continues to expect the Duty to Consult and Accommodate to be undertaken by others, who are often ill equipped to fulfill this duty and that Indigenous Nations often don’t have the adequate resources to participate or respond to all the requests. This approach undermines a Nation-to-Nation relationship and the true spirit of reconciliation.

Additional expectations of engagement from Indigenous Nations should also come with supports to complete this work in an informed, appropriately resourced way. There are tangible financial, human, and other costs associated with providing informed input into planning projects that Indigenous Nations are not currently resourced to handle. Governments and other proponents seeking engagement from Indigenous Peoples and Nations should be prepared to incur these costs to allow for free, prior, and informed consent.

It is unclear if the Province of Ontario practiced its own expectation of “early” engagement with the development of proposed changes to the *Provincial Policy Statement*. To our knowledge Indigenous Nations were not consulted or accommodated in the development of this policy and have not consented to the changes that will have such a dramatic impact on their rights and traditional territories.

No Consideration of Seven Generations Thinking

In planning we often work within frameworks that focus on 10, 20 and maybe 30-year time horizons. We need to be following the lead of Indigenous peoples who have a seven-generation approach to their decision making, considering the impact on the seven generations to come. We are making decisions now that are short-sited (often to support political objectives) at the expense of our current and future generations.

Inherent Aboriginal and Treaty Rights and Interests

The Duty to Consult and Accommodate must still apply to Minister's Zoning Order (MZO). Bill 97 allows the Minister to rule on MZO's that are not consistent with policy statements, like the PPS. The Minister can change official plans with no consultation, engagement, or accommodation which is inappropriate. We are concerned that this process will continue to not be consistent with the Constitution Act (s. 35), the Duty to Consult and Accommodate, the articles of UNDRIP and free, prior, informed consent, and the Truth and Reconciliation Commission of Canada's Calls to Action.

Affordable Housing (homelessness, underhoused, and missing middle)

Ontario is proposing to remove references to “Affordable Housing” and “Housing that is affordable to low- and moderate-income households.” Ontario is in a housing crisis and the provision of affordable housing is a key component of any solution. Indigenous peoples in particular face disproportionately high rates of poverty, increased urbanization, and core housing need. [Ontario Aboriginal Housing, 2020](#) identified a need for 22,000 additional subsidized housing units in Ontario over 10 years. The proposed changes to the PPS have the potential to impact the

construction of new affordable housing, which is essential for urban Indigenous populations who are disproportionality affected.

Climate Change

Climate change policies and considerations have largely been eliminated. In 2021, the Intergovernmental Panel on Climate Change (IPCC) stated it is *“unequivocal that human influence has warmed the atmosphere, ocean and Land”*. Land use planning can play a significant role in mitigating and adapting to climate change especially through the interrelatedness of land development patterns, transportation, infrastructure, natural environment, among others. We are concerned that the deletion of Section 1.8 Energy Conservation, Air Quality and Climate Change from the 2020 PPS eliminates a holistic approach to analyzing and mitigating climate change impacts. This is important because Indigenous peoples are disproportionality impacted by climate change and land use decisions throughout Ontario will impact them.

Agricultural Lands & Food Insecurity

Ontario is proposing significant changes to agricultural land protection, including much greater flexibility for boundary expansions (Section 2.3) and lot creation in agricultural areas (Section 4.3). These, combined with on-going changes to the Greenbelt, undermine our ability to feed our populations, and calls for increased food security.

Natural Heritage

The natural heritage policies and related definitions were not included at the time of our review. The lack of natural heritage policies to review in the draft PPS restricts a holistic review and perspective, which is central to an Indigenous worldview. The PPS is meant to be read in its entirety, yet that is impossible to do without these policies.

Closing

The proposed *Provincial Planning Statement* includes significant changes that would impact Indigenous Nations, racially marginalized communities and others who have historically been excluded. Our submission outlines some of the key issues that would need to be addressed. We ask that the Province reconsider these changes by engaging in meaningful consultation with Indigenous Nations, racially marginalized communities, and others who have historically been excluded to ensure broad perspectives and impacts have been considered.