

May 12, 2024

Provincial Land Use Plans Branch
13th Flr, 777 Bay St
Toronto, ON
M7A 2J3
Canada

Re: ERO #019-8462 – Review of the policies for a new provincial planning policy instrument

On behalf of the Canadian Fuels Association (CFA), we thank you for the opportunity to provide feedback on ERO #019-8462.

CFA represents the producers, distributors and marketers of transportation energy, including gasoline, ethanol, bio-based diesel, jet fuel, as well as, specialty fuels and lubricants. Our sector represents 111,000 workers, fifteen refineries, eight Clean Fuels production facilities, 75 distribution terminals, and 12,000 retail and commercial sites. Our members supply 95% of the transportation fuel Canadians use every day, including the majority of Canada’s biofuels. Ontario is home to five refineries located in Southwest Ontario, where we underpin Ontario’s petro-chemical cluster, and eight clean fuel production facilities.

Ontario’s energy infrastructure includes everything from electricity wires and pipelines, to refineries and fuel terminals. The fuels sector produces 40% of Ontario’s end-use energy consumption. CFA appreciates attempts made in the proposed Provincial Planning Statement (PPS) to account for the protection of critical energy infrastructure from unsafe encroachment through rezoning and development.

As CFA members invest in new clean fuel projects throughout the province, access to safe transportation and storage infrastructure will be essential. CFA is pleased to see the inclusion of fuels production, storage, and transportation in section 3.8.1 Energy Supply. We encourage the government to clearly set any requirements associated with *providing opportunities for development*. Establishing clear requirements for planning authorities to consult on and prioritize energy project development and expansion will be essential. Expansion of fuel production infrastructure will be a priority for the province going forward, and a thoughtful planning process will be key to support this necessary undertaking.

CFA’s primary concern with is the protection of current energy infrastructure under the Provincial Planning Statement (PPS). Fuel production, storage, and transportation is vitally

important to the continued operation of the Ontario economy. The PPS must consider the continued safe operations of fuels facilities a top priority. To date, planners at the municipal level have repeatedly failed to account for fuel facility operations when enacting new development plans. Specifically, our members continue to be challenged with development projects adjacent to three fuel distribution terminals located in Toronto. In order to meet regional supply demands, these three terminals operate 24 hours, 7 days a week, supplying the majority of fuels to the Greater Toronto Area. Encroachment from new development and rezoning is increasingly putting safe operations of the facilities at risk. CFA recommends the following for your consideration:

- CFA supports the inclusion of Section 2.4.2 subsection 4 to provide flexibility to municipalities on the minimum density requirements in Major Transit Areas where development is restricted on a significant portion of lands in the area.
- We are concerned that Section 2.8.2 subsection 3, provides significant latitude for municipalities to interpret “ancillary to uses permitted in the employment area”, which could result in the much wider introduction of sensitive land uses in employment areas. We recommend that the PPS provide guard rails on what “an appropriate transition” entails. Of concern is that there is no reference to any requirement for planning authorities to considering the impact of any sensitive land uses on the continued operation and potential growth of existing facilities.
- Section 2.8.2 subsection 5 lays out that planning authorities must demonstrate a number of conditions before removing lands from employment areas. We support the inclusion of demonstrating that a “municipality has sufficient employment lands to accommodate projected employment growth.” We recommend that clear guidance be issued informing planning authorities on the minimum requirements of an acceptable and comprehensive land needs assessment.
- Section 3.5 on land use compatibility is intended to provide consideration for “major facilities” in land use planning. We request that the glossary of terms be amended to include fuel refining, distribution, and storage facilities.

Additionally, as it relates directly to the focus of the PPS, we wish to share concerns with the proposed Bill 185, Cutting Red Tape to Build More Homes Act, 2024. CFA offers the following comments for consideration:

- Limits on who has the right to appeal planning decisions is far too narrow and ignores the needs of key economic actors to ensure land use near their site is compatible with continued operations. We recommend that the definition of “specified person” in the Planning Act be amended to include fuel refining, distribution, and storage facilities.
- The removal of the Municipal Comprehensive Review (MCR) and the new definition of Employment Areas will create a patchwork of land planning rules, inconsistencies and generally increase red tape for Ontario businesses across the province – which is contrary to the spirit of Bill 185 and previous red tape reduction bills.

- The province has still not articulated a process to replace the Provincial Significant Employment Zones (PSEZ) and provide strategic oversight on the management of employment lands in support of the province's long-term economic needs.

We understand the need for rezoning as Ontario pushes for needed increased housing supply, but part of responsible planning must include protecting public safety and supporting the continued provision of critical energy supply. Land use planning guidance must seek to strike balance between the unquestionable need for more housing supply and the concurrent need for new households to have safe and reliable access to energy.

CFA thanks you again for this opportunity to participate in this important work. Should you have any questions about these, or any other issues related to fuels and their place in Ontario's energy supply mix, please do not hesitate to reach out. We look forward to hearing from you

Sincerely,



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