



May 10, 2024

Ministry of Municipal Affairs and Housing
Provincial Land Use Plans Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3

RE: Conservation Ontario's comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO# 019-8462)

Thank you for the opportunity to comment on the "Review of proposed policies for a new provincial planning policy instrument." Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. This letter provides general comments on the proposed policies and Attachment 1 provides responses to the consultation questions provided in the Environmental Registry notice.

Conservation Authorities play a key role within Ontario's land use planning and development framework. As prescribed through the Mandatory Programs and Services Regulation (O. Reg. 686/21), CAs review and comment on applications and other matters submitted pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as the protection of drinking water sources.

Conservation Ontario is pleased with the proposed references to CA roles in natural hazard management and mitigation (see 5.2(1)) and watershed planning (see 4.2(5)), as well as promoting collaboration between CAs, planning authorities and the Province (see Vision [wise use and management of resources]). The proposed change to policy 5.2(1) requiring planning authorities to collaborate with CAs (where they exist) to identify hazardous lands and sites to manage development in such areas, is particularly welcome.

CAs apply an integrated watershed management perspective through their plan review and permitting roles which considers local conditions, potential flooding and erosion impacts to upstream and downstream communities, and future management challenges. This perspective is informed by natural hazard mapping, modelling, and knowledge of local

watershed conditions and ongoing/planned projects. This coordinated, scientific and hazard/risk-based approach used by CAs was strongly supported by Ontario's Special Advisor on Flooding in their 2019 report.

When planning for development in new or existing communities, the Province, planning authorities, and Conservation Authorities are required to work together to protect people, property and infrastructure from potential risks resulting from natural and human-made hazards. Conservation Ontario notes that language in the Vision section of the proposed PPS, 2024 is inconsistent with the proposed natural hazards policies (e.g., "mitigation" of risks associated with natural and human made hazards versus direction in policy 5.1.1 to direct development away from natural hazards where there is unacceptable risk to public health or safety or of property damage). To ensure a consistent approach with proposed policy 5.1.1 of the PPS, 2024, Conservation Ontario recommends the Vision section be amended to read "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated".

The provincial planning system has undergone significant changes in recent years, including several consultations on the replacement of the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan"). Upon issuance of the new PPS, planning authorities and CAs will require time to focus on implementation of updated provincial policy and legislation. To support successful implementation and increase consistency and certainty regarding planning outcomes, Conservation Ontario recommends the Province provide comprehensive implementation guidance for the proposed PPS in a timely manner. A list of the required implementation guidance is included in Attachment 1.

Ultimately, the efficacy of the proposed PPS policies hinges upon the ability to apply them through planning processes. For example, Bill 185 currently proposes amendments to the *Planning Act* to create regulations that provide for the non-application of any provision of the Act to community service facilities, including institutional uses. The Province is urged to ensure that applications involving institutional uses continue to be subject to the PPS such that the appropriate planning safeguards are in place to direct development outside of hazardous lands and hazardous sites, and areas where safe access through a hazard cannot be achieved. It is recommended that any proposed exemptions from the *Planning Act* and subsequently, the PPS, should be subject to the development being outside of a natural hazard area, where safe access can be achieved, and where no restrictions are required to protect the quality and quantity of drinking water supplies.

Thank you for the opportunity to provide comments on the "Review of proposed policies for a new provincial planning policy instrument" (ERO#019-8462). Comprehensive provincial policy must strike the appropriate balance on all matters of provincial interest. This balance will not only support the government's initiative to increase the supply and

diversity of housing in Ontario, but also provide for the continued protection of people, property and infrastructure from the impacts of natural hazards, drinking water sources, and natural spaces that support safe and healthy communities. Should this letter require any clarification, please contact Brandi Walter at bwalter@conservationontario.ca.

Sincerely,

Brandi Walter

Brandi Walter
Policy and Planning Liaison

Leslie Rich

Leslie Rich, RPP
Source Water Protection Manager

Attachment: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument.

c.c. All Conservation Authorities' CAOs / GMs

Attachment 1: Conservation Ontario's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

Conservation Ontario offers the following responses to the consultation questions provided by the Ministry of Municipal Affairs and Housing (MMAH) on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in Conservation Ontario's covering letter.

1. What are your overall thoughts on the updated proposed Provincial Planning Statement?

- Conservation Ontario is pleased with the reference in the Vision section to the Province, planning authorities and CAs working together to mitigate potential impacts on development or risks to public health and safety associated with natural hazards, including the risks associated with the impacts of a changing climate.
- In addition to the proposed references for collaboration and coordination with CAs, Conservation Ontario continues to recommend CAs be explicitly referenced in policy 6.2(1) as a part of the "coordinated, integrated and comprehensive approach...when dealing with planning matters". The integration of CAs throughout the proposed Provincial Planning Statement is a positive step forward to continue protecting people, property and infrastructure from potential impacts of natural hazards as well as protecting sources of drinking water.
- Conservation Ontario notes that the Province is not proposing to carry forward policy 1.1.1(c) from the PPS, 2020 which emphasizes the need for healthy, livable and safe communities to avoid development which may cause environmental or public health and safety concerns. The development of safe and healthy communities and the protection and conservation of ecological systems and natural resources are identified as matters of provincial interest under section 2 of the *Planning Act*. As mentioned in the covering letter, the proposed Vision section states that "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change will be **mitigated**" (*emphasis added*). This represents an unacceptable departure from the Province's commitment to directing development away from natural hazards; potentially increasing the risk to people and property. The Provincial "Understanding Natural Hazards" Technical Guide, identifies that prevention measures, including "good land use planning, development and management, and the regulation of hazardous lands and unsafe developments" is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the "Independent Review of the 2019 Flood Events in Ontario" as well as "Ontario's Flooding Strategy". A suggested revision is provided in the covering letter.

- 2. What are your thoughts on the ability of updated proposed policies to generate appropriate housing supply, such as: intensification policies, including the redevelopment of underutilized, low density shopping malls and plazas; major transit station area policies; housing options, rural housing and affordable housing policies; and student housing policies?**
- Section 5.1 in the proposed PPS, 2024 states that development shall generally be directed to areas away from hazardous lands and hazardous sites. The proposed PPS must ensure that, in accordance with the natural hazard policies (section 5.2) and water policies (section 4.2), intensification does not occur in hazardous lands or on hazardous sites, where safe access through the hazard cannot be achieved, or where development should be restricted to protect the quality and quantity of drinking water supplies.
 - CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.
- 3. What are your thoughts on the ability of the updated proposed policies to make land available for development, such as: forecasting, land supply, and planning horizon policies; settlement area boundary expansions policies; and employment area planning policies?**
- Existing policy 2.2.8.3 in the Growth Plan requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan. This includes ensuring that the proposed expansion would be planned and demonstrated to avoid, or if not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. Conservation Ontario continues to recommend this policy be brought forward into section 2.3.2 of the proposed Provincial Planning Statement (New Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities.” This inclusion would provide consistency with policies related to using the watershed as the meaningful scale for integrated and long-term planning.
- 4. What are your thoughts on updated proposed policies to provide infrastructure to support development?**
- Policies in section 4.2 encourage all municipalities and require large and fast-growing municipalities to undertake watershed planning to inform planning for several purposes, including planning for sewage and water services. Conservation Ontario is pleased with policies in section 4.2 that now encourage all municipalities to collaborate with applicable CAs when undertaking watershed planning. The proposed changes to the definition of watershed planning are further supported which relate watershed planning to the evaluation and consideration of impacts of a changing climate on water resources systems and clarify that the process can be

undertaken at many scales.

- A list of “large **and** fast-growing municipalities” is provided in Schedule 1 of the proposed PPS, 2024. Further to proposed policy 4.2, these municipalities would be required to undertake watershed planning to inform planning for several purposes. While Conservation Ontario notes that all municipalities are “encouraged” to undertake watershed planning, the requirement to do so would not capture smaller municipalities currently experiencing rapid growth. Such municipalities would benefit from undertaking watershed planning to inform how best to manage and plan for growth, rather than waiting until a time where they may meet the criteria to be designated a “large municipality,” and mitigative options identified through watershed planning would be more limited.
- Conservation Ontario is pleased with the amendments to policy 3.6.8 (“planning for stormwater management”) which provides direction related to minimizing, preventing or reducing increases in stormwater volumes. This direction is a positive addition and will ensure planning authorities have regard to increased volumes which may contribute to pluvial and fluvial flooding in developed areas from stormwater flows.
- Existing policy 3.2.7 of the Growth Plan has not been carried forward into the proposed PPS, 2024, which requires municipalities to develop stormwater master plans that are informed by watershed planning or equivalent, and examine / assess cumulative impacts to stormwater from development, including how impacts are exacerbated during extreme weather events. This policy is significant for mitigating impacts associated with a changing climate within Ontario’s communities. Conservation Ontario recommends this policy be retained for large and fast-growing municipalities.
- Conservation Ontario supports the new proposed policy 2.3.2.2 that requires planning authorities to “identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities to support development are planned or available.”

5. What are your thoughts on updated proposed policies regarding the conservation and management of resources, such as requirements to use an agricultural systems approach?

- Conservation Ontario is pleased with the integration of CAs with respect to identification of hazardous lands and sites, and management of development in those areas.
- As noted in comments on previous consultation about the PPS, Conservation Ontario supports the proposal to keep the natural heritage policies and related definitions analogous to those in the PPS 2020. Natural heritage features such as forests and wetlands play important roles in reducing flows, storing floodwaters, and mitigating drought. The natural heritage, water resource and natural hazard systems are inextricably linked, and coordinated protection of these systems is necessary to mitigate potential impacts associated with natural hazards, protect

drinking water sources, and provide access to green / open space which contribute to the development of safe, sustainable, and complete communities.

6. What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement? What are your thoughts on the proposed revocations in O. Reg. 311/06 (Transitional Matters - Growth Plans) and O. Reg. 416/05 (Growth Plan Areas)?

- Conservation Ontario continues to recommend that the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the updated Provincial Planning Statement. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes, resulting in more timely approvals.
- Specifically, the Province should consider updating and/or finalizing the following: the Natural Hazard Technical Guides, the 1993 Watershed Planning Guidelines, the 2022 Subwatershed Planning Guide, and the Natural Heritage Reference Manual (and related guidance). Updated implementation guidance should include direction on planning for a changing climate, particularly with regard to natural hazard management, watershed/subwatershed planning, and stormwater management.