



October 21, 2019

Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, Ontario M5G 2E5

Re: Conservation Ontario's Comments on the Provincial Policy Statement Review – Proposed Policies (ERO # 019-0279)

Thank you for the opportunity to provide comments on the “Provincial Policy Statement Review (PPS) - Proposed Policies” and for the invitation to participate in the September 12th PPS Review Multi-Stakeholder Meeting. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually by CAs through the PPS consultation process.

Conservation authorities are involved in the land use planning process in the following ways: as a regulator under Section 28 of the *Conservation Authorities Act*; as a public body under the *Planning Act* and *Environmental Assessment Act*; as source protection authorities under the *Clean Water Act* supporting policy implementation; as resource management agencies operating on a local watershed basis; as a body with delegated authority in plan review to represent the provincial interest for natural hazards; and as the province's second largest landowners who may become involved in the planning and development process, either as an adjacent landowner or a proponent. In these roles, CAs endeavour to provide the best technical guidance to their municipal partners regarding how to balance multiple provincial and watershed priorities in a timely and cost-effective manner.

It is understood that the government is consulting on proposed changes to the PPS to support its Housing Supply Action Plan and other land use planning related priorities. Conservation Ontario offers the following responses with regard to the consultation questions posed, as well as a detailed attachment regarding the consultation.

Consultation Questions

- 1) *Do the proposed policies effectively support goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction while continuing to protect the environment, farmland, and public health and safety?*

Conservation Ontario feels that it is premature to determine whether or not the proposed policies effectively support goals related to increasing housing supply. Once changes have been made, it is recommended that the Province develop metrics to evaluate whether or not the policy changes have met their intent.

Conservation Ontario is concerned that some proposals are not sufficiently detailed to evaluate their ability to protect the environment, farmland, and public health and safety. These proposals include:

- Lack of clarity with regard to proposed changes to Section 3.0 (Protecting Public Health and Safety); particularly Section 3.1.
- The proposed 4.7 which indicates that “Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development by: a) identifying and fast-tracking priority applications which support housing and job-related growth and development; and b) reducing the time needed to process residential and priority applications to the extent practical”.
- The proposed 2.1.10 which indicates that “Municipalities may choose to manage *wetlands* not subject to policy 2.1.4 and 2.1.5, in accordance with guidelines developed by the Province”.

It is understood that the policies related to natural hazards found in Section 3.0 are subject to ongoing review by the Province’s Special Advisor on flooding. Conservation Ontario is appreciative for the opportunity provided by the Ministry of Natural Resources and Forestry (MNRF) to meet with the Province’s Special Advisor on Flooding, to provide additional supplemental material and to have the Special Advisor undertake watershed visits hosted by five different conservation authorities. The additional detail provided to the Flood Advisor is attached to this letter. Please note that Conservation Ontario is not supportive of the Province making changes to S. 3.1 of the PPS without direct consultation with the conservation authorities in advance. Generally, it is recommended that the Province retain the critical policies found within 3.1 of the PPS, with minor amendments proposed, to increase clarity. Additional details on the proposed amendments can be found within the attached Table of Specific Comments on the Proposed Provincial Policy Statement Review.

Conservation Ontario is concerned that the proposed 4.7 may not adequately protect public health and safety. It is recommended that this policy be amended to read that “Planning authorities shall take action to support increased housing supply and facilitate a timely and streamlined process for local development **in accordance with the policies of Section 2.2: Water and Section 3: Protecting Public Health and Safety** by..”. Alternatively, should this proposed policy be retained, it is recommended that guidance material be developed, which would assist with determining which applications would be considered a priority. This guidance material should require that any of these priority applications must be located in areas outside of natural hazards and outside of drinking water vulnerable areas while ensuring the protection of drinking water.

Finally, policy 2.1.10 indicates that municipalities may choose to manage wetlands in accordance with guidelines developed by the Province. In general, the PPS should provide the policy, whereas the guidance should provide the implementation detail. In other words, the PPS should clearly articulate the Province’s goals with the management of these wetlands. This Provincial guidance should recognize that the majority of wetlands in Ontario have not been evaluated and therefore a precautionary approach to their “management” should be undertaken. Wetlands (regardless of whether or not they are Provincially significant) play a critical role in flood attenuation, and contribute to climate change resiliency and mitigation. It is recommended that the term “manage” be replaced with “maintain, restore or, where possible, improve” to be consistent with other policies in this section.

2) *Do the proposed policies strike the right balance? Why or why not?*

It is noted that a variety of policies have been moved from Section 4.0 (Implementation and Interpretation) into the Preamble or Part II (How to Read the PPS). Based on discussions with Ministry

staff, it is our understanding that these policies still apply, as the *Planning Act* requires that an exercise that affects a planning matter shall be consistent with the policy statements. Never-the-less, there are concerns that the removal of these policies from Section 4 will lead to unnecessary appeals to the Local Planning Appeal Tribunal which will decrease the timeliness of approvals. To prevent frivolous appeals, the Province should provide clarity in this regard.

Furthermore, there are many instances where the Province is proposing to change the word from “shall” to “should”; making the policy more permissive. Such changes, especially in high growth areas such as the Greater Golden Horseshoe region, may impede municipalities’ ability to manage growth and development in a manner that protects farmland, the environment, and public health and safety.

As the policies found within Section 3.0 are currently subject to review, it is unclear whether the policies strike the right balance. As discussed, conservation authorities should be consulted with prior to enacting any changes to Section 3.1.

Finally, conservation authorities feel that the proposed S. 2.5.2.2 “...Outside of the *Greenbelt Area*, extraction may be considered in the natural heritage features listed in section 2.1.5 [significant wetlands, woodlands, valleylands, wildlife habitat, areas of natural and scientific interest, and coastal wetlands], 2.1.6 [fish habitat] and 2.1.7 [habitat of endangered and threatened species], provided that the long-term rehabilitation can demonstrate no *negative impacts* on the natural features or their *ecological functions*” does not strike the appropriate balance. It is noted that many of these features play an important role in flood and erosion control, including wetlands, coastal wetlands and valleylands; and the protection of drinking water, including fish habitat. The policy itself does not provide clarity regarding the timeframe for long-term rehabilitation. There are well-known challenges associated with rehabilitation, including cost and long-term efficacy and in some cases rehabilitation of some natural heritage features is not possible. Generally, the purpose of rehabilitation plans is to identify how negatively impacted features will be restored, not to demonstrate “no negative impacts”. It is recommended that this proposed policy change be removed. Conservation Ontario notes that, through the current consultation on proposed amendments to the *Aggregate Resources Act* (ERO#019-0556), MNR is considering enhancing reporting requirements on rehabilitation by requiring more context and detail on where, when and how rehabilitation is or has been undertaken. While additional detail on this proposed amendment is required, Conservation Ontario is supportive of creating more stringent reporting metrics for rehabilitation projects.

3) *How do these policies take into consideration the view of Ontario communities?*

Conservation Ontario recommends that the Province continue to consult with communities to get feedback regarding these policy proposals. In general, it is in the interest of Ontario communities to direct development, redevelopment and intensification outside of areas subject to natural hazards, particularly in light of the significant flooding that Ontarians have recently experienced; and outside of drinking water vulnerable areas while ensuring that sources of drinking water are protected. For this reason, the policies found within Section 2.2 and 3.1 should be maintained and/or strengthened where appropriate.

4) *Are there any other policies changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?*

The current preamble in Section 3.0 is designed to address new development whereas many of the risks associated with the management of natural hazards are a result of historic development. Conservation Ontario suggests the following edits to the preamble to address existing development.

Development, **redevelopment and intensification** shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

The PPS and Ontario’s planning system should also broaden the use of Special Policy Areas (SPAs) to address existing development in high risk areas, including areas subject to erosion (e.g. along Great Lakes shorelines).

5) *Are there other tools that are needed to help implement the proposed policies?*

Conservation Ontario is very appreciative of this question, as it has been our experience that some of the policies found within the PPS are not successfully enacted due to a lack of implementation support material. A table outlining requests for guidance materials is included below. Generally, it is recommended that the Province create a “master list” of all current guidelines which support the implementation of the PPS to ensure that all parties are working with the same and most up-to-date guidance documents.

Guidance Material	Conservation Ontario’s Comments
<p>Procedures for Approval of New Special Policy Areas (SPAs) and Modifications to Existing SPAs Under the Provincial Policy Statement, 2005 (PPS, 2005) Policy 3.1.3 – Natural Hazards- Special Policy Area, dated January 2009</p>	<p>The 2009 document should be updated based on lessons learned, to reflect the current PPS and to incorporate new direction from updated Technical Guides. Consideration should be given to expanding the use of SPAs to include other hazards, such as erosion hazards.</p> <p>SPAs may be an important tool in addressing spill areas within areas of existing development.</p>
<p>Technical Guides for Implementation of section 3.1 of the PPS - River & Stream Systems: Erosion Hazard Limit - River & Stream System; Flooding Hazard Limit - Great Lakes – St. Lawrence River</p>	<p>The current Technical Guides were created to support the implementation of the PPS. Conservation authorities use the Technical Guides in support of the regulations program under S. 28 due to a lack of technical guidance issued by the Province for that purpose. Some planning approaches and the delineation of hazards differ between the Technical Guides and the S. 28 regulation. It is recommended that these differences should be reconciled to avoid conflicts and to increase public safety. In addition, the following updates are recommended:</p> <ul style="list-style-type: none"> • incorporate Provincial direction on considering climate change in natural

Guidance Material	Conservation Ontario's Comments
	<p>hazard programs</p> <ul style="list-style-type: none"> • update safe access requirements to appropriately address the ability of first responders to attend sites and the outcomes of the Gilmore v. Nottawasaga Valley Conservation Authority case • incorporate new modeling approaches, including 2D • provide direction on the consideration of spill areas and storm water as a flooding hazard <p>Conservation Ontario is prepared to assist with all aspects of the updates.</p>
New – Guidelines to help planning authorities prepare for the impacts of a changing climate	Conservation Ontario would strongly support additional guidance material provided by the Province to assist planning authorities with climate change adaptation.
Natural Heritage Reference Manual	It is recommended that this manual be updated with a particular focus on wetland protection, restoration and enhancement, especially for non-PSWs and coastal wetlands. This update should include direction on how to apply the mitigation hierarchy.
Watershed Planning	The “trilogy” of watershed planning documents that were released by the Province in 1993 provided a good foundation for the process of watershed planning. It is recommended that this guidance could be complemented by providing broad guidance on the range of topics that could be considered when undertaking watershed plans (including the current suite of provincial policies). This would facilitate more streamlined updates to sub/watershed plans.

Additionally, in order to facilitate faster development approvals, it is important to know where development can occur safely. A 2015 study undertaken by Conservation Ontario and funded by the Ministry of Natural Resources and Forestry estimated that 72% of conservation authority floodplain mapping projects were out of date at that time. It is estimated that 44% of the projects are in high risk areas. Some progress has been made since that time through various partnerships with municipalities and utilizing the National Disaster Mitigation Program (NDMP). With the help of government matching funds, conservation authorities were able to do 57 floodplain projects. But not all municipalities have the resources to provide matching dollars. There is a role for the Province to fund floodplain mapping projects which contribute to the protection of people and property and which also facilitate faster development approvals.

Thank you for the opportunity to provide input into the “Provincial Policy Statement Review – Proposed Policies”. Conservation Ontario looks forward to continuing to be engaged as the Province looks to streamline the planning system and proposes changes as a result of the review of the Special Advisor on Flooding. Should you have any questions regarding these comments, please contact me at extension 226.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich, RPP
Policy and Planning Liaison

Attachments: September 18, 2019 Letter to the Province’s Special Advisor on Flooding
Table of Specific Comments on the Proposed Provincial Policy Statement

Copy: All CA GMs/CAOs