

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, May 26, 2023 Meeting

FROM: Laurie Nelson, Director, Policy Planning

RE: **TRCA DRAFT COMMENTS ON PROPOSED PROVINCIAL PLANNING STATEMENT**
Environmental Registry of Ontario Posting (ERO #019-6813)

KEY ISSUE

TRCA staff have drafted comments on an Environmental Registry of Ontario posting from the Ministry of Municipal Affairs (MMAH) for a province-wide land use planning policy document. The document is proposed to replace the current Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

RECOMMENDATION:

WHEREAS the provincial government is consulting on a proposed Provincial Planning Statement through a posting by the Ministry of Municipal Affairs and Housing (MMAH) on the Environmental Registry of Ontario (ERO #019- 6813).

WHEREAS TRCA staff have a mandatory commenting role under the Planning Act and a regulatory role under the Conservation Authorities Act;

WHEREAS TRCA staff have developed a draft comment letter proposed for submission to the ERO;

THEREFORE LET IT BE RESOLVED THAT the draft comment letter contained in Attachment 1 be received and finalized by staff for submission to MMAH by the Chief Executive Officer.

AND FURTHER THAT the Clerk and Manager, Policy so advise TRCA municipal partners, Conservation Ontario and the TRCA-BILD Working Group.

BACKGROUND

Through the Environmental Registry of Ontario (ERO) posting [#019-6813](#), and as part of the Province's Housing Supply Action Plan, MMAH is consulting on a proposed "Provincial Planning Statement" (Planning Statement). This is a proposed province-wide land use planning policy document incorporating elements of policies from A Place to Grow: Growth Plan for the Golden Horseshoe (GGH) and the Provincial Policy Statement. The new document is intended to replace the Growth Plan and the Provincial Policy Statement (PPS).

The PPS is issued under the Planning Act and is the primary provincial land use planning policy document, applying across Ontario. A Place to Grow is issued under the Places to Grow Act, 2005. It provides a more detailed framework for where and how growth should be accommodated in the GGH and it works with the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan. The Provincial plans build upon the policy foundation of the PPS, providing additional land use policy direction to address issues facing specific geographic areas of Ontario. All provincial plans are to be read in conjunction with the PPS.

Under the Planning Act, planning decisions shall be consistent with policy statements such as the PPS and shall conform with provincial plans like A Place to Grow.

Should the government adopt the Planning Statement, the government would consequentially revoke the Provincial Policy Statement, 2020 and A Place to Grow, as well as amend regulations under the Places to Grow Act, 2005.

RATIONALE

The consultation on the Planning Statement (the “new PPS”) is a follow up to the government’s ERO posting [#019-6177](#) on the potential for this integrated planning instrument, for which TRCA submitted a [comment letter](#) included in a [staff report](#) to the Board of Directors at their meeting on January 13, 2023.

Comments for the current ERO posting [#019-6813](#) on the proposed Planning Statement (“new PPS”) are due to MMAH by June 5, 2023. Based on feedback the government received through ERO#019-6177, the Province developed the proposed new PPS with policies grouped under five “pillars” intended for streamlining and a housing-focus:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

With regard to the reference to “resources” in the fourth pillar, the ERO posting states that the Natural Heritage section and related definitions remain under consideration by the government and will be made available through a later ERO posting.

The new PPS incorporates some aspects from the Growth Plan and retains some of the current PPS 2020, but also modifies and adds new policies.

Below are some proposed changes of interest to TRCA:

- The direction in the Growth Plan that policies providing more protection to the natural environment or human health prevail (where the Growth Plan and PPS are in conflict), would not be carried forward.
- Municipalities would be encouraged (formerly required) to undertake watershed

planning, and requirements for watershed planning to inform growth allocation, and for subwatershed plans to inform large-scale development planning would be eased.

- Municipal Comprehensive Reviews would no longer be required, and Settlement Area Boundary Expansions could occur any time with less rigorous criteria, including an easing of the GGH-wide need to avoid negative impacts on watershed conditions, key hydrologic areas and the Natural Heritage System.
- Intensification targets would be encouraged, and the focus of intensification would be the “Strategic Growth Areas” of 29 “large and fast-growing municipalities”. Minimum density targets would be encouraged in greenfield areas and retained only for Major Transit Station Areas.
- Local municipalities in TRCA’s jurisdiction would be expected to establish their own growth forecasts and designate land to accommodate growth for at least 25 years. The provincial land needs methodology would be removed and development through an MZO would be in addition to projected needs.
- The Growth Plan requirement for municipalities to meet specific intensification targets within a defined built-up area excluding natural systems and flood plains prohibited from development, would not be carried forward. The 2023 PPS supports intensification generally but does not require specific targets to be met.
- Multi-lot development would be permitted on rural lands and additional residential units would be permitted on agricultural lands.
- The Minister (MMAH) may make decisions that account for “other considerations to balance government priorities”, where currently such decisions must support strong communities, a clean and healthy environment, and economic vitality.

This ERO also includes an [approach to implementation](#), describing a potential effective date (targeting fall 2023), transition regulation (if passed under a new authority proposed in the [Helping Homebuyers, Protecting Tenants Act, 2023](#)), timing for official plan updates (to be updated as necessary to implement new policies at the time of their ordinary review cycle), and various matters specific to the GGH (e.g., continued implementation of provincial growth forecasts, timing changes to upper-tier planning responsibilities, approach to maintaining Greenbelt policies).

TRCA staff have reviewed elements of the ERO proposal most relevant to TRCA in supporting our municipal partners, and drafted comments for the Board’s review on the proposed Planning Statement, contained in **Attachment 1**.

In summary, the main recommendations in the draft TRCA comment letter are:

1. The framework requiring watershed and subwatershed planning should continue given its importance for coordinating across political boundaries to identify approaches for development to avoid, mitigate and remediate natural hazards. These approaches best protect against adverse downstream impacts from flooding and erosion and enable efficient use of infrastructure and land.
2. In the context of establishing and expanding settlement area boundaries, the requirements for growth management decisions to be appropriately informed by watershed and subwatershed scale planning, in collaboration with conservation

authorities, should be carried forward.

3. The proposed Planning Statement should incorporate direction from the Growth Plan stating, where conflict exists, policies that provide more protection to the natural environment, human health and public safety prevail.
4. The Minister's authority to account for "other considerations to balance government priorities" should remain contingent on supporting strong communities, a clean and healthy environment, and economic vitality.
5. Support the retention of the natural hazard policies in the new PPS but recommend that policies be added for mitigating and/or remediating natural hazard risk needed for the urban context where there are redevelopment and intensification pressures for existing communities within flood vulnerable areas.
6. Add reference to "working with conservation authorities, where they exist," to the new policy directing planning authorities to identify hazardous lands and sites and manage development in these areas.
7. The Province should work with CAs, municipalities and the building industry to update provincial technical guidance on natural hazards and the Special Policy Area Procedures. The draft Subwatershed Planning Guide (ERO 019-4978) developed in 2021/2022 with input from the multi-stakeholder Conservation Authorities Working Group should also be finalized to help provide direction and certainty for implementation.
8. New policy permissions that would permit multi-lot residential development and additional residential dwellings on rural/agricultural lands should clarify that new or intensified development is not permitted in natural hazards.
9. PPS and Growth Plan policies that require identification, protection, and enhancement of natural and hydrologic features and systems are inextricably linked to natural hazard management and should be carried forward as policy requirements in the new PPS.

Relationship to TRCA's 2022-2034 Strategic Plan

This report supports the following Pillars and Outcomes set forth in TRCA's 2023-2034 Strategic Plan:

Pillar 1 Environmental Protection and Hazard Management:

- 1.1 Deliver provincially mandated services pertaining to flood and erosion hazards

Pillar 1 Environmental Protection and Hazard Management:

- 1.4 Balance development and growth to protect the natural environment ensuring safe sustainable development

Pillar 2 Knowledge Economy:

- 2.3 Advocacy and adaptability in the face of policy pressures

Pillar 2 Knowledge Economy:

- 2.4 Integrate environmental considerations and science into decision-making

FINANCIAL DETAILS

Funding to support policy planning input is provided by capital funding from TRCA's

participating municipalities in account 120-12.

DETAILS OF WORK TO BE DONE

TRCA staff welcome the input of the Board and upon endorsement, will work with the CEO to finalize the TRCA comment letter for submission to MMAH. Staff will also keep the Board apprised of any further ERO postings affecting TRCA interests.

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Date: May 17, 2023

Attachments: 1

Attachment 1: Draft TRCA Submission to ERO #019-6813