

Chief Executive Officer



May XX, 2023

**DRAFT FOR REVIEW**

**Re: Response to ERO #019-6813 - Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument**

Toronto and Region Conservation Authority (TRCA) provides the following comments on the Ministry of Municipal Affairs and Housing (MMAH) posting on the Environmental Registry of Ontario (ERO). We understand that, in support of the government's Housing Supply Action Plan, MMAH is consulting on a province-wide Provincial Planning Statement ("new PPS") that would adopt certain policies from A Place to Grow ("Growth Plan") and the Provincial Policy Statement, 2020 ("current PPS") into a single policy instrument. The new PPS, anticipated to take effect in the fall of 2023, presents policies under five pillars intended for streamlining and to be housing-focused:

1. Generate an appropriate housing supply.
2. Make land available for development.
3. Provide infrastructure to support development.
4. Balance housing with resources
5. Implementation

The posting also states that the Natural Heritage section and related definitions remain under consideration by the Province and will be made available through a later ERO posting.

Lastly, this ERO proposes an [approach to implementation](#), including an effective date, transition, timing for official plan (OP) updates, and various matters specific to the Greater Golden Horseshoe (GGH).

## **COMMENTS**

The new PPS prioritizes housing supply and promotes more dispersed development than the current PPS and Growth Plan, which direct growth and intensification to areas with infrastructure, transit and community amenities, and away from environmentally and agriculturally important lands. Proposed changes would also relax requirements for watershed and subwatershed planning and place less emphasis on the wise use of natural resources.

In TRCA's experience as a technical advisor in the land use planning process and as a regulator, we recognize the importance of streamlined approvals to achieve increased housing supply, but are concerned with some of the changes proposed in the new PPS.

With this in mind, we offer the following general comments followed by a table of more detailed comments specific to each section of the proposed new PPS.

**Weakened policies for watershed and subwatershed planning could have implications for coordinated growth management, drinking water source protection, natural hazard risk and natural resources.**

Although aspects of the Growth Plan would exist in the new PPS, key policies important for protecting public health and safety have been removed or modified to contain weaker policy language, for example:

- Removal of the Growth Plan direction that, where the Growth Plan and PPS conflict, policies providing more protection to the natural environment or human health prevail.
- Removal of the requirement for Municipal Comprehensive Reviews and the Land Needs Methodology. Where upper-tier planning authority is removed, municipalities would establish their own forecasts. Development through a Ministerial Zoning Order (MZO) would be in addition to projected needs.
- Removal of the Built-Up Area and greenfield concepts. Instead, municipalities would be encouraged (previously “required”), to establish density targets for settlement areas. In turn, 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, is removed.
- Settlement area boundary expansions could occur any time and the criteria to justify an expansion would be eased, including the requirement to avoid negative impacts on watershed conditions and key hydrologic areas and the Natural Heritage System (NHS).
- As the Natural Heritage policies are under review at the time of writing, it is unclear if requirements to identify and protect the Growth Plan NHS will persist.
- Instead of required, municipalities would now only be “encouraged” to undertake watershed planning to protect drinking water and inform water-based servicing and stormwater management. Requirements for watershed planning to inform growth allocation, and for subwatershed plans to inform large-scale development planning would also be diminished.

Moving policies from a provincial plan to the new PPS also shifts their implementation requirement from having “to conform with” to having “to be consistent with” resulting in less direction on how to implement, thereby decreasing certainty for stakeholders. Moreover, it may be challenging to demonstrate consistency with certain policies, for example, for “encouraging” watershed planning.

The changes listed above are a concern and may not result in the desired streamlining since, in TRCA’s experience, watershed and subwatershed planning creates certainty for all stakeholders across political boundaries early in the planning process and saves time at later planning stages. The optional nature of many of the proposed policies would result in a patchwork of localized approaches to growth management.

Where watershed and subwatershed planning are not used to guide development, redevelopment, or intensification, it could create new hazards, aggravate existing hazards, and degrade natural heritage features important for managing natural hazard risk. This is especially true for high-growth areas like the GGH where highly altered

drainage patterns and degraded natural systems are prominent and, if unmitigated, are more susceptible to impacts. Required policies for watershed and subwatershed planning are crucial for environmental protection, natural hazard management and preparing for climate change, needed to accommodate the rapid growth envisioned by the new PPS.

We note that the ERO posting states that the Greenbelt would be amended to enable Growth Plan policies to continue to apply where the Greenbelt Plan refers to them, e.g., decisions related to settlement area boundary expansions, watershed planning and the allocation of growth and planning for water-based infrastructure. These policies are critical to sustained community and environmental resilience and should apply across the GGH (i.e., for large and fast-growing municipalities) to enable effective, coordinated regional- and watershed-scale planning. Such an approach best enables the avoidance and mitigation of natural hazard-based risks for growing and intensifying communities.

#### **TRCA recommendations:**

- **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.**
- **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. These include:**
  - **Watershed and subwatershed planning to identify and protect a regional scale Water Resource System and evaluate and prepare for climate change impacts at the watershed level.**
  - **Avoidance of adverse upstream/downstream impacts from flooding and erosion**
  - **Analysis of settlement expansion and avoidance of negative impacts on watershed conditions, key hydrologic areas, and natural systems**
  - **Large-scale development supported by a stormwater management plan that is informed by a subwatershed plan, or equivalent.**

#### **Increased ministerial authority to “balance government priorities” could override policies that mitigate risk from natural hazards and protect drinking water sources.**

In the new PPS, the Minister (MMAH) would be able to 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 enhanced power, together with proposed changes through Bill 97 that exempt MZO-related approvals from provincial and municipal policies and plans, could undermine local development review and approval processes. This disregards the technical expertise and input of municipalities and conservation authorities (CAs) critical to mitigating risk from natural hazards and protecting sources of drinking water. By contrast, the Growth Plan (as provided for in the *Places to Grow Act, 2005*) states that, where the Growth Plan and the current PPS conflict, policies providing more protection

to the natural environment or human health prevail. TRCA is also concerned that a similar notwithstanding clause is not proposed to be carried forward in the new PPS.

**TRCA recommendations:**

- **The new PPS should incorporate Growth Plan direction stating, where conflict exists, policies that provide more protection to the natural environment, human health and public safety prevail. Similar language exists in the *Clean Water Act* regarding drinking water protection.**
- **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 the economic vitality of the Province.**

**Maintaining Natural Hazard Protections**

We are pleased that policies for natural hazards in the current PPS are proposed to remain intact in the new PPS and note that direction from the chapter’s preamble would be carried forward as a policy (5.1.1): “Development shall be directed away from areas of natural or human-made hazards where there is unacceptable risk to public health or safety or of property damage, and not create or aggravate existing hazards.” We expect that the current policy and regulatory framework for natural hazard management implemented by the Province, municipalities and conservation authorities would continue to apply equally to all hazardous lands, including the “floodway”, “one-zone” and “two-zone” concepts based on the regulatory storm event.

Were the natural hazard section to be added to, it could benefit from more direction to municipalities on mitigating and remediating for flood risk on a comprehensive basis. This direction is needed to address the urban context where existing development in flood prone areas is proposed for urban revitalization (inside or outside a Special Policy Area or Two-Zone policy area).

**TRCA recommendation:**

- **TRCA supports the retention of the natural hazard policies in the new PPS but recommends 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.**

**Ensure Collaboration with CAs and Update Provincial Technical Guidance on Natural Hazards**

A new policy states that, “Planning authorities shall identify *hazardous lands* and *hazardous sites* and manage development in these areas, in accordance with provincial guidance” (5.2.1). TRCA supports this new policy as it will help direct new housing supply outside areas of natural hazard risk, however, reference should be made to conservation authorities where available to ensure municipalities leverage their expertise and ensure continued coordination with Section 28 requirements under the *Conservation Authorities Act*.

#### **TRCA recommendation:**

- **Revise policy 5.2.1 to include reference to “collaborating with Conservation Authorities, where they exist”. This would align with language in the proposed “Vision” requiring the Province, planning authorities and conservation authorities to work together to mitigate risk from natural hazards and climate change.**

We also note that existing guidelines that articulate and inform decision-making associated with natural hazard policies must be updated concurrently with the new PPS to enable efficient implementation. An example of recently updated provincial guidance is the draft subwatershed planning guide developed through the CA Working Group. There is a critical need to modernize the 2002 natural hazards provincial technical guidelines (flooding and erosion) to incorporate climate change and cumulative impact considerations, to account for technological advancements in modelling methodologies and mapping outputs, and to provide technical and policy guidance specific to flood risk and mitigation in the urban context. For example, the current practice of 2D modelling to define flood plains is well accepted and effective and should be incorporated into updated provincial technical guidance. In addition, current provincial guidelines do not allow floodplain limits to be established based on flood flows moderated by purpose-built, off-line flood control facilities properly designed for the Regulatory event.

#### **TRCA recommendation:**

- **To enable more efficient technical review and implementation of the natural hazard policies, 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 Conservation Authorities Working Group, should also be finalized to help provide direction and certainty for implementation.**

#### **Multi-lot Development and Additional Residential Units (ARUs) in Agricultural Areas and Rural Lands**

Where the current PPS encourages conservation of existing rural housing and requires compatibility with the rural landscape, the new PPS would promote development on rural lands and allow for additional forms of intensification on agricultural lands. ARUs would now be permitted in prime agricultural areas and additional residential lots could be created from an existing agricultural parcel.

This would increase residential development in areas that commonly intersect with natural features and their associated natural hazards. This could lead to proposals for new and/or intensified development in environmentally sensitive areas and hazardous lands where provincial (and TRCA) policy generally does not support lot creation and new residential development.

While policy 4.3.3.2 states an exception for new multi-lot development “to address public health or safety concerns”, the provisions in 4.3.3.1 a) do not indicate or clarify that lot creation is prohibited within hazardous land and hazardous sites. Further, no such

exception or clarification is provided for in related policy 2.6.1 c) or for ARUs in policy 4.3.2.5.

**TRCA recommendation:**

- **New policy permissions that would permit multi-lot residential development and additional residential units in agricultural lands should clarify that new or intensified development is not permitted in natural hazards.**

**Natural heritage protection and water policies are linked to policies for managing natural hazards.**

From a natural hazard management perspective, we look forward to the release of the Natural Heritage policies in the new PPS to ensure they remain strong. Policies for water, natural hazards and natural heritage are all linked and important for protecting natural resources' ecological and hydrological functions and their attendant benefits to communities. Managing natural hazards, and mitigating and adapting to climate change, is tied to the protection and enhancement of natural features and systems on a watershed basis, e.g., protecting wetlands and watercourses protects the ecosystem services they provide such as reducing runoff, mitigating erosion, and filtering pollutants.

We note that the Vision in the new PPS states:

"The wise use and management of resources will be encouraged including natural areas, agricultural lands and the Great Lakes while providing attention to appropriate housing supply and public health and safety. 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. This will require the Province, planning authorities, and conservation authorities to work together."

While we appreciate reference to collaboration with CAs in this regard, TRCA is concerned that if the wise use and management of natural areas is not an explicit requirement in the policies, then risks from natural hazards and climate change impacts cannot be adequately mitigated.

**TRCA recommendation:**

- **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.**

Should you have any questions, require clarification, or wish to meet to discuss any of the above remarks, please contact the undersigned at 416.667.6920 or at [john.mackenzie@trca.ca](mailto:john.mackenzie@trca.ca).

Sincerely,

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Chief Executive Officer

Cc: Sameer Dhalla, Director, Development and Engineering Services  
Laurie Nelson, Director, Policy Planning

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## Additional TRCA Comments – New PPS

### 1. INTRODUCTION

- Although the ERO posting proposes the fourth pillar as balancing housing and resources, the Vision clearly prioritizes housing above other provincial interests. Policies pertaining to environmental sustainability, public health and safety are critical to address in tandem with housing development and therefore must also be prioritized. Language highlighting the importance of environmental sustainability for the health and wellbeing of Ontarians should be reinstated.
- “Complete communities” appears to have replaced “sustainable and resilient communities”. It is important to recognize that these terms carry different meanings and nuances. While complete communities help enable resilient communities, they do not guarantee resilient communities. For example, the range of services offered by complete communities also needs to be operational during extreme weather events and other incidents for community resilience. Subsuming everything under the banner of complete communities may lose connections to broader goals (e.g., sustainable development, climate change and climate change mitigation).
- Paragraph 5: The description of complete communities no longer references parks, active transportation, and transit. Parks and greenspaces should be part of complete communities. We suggest using the same language under section 2.1.4.
- Paragraph 6: “Prioritizing compact and transit-supportive design” is also good for the natural environment and could be incorporated into the list.
- Paragraph 7: It’s unclear what is meant by “sensitive areas” – are these ecologically sensitive areas, hazardous areas, or both? There are definitions related to the term sensitive in the document but in this context the term sensitive is not italicized.
- Paragraph 8: We are pleased to see the important role that CAs play in protecting public health and safety and reducing the impacts of climate change recognized within the new PPS Vision.
- The importance of biodiversity should be reinstated into the Vision and noted elsewhere in the PPS.

### 2. BUILDING HOMES, SUSTAINING STRONG & COMPETITIVE COMMUNITIES

#### 2.1 Planning for People and Homes

- Current PPS direction on healthy, safe, and livable communities contains an environmental component related to avoiding development and land use patterns that cause environmental or public health and safety concerns. Policy (2.1.4 a), which would bring forward direction from the Growth Plan on complete communities, does not have the same environmental element. We recommend carrying forward this previous direction, e.g., “support the achievement of complete communities by: a) . . . accommodating . . . recreation, parks and open space, **natural areas** and other uses..”



	<ul style="list-style-type: none"> <li>• 2.1.1 provides that development resulting from an MZO shall be in addition to projected needs until the next OP update. Some MZOs result in significant growth and development that should be accounted for to properly inform potential impacts on watershed conditions and natural hazards.</li> </ul>
<p>2.3 Settlement Areas and Settlement Area Boundary Expansions</p>	<ul style="list-style-type: none"> <li>• Land use patterns within settlement areas should continue to be planned to minimize climate change impacts, air quality and energy efficiency, including through appropriate intensification, redevelopment, and compact form, to allow for the efficient use of land.</li> <li>• Existing Growth Plan criteria for settlement area identification and expansion should continue to apply across the GGH, e.g., avoidance of potential watershed impacts, hydrologic features, and the NHS. We suggest this be applied to policies for large and fast-growing municipalities.</li> <li>• Planning authorities should be required to establish density targets for new or expanded settlement areas, in part to reduce pressures on environmentally sensitive areas and mitigate climate change impacts through higher-density development.</li> </ul>
<p>2.6 Rural Lands in Municipalities</p>	<ul style="list-style-type: none"> <li>• Policy 2.6.1 should specify that, on rural lands, multi-lot residential development is not permitted within natural hazards.</li> </ul>
<p>2.9 Energy Conservation, Air Quality and Climate Change</p>	<ul style="list-style-type: none"> <li>• TRCA supports policies 2.9 b) and d), which require reduced GHGs and to prepare for climate change impacts by incorporating climate change considerations into SWM, as well as promoting green infrastructure, low impact development (LID) and active transportation to protect the environment and improve air quality. However, to help achieve the government’s commitments to prepare for the impacts of a changing climate, we suggest 2.9 be revised as follows: <ul style="list-style-type: none"> <li>b) incorporate climate change <del>considerations</del> <b>recommendations</b> in planning for the development of infrastructure, including stormwater management systems, and public service facilities;</li> <li>c) <del>support</del> <b>require</b> energy conservation and efficiency;</li> <li>d) <del>promote</del> <b>require</b> green infrastructure, low impact development, and active transportation, protect <b>and enhance</b> the environment and improve air quality; and</li> <li>e) <del>take into consideration</del> <b>evaluate and implement</b> any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• We recommend reintegrating language around climate change, risks and impacts, and resilience.</li> <li>• Policy 2.9.1 should maintain direction from the current PPS, to “maximize vegetation within settlement areas, where feasible.</li> <li>• Nature-based solutions are an internationally recognized best practice for reducing climate change impacts that could be incorporated in this section.</li> </ul>
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**3. INFRASTRUCTURE AND FACILITIES**

3.1 General Policies for Infrastructure and Public Service Facilities	<ul style="list-style-type: none"> <li>• We suggest making a stronger connection between infrastructure and climate change. There is currently no mention of climate change.</li> <li>• This section should recognize the critical role infrastructure and public service facilities play in environmental and ecosystem protection, e.g., “Infrastructure and public service facilities should be planned and located to support the environmental and natural resource management in accordance with the policies in Chapter 4”.</li> </ul>
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3.6 Sewage, Water and Stormwater	<ul style="list-style-type: none"> <li>• Planning for sewage and water services should be integrated with watershed planning.</li> <li>• We suggest stronger using language than “integrate with source protection planning” (3.6.1.f), e.g., “conform to”.</li> <li>• We are pleased to see “full life cycle” added to Policy 3.6.8 a).</li> <li>• Policy 3.6.8 c) should speak to how stormwater management planning minimizes stormwater volumes.</li> <li>• 3.6.1 and 3.6.8 would be appropriate sections to carry forward requirements from the Growth Plan related to “requiring” water, wastewater, and stormwater systems to be informed by a subwatershed study, or equivalent. Subwatershed planning is a critical scale and component of effective water-based infrastructure planning that should continue to be required in this context, potentially in application to large and fast-growing municipalities.</li> </ul>
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**4. WISE USE AND MANAGEMENT OF RESOURCES**

4.1 Natural Heritage	<ul style="list-style-type: none"> <li>• Policy protections for natural heritage relate directly to watershed health and safety. The Natural Heritage Section should recognize natural features and systems, both as a nature-based tool for climate change adaptation, natural hazard mitigation and a social, environmental, and economic asset.</li> </ul>
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4.2 Water	<ul style="list-style-type: none"> <li>• We are pleased to see that the watershed remains recognized as the ecologically meaningful scale for integrated and long-term planning. However, the need to evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level has been removed. This is important to ensure that planning for</li> </ul>
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	<p>climate change also takes place at the ecologically meaningful scale. This section should direct that a purpose of watershed planning is to prepare for the impacts of a changing climate.</p> <ul style="list-style-type: none"> <li>• TRCA supports policy 4.2.3 and the related defined terms in principle, but it should <u>require</u> large and fast-growing municipalities to undertake watershed planning, and encourage other municipalities to undertake watershed planning, <u>in partnership with CAs</u>, where they exist.</li> <li>• This policy and/or the related definition, should clarify that, in addition to informing planning for sewage and water services and stormwater management, and the protection, improvement, or restoration of the quality and quantity of water, a purpose of watershed planning is to prepare for the impacts of a changing climate.</li> <li>• Direction that large-scale development will be supported by a stormwater management plan informed by a subwatershed plan or equivalent should be retained and applied to policy for large and fast-growing municipalities.</li> <li>• This section should include a requirement to utilize LID technologies and re-incorporate linkages to stormwater management, which is also essential for protecting, improving, and restoring the quality and quantity of water.</li> </ul>
<p>4.3 Agriculture</p>	<ul style="list-style-type: none"> <li>• The new policy direction that allows for the creation of new residential lots on existing parcels of land in prime agricultural areas should be contingent on an assessment to ensure no negative impacts for source water protection natural systems/areas, and that lots are prohibiting from locating with natural hazards (also see general comments and recommendations above).</li> </ul>
<p>4.6 Cultural Heritage and Archaeology</p>	<p>As a landowner, TRCA provides the following comments for consideration:</p> <ul style="list-style-type: none"> <li>• 4.6.3 - should include language that speaks to protection of archaeological resources versus conservation. Also, it should be clear that, in addition to resources, the land base should be conserved/protected.</li> <li>• 4.6.5 – TRCA would support stronger language to support early and meaningful engagement and consultation with Indigenous communities.</li> <li>• 4.6.5 - Natural heritage could be added in addition to “built heritage resources and cultural heritage landscapes”</li> </ul>

<b>5. PROTECTING PUBLIC HEALTH AND SAFETY</b>	
5.2 Natural Hazards	<ul style="list-style-type: none"> <li>Retention of existing Natural Hazard policy direction from the PPS, 2020 is vital and supported subject to the general comments and recommendations above.</li> <li>New Policy 5.2.1 is supported in principle, provided it is amended to reference collaboration with CAs.</li> <li>Updated provincial technical guidance on natural hazards is needed as described in our comments and recommendations above.</li> </ul>
<b>6. IMPLEMENTATION AND INTERPRETATION</b>	
6.1 General Policies for Implementation and Interpretation	<ul style="list-style-type: none"> <li>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.</li> <li>The technical expertise and input of municipalities and CAs, as per the current development review and approval process under the <i>Planning Act</i> are critical and should continue to apply.</li> <li>Should the Province proceed with the proposed new PPS and new authority for MZOs under Bill 97, provisions should be included to safeguard sources of drinking water and to manage the risks of natural hazards.</li> </ul>
6.2 Coordination	<ul style="list-style-type: none"> <li>TRCA would support stronger language than proposed to support early and meaningful engagement and consultation with Indigenous communities</li> </ul>
<b>7. DEFINITIONS</b>	
<ul style="list-style-type: none"> <li>Incorporating natural areas into complete communities is a key component of creating sustainable and livable communities. Natural areas provide opportunities for outdoor passive recreation and leisure activities and a range of environmental benefits, such as reducing urban heat island effects, improving air and water quality, reducing flooding and supporting biodiversity. Consider adding parks and open spaces and a healthy natural environment to the definition of complete communities.</li> <li>Include a definition for "subwatershed study" consistent with the definition in the Greenbelt Plan.</li> <li>Since the definition of Water Resource System (WRS) includes a natural heritage component, the connection between watershed planning and identifying a WRS should be strengthened.</li> </ul>	