

May 2, 2024

CFN 65588

VIA EMAIL ONLY

Provincial Land Use Plans Branch
13th Floor 777 Bay Street
Toronto, ON M5G 2C8

growthplanning@ontario.ca

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

Toronto and Region Conservation Authority (TRCA) provides the following comments on the Ministry of Municipal Affairs and Housing's proposed Provincial Planning Statement (new PPS) posted on the Environmental Registry of Ontario (ERO). TRCA submitted comments on earlier versions of this document in our letters dated June 22, 2023, and August 3, 2023.

TRCA appreciates the increased reference to conservation authorities in the new PPS, which reflects the current best practice of coordination among TRCA and partner municipalities in striving for integrated watershed management. TRCA is concerned, however, that policies from a Place to Grow, supporting sub-watershed planning to inform large scale development and settlement area boundary expansions, are not being retained in the new PPS.

Industry and municipal stakeholders agree that subwatershed planning creates certainty for timely and safe development so we are uncertain why this policy has not been carried forward into the updated PPS. For example, with respect to Secondary Planning and Settlement Area Boundary Expansions, in TRCA's experience, draft plan of subdivision approvals come quickly on the heels, or even coincide, with these two planning exercises. This often results in natural hazards not being adequately identified, and avoidance, minimization and mitigation not being applied appropriately to manage hazards.

In addition, disagreement on factual details may result in delays in subsequent planning processes, reducing the ability to realize developments and required infrastructure in support of those developments quickly. This upfront work on subwatershed planning for growth areas is vital for protecting the new communities being developed and the existing communities downstream and expediting subsequent approvals.

Similarly, TRCA appreciates section 2.9 of the new PPS, which speaks to preparing for the impacts of a changing climate but asserts that these policies could provide clearer implementation guidance on *how* to "build community resilience to the impacts of a changing climate" by cross referencing policies on watershed planning, water and natural hazard management and the wise use of natural resources. All of these policy areas are integrated through the lens of watershed and sub-watershed planning, which identify and guide avoidance, minimization, mitigation, and where necessary, compensation for urban impacts. This framework of watershed and subwatershed planning, taking into account proposed growth

scenarios, enables the reduction of natural hazard risk and increases community resilience for mitigating and adapting to a changing climate.

Accordingly, TRCA recommends that the new PPS clearly direct municipalities to undertake watershed and/or subwatershed planning prior to planning for development or urban boundary expansion.

The table below elaborates on the points above and contains detailed comments and recommendations on select sections of the new PPS for the Ministry’s consideration.

Chapter/Section	TRCA Comments
INTRODUCTION	
Vision	<p>While the Vision recognizes the need for the wise use and management of resources (paragraph 8), there is no recognition of the inherent value of nature and biodiversity. Policy 2.5.1g) promotes conserving biodiversity in rural areas and policy 4.1.2 states that the biodiversity of natural heritage systems should be maintained, restored, and improved. Managing for the wise use of resources is important but protecting biodiversity is also a crucial component of provincial planning because of its many attendant benefits, including resilience to urban impacts and climate change. This interdependency should be highlighted in the Vision of the new PPS.</p> <ul style="list-style-type: none"> • TRCA recommends adding language to the Vision regarding the maintenance and restoration of biodiversity being vital for planning complete, healthy and resilient communities.
CHAPTER 2: BUILDING HOMES, SUSTAINING STRONG AND COMPETITIVE COMMUNITIES	
2.1 Planning for People and Homes	<p>Policy 2.1.6 a): “Planning authorities should support the achievement of complete communities by a) accommodating an appropriate range and mix of land uses... recreation, parks and open space and other uses to meet long-term needs.” This policy should carry forward the same environmental element as the PPS 2020 and Growth Plan and include the term “natural areas.”</p> <ul style="list-style-type: none"> • TRCA recommends revising this policy to “. . . recreation, parks and open space, natural areas and other uses . . .”
2.3 Settlement Areas and Settlement Boundary Expansions	<p>Policy 2.3.1: The PPS 2020 requires land use patterns within settlement areas to, “minimize negative impacts to air quality and climate change and promote energy efficiency” and, “prepare for the impacts of a changing climate”. In the absence of explicit reference to air quality and climate change, there is a need to cross reference section 2.9 Energy Conservation, Air Quality and Climate Change.</p> <ul style="list-style-type: none"> • TRCA recommends adding 2.3.1.7 as, “Planning authorities shall support the achievement of greenhouse gas emissions reduction and the building of community resilience to the impacts of a changing climate in accordance with policy 2.9.1.” <p>Policy 2.3.1.4 and Policy 2.3.1.5: Planning authorities are only “encouraged to establish minimum targets for <i>intensification</i> and</p>

Chapter/Section	TRCA Comments
	<p><i>redevelopment</i> within built-up areas” (2.3.1.4) and “establish density targets for <i>designated growth areas</i>, based on local conditions” (2.3.1.5). In reading this with 2.3.2 New Settlement Areas and Settlement Area Boundary Expansions, planning authorities can essentially identify new <i>settlement area</i> or allow a <i>settlement area</i> boundary expansion without any established targets, which can promote further urban sprawl.</p> <ul style="list-style-type: none"> • TRCA recommends that 2.3.1.4 and 2.3.1.5 be amended to require planning authorities to establish targets, based on local conditions, and/or require planning authorities to have these targets in place and demonstrate that these targets have been met or exceeded before identifying a new settlement area or allowing a settlement area boundary expansion. <p>Policy 2.3.2: Watershed planning is encouraged/required in section 4.2 Water, “Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management . . .” Watershed planning can also guide development by providing data to improve our understanding of water resources and expedite the planning process.</p> <ul style="list-style-type: none"> • TRCA recommends a new policy that states municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake, watershed planning to inform new settlement areas and settlement boundary expansions. <p>Policy 2.3.2.1: Guidance is provided on what planning authorities should consider when identifying new settlement areas or allowing a settlement area boundary expansion. This guidance calls out agricultural areas specifically and should be expanded to also protect natural areas and avoid hazardous lands.</p> <ul style="list-style-type: none"> • TRCA recommends incorporating natural areas and hazardous lands into the current list or adding a new item. For example, “the new or expanded settlement area should protect natural heritage features and avoid hazardous lands. Where avoidance is not possible, the impact shall be minimized and mitigated to the greatest extent possible as determined through an environmental impact assessment or equivalent analysis.”
CHAPTER 3: INFRASTRUCTURE AND FACILITIES	
3.1 General Policies for Infrastructure and Public Service Facilities	<p>Policy 3.1: Currently there is no mention of climate change as it relates to infrastructure and public service facilities.</p> <ul style="list-style-type: none"> • TRCA recommends adding the policy, “Planning for infrastructure and public service facilities shall support the achievement of greenhouse gas emissions reduction and the building of community resilience to the impacts of a changing climate in accordance with policy 2.9.1.”
3.6 Sewage, Water and Stormwater	<p>Policy 3.6.1: Planning for sewage and water services should include language on climate change as well as add/cross-reference watershed planning.</p>

Chapter/Section	TRCA Comments
	<ul style="list-style-type: none"> • TRCA recommends amending 3.6.1 b) 3. to “protects human health and safety, and the natural environment, including the quality and quantity of water and the impacts of a changing climate” • TRCA recommends adding watershed planning and/or to cross reference section 4.2 Water. <p>Policy 3.6.8 b): Planning for stormwater management shall... “minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads.” This policy should be revised to provide clarification.</p> <ul style="list-style-type: none"> • TRCA recommends revising this policy to “prevent increases or reduce downstream impacts in stormwater volumes and contaminant loads;” <p>Growth Plan policy 3.2.7.1 states that stormwater master plans for settlement areas must be informed by watershed planning, which has not been transferred over to the new PPS. Furthermore, policy 3.6.8 in the new PPS on planning for stormwater management should include language on climate change as identified through watershed planning.</p> <ul style="list-style-type: none"> • TRCA recommends adding a new item, “minimize the negative impacts of climate change and prepare for the impacts of a changing climate;” • TRCA recommends adding a policy requiring planning for stormwater management to be informed by watershed planning (in addition to maintaining 3.6.8 g), or could be added to g)). • TRCA recommends adding a policy (or augmenting c) or e)) for protection of natural features and areas and the water resource system (e.g. wetlands) as other contributions to stormwater management.
CHAPTER 4: WISE USE AND MANAGEMENT OF RESOURCES	
4.1 Natural Heritage	<p>Policy 4.1.2: While natural heritage systems play an important role in protecting communities from and reducing the impacts of climate change, natural heritage systems are also at risk to a changing climate (as past provincial and federal assessments have found, Ontario Provincial Climate Change Impact Assessment, Climate Change Vulnerability Assessment of Species in the Ontario Great Basin, Canada in a Changing Climate reports).</p> <ul style="list-style-type: none"> • TRCA recommends amending this policy to read “The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features, and the impacts of a changing climate.”
4.2 Water	<p>Policy 4.2.1: The list of requirements for planning authorities to protect, improve or restore the quality and quantity of water does not include climate change.</p>

Chapter/Section	TRCA Comments
	<ul style="list-style-type: none"> • TRCA recommends amending policy 4.2.1 c) to “Planning authorities shall protect, improve or restore the quality and quantity of water by . . . identifying water resource systems and evaluating and considering the impacts of a changing climate;” <p>Policy 4.2.3: Watershed planning should also be used to inform planning on the impacts of climate change.</p> <ul style="list-style-type: none"> • TRCA recommends amending this policy “Municipalities are encouraged to undertake, and large and fast-growing municipalities shall undertake, watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water and the impacts of a changing climate.” <p>Policy 4.2.4: The roles of upper-tier (with planning or no planning responsibilities) versus lower-tier municipalities for watershed planning is confusing as worded. Moreover, in TRCA’s experience, it is helpful for regional/upper tier municipalities to coordinate watershed planning with lower-tier municipalities and conservation authorities, especially given that upper tiers may maintain infrastructure planning/servicing allocation responsibilities.</p> <ul style="list-style-type: none"> • TRCA recommends clarifying the roles and expectations of upper- and lower-tier municipalities for watershed planning and leveraging upper-tier coordination of infrastructure planning and watershed planning, regardless of planning responsibilities being removed. <p>Policy 4.2.5: Expand this policy to encourage municipalities to collaborate with upstream municipalities to consider downstream impacts.</p> <ul style="list-style-type: none"> • TRCA recommends revising this policy as such, “All municipalities undertaking watershed planning are encouraged to collaborate with applicable conservation authorities as well as with upstream municipalities to avoid, minimize or mitigate downstream impacts.” • Further, TRCA recommends that conservation authorities be used as the repository for watershed plan data to ensure consistency among plans and uniform availability to municipalities.
<p>CHAPTER 5: PROTECTING PUBLIC HEALTH AND SAFETY</p>	
	<p>TRCA supports the retention of the current natural hazard policies in the new PPS and the inclusion of conservation authorities in Policy 5.2.1. This section could benefit from more direction to municipalities on mitigating and remediating flood risk on a comprehensive basis. This direction is needed to address the urban context where existing development in flood prone areas is under pressure for community revitalization (inside or outside a Special Area or Two-Zone policy area).</p> <ul style="list-style-type: none"> • TRCA recommends that policies be added for mitigating and/or remediating natural hazard risk, for the urban context, where

Chapter/Section	TRCA Comments
	<p>there are redevelopment and intensification pressures for existing communities within flood vulnerable areas.</p>
<p>CHAPTER 6. IMPLEMENTATION AND INTERPRETATION</p>	
<p>6.2 Coordination</p>	<p>Policy 6.2.1: The list provided to ensure a coordinated, integrated, and comprehensive approach should include climate change.</p> <ul style="list-style-type: none"> • TRCA recommends adding this policy, “reducing greenhouse gas emissions and preparing for the impacts of a changing climate.”

Lastly, in response to the ERO posting’s question on implementation, (i.e., “What are your thoughts on any implementation challenges with the updated proposed Provincial Planning Statement?”), please re-consider **TRCA’s previous comments and recommendations that provincial technical guidance (e.g., subwatershed planning guidance, stormwater management low impact development, and provincial technical guides) be updated in consultation with municipalities, conservation authorities and the building industry to enable effective implementation of the amended provincial directions and new PPS.**

For example, TRCA with support of stakeholders including AMO and BILD have previously recommended that greater certainty be achieved for growth areas by proactively completing subwatershed studies for those areas. While draft subwatershed guidance that benefited from the multi-sectoral Conservation Authorities Working Group that included TRCA, BILD and AMO representatives was previously released for comment by the Province, this guidance has not been finalized for use. In TRCA’s jurisdiction, proactively completing these studies with industry, municipalities, and all stakeholders at the table helps facilitate more timely, safe, and resilient developments and this outcome should be mandated by the Province in the updated PPS. Furthermore, some guidance is outdated, e.g., Provincial guidance on flood plain mapping does not reflect best practices creating challenges in urban watersheds as it does not reflect best practice mitigation measures or changing climate conditions. TRCA, in collaboration with municipal partners, and BILD has jointly been advocating for such updates.

The current provincial guidance, when strictly applied, provides no clear options to remediate flooding in urban areas including significant brownfield and greyfield sites to allow for redevelopment and land use intensification (where passive approaches such as channel conveyance improvements do not work on their own). In addition, there is also no guidance on how to manage regulatory event flow increases resulting from new urban development, despite provincial and municipal approval of urban expansion areas. Without further direction from the Ministry of Natural Resources and Forestry, including necessary updates to provincial technical guides to reflect engineering and scientific best practices, desired redevelopment and growth will not be possible. Furthermore, updates to the technical guidelines could assist in creating greater certainty for safe and resilient greenfield development.

TRCA recommends that flood mitigation measures (i.e., regional controls), and climate change modeling, be reflected in updated provincial flood hazard guidance to create certainty and consistency for all involved in implementing the new PPS.

Thank you for the opportunity to provide these comments. 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.

Sincerely,

<Original signed by>

John MacKenzie, M.Sc.(PI) MCIP, RPP
Chief Executive Officer

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