

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #8/19, Friday, September 27, 2019

FROM: Laurie Nelson, Director, Policy Planning

RE: **TRCA DRAFT COMMENTS TO ENVIRONMENTAL REGISTRY OF ONTARIO (ERO)**
Provincial Policy Statement Review – Proposed Policies (ERO #019-0279)

KEY ISSUE

Toronto and Region Conservation Authority (TRCA) draft comments on the Government of Ontario's proposed amendments to the Provincial Policy Statement, 2014.

RECOMMENDATION

WHEREAS the Province of Ontario has posted the proposed amendments to the Provincial Policy Statement, 2014, for public comment on the Environmental Registry of Ontario (ERO) until October 21, 2019;

AND WHEREAS TRCA staff have drafted preliminary comments for TRCA Board of Directors review and input;

THEREFORE, LET IT BE RESOLVED THAT the Toronto and Region Conservation Authority (TRCA) staff report and draft comments on the Ontario government's proposed amendments to the Provincial Policy Statement, 2014, be received, and that any comments from the Board of Directors be considered in informing TRCA's final ERO submission;

AND FURTHER THAT the Clerk and Manager, Policy, so advise municipal partners and Conservation Ontario of TRCA's final ERO submission.

BACKGROUND

On July 22, 2019, the Ministry of Municipal Affairs and Housing (MMAH) released details of [proposed amendments to the Provincial Policy Statement \(PPS\), 2014](#), on the Environmental Registry of Ontario (ERO), with comments due October 21, 2019.

The PPS is a key part of Ontario's policy-led planning system that provides policy direction on matters of provincial interest related to land use planning and development. It is the primary provincial land use policy document guiding municipal decision-making. The PPS supports the provincial goal to enhance the quality of life for all Ontarians by providing policies for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. Additionally, the PPS policies represent minimum standards and allow for planning authorities to go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any other policies of the PPS.

The proposed amendments to the PPS are aligned with the provincial government's "More Homes, More Choices: Ontario's Housing Supply Action Plan" released on May 2, 2019. The

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Action Plan included a series of initiatives to address housing supply, including a review of the PPS. The Action Plan also precipitated the government's introduction of Bill 108, receiving Royal Assent on June 6, 2019 as the *More Homes, More Choice Act*. As a part of Bill 108, the *Conservation Authorities Act* was amended, however, many of the amendments have yet to be enacted through enabling regulations by the government. Therefore, TRCA is reviewing and commenting on the PPS proposed changes in accordance with our current provincially delegated and mandated responsibilities as further set out and described in this report.

The government's stated intent of the proposed changes to the PPS is to help increase the supply of housing, support jobs and reduce barriers and costs in the land use planning system. Proposed amendments to the PPS include the following:

- Changes generally reflect the numerous provincial initiatives for legislative and policy changes (e.g., A Place to Grow: Growth Plan, 2019) posted on the Environmental Registry of Ontario (ERO) over the past year;
- There is more emphasis on taking action for climate change mitigation, with the addition of the frequently used new phrase "prepare for the impacts of a changing climate" (e.g., impacts to water resource systems at the watershed level);
- A policy on municipal "management" of non-provincially significant wetlands has been added, based on provincial guidelines that have yet to be released;
- Planning authorities will engage Indigenous communities, instead of consultation only being encouraged;
- Extraction of aggregates could be considered within natural heritage features outside the Greenbelt, subject to certain criteria;
- Policies related to protecting public health and safety, (Section 3.1 Natural Hazards), are still subject to ongoing review by the Province's Special Advisor on flooding;
- The only change (currently) to the sub-sections on natural hazards is minor text edits around climate change and risk from natural hazards;
- Specific definitions for housing options and impacts of a changing climate have been added; and
- The relocation of a number of policies from the Implementation and Interpretation section (4.0) to the Preamble and other sections.

The Province's ERO posting provides several questions to help frame responses to the proposed amendments to the PPS. The questions are:

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?
2. Do the proposed policies strike the right balance? Why or why not?
3. How do these policies take into consideration the views of Ontario communities?
4. Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?
5. Are there other tools that are needed to help implement the proposed policies?

RATIONALE

TRCA provides technical support to its municipal partners through Memorandums of Understanding and Service Level Agreements in implementing the natural heritage, natural hazard and water resource policies of municipal and provincial plans. In working with approval authorities, along with private and public proponents, TRCA supports comprehensive planning

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to ensure development and infrastructure are adequately set back and protected from natural hazards and environmentally sensitive areas. In addition to acting as an agency delegated the responsibility to represent the provincial interest on natural hazards under Section 3.1 of the PPS, TRCA achieves these objectives in the following capacities, by acting as:

- A public commenting body under the *Planning Act* and *Environmental Assessment Act*;
- A regulatory authority under section 28 of the *Conservation Authorities Act*;
- A service provider;
- A resource management agency; and
- A landowner, being second only to the Province in area of land ownership in TRCA's jurisdiction.

With TRCA's diverse roles and experience in mind, TRCA has compiled draft comments, organized by the government's summary of the amendments to the PPS. Below is a summary of preliminary messages from staff's draft response thus far. A table of detailed draft comments specific to proposed changes by sub-section in the PPS is in Attachment 1. Key points and themes based on staff's review are as follows:

1. The need for guidelines to be prepared by the Province, in consultation with the implementing and affected agencies, including CAs, to assist with PPS understanding and implementation in the following policy topic areas:
 - preparing for the impacts of a changing climate;
 - the ability for municipalities to "manage" wetlands that are not provincially significant;
 - consultation on planning and infrastructure matters with Indigenous communities;
 - defining applications that are considered priority for "fast tracking" and how fast tracking is to be achieved; and,
 - to encourage embedding "hot links" into the PPS to all current guidelines referenced, to ensure all parties are working with the same and most up-to-date guidance documents.
2. Natural Hazard policy updates, which still remain to be determined, pending the report by the Province's Special Advisor on flooding:
 - TRCA senior staff recently met with the Special Advisor on flooding and provided a presentation and tour of various sites, highlighting the need for improved and updated PPS policies to address not just new greenfield developments, but also to address the urban context and existing development in flood-prone areas. A copy of TRCA's detailed comment letter to the Special Advisor will be included with final PPS submission (and as Attachment 2 to follow).
3. Support for changes that strengthen existing policies related to:
 - Requiring Indigenous consultation and engagement;
 - Wording changes from "should" to "shall" in various policies;
 - The addition to various policies of the more action-oriented phrase to "prepare for the impacts of a changing climate"; and,
 - The recognition in policy that evaluating and preparing for the impacts of a changing climate to water resource systems is best done at a watershed level.
4. Not supporting changes that weaken existing policies related to:
 - Wording changes from "shall" to "should";

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- The new policy permitting aggregate extraction in natural heritage features (subject to conditions); and,
 - The relocation of policies in section 4.0 Implementation and Interpretation to the Preamble, if their policy weight and effect is diminished.
5. The need for additional policies or amendments to existing policies related to:
- Recognizing agriculture as an important component to healthy, livable and complete communities;
 - study requirements for impact assessments to natural heritage systems, features and functions as well as for natural hazards, when settlement area boundaries are proposed to be adjusted outside of the municipal comprehensive review process;
 - recognition in policy or Preamble of the need for complete applications that demonstrate consistency with the PPS in order to achieve the Province's goal to streamline and fast-track priority applications to increase the housing supply; and
 - minor wording edits in various policies to strengthen protection and enhancement of the natural heritage system and the water resources system, and to protect life and property from natural hazards.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 4 – Create complete communities that integrate nature and the built environment

Strategy 8 – Gather and share the best sustainability knowledge

Strategy 12 – Facilitate a region-wide approach to sustainability

FINANCIAL DETAILS

Staff are engaged in this policy analysis work per the normal course of duty, with funding support provided by TRCA's participating municipalities to account 120-12. No additional funding is proposed to support the policy analysis work associated with the preparation of these comments.

DETAILS OF WORK TO BE DONE

Recognizing any input received on the staff comments from the Board of Directors, staff will finalize the comments and report back to the Board of Directors with the final submission to the ERO. Staff will continue to brief the Board on any other legislative changes or policy updates resulting from this circulation.

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Date: September 20, 2019

Attachments: 1

Attachment 1: TRCA Draft Comments (ERO #019-0279)

Attachment 2: TRCA Comments to the Province's Special Advisor on flooding (to follow)