

# Halton Area Planning Partnership (HAPP)

## Joint Submission on the Proposed Changes To The Provincial Policy Statement

October 2019



## Introduction

The Halton Area Planning Partnership (HAPP) is comprised of Halton Region, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Credit Valley Conservation, Grand River Conservation Authority and Conservation Halton.

This submission represents HAPP's collective review and joint response to the proposed changes to the Provincial Policy Statement (PPS) in support of the release of the "More Homes, More Choice: Ontario's Housing Supply Action Plan" in May. The proposed changes were placed on the Environmental Registry of Ontario as a Policy Proposal Notice (ER Number: 019-0279) on July 22, 2019 with a 91-day comment period ending October 21, 2019. According to the notice, the proposal was prepared by the Ontario Ministry of the Municipal Affairs and Housing to help increase the supply of housing, support jobs and reduce barriers and costs in the land use planning system.

HAPP welcomes this opportunity to have its collective voice heard by responding to the proposed changes to the PPS. HAPP's response includes:

1. This letter, which contains comments and recommendations related to main areas of proposed change within the PPS that are relevant to and important for Halton.
2. Appendix 1, which contains in table form responses to provincial questions and comments addressing specific changes to sections and policies within the PPS.

## Background

The Provincial Policy Statement (PPS) is a consolidated statement of the government's policies on land use planning. It was issued under section 3 of the *Planning Act* and came into force and effect on April 30, 2014.

On May 2, 2019, the government released "More Homes, More Choice: Ontario's Housing Supply Action Plan". The Action Plan included a series of initiatives to address housing supply, including a review of the PPS.

On July 22, 2019 the government released changes to the PPS through the Environmental Registry of Ontario as a Policy Proposal Notice (ER Number: 019-0279). The proposed changes to the PPS are meant to support the government's following objectives:

- Encourage the development of an increased mix and supply of housing.
- Protect the environment and public safety.
- Reduce barriers and costs for development and provide greater predictability.
- Support rural, northern and Indigenous communities.
- Support the economy and job creation.

In addition to proposed modifications to the PPS, the government is seeking feedback through responses to the following questions:

- 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?
- Do the proposed policies strike the right balance? Why or why not?

- How do these policies take into consideration the views of Ontario communities?
- Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?
- Are there any other tools that are needed to help implement the proposed policies?

## Key Points of HAPP's Response

### 1. Softening of Important Policy Standards from “Shall” to “Should”

The proposed PPS has softened municipal decision making standards from a mandatory “shall” to a less directive “should” for a number of important policies, including: settlement area policies concerning the form, mix, and type of new development that makes most efficient use of land, infrastructure and public facilities (section 1.1.3.6); requirements to establish and implement phasing to achieve orderly growth and development (section 1.1.3.7); and requirements for efficient use of existing and planned transportation infrastructure (section 1.6.7.2). These changes will likely compromise a municipality’s ability to uphold and enforce good planning decisions, especially in the absence of a clear provincial definition of how the “should” standard is to be interpreted and implemented. As a result, It is recommended that the updated PPS be modified to maintain the PPS 2014 “shall” directives for these policies.

### 2. Introduction of “Market” Considerations

With the introduction of the “market” tests in PPS policies such as the requirement for a settlement boundary expansion (section 1.1.3.8), there is concern that the PPS appears to elevate “market” to a foundational component that is more important than other community objectives in justifying the merits of a proposal, particularly as it relates to housing. This is not consistent with implementing a broad range of matters defined by *the Planning Act* as representing the Provincial interest.

Therefore, it is recommended that the Province remove references to “market” as a basis for determining the merits of a policy or development proposal and replace them with references to an appropriate range and mix of housing options and densities.

### 3. Proposed Changes to Prioritize Development Applications

Proposed changes to section 4.7 of the PPS mandate that municipalities “shall take action to support “streamlining”, “fast-tracking” and “prioritizing” applications to facilitate increased housing and job-related growth and development, but does not provide a clear definition of what constitutes a priority application such as “affordable housing” or how it can be determined. Given that recent changes to the *Planning Act* under Bill 108, have already mandated that municipalities significantly fast track municipal planning decisions, introducing a new implementation policy in the PPS that further mandates faster decision-making appears does not provide municipalities discretion to prioritize and balance a range of policy interests in application review, including impacts on housing supply and job growth.

It is recommended the proposed policy be modified from a directive “shall take action” to a more flexible “should take action” to provide planning authorities with some discretion

to make determinations what planning applications should be prioritized for fast tracking, while balancing a range of policy interests.

#### **4. Considerations for Climate Change Adaptation and Mitigation Policies**

There appears to be numerous welcomed policy changes throughout the proposed PPS that require municipalities and planning authorities to “prepare for the impacts of a changing climate” when making decisions on planning matters. The new climate change definition in the proposed PPS only speaks to the “impacts of a changing climate” and does not address the broader causes and drivers of climate change. It is recommended that the Province expand this definition to acknowledge the need to both “prepare for” and “mitigate” against climate change. This is particularly important given that many municipalities and agencies within Halton have recently declared “climate emergencies” to respond to the growing public concern over climate change impacts and calls to identify it as a priority issue.

Furthermore, with the addition of language around responding to the impact of climate change there is a great opportunity as well to improve existing policies to address climate change mitigation and reduce greenhouse gases through the use of green infrastructure, sustainable housing, and renewable energy systems. These additional changes could assist the Province in lowering its emissions, preserving air quality, and meeting targets and objectives outlined in the “Preserving and Protecting our Environment for Future Generations, A made-in-Ontario Environment Plan”.

#### **5. Changes to Indigenous Engagement**

The updated PPS emphasizes the importance and value of the unique role Indigenous communities play in land use planning and development. Halton’s planning partners acknowledge the need for engagement with Indigenous communities on land use matters as well as when conserving cultural heritage. There is, however, a need for the Province to provide additional guidance to support implementation of these policies so municipalities have clearer direction on what will be expected through consultation and what applications will require consultation with Indigenous communities. The Province needs to develop consultation guidelines so that there is a mutual understanding of what constitutes meaningful engagement.

#### **6. Changes to the Implementation and Interpretation Section**

Significant changes are proposed to the “Implementation and Interpretation” section of the proposed PPS, most notably the removal of section 4.9 PPS, 2014 minimum standards policy statement that enables municipalities to go beyond the PPS policies when making decisions on planning matters. This policy has been a longstanding statement in the “Implementation and Interpretation” section of the PPS since the establishment of the PPS, 2005. While this statement has been relocated to the Preamble of the proposed PPS, HAPP is concerned that relocating the minimum standards and other PPS 2014 implementation policies de-emphasizes their importance as expressed directional policies that municipalities can reference when making planning decisions. It is recommended that the Province maintain the minimum standards and other directional policies in the “Implementation and Interpretation” section instead of removing them or relocating them to the Preamble of the PPS.

## **7. Implementation Guidelines**

There are numerous policy changes in the proposed PPS where references are made to unknown, draft, or non-existent guidelines that are intended to help implement the policies (such as section 1.1.3.8.e) which appear to relate to the draft Provincial Agricultural Impact Assessment Guidelines released for public comments in March 2018 but not finalized, or section 2.1.10 references to wetland management guidelines that are non-existent). These policies are essentially incomplete if the guidelines that help implement them are not clearly identified in PPS and not finalized for public use. Furthermore, it is difficult for HAPP to provide an accurate evaluation of the impact of proposed policies that reference guidelines when these guidelines are not clearly identified and not yet in place.

PPS policies should largely be developed with sufficient detail to help municipalities and planning authorities achieve planning outcomes without having to rely on supplemental guidance. If certain guidelines are essential to implement PPS policies (such as guidelines that are identified in Attachment 1), it is important that the Province clearly identify these guidelines and consult extensively with municipalities to ensure that they have utility and can be implemented through planning decisions.

## **8. Changes to Permit Mineral Aggregate Extraction in Natural Heritage Features**

The proposed change to section 2.5.2.2 in the PPS is concerning to HAPP as it introduces consideration for extraction in natural heritage features (outside the Greenbelt) provided that the long-term rehabilitation can demonstrate no-negative impacts on the natural feature and its ecological function. Most aggregate extraction, although considered an interim use, may be in operation for decades. The proposed policy change permits mineral aggregate extraction in natural heritage features such as provincially significant woodlands, fish habitat, and 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. This would appear to allow extraction within some of the most significant and sensitive natural heritage features without having to demonstrate “no negative impact” to these features until rehabilitation has commenced. Also, the proposed policy has no regard for hydrological features and functions that play an important role in these sensitive habitats nor for the connectivity between habitats and features. Rehabilitation, for most “below the water table” quarry operations, never returns the affected site to a similar state of features and functionality as they are most likely to become aquatic habitats as opposed to terrestrial habitats, especially in Halton Region. Claiming that an aquatic habitat will replace the previous terrestrial habitat in functionality and connectivity, most likely will not meet the “no negative impact” test. HAPP therefore does not support the addition of this policy and strongly suggests it be removed

## **Conclusion**

There is support for the Province’s introduction of a number of changes to the PPS that strengthen policies related to climate change and indigenous engagement, and suggests a number of enhancements to these important policies to ensure that they can be effectively implemented. Some proposed policy changes can be improved through modification, such as maintaining directive policy statements in the “Implementation and Interpretation” section or by strengthening/softening directive language “shall vs. should” as appropriate and where indicated

in Appendix 1. In addition, there are a number of policy changes that the Province has introduced in the PPS such as changes to mineral aggregate policies that permit extraction in natural heritage features, which would have significant impacts to Halton's planning partners. These are not supported and should be removed from the PPS given their impacts to Halton.

Thank you for providing the Region, its Local Municipalities, and Conservation Authorities the opportunity to comment on the proposed changes to PPS. It is recommended that the Province update the PPS to reflect our collective comments. We welcome the opportunity to have further discussions with Provincial staff to clarify our comments prior to the release of the final amendments to the PPS.

Respectfully submitted,

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## Proposed Changed to the *Provincial Policy Statement*

## APPENDIX 1

**Table 1:** Responses to consultation questions that have been posed by the Province:

Consultation Questions	Proposed Final Comments
<p>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?</p>	<p>The proposed modifications may support the goals related to increasing housing supply, creating and maintaining jobs, and red tape reduction, however, HAPP has concerns with the following proposed policy changes:</p> <ul style="list-style-type: none"> <li>- Allowing mineral aggregate operations outside of the Greenbelt area to use rehabilitation plans to demonstrate that extraction will have no negative impacts which may result in permanent damage to significant natural features and their functions (Clause 2.5.2.2.).</li> <li>- Requiring the fast-tracking of development applications without giving municipalities the discretion to make such decisions. (Clause 4.7 a)).</li> <li>- Removing specific actions in land use planning that were meant to improve accessibility for persons with disabilities and older persons as prescribed by the Accessibility for Ontarians with Disabilities Act.</li> <li>- Removing requirements to coordinate with lower tier municipalities populations, housing and employment projections</li> <li>- Not providing a clear definition of "Market-based".</li> <li>- Only including climate change adaptation definition and recommendations and missing many opportunities to include encourage climate change mitigation.</li> <li>- Changes to the Implementation and Interpretation section affecting policies such as 4.9 (PPS as a minimum standard).</li> </ul>
<p>2 Do the proposed policies strike the right balance? Why or why not?</p> <p>How do the responses answer the questions about balance?</p>	<p>The proposed changes to the PPS strive to strike the right balance between providing sufficient housing options and protecting the environment and public safety, however it does not achieve this balance in many policy areas including:</p> <ul style="list-style-type: none"> <li>- Providing a strong planning foundation through clear and direct implementation policies, which has been somewhat weakened by proposed relocation of policies 4.9, 4.11, 4.12 and 4.13 from the "Implementation and Interpretation" section to the Preamble or Part II (How to Read the PPS), which address :</li> </ul>

	<ul style="list-style-type: none"> <li>• Minimum standards and the statement that planning authorities and decision makers are permitted to go beyond the minimum standards established in the PPS (Clause 4.9 -moved to Part III).</li> <li>• Infrastructure projects requiring approval under other legislation and regulations including the Environmental Assessment Act (Clause 4.11 – moved to Part I).</li> <li>• Provincial plans such as the Greenbelt Act taking precedence over the PPS (Clause 4.12 – moved to Part III). and</li> <li>• Agreements within the Great Lakes – St. Lawrence being considered (Clause 4.13 moved to Part I).</li> </ul> <p>- Addressing the urgency of climate change and its impacts on the Province, which the PPS partially addresses through the addition of climate change adaptation language. However, the PPS should also be changed to place more emphasis on climate change mitigation through green and low impact development as well as encouraging renewable energy systems.</p> <p>- There are instances where “shall” has been changed to a “should” making the policy more permissive (s.1.1.3.6, s.1.1.3.7 and s.1.6.7.2). Such change, especially in the context of the Greater Golden Horseshoe region, may impede municipalities’ work to manage growth and development in a way that protects important natural and agricultural resources</p>
<p>3 How do these policies take into consideration the views of Ontario communities?</p>	<p>There is a concern with proposed changes to policy 2.5.2.2, which allows mineral aggregate extraction to be considered in natural heritage features outside of the Greenbelt area, provided that the long-term rehabilitation plan can demonstrate no negative impacts on the natural features and their ecological functions. It is our position that although aggregate extraction is considered an interim use, significant and sensitive natural heritage features and designated vulnerable areas, vulnerable surface water, vulnerable groundwater features and their hydrologic function are irreplaceable and the short to medium impacts on the environment should be considered when assessing an aggregate extraction proposal. HAPP recommends that proposed changes to policy 2.5.2.2 be removed.</p> <p>HAPP welcomes the addition of proposed PPS policies that acknowledge the need to prepare for and adapt to climate change. However, we note that with the welcomed addition of language about preparing for the impact of climate change there is a great opportunity as well</p>



	<p>to add/or improve policies to address climate change mitigation to reduce greenhouse gas levels through the use of green infrastructure, sustainable housing and renewable energy systems. These additional policy changes are necessary for the Province to lower its emissions, preserve air quality, and meet its targets and objectives as outlined in the “Preserving and Protecting our Environment for Future Generations, A made-in-Ontario Environment Plan”. These policy changes will also reflect and respond to the growing public concern over climate change impacts and the need to identify it as a priority issue (as highlighted in Halton through the multiple climate change declarations: Burlington – April 23; Halton Hills – May 6; Oakville – June 24; and Milton – July 22).</p>
<p>4 Are there any other policy changes that are needed to support key priorities for housing, job creation, and streamlining of development approvals?</p>	<p>Halton’s planning partners suggest putting more emphasis on prioritizing affordable and sustainable housing as important policy considerations in addressing the housing shortage and affordability crisis in the Region.</p>
<p>5 Are there other tools that are needed to help implement the proposed policies?</p>	<p>Additional tools are required including:</p> <ul style="list-style-type: none"> <li>- updated guidelines related to protecting public health and safety from natural hazards – in particular, updated technical guidelines related to flood and erosion hazards are needed.</li> <li>- define terminology and clarify guidance to help implement many updated policies, including: <ul style="list-style-type: none"> <li>• 1.1.1.b, 1.1.3.8, 1.3.1.c, 1.4.3 and 1.7.1.b - need for definition and clarity for undefined proposed market-related references;</li> <li>• 1.1.2 - need for provincial guidelines as proposed to help assess land needs;</li> <li>• 1.1.3.8.e - need for clarity about provincial guidelines referenced as part of the agricultural impact test for comprehensive review settlement area expansion;</li> <li>• 1.2.2 - need for Province to provide consistent guidelines for municipal consultation with Indigenous communities;</li> <li>• 1.2.4.a – need for Provincial guidelines as proposed in reference to population, housing and employment projection allocation;</li> <li>• 1.2.6.1 – need for Province to update provincial land use compatibility guidelines with respect to planning and development of major facilities and sensitive land uses;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• 2.3.2 – Clarify what is meant by “provincial standards” for designating prime agricultural areas and specialty crop areas;</li> <li>• 2.3.3.1 – Clarify in policy that Provincial criteria with respect to agriculture-related and on-farm diversified uses are provided in Province’s Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas;</li> <li>• 2.3.6.2 – Clarify MDS guidelines address impacts from new or expanding non-agricultural uses; and</li> <li>• 4.9 – Clarify what specific guidelines are proposed to monitor Official plan implementation.</li> </ul> <ul style="list-style-type: none"> <li>- There also numerous pre-existing guidelines that need to be updated such as: The Natural Heritage Reference Manual and Natural hazard-related technical guidelines (specifically geared to the PPS which are complementary and supportive of CA regulations).</li> <li>- Definitions of “Adjacent lands”, “Freight supportive”, “Major goods movement facilities and corridors”, “MDS formulae”, “major corridors”, “prime agricultural areas”, “Protected heritage property”, “Specialty crop area”, “transit supportive”, A clear definition and potential criteria and guidance for terms such as “market-based needs”, “mix of residential types.”</li> </ul> <p>In addition, to support and supplement the PPS, Halton recommends that the Province provides the following tools:</p> <ul style="list-style-type: none"> <li>- A guideline to assist municipalities in addressing climate change through land use planning instruments such as official plans and planning tools.</li> <li>- More incentives for small businesses and the residential markets are needed to encourage those sectors to increase their energy conservation/efficiency and convert to low carbon technologies (EVs, etc.).</li> <li>- Changes to the Ontario Building Code relating to requirements for accessible housing as it relates to low rise/single detached/townhouse forms of development.</li> </ul>
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