



August 31, 2004

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Ministry of Municipal Affairs and Housing
14th Floor, 777 Bay Street
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Subject: Planning Reform Initiative (EBR# PF04E0003 and PF04E0004)

I am writing on behalf of Conservation Ontario, the provincial organization representing the network of 36 Conservation Authorities in Ontario with respect to the Ministry's Planning Reform consultation documents (EBR# PF04E0003 and PF04E0004). For your information, the Planning Reform initiative was discussed at the August 30, 2004 Conservation Ontario Council meeting.

Conservation Ontario wishes to compliment the Ministry of Municipal Affairs on the thorough discussion papers that have been developed to support the planning reform initiative. In addition, Conservation Ontario wishes to acknowledge that several revisions, put forward by Conservation Ontario as part of the Five Year Review Consultations, have been incorporated into the Proposed Provincial Policy Statement.

Conservation Ontario strongly supports the policy led planning system that is being implemented, with the Provincial Policy Statement being central to this system. We are pleased with the increased emphasis in the Provincial Policy Statement on the need to balance strong communities and a strong economy with a clean and healthy environment as well as the promotion of watershed planning and source water protection.

Conservation Ontario wishes to specifically acknowledge the importance of natural heritage planning to the health of Ontario's watersheds and to emphasize the role of the Conservation Authorities in this regard. Currently, the majority of work to collect natural heritage data and develop natural heritage strategies is being done by Conservation Authorities and their municipal partners at the watershed level. Natural heritage planning is an important component of comprehensive watershed management. The Conservation Authorities role in source water protection, watershed planning, municipal planning support, data collection and management, stewardship, and education is and will continue to be a vital part of ensuring healthy natural systems in Ontario.

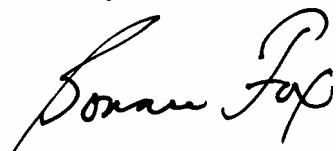
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Conservation Ontario through its Planning Committee has undertaken a thorough review of the Planning Reform discussion papers. Specific comments and recommendations have been provided for the “Planning Act Reform and Implementation Tools” consultation document (ATTACHMENT 1) and the “Provincial Policy Statement” consultation document (ATTACHMENT 2). Conservation Ontario does not have comments related to the “Ontario Municipal Board Reform” component of this initiative.

Thank you for the opportunity to provide comments on this important initiative. If you have any questions with regard to our specific comments and recommendations please contact Jeff Brick (Chair, Conservation Ontario Planning Committee) at 519-451-2800 ext 228 or Nicole Carter (Policy and Planning Technician, Conservation Ontario) at 905-895-0716 ext 25.

Sincerely,

A handwritten signature in black ink that reads "Bonnie Fox". The signature is written in a cursive, flowing style.

Bonnie Fox
Policy and Planning Specialist

c.c. CAO/General Managers, All Conservation Authorities

ATTACHMENT 1

Plan Reform (2004) Conservation Ontario Review - Implementation Tools Discussion Paper

Implementation Tools

Ref #	Issue	Discussion and Proposed Recommendations
1	Complete Application	<p><u>Discussion:</u> Concerns have been raised about information required with the application and the completeness of the information to be submitted. Guidance on a complete application would streamline the process.</p> <p>Recommendation 1a: Conservation Ontario recommends that requirements for complete applications be included in the revisions to the Planning Act.</p>
2	Integration of Official Plan Amendment process with Environmental Assessment process	<p><u>Discussion:</u> Concern has been raised that Official Plan amendments are not integrated with the follow up Environmental Assessment (EA) process. The concern is that when land is allocated for development through an official plan amendment, the principle of development is established for this land. The future detailed servicing planning through the EA is often the stage when the more complete environmental impacts of development are determined but at this stage, there is intense pressure to press forward with the development notwithstanding the impacts because the land is already designated.</p> <p>Recommendation 2a: Conservation Ontario recommends that the Province of Ontario take action to further harmonize the implementation of the Official Plan and Environmental Assessment process</p>
3	Timelines	<p><u>Discussion:</u> The current Plan Reform initiative includes recommendations for increased time lines for the review and approval of Planning Act applications. A Conservation Ontario position on increased time lines was developed as part of the Conservation Ontario's consultation on Bill 26. It was advocated that the existing time periods for review are problematic and Conservation Ontario supported the proposed lengthening of the time periods. Conservation Ontario also noted that time periods for review are directly influenced by both the completeness of the application and pre-consultation prior to application submission. In this regard, the GTA Task Force on OMB Reform recommendations on Complete Application and Pre-Consultation were promoted.</p> <p>Recommendations 3a (from Bill 26 as adopted by CO): Conservation Ontario supports the proposed increase in time for reviews.</p>

Ref #	Issue	Discussion and Proposed Recommendations
3	Timelines (cont'd)	<p>Recommendations 3b (from Bill 26 as adopted by CO): Conservation Ontario recommends that the GTA Task Force on OMB Reform recommendations on Pre-Consultation and Complete Applications be addressed.</p>
4	“shall be consistent with”	<p>Discussion: Conservation Ontario provided a submission on the proposed shift from “shall have regard to” to “shall be consistent with” as part of the Bill 26 reform proposal. It was noted that the “shall be consistent with” approach does create the potential for increased complications when PPS policies conflict and there is a need to balance competing interests. While this is addressed in the Implementation section of the current PPS (1997), revisions to this section of the PPS were recommended by Conservation Ontario as part of the PPS Five Year Review Initiative. Conservation Ontario encouraged the Province to proceed with the completion of the Five Year Review process to deal with this specific policy issue but also to address other Conservation Ontario recommendations on updating the PPS. Conservation Ontario is continuing to recommend this position and it is noted that the current Plan Reform package does include proposed revisions to the PPS that deal with the issue of competing interests that was raised by Conservation Ontario.</p> <p>Recommendations 4a (from Bill 26 as adopted by CO): Conservation Ontario supports the amendment that would require that decisions “be consistent with” the PPS.</p>
5	Updating of official plans and zoning by-laws	<p>Discussion: There is concern that municipalities are lagging behind on the update of official plans and zoning by-laws to be current with the updated PPS. The Official Plan is the most important implementation vehicle for these policies and other initiatives of the municipalities. Unfortunately, instances often arise where an Official Plan is approved and considerable time (i.e. several years) elapses before the comprehensive Zoning By-law is changed. Because of transition provisions in the Official Plan it becomes very difficult to implement the new policies using the old by-law. From our experience, this particularly relates to newer environmental protection policies such as water setbacks that may be adopted in an Official Plan update.</p> <p>Recommendation 5a: Conservation Ontario recommends that guidelines for updating of Official Plan and Zoning By-laws be included in amendments to the Planning Act and in the revised PPS.</p> <p>Recommendation 5b: Conservation Ontario recommends that transition provisions in new Official Plans ensure that new policy overrides pre-existing policies including policy implied by the 'old' implementing by-law. Alternatively, municipalities could be required to enact a new by-law within a prescribed time period following adoption of an Official Plan.</p>

Ref #	Issue	Discussion and Proposed Recommendations
6	Development Permit System	<p>Discussion: While the members of the CO Planning Committee have limited experience with the Development Permit System pilot projects, Conservation Ontario does see value in using this system as a way of integrating applications and streamlining the process.</p> <p>Recommendation 6a: Conservation Ontario recommends that the expansion of the Development Permit System be included in revisions to the Planning Act.</p>
7	Declaration of Provincial Interest	<p>Discussion: The current Plan Reform initiative includes a proposed amendment to the Planning Act which includes provisions for the Minister of Municipal Affairs to declare a matter as being a Provincial Interest and in such cases, the Lieutenant Governor in Council may confirm, vary or rescind the decision of the OMB. A Conservation Ontario position on “declaration of Provincial Interest” was developed as part of Conservation Ontario comments on Bill 26. Conservation Ontario had considered the proposal and recommended that this amendment <u>not</u> be supported based on the following concerns:</p> <ul style="list-style-type: none"> • The declaration by the Minister and the subsequent powers afforded to the Lieutenant Governor in Council moves the technical and legal process into a political process. • The substitution of a political decision making process for an evidence based process may be a violation of natural justice. • It is felt that there will be a loss of openness and transparency when the decision making is moved to Cabinet • Provincial interests are already listed in Section 2 of the Planning Act and the Minister already has the ability to identify a matter as being of Provincial Interest through the One Window Planning System and as a party at the OMB. • Planning in Ontario is intended to be a policy lead system. <p>Recommendation 7a (from Bill 26 as adopted by CO): Conservation Ontario does not support the declaration of Provincial Interest provisions of the proposed legislation.</p>
8	Implementation Guidelines/Technical Manuals	<p>Discussion: Conservation Ontario believes there is a need to have current up-to-date Implementation Guidelines and Technical Manuals that support the PPS. Confusion on which guidelines and technical manuals are current and applicable often arises. The Ministry of Municipal Affairs should act as a depository for current documents and these should be accessible to the public, agencies, municipalities and the development industry through their web-site similar to E-laws.</p>

Ref #	Issue	Discussion and Proposed Recommendations
8	Implementation Guidelines/Technical Manuals (con'd)	<p>Recommendation 8a: Conservation Ontario recommends that the Province of Ontario maintain and update technical manuals and implementation guidelines.</p> <p>Recommendation 8b: Conservation Ontario encourages the Province to maintain an on-line inventory of the current approved implementation guidelines and technical manuals such that they will be accessible to all stakeholders.</p>
9	Performance Monitoring	<p>Discussion: Conservation Ontario continues to support the need for performance measures for planning to be established and for monitoring against these measures to occur.</p> <p>Recommendation 9a: Conservation Ontario recommends that amendments be made to the Planning Act requiring the development of Performance Measures and the monitoring of these measures.</p>
10	Content of Official Plans	<p>Discussion: Conservation Ontario wishes to identify the variability in content of municipal official plans and advocates that guidelines on the content of official plans would be appropriate.</p> <p>Recommendation 10a: Conservation Ontario recommends that Planning Act Section 16(1) be amended to include specific consideration for Section 2, Provincial interest.</p>

ATTACHMENT 2

Plan Reform (2004) Conservation Ontario Review - Proposed Provincial Policy Statement (PPS) Discussion Paper

Provincial Policy Statement

Ref #	Issue	Discussion and Proposed Recommendations
1	Part II Legislative Authority	<p><u>Discussion:</u> This provision is intended to ensure that the Provincial Policy Statement is applied by all <u>planning authorities, commenting agencies and decision makers</u> when making decisions on land use planning matters affecting provincial interests. It ensures that provincial interests remain an essential part of decision-making for land use planning, and that provincial policies are implemented.</p> <p><u>Recommendation 1:</u> Conservation Ontario recommends that the third paragraph in the Legislative Authority should be expanded to include <u>planning authorities, decision makers and commenting agencies</u> similar to the reference in Point 2 in the implementation section. This would provide confirmation of the role of Conservation Authorities and others in application of the Provincial Policy Statement and the review of planning applications.</p>
2	Section 1.2 - Efficient Development and Land Use Patterns	<p><u>Discussion:</u> Section 1.2.2 makes reference to “open space uses”, however, there is no definition of “open space uses” in the PPS. Conservation Ontario is recommending that the reference to “open space uses” be replaced with reference to natural heritage.</p> <p><u>Recommendation 2a:</u> Conservation Ontario recommends: 1.2.2 All planning authorities will make provision to accommodate an appropriate range and mix of industrial, commercial, institutional, recreational, residential, and <u>natural heritage</u> features to meet long term needs.</p> <p><u>Discussion:</u> Section 1.2.3 b) v) reads “maintaining or expanding vegetated areas within settlement areas wherever possible.”</p> <p>Conservation Ontario is recommending that “vegetated areas” be replaced with “<u>natural heritage areas</u>”</p> <p><u>Recommendation 2b:</u> Conservation Ontario recommends changing Section 1.2.3 b) v) to: “...maintaining or expanding vegetated <u>natural heritage</u> areas within settlement areas wherever possible.”</p>

Ref #	Issue	Discussion and Proposed Recommendations
2	Section 1.2 - Efficient Development and Land Use Patterns (cont'd)	<p><u>Discussion:</u> Section 1.2.5 states that “Development and land use patterns which may cause environmental or public health and safety concerns will be avoided.” Conservation Ontario feels that this needs to be worded more strongly.</p> <p>Recommendation 2c: Conservation Ontario recommends that Section 1.2.5 be changed such that:</p> <p style="padding-left: 40px;">“Development and land use patterns which may cause environmental or public health and safety concerns will be avoided <u>not be permitted</u>.”</p> <p><u>Discussion:</u> Conservation Ontario believes that there should be a provincial interest in maintaining public access to Ontario’s waterways and water bodies. Such a provision was contained in a previous version when the policy statement concept was first introduced. There are increasingly frequent actions to stop up and close unopened municipal rights-of-way and other access points. This section affords an opportunity for this matter to be addressed.</p> <p>Recommendation 2d: Conservation Ontario recommends addition of a new section numbered 1.2.6 stating that:</p> <p style="padding-left: 40px;"><u>“Reasonable public access to public land and water bodies should be maintained or provided.”</u></p>
3	Section 1.3 - Coordination Within & Between Municipalities	<p><u>Discussion:</u> Conservation Ontario feels that this section requires stronger language.</p> <p>Recommendation 3: Conservation Ontario recommends that the “should be” in the first line be changed to “must” so that the section reads:</p> <p style="padding-left: 40px;">“A co-ordinated, integrated and comprehensive approach should be <u>must</u> be achieved....”</p>
4	Section 1.5.4 - Sewer and Water Systems	<p><u>Discussion:</u> This section is titled “Sewage and Water Systems”. Significant dialogue is and has been ongoing Provincially related to water usage and protection including:</p> <ul style="list-style-type: none"> • Source Protection Planning ” (Justice O’Connor recommendations following Walkerton inquiry); • the Oak Ridges Moraine Conservation Act;

Ref #	Issue	Discussion and Proposed Recommendations
4	Section 1.5.4 - Sewer and Water Systems (cont'd.)	<ul style="list-style-type: none"> • transfer (since adoption of the PPS in 1997) of responsibility for private septic system approvals from MOE to local municipalities through the Ontario Building Code; • local and Provincial discussions concerning re-inspection of existing private sewage systems; • a Provincial moratorium (2004) on specified types of water takings (related to recent Environmental Appeal Board and OMB decisions); • suspension of the establishment of private lagoons in rural areas for waste water storage; • local controversies concerning land application of septage; & • community concerns over the land based application of bio-solid waste from municipal sewage treatment plants. <p>Waste and its impacts on water resources clearly have increased importance in the public consciousness.</p> <p>Partially as a consequence of this change the waste water industry has mobilized and organized to increase professionalism within the industry. Organizations like the Ontario Onsite Waste Water Association have been formed to advance recognition and awareness of the industry. Academic institutions such as the Universities of Guelph, Ottawa, McMaster and Queen's have also become involved in meaningful research.</p> <p>Given the desire to better reflect where the industry has gone as well as to recognize the technological advances that have been made it is suggested that references to sewage and septic systems be changed to 'municipal and <i>on site waste water treatment systems</i>'. Technology exists today which enables effluent to be treated to sufficiently high standards that the quality of the resource used as a source should not be impaired by subsequent discharge(s) when the treatment system is operated in accordance with the design.</p> <p>Recommendation 4a: Conservation Ontario recommends that references to sewage and septic systems be changed to '<u><i>municipal and on site waste water treatment systems</i></u>'.</p> <p>Discussion: Section 1.5.4.1 speaks to a requirement for a "comprehensive, integrated and long term approach to planning" but seems to fall short to the actual preparation of a "plan". Section 1.5.4.3 speaks to municipalities establishing "policies". Similarly Section 1.5.4.1 should require the actual preparation of plans. Alternative wording to "plans" may be suggested through regulations being developed for the Sustainable Water and Sewage Systems Act.</p> <p>Recommendation 4b: Conservation Ontario recommends that section 1.5.4.1 be changed to require that: Municipalities <u>prepare plans</u> that demonstrate a "comprehensive, integrated and long term approach" to planning for water supply and waste water treatment.</p>

Ref #	Issue	Discussion and Proposed Recommendations
4.	Section 1.5.4 - Sewer and Water Systems (cont'd.)	<p><u>Discussion:</u> Section 1.5.4.1 (b), specifically the portion of the sentence "...lot creation will be permitted only if there is a confirmation of sufficient reserve capacity..." should be revised to read "...<u>only if it is clearly demonstrated through sound long term planning analyses</u>, that there exists sufficient reserve capacity"". Furthermore, such demonstration must also incorporate necessary infrastructure capacity increases. Also, the preparation of a hard "plan" should be required.</p> <p>Recommendation 4c: Conservation Ontario recommends that Section 1.5.4.1 (b) be changed to require preparation of an actual plan such that:</p> <p style="padding-left: 40px;">"...lot creation will be permitted only if it is <u>clearly demonstrated, through sound long term planning analyses</u>, that there exists sufficient reserve capacity <u>and that provisions are incorporated for necessary infrastructure capacity increases.</u>"</p> <p><u>Discussion:</u> Section 1.5.4.1 (b) "subject to the hierarchy ...including treatment capacity for hauled sewage from private communal and private non-communal sewage services;..."</p> <p>The policy goes on to state at (e) "servicing and land use considerations are integrated at all stages of the planning process."</p> <p>This policy needs to recognize that hauled sewage comes from a variety of sources including holding tanks but also as pump out associated with the maintenance of existing treatment systems. Waste, in some areas of the Province, can be hauled considerable distances from adjacent municipalities to be treated at a main municipal sewage treatment plant. As the plant capacity is approached, jurisdictions adopt a "<i>my waste first approach</i>" and increase fees for non-resident treatment. This, combined with the cost of long haul trucking, may tip the balance in favour of unauthorized dumping for which there is only minimal Provincial enforcement. Again the preparation of actual plans by municipalities would assist.</p> <p>Recommendation 4d: Conservation Ontario recommends 1.5.4.1 (b) be changed to require that:</p> <p style="padding-left: 40px;">Municipalities <u>prepare plans</u> that demonstrate a "comprehensive, integrated and long term approach" to planning for water supply and waste water treatment including waste from private communal and private non-communal waste water systems <u>and waste from holding tanks and the maintenance of private waste water systems and other sources.</u></p>

Ref #	Issue	Discussion and Proposed Recommendations
4	Section 1.5.4 - Sewer and Water Systems (cont'd.)	<p><u>Discussion:</u> Regarding Section 1.5.4.1 (c) (iii) the sentence creates a loop hole in which it could be argued that requiring best available technology to comply with Ontario Building Code requirements for clearance distances, etc. where lot sizes are small, would be more expensive than installing a holding tank. In this way it would appear to conflict with Section 1.5.4.1 (c) (ii). This sentence should be modified to reflect reasonableness in financial and technical feasibility.</p> <p>Recommendation 4e: Conservation Ontario recommends addition of a provision such that:</p> <p style="padding-left: 40px;">1.5.4.1(c) (iv) <u>notwithstanding 1.5.4.1 (c) iii) above, financial viability shall not be used as a sole determination of servicing options where it can be clearly demonstrated that a given servicing option will violate 1.5.4.1 (c) (ii).</u></p> <p><u>Discussion:</u> Within Section 1.5.4.3, the provisions concerning five or less in (b) and five or more in (c) is confusing. It may also lead to a conclusion that creating five lots by severance on private services is acceptable (as opposed to subdividing). Use of the term “private individual” would also reduce some ambiguity around potential interpretation of “private non-communal”.</p> <p>Recommendation 4f: Conservation Ontario recommends the Province provide further clarification on the intent of this policy.</p> <p><u>Discussion:</u> Within Section 1.5.4.4 (a), it should be clear that in using partial services, especially in addressing failed private non-communal sewage and water services, all steps must be taken to ensure the proper decommissioning and abandonment of existing services (well and/or on-site wastewater disposal system) so as not to conflict with Section 1.5.4.1 (c) ii). Ontario Regulation 903 under the Ontario Water Resources Act requires this but the necessity is often not apparent to approval authorities. Abandoned systems can be a source for groundwater contamination. Conservation Ontario believes the suggested amendment below is consistent with the intent of provincial source protection initiatives.</p> <p>Recommendation 4g: Conservation Ontario recommends inclusion of a provision in Section 1.5.4.4 (a) such that, in addressing failed private non-communal sewage and waters services, <u>all steps must be taken to ensure the proper decommissioning and abandonment of existing services</u> so as not to conflict with 1.5.4.1 (c) ii).</p>

Ref #	Issue	Discussion and Proposed Recommendations
4	Section 1.5.4 - Sewer and Water Systems (cont'd)	<p>Discussion: Within Section 1.5.4.4 (b), the accommodation for the ongoing use of partial services in Settlement areas for “infill” is too permissive without there being a proper plan in place. Further development on partial services should be severely restricted; otherwise a more comprehensive approach will have to be taken as provided for in Section 1.5.4.1.</p> <p>Recommendation 4h: Conservation Ontario recommends addition of a definition for either “infill” or “rounding out” or both which would ensure that existing degraded situations are not exacerbated, failing which a more comprehensive approach (preparation of a formal plan) will have to be taken as provided for in Section 1.5.4.1.</p>
5	Section 1.5.5 - Transportation Systems	<p>Discussion: It is recommended that transportation systems be subject to the same policy constraints as other land uses. A policy under Section 1.5.5 similar to Policy 1.2.5 is required.</p> <p>Recommendation 5: Conservation Ontario recommends a separate policy 1.5.5.2 be added which states: “Transportation systems which may cause environmental or public health and safety concerns will be avoided”</p>
6	Section 1.6 - Long-term Prosperity and Social Well-being	<p>Discussion: Policy 1.6.1 i) should be strengthened such that adverse effects on natural heritage systems will be avoided as opposed to being mitigated.</p> <p>Recommendation 6a: Conservation Ontario recommends the policy should be revised as follows: i) <u>avoiding</u> mitigating adverse effects on natural heritage systems so that biodiversity and natural functions are maintained.</p> <p>Discussion: With regard to Policy 1.6.1 j), Conservation Authorities are significant landowners and managers in their respective watersheds. These holdings are important tools in terms of enabling management of the resources of a watershed and their public use contributes to social well-being.</p> <p>Recommendation 6b: Conservation Ontario requests that the policy be revised as follows: j) providing for the sustainability of provincial parks and conservation <u>areas and reserves</u>.</p>

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7	Section 2.1 - Natural Heritage	<p>Discussion: Conservation Ontario is pleased that many of the changes we proposed in the PPS Five Year Review, particularly a number of changes now included in the Natural Heritage section, have been addressed. For instance, in the 2001 submission, Conservation Ontario suggested that a preamble be included for each section to set the general policy tone and this change is included in the proposed policies.</p> <p>In reviewing the proposed policy package for Natural Heritage, however, a concern has arisen that the natural heritage section, while advancing a "systems approach" in the preamble, could be enabling a feature based approach in the details, with a specific emphasis on features that are provincially significant. Conservation Ontario feels that it is important that the PPS clearly acknowledge the importance of maintaining features of local significance for not only their community value but also for their important role in sustaining the health and function of provincially significant features and the overall natural heritage system. It is noted that the proposed PPS includes definitions for Natural heritage features and areas and for Natural heritage system. It appears that the natural heritage features and areas definition is intended to apply to provincially significant natural heritage areas while the natural heritage system definition is intended to cover a whole system including areas of local and community significance.</p> <p>Recommendation 7a: Conservation Ontario recommends the following revisions to strengthen the PPS approach to natural heritage. It is recommended that the preamble for Section 2.1.1, be amended as follows:</p> <p style="padding-left: 40px;">2.1.1 <u>Planning authorities will provide for a comprehensive, integrated natural heritage system. Within these systems the diversity and connectivity of natural features and the long-term ecological function of natural heritage systems, should be maintained, restored or, where possible, improved while recognizing linkages between and among natural heritage systems, surface water systems and groundwater systems. The watershed may be used as an ecologically meaningful scale for natural heritage planning.</u></p> <p>Discussion: Section 2.1.2 is titled Natural Heritage Features and Areas. We believe the intent of the PPS is ultimately to protect the system and <u>not</u> just the features and areas (provincially significant components).</p> <p>Recommendation 7b: This section should be re-titled to: 2.1.2 Natural Heritage Features and Areas <u>System</u></p> <p>It should be noted that revisions to the definitions of Natural heritage features and areas and Natural heritage system have also been recommended. See reference numbers 19 and 20 below.</p>

Ref #	Issue	Discussion and Proposed Recommendations
7.	Section 2.1 - Natural Heritage (cont'd.)	<p><u>Discussion:</u> Coastal Wetlands The status of policies regarding coastal wetlands is unclear. The specific inclusion of coastal wetlands in the policy statement and in the definitions would appear to mean that additional protection is being provided to these areas. However in the definition of “significant” it appears that the existing MNR evaluation procedures for determining significant wetlands would still apply. If this were the case the policy would only apply to coastal wetlands that are evaluated as provincially significant, and already covered by the existing policy.</p> <p>Recommendation 7c: Conservation Ontario recommends that clarification is required regarding how provincially significant coastal wetlands will be identified by MNR before the implications of the policy can be determined.</p> <p><u>Discussion:</u> Significant Life Science ANSI’s Draft versions of previous Policy Statements placed Provincially Significant Life Science ANSI's in the equivalent section as 2.1.2.2 (i.e.; development and site alteration would not be permitted). The province should again include Provincially Significant Life Science ANSIs in the most restrictive category. These ANSIs are the best representatives of the different life science ecosystems in each site district. They are more sensitive to development than are the earth science ANSIs and as such deserve the highest level of protection.</p> <p>Recommendation 7d: Conservation Ontario recommends that the highest level of protection be afforded to Provincially Significant Life Science ANSIs. Consequently we would request that Section 2.1.2.2 be augmented by adding (d) Provincially <u>Significant Life Science ANSIs</u> meaning that “development and site alteration will not be permitted”.</p>
8	Sections 2.2.1 and 2.2.2 - Water Component	<p><u>Discussion:</u> Current concerns over water quality and continually increasing knowledge on the subject have necessitated the need for more comprehensive provincial policies on water. Conservation Ontario believes that the wording in the proposed PPS provides a suitable link to anticipated Source Protection Planning initiatives. We are pleased to see more detailed policies outlining the Provincial interest in terms of protecting water resources. The policies will be of significant assistance to us in terms of managing the resources of our respective watersheds. Some minor modifications would, however enhance these policies.</p>

Ref #	Issue	Discussion and Proposed Recommendations
8	Sections 2.2.1 and 2.2.2 - Water Component (cont'd)	<p>Recommendation 8a: Under Section 2.2.1d) Generally the word ‘municipal’ implies municipally provided as opposed to private sources. Private water supply should also be included. Conservation Ontario is recommending a revision to add private so that it reads “..all municipal <u>and private...</u>”</p> <p>Recommendation 8b: Under Section 2.2.1g), Conservation Ontario is concerned that this policy does not capture the essence of storm water control. It is recommended that Section 2.2.1 g) be re-worded as follows:</p> <p style="padding-left: 40px;">g) <u>implementing</u> stormwater management practices which minimize stormwater volume and contaminant loads, <u>address the water budget</u> and <u>minimize impacts to receiving watercourses</u>.</p>
9	Section 2.4 - Minerals and Petroleum	<p><u>Discussion</u> Conservation Ontario is concerned about conflicts between natural heritage and resource extraction. A balance between production and human and environmental impacts must be sought. An additional Section to 2.4 is proposed to address this concern.</p> <p>Recommendation 9 That an additional section 2.4.5 be added which would read: “Notwithstanding the need for minerals and petroleum resources, extraction will be undertaken in a manner which minimizes social and environmental impacts.”</p>
10	Sections 2.5.3, 2.5.4 and 2.5.5 – Mineral Aggregates	<p><u>Discussion:</u> Conservation Ontario is concerned about conflicts between natural heritage protection and aggregate extraction. Two additional sections are proposed to address this concern.</p> <p>Recommendation 10a: That an additional Section 2.5.3.3 be added which would read:</p> <p style="padding-left: 40px;"><u>“Site rehabilitation will have consideration for the Natural Heritage System and where possible enhance or increase the percentage of natural areas within the subwatershed unit, in conjunction with an approved watershed management plan.”</u></p> <p>Recommendation 10b: That a new section be added between 2.5.4 and 2.5.5. Titled <u>“Extraction in Significant Natural Heritage Areas”</u> and will indicate: <u>“On lands designated as a Provincially Significant Natural Heritage Feature, extraction of mineral aggregate resources will generally be discouraged”</u>“</p>

Ref #	Issue	Discussion and Proposed Recommendations
10	Sections 2.5.3, 2.5.4 and 2.5.5 – Mineral Aggregates	<p><u>Discussion:</u> In order to clearly indicate that there is a balance between the production of aggregates with the protection of water resources and natural heritage systems and features, the following changes to the Mineral Aggregates polices are recommended. By including a specific reference to the Provincial Policy Statement policies, it clarifies that it is not an “extraction at all costs” approach but rather it must be considered in conjunction with the other policies. It is further recommended that the additional clause regarding demonstration of need should be removed since it is a valid consideration in the context of the appropriateness of locating an aggregate extraction land use in a specific area.</p> <p>Recommendation 10c: That section 2.5.2.1 be amended to read as follows: “ As much of the mineral aggregate resource as is realistically possible in the context of other land use planning objectives <u>and policies within this Policy Statement</u> will be made available as close to markets as possible to supply local, regional and provincial needs.”</p> <p>Recommendation 10d: That the proposed policy be deleted: Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, will not be required, notwithstanding the availability, designation, or licensing for extraction, of mineral aggregate resources locally or elsewhere.</p> <p><u>Discussion:</u> In Policy 2.5.2.2, it is recommended that social and environmental “costs” be changed to “impacts” since these should not be financial considerations based on a dollar amount. Conservation Ontario supports the inclusion of this policy since it was part of our recommendations in our comments on the Provincial Policy Statement Five Year Review.</p> <p>Recommendation 10e: That section 2.5.2.2 be amended to read as follows: “2.5.2.2 Notwithstanding the need for mineral aggregate resources identified in 2.5.2.1, extraction will be undertaken in a manner which minimizes social and environmental costs <u>impacts</u>.”</p> <p><u>Discussion:</u> Policy 2.5.2.3 speaks to the conservation of mineral aggregate resources. In order to conserve mineral aggregate resources further, there should be a greater emphasis placed on recycling aggregates not solely mining new resources. Aggregates are a non-renewable resource that could be used more efficiently through implementing a program of recycling.</p> <p>Recommendation 10f: That section 2.5.2.3 be amended to read as follows: “2.5.2.3 The conservation of mineral aggregates resources will be promoted by making provision for the recovery of these resources <u>in conjunction with requirements for aggregate recycling, wherever feasible.</u>”</p>

Ref #	Issue	Discussion and Proposed Recommendations
10	Sections 2.5.3, 2.5.4 and 2.5.5 – Mineral Aggregates	<p><u>Discussion:</u> Policy 2.5.2.4 needs to be clarified. It is unclear what types of development would be incompatible from an environmental impact perspective that would preclude aggregate extraction. A school located adjacent to a quarry could pose a risk to public health or public safety; however, examples of environmental impact are not as obvious. Section 2.5.2.2 recognizes the need to minimize environmental impact resulting from the aggregate extraction. A similar policy to Policy 2.5.2.4 is included in Minerals and Petroleum and should also be revised.</p> <p>Recommendation 10g: That section 2.5.2.4 be amended to read as follows: “2.5.2.4 Mineral aggregate operations will be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. <u>This would include development or activities which would be incompatible for reasons of public health and public safety.</u> Existing mineral aggregate operations will be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.”</p>
11	Section 3.1 - Natural Hazards	<p><u>Discussion:</u> Policy 3.1 is inconsistent when referencing development and site alteration. Section 3.1.1. states that only development (not site alteration) is directed to areas outside of a) hazardous lands adjacent to large water bodies impacted by flooding, erosion, etc. and b) hazardous lands adjacent to rivers, etc., impacted by flooding, etc. and c) hazardous sites. The rest of the section (3.1.2. and 3.1.3) includes both development and site alteration. It is even more confusing because the definition of hazardous sites means property or lands that could be unsafe for both development and site alteration. Section 3.1.6. speaks to development and site alteration prohibited in Section 3.1.1 and Section 3.1.2 as if both pertain to each section.</p> <p>Recommendation 11a That section 3.1.1 be amended to read as follows: “Development <u>and site alteration</u> will generally be directed to areas outside of:...”</p> <p>Recommendation 11b: That section 3.1.3 b) be amended to read as follows: “where the development <u>or site alteration</u> is limited to:...”</p> <p><u>Discussion:</u> Section 3.1.2 c) refers to safe access. It is suggested for clarity that this Section indicate that it refers to safe access for vehicles and that it is clear that access must be available to the site and the area.</p> <p>Recommendation 11c: That section 3.1.2 c) be amended to read as follows: “3.1.2c) areas that would be rendered inaccessible to people and vehicles during times of flooding, erosion and/or other</p>

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11	Section 3.1 - Natural Hazards (cont'd)	<p>water related hazards, unless it has been demonstrated that the site has safe <u>vehicular</u> access appropriate for the nature of the development, and the natural hazard; and”</p> <p><u>Discussion:</u> Section 3.1.2.d introduces the phrase "high points of land within the area of inundation." The need to clarify that high points of land isolated by the floodway are still considered to be floodway was suggested by Conservation Ontario in its Five Year Review comments. The proposed revision addresses this concern but we would recommend the following alternative wording.</p> <p>Recommendation 11d: That section 3.1.2 (d) be amended to read as follows: 3.1.2 Development and site alteration will not be permitted within: d) a floodway regardless of whether there are high points of land within the area of inundation <u>the area of inundation contains high points of land not subject to flooding.</u></p> <p><u>Discussion:</u> The wording in Policy 3.1.6 also requires clarification.</p> <p>Recommendation 11e: That section 3.1.6 be amended to read as follows: “Except as prohibited in policies 3.1.1 and 3.1.2, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the risk to public safety and other effects —as determined by the demonstration and achievement of all of the following— <u>can be absorbed, managed or mitigated in accordance with the following provincial standards: are addressed in accordance with provincial standards and all of the following are achieved:</u></p> <p>a) the hazards can be safely addressed, and the development and site alteration is carried out in accordance with flood proofing standards, protection works standards, and access standards; b) vehicles and people <u>safe vehicular access is provided so that people and emergency services</u> have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies c) new hazards are not created and existing hazards are not aggravated; and d) no adverse environmental impacts will result.”</p> <p><u>Discussion:</u> The province needs to clarify its intention related to Special Policy Areas (SPA) where new intensification proposals raise issues related to flood emergency and risk management as well as liability. Improved guidelines for SPA risk and emergency studies are required as well as provincial direction on any potential guidelines on "threshold" intensification limits.</p>

Ref #	Issue	Discussion and Proposed Recommendations
11	Section 3.1 - Natural Hazards (cont'd)	<p>Recommendation 11f: Conservation Ontario recommends that the policy and guidelines for Special Policy Areas (SPA) be refined to include clarity around increased intensification in these areas and requirements for risk management.</p>
12	Implementation and Interpretation	<p>Discussion: Point # 4 states that the Provincial Policy Statement is to be read in its entirety, and all pertinent polices are to be applied to each situation. The Provincial Policy Statement does not give direction as to how to balance policies when they are in conflict with one another and yet we are to be consistent with all of the pertinent policies.</p> <p>Recommendation 12: That Point #4 be amended to read as follows: “<u>The Provincial Policy Statement is to be read in its entirety, and all pertinent polices are to be applied to each situation. Social, economic and environmental considerations will have to be balanced by decision-makers to ensure that healthy, sustainable communities, both human and natural, result from the development process.</u>”</p>
13	Implementation and Interpretation	<p>Discussion: Point # 5 speaks to the ability of municipalities to exceed the minimums contained in the PPS. Conservation Ontario strongly supports the discretion this provides municipalities.</p> <p>Recommendation 13: That Conservation Ontario strongly support the discretion provided to municipalities to exceed the minimum policies contained in the PPS.</p>
14	Implementation and Interpretation Importance of the Official Plan to Interpretation	<p>Discussion: Conservation Ontario agrees with Point # 6 which discusses that the Official Plan is the most important implementation vehicle for these policies and other initiatives which municipalities may initiate. Unfortunately, instances often arise where an Official Plan is approved and considerable time (i.e. several years) elapses before the comprehensive zoning by-law is changed. Because of transition provisions in the Official Plan it becomes very difficult to implement the new policies using the old by-law. From our experience this particularly relates to newer environmental protection policies such as water setbacks that may be adopted in an Official Plan update.</p> <p>Recommendation 14: That this section be expanded to include direction that new policy overrides pre-existing policies INCLUDING policy implied by the ‘old’ implementing by-law, or alternately that the section require municipalities to enact a new by-law within a prescribed time period following adoption of an Official Plan.</p>

Ref #	Issue	Discussion and Proposed Recommendations
15	Implementation and Interpretation	<p>Discussion: Point # 8 includes a listing of additional legislation that must be considered in the development process. A concern was raised in Conservation Ontario submission on the Five Year Update of the PPS that the list of other approvals included in the implementation section did not include the Conservation Authorities Act. This recommended revision was not made in the proposed new PPS and Conservation Ontario feels that this recommendation should be made.</p> <p>Recommendation 15: It is recommended that the <i>Conservation Authorities Act</i> be added to the list of other legislation referenced in item 8.</p>
16	Implementation and Interpretation - Monitoring	<p>Discussion: Conservation Ontario strongly supports the establishment of meaningful performance indicators relating to implementation for the PPS. As implied in the Statement an inter-ministerial approach (“the Province”) is required in order for the big picture to emerge.</p> <p>Recommendation 16: Conservation Ontario strongly supports the establishment of meaningful performance indicators relating to implementation for the PPS.</p>
17	Definition: Adjacent Lands	<p>Discussion: The wording in the definition for Adjacent Lands (a) should be changed from “likely” to “possible”. It is more appropriate to consider all possible impacts that could result from development rather than only ones that are <i>likely</i> to occur.</p> <p>Recommendation 17: That the definition of adjacent lands be amended as follows: “Adjacent lands: means for the purposes of policy 2.1, those lands, contiguous to a specific natural heritage feature or area, where it is <u>possible</u> likely that development or site alteration would have a negative impact on the feature or area...”</p>
18	Definitions: Development	<p>Discussion: Concern was previously raised by Conservation Ontario that point 8 in Section IV Implementation/ Interpretation of the Provincial Policy Statement conflicts with the latter part of the definition of development as it relates to infrastructure. This revision was requested in Conservation Ontario’s submission on the PPS Five Year Review and it was not acted on.</p> <p>In addition we believe that development should also include site grading. Section 28 of the Conservation Authorities Act contains the following definition: “development” means, (a) the construction, reconstruction, erection or placing of a building or structure of any kind,</p>

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18	Definitions: Development (cont'd)	<p>(b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,</p> <p>(c) site grading, or</p> <p>(d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere</p> <p>Recommendation 18: That the definition of adjacent lands be amended as follows: “Development: means the creation of a new lot, <u>site alteration</u>, a change in land use, or the construction of <u>one or more buildings and or structures</u>, requiring approval under the Planning Act <u>or the making of any material change in the use of the building or land</u>; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act.”</p>
19	Definition: Erosion Hazards	<p>Discussion: Conservation Ontario feels that the last sentence of the definition should use the term “erosion access allowance” which is how it is referred to in the Natural Hazards Manual. This combines what is seen as constituting the hazard being the erosion rate, determination of slope stability and access.</p> <p>Recommendation 19: That the definition of erosion hazards be amended as follows: “Erosion hazards: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a hundred year time span), an allowance for slope stability, and an erosion <u>access allowance</u>.”</p>
20	Definition: Natural Heritage Features and Areas	<p>Discussion: Conservation Ontario feels that it is very important to recognise that provincially significant natural heritage features and areas are an important component of the natural heritage system but notes that features and areas do not represent the system in its entirety. It is suggested that the definition be revised by adding a sentence at the end that acknowledges the importance of local natural heritage in the protection, enhancement and restoration of Natural heritage features and areas.</p> <p>Recommendation 20: That the definition of Natural Heritage Features and Areas be amended as follows: “Natural heritage features and areas: means features and areas such as significant wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area. <u>It is important to recognize that the natural heritage features and areas are sustained by the broader natural heritage system.</u>”</p>

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21	Definition: Natural Heritage System	<p>Discussion: Conservation Ontario feels that this definition should be revised to clearly reflect that the natural heritage system includes natural heritage features of local and community value.</p> <p>Recommendation 21: That the definition of Natural Heritage System be amended as follows: Natural heritage system: means a <u>an overall</u> system made up of natural heritage features and areas <u>including local natural heritage features and areas and linkages linked by natural corridors</u> necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.</p>
22	Definition: Significant	<p>Discussion: Conservation Ontario feels that it is important to include in this definition, in addition to MNR, both Environment Canada and Department of Fisheries and Oceans as these agencies are responsible for the status of species at the national level. The Natural Heritage Reference Manual provides direction for dealing with nationally endangered species occurring in Ontario which are not yet designated at the provincial level.</p> <p>Recommendation 22: That the definition of Significant be amended as follows: “Significant means: in regard to the habitat of endangered and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, <u>Environment Canada and Department of Fisheries and Oceans</u>, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle.”</p>
23	Definition: Site Alteration	<p>Discussion: The definition of Site Alteration should be revised to state more correctly “placement of fill” or “filling” as opposed to simply “fill”. It is further recommended that since these activities could result in a change in the natural vegetative characteristics, “vegetation removal” should be included as an activity.</p> <p>Recommendation 23: That the definition of site alteration be amended as follows: “Site alteration: means activities, such as <u>placement of fill</u>, grading, excavation, and <u>vegetation removal</u> that would change the landform and natural vegetative characteristics of a site.”</p>
24	Definition: Threatened Species	<p>Discussion: The definition for threatened species should be expanded to include species that have been identified as threatened and endangered at the national level in Canada, which occur in Ontario, but have yet to be given a provincial status. The Natural Heritage Reference Manual addresses nationally endangered species and indicates that these species should be treated as a</p>

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24	Definition: Threatened Species (cont'd)	<p>threatened species for the purposes of the Provincial Policy Statement. A similar treatment should be used for nationally threatened species to also consider them as provincially threatened. An example of where this would be beneficial was in the case of the Jefferson salamander, which is considered nationally threatened, and the argument was raised that because it is only designated at the national level, the Provincial Policy Statement would not apply.</p> <p>Recommendation 24: That the definition of threatened species be amended as follows:</p> <p style="padding-left: 40px;">“Threatened species: means a species that is listed or categorized as a ‘Threatened Species’ on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time. <u>A threatened species also includes nationally endangered and threatened species, occurring in Ontario, as identified by COSEWIC.</u>”</p>
25	Definition: Wetlands	<p>Discussion:</p> <p>The definition for wetlands should be expanded to include a final sentence that states: “Conversely, land which is under agricultural use, but has retained the characteristics of a wetland, is still considered to be a wetland”. This is consistent with the most recent Southern Ontario Wetland Evaluation Manual. An example of where this would be applicable is where a swamp is used to grow and harvest fiddleheads. Since the wetland vegetation remains, this portion of the wetland should not be excluded for agricultural purposes.</p> <p>Recommendation 25: That the definition of wetlands be amended as follows:</p> <p>“Wetlands: ...Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. <u>Conversely, land that is under agricultural use, but has retained the characteristics of a wetland, is still considered to be a wetland.</u>”</p>