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Provincial Policy Statement Review  
Ministry of Municipal Affairs and Housing  
Provincial Planning Policy Branch  
777 Bay Street, 14th Floor  
Toronto, ON M5G 2E5

November 23, 2012

**RE: Provincial Policy Statement – 5 Year Review, EBR Registry Number 011-7070**

Dear Review Team:

On behalf of Ontario's waterfront property owners, FOCA respectfully submits the attached comments and recommendations on the PPS planning reforms.

Ontario's waterfront property owners are a major economic factor in rural Ontario. Using appropriate planning policies, and providing the tools to deliver them, will help to ensure the long-term contribution of these areas to rural Ontario's prosperity and health. Ontario's waterfront property owners contribute a conservative \$700+ million in property taxes annually, and collectively provide the financial means for a great deal of local infrastructure and administration.

In preparing these comments, FOCA considered the following:

- Our primary concern in this matter is to protect thriving and sustainable waterfronts across Ontario.
- The history of events since the last PPS revisions, and specifically with respect to our comments provided as part of the PPS review process
- The effectiveness of proposed planning laws and policies to ensure the sustainability of our province, our communities, and the environment.

We have appreciated the opportunity over the past year to participate in at least three separate workshops to deal with rural and northern issues, and also more recently to review the proposed revisions to the Provincial Policy Statement.

While FOCA generally supports the progress made in revised PPS language, there remains a need to include in the PPS provisions that will make Ontarians confident that the sustainability of our important waterfront areas is a priority, and is in good hands.

FOCA remains concerned that many of the policies of the PPS continue to be partial to those objectives that favour development over protection of natural heritage, water quality and quantity, and the environment.

FOCA's interests align with the perspectives in Conservation Ontario's recent publication *Healthy Communities depend on Healthy Watersheds* which states that, "shared values lead us to protect and manage watersheds in order to gain the full benefit of the goods and services they provide. Ecosystem goods and services are the foundation for healthy societies, and are urgently in need of protection for future generations." Further we agree there needs to be better and more urgent convergence of the common goals of robust planning with the health and well-being of the community and the people who live, work and play in these watersheds.

**FOCA strongly supports the approach that the planning in all municipalities and territories without municipal organization in Ontario "shall be consistent with" the PPS**

The PPS states that all Planning documents "shall be consistent with" the principles in the PPS. Some planners and planning authorities question whether there can be one set of rules that are applicable to the many different environments throughout Ontario. Even recently, some planners questioned whether there should be a set of PPS for the "growth" areas of the province (e.g. the GTA), another set for rural areas, and a third for the northern, resource-rich but economically struggling region. Some municipalities have commented that the PPS wording, which was strengthened in 2005, should revert to the former pre-2005 wording of requiring planning documents "to have regard for" wording, rather than shall be "consistent with".

In FOCA's opinion, the PPS should continue to require all planning documents to be consistent with the PPS. FOCA understands the difficulties of stating a set of principles that are relevant to all municipalities in Ontario. However, as an organization with members in many municipalities in Ontario who collectively expect that the basic planning principles across the province are upheld, it is encouraging to see that the requirement "to be consistent with" is continued.

**FOCA applauds the Province's attempts to provide greater clarity as to the specific language used to differentiate between requirements to apply (shall), positive directions (should, promote and encourage), and limitations and prohibitions (shall not).**

In addition to this clarity of direction, the PPS should make specific reference to other relevant pieces of legislation, for example the Clean Water Act, the Building Code Act, etc. and also include a clear statement that municipal planners and planning officials need to consider all provincial legislation in their planning documents, not just the PPS.

There is insufficient provincial direction on how to resolve conflicts between competing policies that may apply to the same land use planning matters, and also related to conflicts between these policies and the PPS.

## **FOCA believes in consistency across Ontario**

When implementing planning decisions, various municipalities have stated the PPS does not apply to that municipality or that its principles are not applicable. It is encouraging to note that the revised PPS continues to state that the PPS applies to all of Ontario (“The fundamental principles set out in the PPS apply throughout Ontario”). The revised PPS attempts to provide greater clarity as to the application of the principles to reflect local context. The statement, “policies are outcome oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld”, provides clarity and expectations. It is now up to the municipalities to substantiate how provincial interests are upheld.

## **FOCA strongly supports the retention of a five year review period for the PPS**

The workshop on the draft policy statement questioned whether, “the legislated PPS review cycle should be extended from the current 5 year period.”

In our opinion the review cycle should remain at the 5 year period. It is recognized that a review can be lengthy and time consuming and given the substantial consultation required may not meet its target of adoption every 5 years. However this would not change if the review was lengthened to 7 or 10 years. More importantly, new initiatives would take longer to implement, especially in a province with municipalities as diverse as Ontario’s.

For example the draft PPS makes recommendations with respect to considering climate change in its land use decisions, respect for the aboriginal community, active transportation, biodiversity and green infrastructure. These initiatives are new and would not be yet recognized if the review period was 10 years instead of 5 years.

## **FOCA agrees with the approach that de-emphasizes the need to control growth, in favour of a focus on strong, sustainable and resilient communities**

Many communities in the rural areas and outside the GTA are not growing rapidly and policies directed to contain growth were misread. Similarly the concept of development was negative as many communities complained that the province was restricting development. The emphasis on the wise management of “land use change” is more encompassing and reflects an important provincial principle applicable to all municipalities and residents in Ontario.

## **FOCA supports stronger recognition of waterfront lands as a distinct planning category**

The PPS recognizes rural areas as important to the economic success of the province, and the importance of protecting Ontario’s rural assets. In many areas of the province the rural asset is its lakes and rivers suitable for recreational use.

The PPS continues to provide little or no direction in the protection of its waterfronts other than to state, “recreational, tourism and other economic opportunities should be promoted.” Waterfront areas are the designated lands surrounding lakes and rivers. These lands have a unique character and serve an important recreational component and economic asset in many

Ontario towns and cities. Conflicting uses of the waterfront lands for commercial and industrial/transportation development, resort use, public and private recreational use, residential use and the need for environmental protection, impact many communities. It would be prudent for the province to develop PPS policies that apply specifically to the waterfront.

**FOCA encourages the wise use of mineral and aggregate resources, while ensuring these interests are not given unilateral priority over other provincial interests**

To meet the obligations related to maintaining the long-term ecological function and biodiversity of natural heritage systems and linkages between surface water features (per S. 2.1.2), new or expanded aggregate and mining operations should not be permitted in significant wildlife or fish habitat, or areas of natural or scientific interests, and must always be considered in the context of adjacent or conflicting land uses, especially in waterfront areas. In areas proposed for potential aggregate extraction where the proposed operations may create a conflict with another policy under the PPS, then the policy that is most protective of the environment, natural heritage and/or public health shall prevail. In all cases, appropriate measures must be required to monitor and mitigate any negative effects of the establishment, operation or closure of aggregate operations on other adjacent land uses. Progressive and final rehabilitation should be required on all lands from which aggregate has been extracted in order to completely restore the land to its former condition in a timely manner. In those lands not designated under the Aggregate Resources Act, the same rehabilitation standards should apply.

**FOCA encourages additional support and clarity for achieving Provincial priorities**

The PPS promotes the identification of natural heritage systems and has required additional protection for significant woodlands in Ecoregions 6E and 7E. The definition states that woodlands are to be identified using criteria established by the MNR. These areas exist within municipalities with little or no resources for mapping or identification. The province needs to either undertake the mapping and identification itself or to make funding available to the municipalities for mapping and identification. Development and site alteration should not be permitted in wetlands in 6E and 7E, nor in any coastal wetlands (e.g. remove current prohibition which is limited to only designated, or “significant” wetlands).

Similarly, the PPS states that the impact of climate change should be considered. However, there is little or no guidance given on how climate change should be considered. A manual of best practices would be useful.

FOCA supports the request by municipalities outside the GTA for the province to generate and supply background information, mapping and other types of data particularly in the areas of natural heritage, hazards, and species at risk habitat, floodplain mapping and mineral aggregate resource mapping.

## **FOCA supports the use of monitoring, and performance measurement against provincial priorities**

FOCA believes that guidance documentation should be developed and provided to municipal planners, to support the achievement of provincial priorities of the PPS within the local planning process. It is further important that the Province commits to performance measures related to the achievement of the PPS policy objectives to determine how well municipal planning is delivering consistency with the PPS. By making this information publicly available and measurable over time, it will be possible to determine progress against key policy objectives, identify gaps and opportunities in subsequent revisions to policy, and guidance documents.

While FOCA strongly supports the references to communities that are “resilient to climate change” and to manage resources “to maintain biodiversity, protect essential ecological processes,” there needs to be further commitment to managing for cumulative impacts.

FOCA appreciates the opportunity to participate in this review of the Provincial Policy Statement and to help to promote and support the objective of “strong, sustainable and resilient communities.”

Respectfully submitted,



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Chair, FOCA Land Use Planning Committee



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