



December 23, 2022

357-20

Via Email

Attn: Honourable Steve Clark,
Minister of Municipal Affairs and Housing

Provincial Land Use Plans Branch
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**RE: NEF Contours - Request for Changes to the Provincial Policy Statement
ERO No. 019-6177**

UrbanSolutions Planning & Land Development Consultants Inc. (UrbanSolutions) provides expert land use planning advice and assists proponents secure the required municipal approvals for a variety of development projects throughout southern Ontario and would like to thank you for the opportunity to comment on the proposed amendment to Provincial Policy Statement (PPS) via ERO No. 019-6177. We represent Spallacci & Sons Limited who own land within an area commonly referred to as the Upper West Side Landowners Group in the City of Hamilton.

As the Province works to address the housing crisis currently facing Ontario, this ERO presents an opportunity to refine and strengthen existing provincial policy to assist and support Ontario's Housing Supply Action Plan and build 1.5 million homes over the next 10 years.

One area that can be refined and strengthened relates to providing more housing supply is Part V, Section 1.6.9 regarding Airports. Appropriately, Section 1.6.9.2(a) states:

Airports shall be protected from incompatible land uses and development by prohibiting new residential development and other sensitive areas near airports above 30NEF/NEP.

The above language of this provincial direction ensures land use compatibility. However, earlier in the PPS, Part III states:

The policies of the Provincial Policy Statement represent minimum standards. Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

This language enables municipalities to limit the available supply of housing by prohibiting residential development near airports with more restrictive NEF/NEP policies as is the case in the Urban Hamilton

Official Plan (UHOP), for example. Utilizing this enabling language in Part III of the PPS, Table C.4.8.1 of the UHOP prohibits new residential development at the 28 NEF contour. As a result, significant amounts of land areas where residential development is permitted by the PPS are prohibited by the local official plan.

Recommended Change to the Provincial Policy Statement

To refine and strengthen existing provincial policy to assist and support Ontario's Housing Supply Action Plan, UrbanSolutions recommends modifying Policy 1.6.9 Airports, Rail and Marine Facilities of the PPS by adding the following:

- 1.6.9.3 Notwithstanding Part III of the Provincial Policy Statement, planning authorities and decision-makers are prohibited from implementing an NEF/NEP lower than 30.

Additional Next Steps

The aforementioned change recommended to the PPS will provide an opportunity to increase the supply of available land to accommodate residential development. To implement this, two changes to the UHOP are required and they are:

1. Part 2, Column 2 of Table C.4.8.1 of the UHOP must be revised replace "28 NEF and greater, but less than 35 NEF" with "30 NEF and greater, but less than 35 NEF."
2. Schedule E – Urban Structure, Schedule E-1 and Map B8-1 must be revised to remove the Employment Areas designation and replace with the Neighbourhoods designation.

Given the political regime now in place with the Hamilton City Council, it is anticipated the required amendment to the UHOP to implement these changes will not be well received in a timely manner. To address this, the Province must make the above noted modification to the UHOP. Doing so will further aid support Ontario's Housing Supply Action Plan and build 1.5 million homes over the next 10 years.

Please feel free to contact me to further discuss the above.

Kind Regards,
UrbanSolutions

Matt Johnston, MCIP, RPP
Principal

cc. Spallacci & Sons Limited