



August 3, 2023

Hon. Steve Clark, Minister
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON
M7A 2J3

Via email: growthplanning@ontario.ca

Dear Minister Clark:

**RE: Proposed Provincial Planning Statement
Stelco Hamilton Lands
ERO numbers 019-6821 and 019-6813**

We are writing to you as the planning consultants for Slate Asset Management (“**Slate**”) who acquired what are referred to as the Stelco Lands, located at 386 Wilcox Street in the City of Hamilton, in June of 2022. The Stelco Lands represent an 800-acre industrial site on the historic harbourfront of Hamilton. The Stelco Lands, given their strategic location, have been an integral part of Hamilton’s steel making industry since 1910. Over the years, as the steel making industry has evolved, the lands have seen changes and innovation but have remained a key location for Hamilton’s job creation and economic development.

The original steel making operations on the Stelco Lands have reduced in scale in more recent years. As part of the acquisition by Slate, Stelco will continue to occupy a portion of the Stelco Lands for ongoing steel production operations, while the balance of the Lands are underutilized.

Slate is proposing to reshape these Lands into one of the largest state-of-the-art intermodal industrial hubs in the country. The redevelopment of the Lands will bring new industry to Hamilton and the Province, providing high-quality employment through a full range of employment and supportive uses, as well as new public spaces. The re-imagination of the Stelco Lands, through partnerships with the City, Province, and the federal government, represents a significant investment in the area and will ensure that the full potential of the iconic location can be achieved.

To this end, Slate submitted applications for consent to sever the lands containing the existing Stelco cold steel rolling plant from the remaining Stelco Lands in October 2021, which were approved with conditions by the Committee of Adjustment on November 25, 2021. The approval conditions required that Slate apply for a zoning by-law amendment to add an (H) holding provision on the Stelco Lands, in order to ensure that a coordinated master planning framework was achieved prior to any

development proceeding. Slate submitted an application for zoning by-law amendment to satisfy this condition of consent, which was approved by City Council on April 13, 2022. The balance of the conditions of provisional consent have been satisfied, and certificates of consent were issued on April 27, 2023.

Throughout this process Slate has been working with its consultant team and City Staff to develop a master plan, known as the Steelport Master Plan. The master planning exercise will also include the development of new infrastructure to support the full build-out of the underutilized lands for future employment uses.

Current Local and Provincial Policy Context

The Stelco Lands are currently designated as *Industrial Lands* in the City of Hamilton Urban Official Plan (the "**Official Plan**"), which permits industrial operations and offices as well as a full range of supportive uses including retail, hotels, fitness centres, banks, restaurants and personal services. The Steelport Master Plan envisions the development of a full range of uses permitted under the *Industrial Lands* designation, including industrial, office and various other commercial uses.

The Stelco Lands form part of an Employment Area as defined in the current Provincial Policy Statement, 2020 (the "**PPS 2020**") and the Growth Plan for the Greater Golden Horseshoe. More specifically, the PPS 2020 defines Employment Area as follows:

Employment area: means those areas designated in an official plan for clusters of business and economic activities including but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

The existing definition under the PPS 2020 would allow for the implementation of the Steelport Master Plan as envisioned, providing for the protection of existing and new industrial uses on the Stelco Lands while allowing for a range of new office, commercial and institutional uses.

Proposed Provincial Planning Statement

As drafted, the proposed *Provincial Planning Statement* proposes to remove certain uses from the definition of "Employment Areas" that are currently included in the definition contained in the PPS 2020 as follows:

Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. Uses that are excluded from employment areas are institutional and commercial, including retail and office not associated with the primary employment use listed above (emphasis added).

Based on our collective work with the City on the Steelport Master Plan, it remains a municipal objective to protect the Stelco Lands as an Employment Area moving forward. In a similar vein, we understand that it is a provincial objective to ensure that the Stelco Lands remain protected

employment lands. In order to achieve this municipal and Provincial objective, and based on the proposed definition of Employment Area in the draft *Provincial Planning Statement*, an amendment would be required to the Official Plan to remove employment generating uses that are currently permitted under the *Industrial Lands* designation. An amendment to conform to the proposed new *Provincial Planning Statement* policies will not allow for Slate or the City to achieve the current vision for Steelport.

Removing the Flexibility for Institutional and Commercial Employment Uses

The exclusion of institutional uses, and retail and office uses that are not associated with an enumerated primary employment use in the draft definition of Employment Areas, creates a fundamental conflict for the proposed Steelport Master Plan exercise that is well underway, and that will otherwise produce significant new employment opportunities in Hamilton and the Province more generally. As a general matter, the creation of new employment uses, particularly at the monumental scale that is proposed by the Steelport Master Plan, will directly implement a critical objective of both the City and the Province, as articulated in the current PPS 2020, the draft *Provincial Planning Statement*, and the Official Plan.

We understand that one of the fundamental bases for the proposed changes to the definition of Employment Area is to ensure that primary industrial employment uses, which are not well suited to locate in Mixed Use Areas, are protected against the introduction of sensitive land uses that would create issues of land use compatibility, and in turn undermine the long-term success of delineated Employment Areas. As a general proposition, we appreciate the merit in affording additional protection to these primary employment uses.

However, the Steelport Master Plan exercise demonstrates a significant opportunity to generate additional employment uses on lands that are greatly underutilized. The size of the Stelco Lands alone provides considerable design opportunity to ensure land use compatibility between existing and proposed uses, which will ensure ongoing protection for the Stelco operations.

We note that similar changes to those described above were recently made to the definition of “Area of Employment” in the *Planning Act* through Bill 97. These amendments have not yet been proclaimed into force. In addition, Section 1 (1.2) was added to the *Planning Act* to permit official plan policies that would authorize the continuation of a use that is otherwise excluded from the new definition of “Area of Employment”, including existing institutional, retail and office uses that are not associated with a primary industrial use. However, this exception is limited to uses that have been lawfully established before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force, and does not extend to authorizing new planned (but not existing) institutional and commercial uses.

Removing Land Use Compatibility Requirements

As noted, the Steelport Master Plan will continue to include industrial operations which require protection from surrounding redevelopment with sensitive land uses. The proposed revised Land Use Compatibility policies of the draft *Provincial Planning Statement* create concerns with the potential introduction of sensitive land uses in proximity to the Stelco Lands, as they remove the criteria that

must be demonstrated to permit the development of a sensitive land use adjacent to major facilities. The current policy in Section 1.2.6.1 of the PPS 2020 provides the Stelco Lands with an added layer of protection against the encroachment of sensitive land uses. Unless addressed through a transitional provision, as discussed below, we would recommend the existing policies in Section 1.2.6.1 remain.

Proposed Transitional Approach for Stelco Lands

We understand the Province intends to remove Provincially Significant Employment Zones (“**PSEZs**”) and are seeking feedback on identifying select PSEZs for the sole purpose of protecting the lands exclusively for employment uses. The *Proposed Approach to Implementation of the proposed Provincial Planning Statement*, which was published by the Province on April 6, 2023, specifically refers to the Stelco Hamilton Works (PSEZ 9) as a site that should receive an elevated level of protection from conversion to non-employment uses, while recognizing that it may be appropriate to implement this through a more tailored approach, which may occur through the use of a Ministerial Zoning Order under Section 47 of the *Planning Act*, for example.

Additional opportunities to provide the flexibility needed to achieve the employment opportunities created under the Steelpoint Master Plan may include the use of the regulatory authority conferred on the Minister of Municipal Affairs and Housing under Sections 3 (6.1) and (6.2), which authorize the Minister to make regulations in respect of the implementation and applicability of a policy statement. A regulation made under this subsection may provide that a new policy statement will not apply, in whole or in part, or that a previous version of a policy statement will continue to apply, in whole or in part, to specified matters, applications or proceedings.

In light of the unique considerations for the Stelco Lands, including the size and significant employment opportunities being developed as part of the collaborative Steelpoint Master Plan exercise with the City, we would appreciate the opportunity to discuss the creation of a specialized solution for these Lands, one that will ensure their term protection as an Employment Area with the flexibility to achieve the state-of-the-art intermodal industrial hub envisioned for these Lands under the Steelpoint Master Plan.

Thank you for the opportunity to comment on the proposed new *Provincial Planning Statement* policies. We trust our comments will be considered in light of the importance of the redevelopment of the Stelco Lands for the City of Hamilton and the Province.

Sincerely,

MHBC



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