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August 3, 2023

Province of Ontario
Environment Registry of Ontario

Sent VIA ERO Posting

RE: ERO Posting 019-6813 - Proposed Provincial Policy Statement – Natural Heritage Policies

Attached, please find City of Hamilton comments in response to your office's posting ERO 019-6813 for the proposed natural heritage policies within the proposed new Provincial Planning Statement. The comments are supplementary to the comments submitted by the City of Hamilton on July 21, 2023 in response to your office's original posting of the proposed Provincial Planning Statement.

The attached comments will be discussed and presented to Hamilton City Council early September 2023. Should Hamilton City Council have additional comments, we will forward those comments on to you. We respectfully request that you receive the attached staff comments to have on record as comments respecting the natural heritage policies within the proposed Provincial Planning Statement on behalf of the City of Hamilton.

Should you have questions or comments, please contact me at Charlie.toman@hamilton.ca or at 905-546-2424 ext. 5863.

Regards,

For

Charlie Toman, MCIP, RPP
Program Lead – Policy Planning & Municipal Comprehensive Review
Sustainable Communities
Planning and Economic Development Department
City of Hamilton

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Attachment

cc:

Jason Thorne, General Manager of Planning and Economic Development

Steve Robichaud, Director and Chief Planner, Planning and Economic Development

Angela Burden, General Manager of Healthy and Safe Communities

Christine Newbold, Manager, Sustainable Communities

Anita Fabac, Manager Development Planning

Shannon McKie, Manager of Zoning & Committee of Adjustment

Ken Coit, Manager of Urban Design & Heritage

City of Hamilton Comments on Proposed Provincial Planning Statement, 2023 – Natural Heritage Policies

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The proposed Provincial Planning Statement contains the existing Natural Heritage policies of the Provincial Planning Statement, 2020 but does not consider the Natural Heritage policies of the Growth Plan.

The methodology used in the development of the Growth Plan Natural Heritage System differed from the technical criteria used in the Provincial Policy Statement (Natural Heritage Reference Manual), and Greenbelt Plan. For municipalities like Hamilton, within the Greenbelt Plan, the natural heritage policies of the Growth Plan represent duplication with other provincial legislation and adds unnecessary complexity when reviewing and developing official plan policies and assessing development applications.

The City of Hamilton is supportive of municipalities using the policies of the PPS for the identification natural heritage systems. Local data from municipalities and Conservation Authorities provides more accurate and up-to-date information.

Under the Growth Plan, the boundaries of the natural heritage system mapping can only be adjusted through a Municipal Comprehensive Review. As discussed in detail under the City of Hamilton's other comments on the proposed Provincial Planning Statement, the City is not supportive of the removal of the Municipal Comprehensive Review requirement under the existing PPS, 2020 and Growth Plan.

Provincial Policy Statement, 2020

The current "systems-based" approach under the existing Provincial Planning Statement, 2020 was implemented recognizing that both the feature and its functions are important in achieving a resilient Natural Heritage System. The existing Natural Heritage System mapped in the Rural Hamilton Official Plan and Urban Hamilton Official Plan is based on the Greenbelt Plan criteria, criteria from the Natural Heritage Reference Manual, as well as locally significant natural areas (i.e., Environmentally Significant Areas). The City of Hamilton is supportive this approach has been retained, as suggested in Policy 4.1.1, 4.1.2, and 4.1.3 of the proposed PPS.

The existing Provincial Planning Statement, 2020 also contains direction on how to protect specific natural heritage features and their functions. The City of Hamilton is supportive that this approach has been retained, as suggested by Policy 4.1.5, 4.1.6, 4.1.7, and 4.1.8 of the proposed Provincial Planning Statement.

The intention of natural heritage policies within the current Provincial Planning Statement, 2020 is to preserve and enhance existing natural features and their

functions for the long-term. The City of Hamilton is supportive that this intent has been carried forward within the proposed Provincial Planning Statement which:

- Decreases fragmentation;
- Allows for an increase in biodiversity;
- Improvement of species ability to adapt to climate change; and,
- Promotes a healthy, resilient, and diverse natural environment.

The importance of ecological connections for the maintenance of ecological health is recognized in the current Provincial Planning Statement, 2020. These connections allow for plant and animal movement, hydrological and nutrient cycling and allows for species populations to replace themselves. The City is supportive of this being carried forward to the proposed Provincial Planning Statement.

It is stated in the current Provincial Planning Statement, 2020 that municipalities can go beyond minimum standards established in the Provincial Planning Statement as long as municipalities do not conflict with any Provincial Planning Statement policy. This policy is important to ensure that regional and local priorities are addressed and locally significant natural areas (i.e., Environmentally Significant Areas) are protected. The City of Hamilton supports this policy being carried forward to the proposed PPS.

Specific Changes:

Summary of Proposed Change	Comments
Definitions	
<p>Adds back the following language to the definition of <i>Negative impacts</i> which had been removed from the proposed Provincial Planning Statement (April 6, 2023):</p> <p>b) in regard to <i>fish habitat</i>, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the <i>Fisheries Act</i>;</p> <p>c) in regard to other <i>natural heritage features and areas</i>, degradation that threatens the health and integrity of the natural features or <i>ecological functions</i> for which an area is</p>	<p>The City of Hamilton is supportive of the language being added back into the definition of <i>Negative Impacts</i>. Staff believe this language was not included in the initial release of the proposed Provincial Planning Statement as the natural heritage policies were under review.</p>

Summary of Proposed Change	Comments
<p>identified due to single, multiple or successive <i>development or site alteration</i> activities.</p>	
<p>Amends the definition of Significant as follows:</p> <ul style="list-style-type: none"> a) removes “Ontario Ministry of Natural Resources and Forestry” b) replaces “Ontario Ministry of Natural Resources and Forestry” with “the Province” d) replaces “evaluation procedures developed by the Province, as amended from time to time” with “provincial guidance” 	<p>The Ontario Ministry of Natural Resources and Forestry has the expertise to provide science-based analysis and guidance. The proposed amendment to the definition of Significant to remove reference to the Ontario Ministry of Natural Resources and Forestry will lead to increased uncertainty on which branch of the Province will provide guidance and procedures for identifying natural features of provincial interest and could weaken policy 4.1.5 which prohibits development and site alteration in areas identified as significant natural features.</p>

Missed Opportunities:

The proposed Provincial Planning Statement poses an opportunity to make improvements to the existing provincial natural heritage policies. The following elements are missing from the natural heritage policies of the proposed Provincial Planning Statement:

Policies inclusive of all wetlands (not just Provincially Significant or Coastal Wetlands) have not been considered in the proposed Provincial Planning Statement. All wetlands (including unevaluated and non-provincially significant) play an important role in the function of the Natural Heritage System and should include in the proposed Provincial Planning Statement.

The concept of Vegetation Protection Zones is included within policies of the Greenbelt Plan and the Growth Plan, but no policies associated with Vegetation Protection Zones have been considered in the proposed Provincial Planning Statement. Vegetation Protection Zones are a widely accepted measures to mitigate the impacts of development on features and their functions. The City of Hamilton recommends policies be added to the proposed Provincial Planning Statement related to Vegetation Protection Zones.

The Natural Heritage Reference Manual was developed to provide guidance on technical approaches to implement natural heritage policies of the 2005 Provincial

Policy Statement. This manual has not been updated since 2010. The City of Hamilton recommend this Manual be updated.

Lastly, a number of the natural heritage policies are dependent on Provincial determinations. The proposed revisions to the natural heritage policies was an opportunity to re-evaluate the role of the Conservation Authorities in evaluating natural features to alleviate provincial resources and ensure timely decisions are made.