

PH2.6_City Council consideration on February 26_Planning and Housing Committee_Providing Certainty in the Planning Appeals Process_ProtectNatureTO_Submission



26 February 2019

VIA E-MAIL: councilmeeting@toronto.ca

Re: City Council consideration on February 26, 2019, Planning and Housing Committee - Meeting 2, PH2.6 - Providing Certainty in the Planning Appeals Process: Clearing the Backlog at the Local Planning Appeal Tribunal

Dear Mayor Tory and Council Members,

I am writing on behalf of ProtectNatureTO, a coalition of over 20 nature- and stewardship-based groups advocating for the protection of wildlife and improvement of natural areas across the City of Toronto.

We appreciate The Planning and Housing Committee efforts to deal with housing supply concerns for the City of Toronto, specifically recommendations that:

-City Council request the Government of Ontario **to increase funding for the Local Planning Appeal Tribunal (LPAT)** in order for Tribunal Ontario to appoint a team of temporary (and possibly permanent) adjudicators, mediators and other staff, necessary to alleviate the current backlog of hearings...

-City Council request the Local Planning Appeal Tribunal (LPAT) **to give priority to the City of Toronto's municipal conformity review (MCR) policy hearings** and to concluding the adjudication process with regard to the City's comprehensive zoning by-law, **in order to bring into force an enabling "up-to-date" municipal official plan policy and implementation...**

While we support "addressing the backlog for appeals relating to the old and the new system", it is critical at this point, that where Toronto's Natural Heritage is concerned, this process ensures the land use decisions to be consistent and fully conform, or not to conflict, the legislative planning tools intended for protection of the city's precious natural assets for the long term.

"2.1.1 Natural features and areas shall be protected for the long term." Provincial Policy Statement 2014

"Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect." City of Toronto The Official Plan

Toronto's outstanding natural areas that still retain the capacity to function as natural habitats are treasured by most and vital for Toronto's vision of sustainable city.

The land use decisions's consistency with environmental policies plays a fundamental role in the long term protection of Toronto's natural heritage and cannot be compromised.

Sincerely,

Lenka Holubec on behalf of ProtectNatureTO

<https://www.protectnatureto.org/>

Background:

- **“Why Protect Natural Heritage?”**

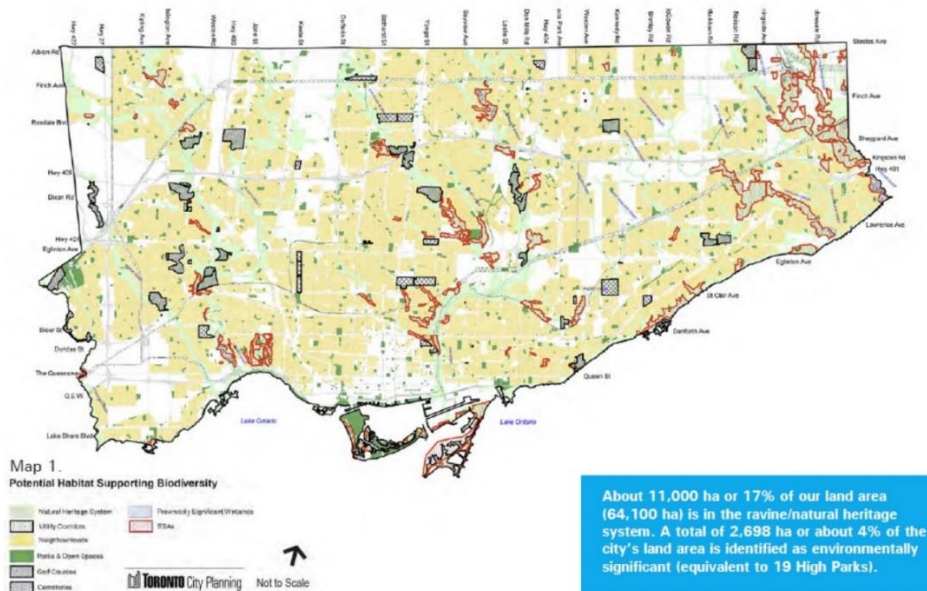
It is a central premise of this report that society should adopt a systematic approach to protecting and managing natural heritage features to maintain or restore many of the benefits they provide. Without protection of these benefits on a comprehensive basis, it will be virtually impossible to improve or even maintain the environmental health, quality of life or variety of experience available in the Greater Toronto Area.

“A Strategy for the Protection and Management of Natural Heritage in the Greater Toronto Area, November 1991 Greater Toronto Area Branch, Ministry of Natural Resources

- **The Draft Biodiversity Strategy for Toronto, 2018**

Major Natural Systems:

The highest biodiversity in Toronto occurs within the Natural Heritage System (Map 1) which includes the city’s significant natural heritage features and functions including habitats such as forest, wetlands, meadows, beaches and bluffs that provide shelter, food sources, and breeding areas for hundreds of species of plants and animals. The natural heritage system also supports the city’s 86 ESAs which are primarily located within valleys, ravines and along the waterfront – areas which also function as important migration corridors through the city and beyond our boundaries. Habitat size is important. Relatively large areas of natural habitat are particularly important because they contain, or have the potential to contain, high quality habitats such as interior forest which are fundamental to preserving and enhancing native biodiversity such as Carolinian forest species. Examples of relatively large tracts of high quality habitat are found in the Rouge Valley, Tommy Thompson Park, High Park, Toronto Islands and Lambton Park Prairie.



- **Provincial Policy Statement 2014** requires: “2.1.1 Natural features and areas shall be protected for the long term.”

The Provincial Policy Statement 2014 (PPS): provides policy direction on matters of provincial interest related to land use planning and development; municipalities are required to bring their Official Plans into conformity with the PPS. Biodiversity is included in the Vision for Ontario’s Land Use Planning System: “Ontario’s long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.” The PPS provides clear policy direction regarding protection and enhancement of biodiversity and its ecological functions.

- **The Growth Plan (2017):** for the Greater Golden Horseshoe (GGH) provides guidance on where and how to grow. It guides decisions on a wide range of issues - including transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection - in the interest of promoting economic prosperity. The Introduction to the Growth Plan notes the importance of the GGH natural areas in supporting biodiversity. Section 4 states that protecting natural heritage features and areas figures prominently in the importance of planning for the future and requires natural heritage mapping (for areas outside of settlement areas) for the protection of the region’s natural heritage and biodiversity. The importance of hydrologic functions are identified as targets for the protection and restoration of riparian areas in the “Definitions” section under “Watershed Plan” - hydrologic functions are directly related to the ecosystem service provided by biodiversity found within these riparian areas.
- **Natural Heritage Reference Manual (2010):** is the Province’s recommended technical criteria and approaches for being consistent with the Provincial Policy Statement in protecting natural heritage Features and areas and natural heritage systems in Ontario.
- **City of Toronto The Official Plan (OP):** is a statutory document that guides land use in the City. The Official Plan envisions Toronto as:

“a city with: ... a connected system of natural features and ecological functions that support biodiversity and contribute to city life.”

The Plan recognizes the importance of a healthy natural environment to strong communities and a competitive economy. Policy 3.4.1 specifies that changes to the built environment will be “environmentally friendly, based on: sustaining, restoring and enhancing the health and integrity of the natural ecosystem, supporting biodiversity in the City and targeting ecological improvements, paying particular attention to: seasonal movements of migrating species; opportunities for habitat provided by the built environment; and the potential impacts of a changing climate on biodiversity and ecosystem health.” The OP policies also identify a City-wide Natural Heritage System and protect Environmentally Significant Areas (which contain habitats of unusual size or high diversity, rare plant and animal species, unique landforms, and stopover locations for migratory wildlife and colonial breeding habitat).”

City OP, Office 2015 Office Consolidation - June 2015

3.4 THE NATURAL ENVIRONMENT

“Environmental considerations must also be part of our everyday decision making because interaction with the environment is constant. The impacts of growth on the natural environment must be anticipated and assessed if we are to have a healthy environment.

Our natural heritage features and functions require special attention. They are an evolving mosaic of natural habitats that supports the variety of nature in the City. The natural heritage system is made up of areas where

protecting, restoring and enhancing the natural features and functions should have high priority in our city-building decisions. We must be careful to assess the impacts of new development in areas near the natural heritage system. The size of this adjacent impact zone will vary across the City, depending on the local characteristics of the natural heritage system and adjacent areas.

Protecting Toronto's natural environment and urban forest should not be compromised by growth, insensitivity to the needs of the environment, or neglect."

- **OPA 262 - City of Toronto By-Law No. 1158-2015**, was adopted by the City Council in 2015 to make OP fully conform to PPS 2014. This bylaw - **Environmental Policies and Designation of Environmentally Significant areas** was approved by the Province in May 2016.

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

The City Planning Division consulted with the public and developed policies pertaining to climate change and energy, the natural environment and green infrastructure. In addition, 68 new Environmentally Significant Areas (ESAs) were identified in the City. The result was **Official Plan Amendment 262** which was adopted by Council in November **2015**. The intent of OPA 262 is to: strengthen the existing environmental policies, encompass new priorities that have emerged since the adoption of the last Official Plan designate new ESAs
OPA 262 was approved by the Province in May 2016. There were no appeals to the amendment and it is now in full force and effect.

The Official Plan Amendment OP 262 – bylaw 1158 - has reflected the PPS 2014 increased emphasis upon the protection of natural heritage, water, biodiversity, energy conservation and efficiency and climate change. City Council's planning decisions are required to be consistent with the PPS.

While the Official Plan's environmental policies are generally consistent with the 2014 Provincial Policy Statement, the revisions to the environmental policies in the proposed amendment reflect the PPS' increased emphasis upon the protection of natural heritage, water, biodiversity, energy conservation and efficiency and climate change."

"Chapter 4 Land Use

"The natural heritage system is important to the City, both within and beyond our boundaries, and needs to be protected for the long term. It is made up of areas where protecting, restoring and enhancing the natural features and functions should have high priority in our city-building decisions. We must be careful to assess the impacts of new development in areas near the natural heritage system."

Land Use Designations

"Land use designations are a key implementation tool for protecting the City's natural environment by directing growth away from the City's protected natural areas most of which are contained within lands designated as Parks and Open Space Areas."