



**SUBJECT: Provincial Planning Statement, 2024**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-76-24

Wards Affected: All

Date to Committee: September 9, 2024

Date to Council: September 17, 2024

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### **Recommendation:**

Direct the Director of Community Planning to prepare and submit comments on PPS, 2024 transition guided by the content of this report and subject to discussion at Committee of the Whole and Council, in advance of the submission deadline of October 4, 2024; and

Direct the Director of Community Planning to prepare both a strategic and operational approach for consolidating the City's three Official Plans into a comprehensive community vision within the Burlington Official Plan, 2020, to facilitate efficient implementation of the new PPS alongside a whole range of new local planning responsibilities to support the creation of new housing as discussed in this report.

### **PURPOSE:**

To present the high-level details of the new PPS, 2024, recommendations to the Province for transition and identify potential opportunities and challenges for Burlington.

### **Vision to Focus Alignment:**

- ☒ Designing and delivering complete communities
  - ☒ Providing the best services and experiences
  - ☒ Protecting and improving the natural environment and taking action on climate change
  - ☐ Driving organizational performance
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## **Executive Summary:**

The Provincial Planning Statement (PPS), 2024, which represents a significant change to land use planning in Ontario, will come into effect on October 20, 2024. While consultation is not being sought on the PPS itself, feedback is being considered related to transition of specific planning matters or types of matters in process that should be addressed in a transition regulation. This report provides a summary of the substantive changes resulting from the PPS and identifies some initial comments for Council's consideration on what should be addressed through a transition regulation. Staff intend on providing a submission to the Province, pending Council's support of the recommendations and any additional feedback, to meet the commenting deadline of October 4, 2024.

While the Province continues to request feedback on transition, the most urgent exercise now involves presenting Council with recommendations for adapting local approaches and Official Plans to the new Provincial policy framework. This exercise is intended to support the best planning outcomes for Burlington, achieve alignment with the City's long-term strategic objectives, and ensure consistency with the PPS, 2024

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## **Background and Discussion:**

On August 20, 2024, the Ontario Government released the final version of the PPS, 2024 and a regulation that revokes "A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019" (Growth Plan) in its entirety, as of October 20, 2024.

### **Previous Submissions**

In late 2022, the Province announced a review of the Growth Plan and the Provincial Planning Statement, 2020 (PPS, 2020). Through staff report [PL-05-23: ROPA 48, 49 and Bill 23 - Approach to achieve conformity and compliance](#) (February 2023, see [Appendix A](#)), staff provided initial comments to Council, which had been submitted to the Province in December, 2022 to meet the submission deadline of the Environmental Registry.

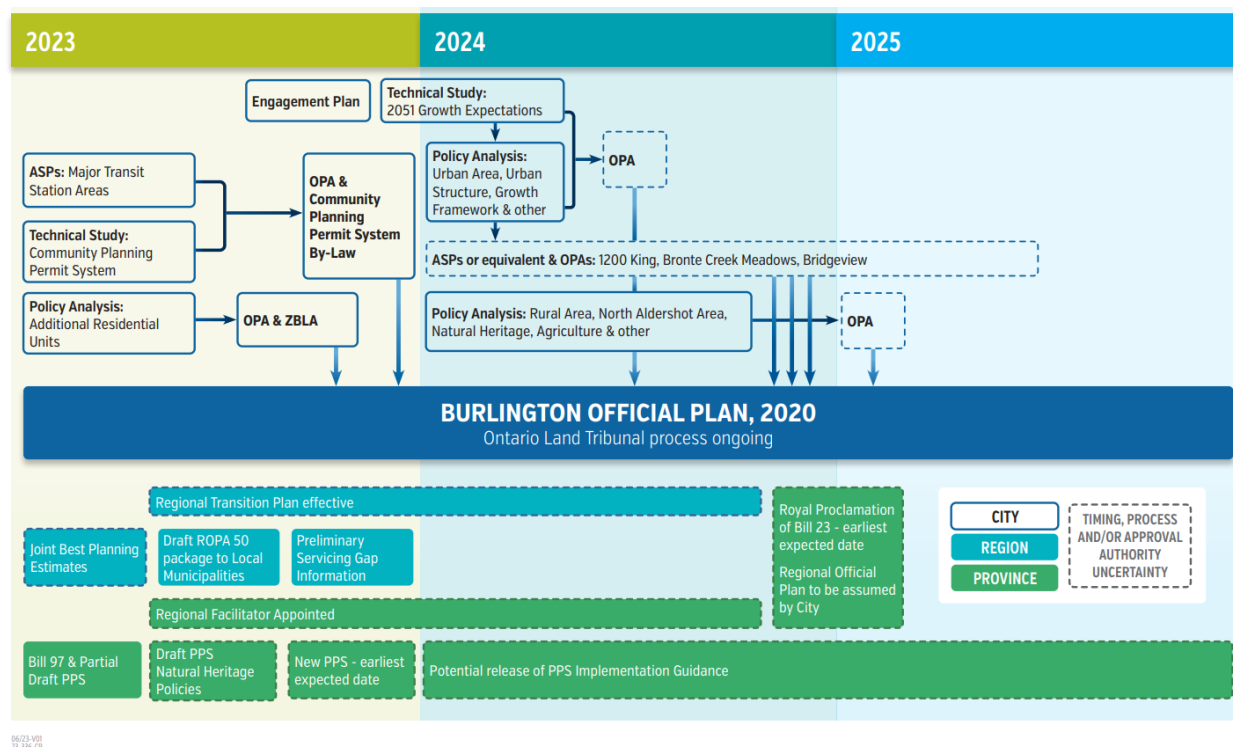
In 2023, the Province announced Bill 97 and released a proposed Provincial Planning Statement (2023). In response, a staff report titled: [PL-39-23: Bill 97 and Provincial Planning Statement](#) (May 2023) was prepared and then submitted as the City's comments for the June 5, 2023 deadline. The Report went through Bill 97 proposed changes and provided both general and theme-based staff comments related to the proposed Provincial Planning Statement. The report reiterated that the proposed Provincial Planning Statement (2023) would introduce fundamental changes to the

planning policy framework with long lasting impacts, and would necessitate significant investments in complex conformity exercises.

In late June 2023, in light of the significant pending changes to the land use planning framework, staff presented an initial work plan for advancing the Burlington Official Plan, 2020 (see staff report: [PL-45-23: Burlington Official Plan, 2020 Targeted Realignment Exercise – Initial Work Plan](#)). Among other challenges, the work plan identified the unknown timing and outcome of the PPS, 2020/Growth Plan review as a major variable that could impact any chosen approach. The work plan included the following conceptual timeline which, while now out of date, presented a high-level overview of the changing parameters to which the work plan would be subject.

#### Targeted Realignment Exercise - Conceptual Work Plan

Appendix C to PL-45-23



In April 2024 the revised proposed Provincial Planning Statement was released for a brief consultation period. The overall package also included several proposals related to existing Provincial Regulations under various Acts, housed within “Bill 185”. The City’s most recent submission related to both Bill 185 and the Proposed Provincial Planning Statement, 2024 was provided in a staff report titled: [PL-42-24 Bill 185, Cutting Red Tape to Build More Homes Act, 2024 and the Proposed Provincial Planning Statement, 2024](#) (see [Appendix A](#)) and included a series of responses to a wide range of related ERO postings. For complete details, reference should be made to the staff reports listed above and their attachments.

The revised proposed PPS was largely similar to the version circulated for feedback in 2023. In response to the proposed Provincial Planning Statement, 2024, staff provided overall comments and answered the consultation questions. The answers highlighted several themes of concern including, but not limited to:

- Lack of guidance related to urban boundary expansions, employment land conversions, and population and employment growth planning (uniform methodology, such as the Land Needs Assessment Methodology).
- Lack of Provincial action related to policy, incentivization or even Provincial funding to support the achievement of affordable housing targets.
- Concerns about the Ministry of Finance's population projections being the basis for future forecasts (e.g Ministry of Finance figures do not provide employment forecasts, and they are not broken down at the local municipal geography).
- Lack of evolving and modernized regulations to balance competing provincial objectives.
- Lack of coordination of cross-boundary matters, particularly in relation to growth-supportive infrastructure that is delivered by upper-tier municipalities.
- Concern about privately initiated appeals to urban boundary expansions, and the lack of municipal comprehensive review compromising the long-term viability of near-urban agricultural lands (e.g. potential for land speculation contributing to inflated land prices within agricultural areas).
- Concerns about the ability to protect employment lands and the City's economic viability.

Most recently, staff provided a memo related to [Bill 185 Royal Assent](#) in the July 26, 2024 Council Information Package. This memo highlighted the initial Bill 185 proposals and discussed how they were modified prior to Royal Assent. At the time of preparation of the July memo, the Provincial Planning Statement had not been released and no timing expectations had been provided by the Province.

### **Provincial Planning Statement, 2024**

Staff note that the Provincial Planning Statement, 2024 is not significantly different from the previously proposed versions. As noted above, it is now certain that this new document will be in force on October 20, 2024. The following table includes high level themes and associated key changes but does not provide a complete overview of the extent or magnitude of changes and their impact on Burlington.

Theme	Key Changes
<b>Population and Employment Growth Targets</b>	<p>No specific population and employment targets are provided</p> <p>Local forecasts to be informed by provincial guidance and based on Ministry of Finance population projections</p> <p>Sufficient land designated for at least 20 years, but not more than 30 years</p>
<b>Municipal Comprehensive Review</b>	No longer defined
<b>Settlement Area Boundary Expansions</b>	<p>Can be considered at any time (landowner or municipality)</p> <p>Less stringent criteria which “shall be considered”</p> <p>Can be appealed</p>
<b>Employment</b>	<p>Employment conversions can be considered at any time (landowner or municipality)</p> <p>Employment conversions subject to criteria similar to the current Growth Plan</p> <p>Employment area redefined in Planning Act and in PPS</p> <p>Protection of employment: all development within 300m of employment areas “shall avoid or mitigate potential impacts on the long-term economic viability of employment uses.”</p>
<b>Strategic Growth Areas (SGAs)</b>	<p>Continued concept similar to Growth Plan</p> <p>Identify SGAs in official plans, areas to accommodate significant population and employment growth</p>

	Includes concept of Major Transit Station Areas, directs delineation and establishes minimum density targets
<b>Intensification</b>	<p>Supports intensification generally</p> <p>Establish and maintain minimum targets within built up areas</p> <p>Maintain zoning by-laws to establish minimum densities, heights and standards in order to accommodate growth and development</p> <p>Burlington, as a large and fast growing municipality is encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas (new definition)</p>

What remains the same is the Planning Authority's role in making decisions that are consistent with the PPS. Specifically, the PPS, 2024 continues to establish that:

*Municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning. Official plans should coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial outcomes.*

### **What the Province is engaging on**

The Province released a posting relating to the "[Consideration of transition of land use planning matters to facilitate the introduction of a new policy statement issued under the Planning Act](#)". Comments related to transition can be submitted until October 4, 2024. The posting provides the following specific direction:

*MMAH is seeking feedback as to whether there are any specific planning matters (or types of matters) in process that should be addressed through the transition regulation. This could include, for example, development applications or planning matters under appeal. Feedback should include sufficient details to support an informed decision. Details submitted would not be used for any purpose other than to inform a decision regarding a potential transition regulation. Where it is appropriate, details to support the submission could include:*

- *A brief summary of the planning matter and/or type of matter that would require transition,*
- *The status of the planning matter,*
- *Identifying any specific matters that should be addressed through the transition regulation,*
- *The rationale for transitioning the matter and why it would support implementation of the Provincial Planning Statement (PPS), including identifying relevant policy sections in the PPS where appropriate,*
- *Any details that may contribute to understanding the planning matter, such as: name of municipality, relevant address, identifying other planning authorities affected (e.g., in matters that cross municipal borders), etc.,*
- *Other relevant details that would assist in making an informed decision.*

Staff will require additional time to prepare detailed comments, however, to meet the deadline of the Environmental Registry, the City's comments must be provided in advance of the next cycle of Committee of the Whole and Council. In the absence of a complete draft submission at this time, the following elements are proposed to form the basis of the City's comments for transition considerations.

### **Ongoing OLT cases**

In combination with the downloading of the Regional Official Plan to the City as of July 1, 2024, the introduction of the new Provincial Planning Statement on October 20, 2024 will significantly increase the complexity of the ongoing appeal process for the Burlington Official Plan, 2020 (BOP, 2020). The Planning Act requires that all decisions of the Ontario Land Tribunal (OLT) be consistent with any provincial policy statements and conform/not conflict with any provincial plans that are in effect on the date of the decision. The BOP, 2020 was developed in accordance with the Regional and Provincial planning frameworks that were in place prior to 2020. Though the Regional Official Plan has undergone substantial changes through a Municipal Comprehensive Review process (ROPAs 48 and 49) since this time, these changes were based on the 2019 Growth Plan and 2020 Provincial Policy Statement which were both in effect at the time of approval of the BOP, 2020 and therefore already contemplated within its policies.

The forthcoming elimination of the Growth Plan and the introduction of the new PPS will add to the already complex provincial consistency and conformity analysis that must be undertaken each time modifications to the BOP, 2020 are proposed for Tribunal approval. This introduces a risk of "case by case" planning analysis and piecemeal implementation of the new PPS- meaning without the benefit of a comprehensive

process underpinned by statutory public engagement and applicable technical studies to ensure alignment with the local planning context and community priorities.

**Proposed Request:**

Accept implementation of the PPS as a whole; however, do not apply to ongoing OLT cases.

**Official Plan Amendments Awaiting Provincial Approval**

On June 18, 2024 Council adopted Official Plan Amendment No. 2 to the Official Plan of the Burlington Planning Area (OPA 2). This amendment is intended to establish a Community Planning Permit System (CPPS) for Burlington's three Protected Major Transit Station Areas (PMTSAs) by addressing the legislative requirements for CPPS Official Plan policies. It also contains the required policies for PMTSAs. Significant supporting studies were carried out over several years, and the final version implements the PPS 2020. OPA 2 is an integral part of Burlington's plan to support the creation of new homes in these PMTSAs.

**Proposed Request:**

Exempt existing Official Plan Amendments adopted by municipalities and awaiting Provincial approval from the new PPS.

**Shifting of planning responsibilities to Local Municipalities**

As of July 1, 2024 the City of Burlington has three Official Plans: BOP, 1997; BOP, 2020 (partially in force) and the Regional Official Plan (to the extent that it applies to the City of Burlington). On October 20, 2024 development applications would need to be assessed against the Planning Act, Provincial Planning Statement, 2024, Regional Official Plan, BOP, 1997 to the extent it applies, and BOP, 2020 to the extent it applies or is informative. While this is similar to the situation that staff have been in over the course of the implementation BOP, 2020, there are specific alignment issues between the City's Official Plans and the Provincial Planning Statement, 2024.

For example, in the case of a new, privately initiated Official Plan amendment for a Settlement Area Boundary Expansion, without an established local vision and policy framework in place for assessing urban structure changes, staff will be challenged to comprehensively implement the PPS, 2024 direction. The PPS, 2024 reminds the reader that it *"is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation."* As noted, the PPS, 2024 offers expanded opportunities for privately initiated urban structure changes, such as Settlement Area Boundary Expansions and Employment Conversions, to prioritize efforts to address the ongoing housing crisis. Yet, the onus remains on both the applicant and the planning authority to deliver comprehensive, integrated and long-term



planning in service of all matters of Provincial interest through the implementation of local vision.

**Proposed Request:**

Accept implementation of the PPS as a whole however, request a pause on settlement boundary expansions; any issue related to the new definition of “employment area”, and employment conversions until municipalities have updated their policy framework. The pause on implementation could be as brief as 18 months, or upon the approval of the local policy framework, whichever comes first.

**Other issues**

In addition to the comments above, it is important that all Provincial guidance documents and methodology that support implementing new policy and approaches be released as soon as possible. For example, in the past there have been specific guidelines and protocols released that offer clarity and assistance to municipalities in implementation. These include:

- Updated Land Needs Assessment Methodology;
- Updated technical guides that support the PPS, including the “Technical Guide, River & Stream Systems: Flooding Hazard Limit”; and
- Updated technical guidance on modern approaches to Land Use Compatibility.

**Proposed Request**

Staff respectfully request the Province release any necessary Provincial guidance as soon as possible.

**Further Information Requests**

In tandem with the approach to bringing local Official Plans into consistency with the PPS, 2024, it is recommended that the City continue to pursue requests for additional information, support and resources from the Province. The following is a brief listing of recommended Provincial action items that would support on-the-ground planning in enabling more homes, faster:

- Provide a clear set of standardized rules to support municipalities in achieving the objectives of approving homes faster and increasing housing supply including, among other things:
  - Providing clarification regarding the use of the Land Needs Assessment Methodology or a new standard methodology to create consistency in assessing land needs.
  - Developing a standard source and define the role of growth forecasts for all municipalities.

- Considering the Regional Market Area and local municipal residential land supply and approaches to deal with variation and unique local context, such as a municipality, like Burlington, which has a fixed Urban Boundary defined by the Greenbelt Plan and the Niagara Escarpment Plan.
- Demonstrate leadership and align Provincial infrastructure funding and financing programs with the streamlined PPS to ensure provincial support is targeted towards essential servicing for new housing developments, particularly in those areas where significant investment in transit has been directed.
- Leverage existing policies to support transit-oriented development and support sustainability and resilience. In addition to policy refinements, the province should coordinate the focus of growth in strategic growth areas within fast-growing municipalities of all sizes with investment in infrastructure and transit to achieve planned densities and complete communities in these areas.
- Continue to look for more innovative means to deal with challenging issues such as land use compatibility in strategic growth areas. Fund and support pilot projects to support municipalities and industry working together to support the long-term operational and economic viability of major facilities while collaboratively working to find ways to accommodate new housing and mixed uses by minimizing and mitigating potential adverse effects at the source. The City would be interested in discussing opportunities within the Major Transit Station Areas.
- Provide an update on the proposed revocation of the Parkway Belt West Plan (initially posted to the Environmental Registry on October 25, 2022) and continue to streamline the Provincial policy framework by advancing this work.

Several of these actions are contained in the Ontario Professional Planning Institute's (OPPI) August 20, 2024 recommendations for a more streamlined, efficient planning process in Ontario. OPPI has developed these recommendations in support of the Ontario Government's goal of building 1.5 million homes over the next 10 years. For reference, the full set of recommendations is attached as [Appendix A](#), to this report.

### **Strategy/process/risk**

As previously highlighted, the implementation of the PPS, 2024 will have impacts on the targeted realignment of the Burlington Official Plan, 2020.

There will also be operational impacts to the consideration of development applications and the presentation of any City-initiated work. In addition to the PPS, 2024 coming

into full effect, a range of changes brought about through a series of recent Provincial legislation and policy initiatives continue to impact the day-to-day processes of the City. With pre-consultation now optional for planning applications, the reduced role of Conservation Authorities in planning review, the downloading of Regional planning responsibilities to the local level including outstanding portions of the Region's former Municipal Comprehensive Review process (e.g. Natural Heritage, Rural and Agricultural, Aggregates, North Aldershot, Climate Change etc.) and a substantially revised Provincial planning framework, there will be greater demand on staff in the short-term. Staff will report back to Council on these impacts as we evolve approaches to the complexity.

Given the direction in the PPS, 2024 privately initiated amendments for Settlement Area Boundary Expansions and Employment Conversions can be submitted to the City. With new Settlement Areas and expansions and Employment Conversions implemented in the Regional Official Plan (only finalized in May 2024) but not yet incorporated into the Burlington Official Plan, there is some urgency to establish a comprehensive framework for making wise land use planning decisions.

### **Next Steps**

A strategy to redefine the local vision in a single Official Plan, consistent with the new PPS, 2024 and the whole range of changes to the Provincially led planning system, is being developed for Council's consideration. As set out in the recommendations of this report staff will return with a proposed scope, resources and timing to support the efficient implementation of the new PPS.

### **Options Considered**

Not applicable.

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### **Financial Matters:**

A wide range of changes to the Provincially led policy framework have redirected staff efforts significantly since 2022. Staff will report back on a proposed approach to implementing a local vision and policy framework that integrates all existing City and Provincial planning policy and objectives, consistent with the PPS, 2024.

### **Total Financial Impact**

Not applicable.

### **Source of Funding**

Not applicable.

### **Other Resource Impacts**

With significant changes in responsibilities come significant challenges in implementation. Staff will consider the range of changes and the required strategy and may also identify other staffing or resource requirements in addition to the supports currently being provided by the Region of Halton in accordance with the revised Halton Area Planning Partnership Memorandum of Understanding.

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### **Climate Implications:**

Not applicable.

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### **Engagement Matters:**

Given the short timeframe for preparing this report- with the announcement released on August 20, 2024, Provincial changes coming into effect on October 20, 2024, and a commenting deadline of October 4, 2024 for transition matters it was not possible for staff to plan and undertake meaningful engagement with the community. However, engagement matters will be addressed through future work plans.

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### **Conclusion:**

Fundamental changes to the basic framework of the Provincially led policy system, alongside changes already discussed through other legislative and regulatory consultations, have the stated intention of supporting Ontario's Housing Supply Action Plan and the Provincial commitment to build 1.5 million homes by 2031.

Through prior submissions to the Province, it has been made clear that the City is a willing partner in seeking opportunities to reinforce its land use planning vision and objectives while implementing a wide range of changes, including the new PPS. However, it recommended that the City request a pause to allow for local study and implementation, followed by a set period of time without any further changes to the newly released Provincial policies. This would allow local planning documents to catch up, from Official Plans, to Zoning By-laws, to Site Plan By-laws, as well as the many associated operational and administrative processes that must also be refined or, in some cases, newly created.

There are significant challenges and opportunities in this time of change. Comprehensively balancing all matters of Provincial interest and implementing the local vision in Official Plans is critical to support: the creation of a full range of housing, including housing that is affordable in relation to real incomes; the accommodation of

employment; improving mobility; taking action on climate change; and protecting agriculture, the environment and cultural heritage.

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Respectfully submitted,

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## **Appendices:**

A. OPPI Recommendations

## **Notifications:**

Region of Halton

Town of Oakville

Town of Milton

Town of Halton Hills

## **Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.