



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Proposed Provincial Planning Statement Natural Heritage Policies and Definitions Information Report

Report Number: INFO-2023-24

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner – Policy

Date: July 19, 2023

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this report is to inform Council of the natural heritage policies and related definitions in the updated draft Provincial Planning Statement.

Background

On April 6, 2023, the Ministry of Municipal Affairs and Housing (MMAH) released the [draft Provincial Planning Statement](#) (April 2023 draft PPS) for public review and comment. The original commenting deadline was June 5, 2023. On May 30, 2023, the MMAH extended the commenting deadline to August 4, 2023.

On June 5, 2023, Council received [staff report 2023-23](#), which contained a summary of the April 2023 draft PPS and Planning staffs' comments on the proposed changes. The staff report was subsequently submitted to MMAH for their consideration.

In the April 2023 draft PPS, MMAH noted that natural heritage policies and related definitions would be released in the future. On June 16, 2023, MMAH released the natural heritage policies and related definitions in the [updated draft PPS](#).

Discussion

No Change to Natural Heritage Policies from the current Provincial Policy Statement, 2020

Natural heritage policies in the updated draft PPS remain the same as those contained in the current Provincial Policy Statement, 2020 (PPS 2020).

In summary, natural features and areas are continued to be protected for the long term. Diversity, connectivity, ecological function and biodiversity of natural heritage systems should be maintained, restored, or where possible, improved. Development and site alterations continue to be prohibited in significant features such as, but not limited to significant wildlife habitat, significant areas of natural and scientific interest, certain portions of significant wetlands in the Canadian Shield, and certain significant woodlands.

Proposed Changes to Definitions of “Negative Impacts” and “Significant”

The definition of “negative impacts” largely remains the same when the term is used in relation to natural features (i.e., quality and quantity of water; fish habitat, natural heritage features and area). Negative impacts relating to fish habitat, and natural heritage features and area were removed from the definition in the April 2023 draft PPS, but have been added back in the updated draft PPS with the same language found in PPS 2020.

Like “negative impacts”, the definition of “significant” also remains generally the same when it is used in relation to natural heritage features such as wetlands, woodlands, area that has mineral potential, and other features and areas. The proposed change occurs where references to Ontario Ministry of Natural Resources and Forestry (MNRF) are proposed to be replaced with “the Province”. Specifically, it is defined in the term “significant” that significant wetlands, costal wetlands, and areas of natural and scientific interests are currently identified by the MNRF. Also part of the definition of “significant” is criteria and procedures in determining significance of woodlands are also identified by the MNRF. The proposed change to replace MNRF with “the Province” as the body that identifies/evaluates the significance of the above noted features creates uncertainties as to which ministry will be responsible for such determination. Furthermore, it is also unclear if this change would affect the criteria and procedures in determining significant woodlands established by the MNRF.

Another change to the definition of “significant” is the removal of resources that have cultural heritage value or archaeological interest determined through the Ontario Heritage Act from the defined term. Cultural heritage properties or heritage conservation districts that are designated under the Ontario Heritage Act, or properties with known archaeological resources in accordance with the Ontario Heritage Act are already

Proposed Provincial Planning Statement Natural Heritage Polices and Definitions

defined as “protected heritage property” in PPS 2020 and remain as such in the updated draft PPS. The current definition of “significant cultural heritage resources” may lead to ambiguity around whether listed (non-designated) properties are also considered “significant”. The proposed change adds clarity to what must be protected (i.e., properties designated under specific parts of the Ontario Heritage Act) and does not appear to impact the Town’s current practice in dealing with built heritage or cultural heritage landscapes.

Conclusion

On June 5, 2023, the MMAH updated the draft PPS to include natural heritage policies, which were omitted from the April 2023 draft PPS, and modified certain definitions that are related to natural heritage policies. Natural heritage policies remain the same as they currently exist in PPS 2020. Modifications are proposed for the definitions of “negative impacts” and “significant”.

Staff encourage the Province to keep the MNRF as the body determining and evaluating significance of natural heritage features to minimize uncertainty.

Business Plan and Strategic Plan Linkages

None.

Consultation

None.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

None.

Approval

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Proposed Provincial Planning Statement Natural Heritage Policies and Definitions

Contact

Phoebe Chow, Senior Planner – Policy, pchow@newmarket.ca