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Land Use Planning and Appeal System Consultation
Ministry of Municipal Affairs and Housing
Provincial Planning Policy Branch
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Comments on Land Use Planning and Appeal System

The Grand River Environmental Network (GREN) welcomes this opportunity to comment on the current review of the Land Use Planning and Appeal System. GREN includes individuals and local environmental groups in the Grand River watershed that are actively involved in protecting our natural and built environments to create and maintain sustainable, livable and vibrant communities, both urban and rural.

Need for high-level, evidence-based, non-partisan planning standards and criteria

GREN would like the Ministry to apply a non-partisan, sustainability screen to ALL planning and land use decisions before approval. The criteria would include:

- 1) An eco-system approach to ensure the protection and enhancement of geological features, water systems (both surface and underground), natural areas, air quality and agricultural land.
- 2) In built environments, to meet optimum standards for balancing green space, residential needs, employment and commercial space, public transit and transportation needs.

OMB decisions should not “trump” good provincial legislation

The recent challenge by a group of developers and land speculators to the Region of Waterloo’s Official Plan should not be possible. The Region’s ROP was approved by the Region of Waterloo Council and the Government of Ontario, and met all the requirements of the provincial Places to Grow Act after years of open and inclusive public consultation.

The legislation and official plans should not be vulnerable to time-consuming, expensive impediments from private interests that threaten rational land use planning aimed at halting urban sprawl. It is inconceivable that municipalities should find themselves in the situation of having to bear the cost of defending their adherence to that legislation.

If planning and land use planning were based on sound, sustainable, non-partisan criteria (as stated above) then perhaps such conflicts would be less common.

GREN acknowledges that an impartial, independent appeals body such as the OMB is a necessary part of the planning process. Where municipal councillors are members of the business and development

community, personal interests can be in conflict with progressive community development. Involved and concerned citizens must have access to an impartial, third party to ensure their voices are heard and seriously considered.

Citizen access and transparency

GREN members, including those who participated in the Kitchener MMAH workshops, have cited the following concerns:

1. Not being included early enough in planning process to have substantive impact.
2. Prohibitive costs of intervening and the inaccessibility of relevant information precluding full and informed citizen involvement. Intervener funding, in the past, ensured meaningful, high quality, citizen group involvement (e.g., dealing with toxic waste) to improve project design—a far more cost-effective option than protracted and expensive legal actions taken against the OMB by developers and speculators.
3. Full and timely information is not available for citizens to review prior to meetings.
4. Lack of co-ordination between ministries.
5. Discretionary powers at all government levels for Environmental Assessments resulting in a lack of consolidated data and strict prohibitions on critical habitat.
6. Lack of transparency about political donations—“follow the money”—and intelligence about all interested parties.
7. Public meetings held during working hours. Difficulty in sharing and discussing information when presentations to all attending are not included. Need for open question and answer sessions during meetings.
8. Inadequate staffing at the provincial level for enforcement and monitoring.
9. “Grandfathering” of past approvals that do not reflect current state-of-the-art practice, advances in scientific and ecological knowledge, emerging priorities (e.g., protection of crucial areas for groundwater recharge, such as the Waterloo Moraine, to protect the aquifers that sustain Waterloo Region’s municipal water supply), and newly available data. There is a need to establish a non-negotiable “shelf-life” for studies and assessments.
10. Costs and plans for remediation not included upfront.

In conclusion, we cannot overstate how greatly concerned GREN is about protecting our groundwater. Waterloo Region is dependent on groundwater for most of its water supply and our water should not be vulnerable to developers’ pressures at the OMB.

Thank you for this opportunity to comment. We look forward to the changes necessary to ensure vibrant, livable and sustainable communities.

Sincerely,



John Jackson
Chair – Grand River Environmental Network