

will arise between different applicable policies; therefore, it may be helpful to develop criteria or principles to resolve potential conflicts and ensure environmental protection.

There should be built-in review mechanisms to deal with reactions to policy implementation and suggestions for improvement. Finally, policies should be mandatory, requiring municipalities to ensure that their planning, zoning, and development control processes comply.

The Province's endorsement of the nine principles and the ecosystem approach to planning, announced by the Honourable Ruth Grier on 17 December 1990, should be formalized and refined under Section 3 of the Planning Act.

## **RECOMMENDATIONS**

- 1** The Royal Commission recommends that the Province prepare a comprehensive, integrated set of ecosystem-based policy statements under Section 3 of the Planning Act. These should include:

- waterfront planning and development, including shoreline regeneration, based on the Commission's nine principles;
- greenway concepts as described in Chapter 5;
- watershed management;
- natural heritage protection;
- integration and conservation of cultural heritage;
- rural lands and agriculture;
- compact forms of development and redevelopment;
- transportation and land use;

- resource conservation (water, energy, timber, soils, aggregates, and others);
- protection and rehabilitation of air, water, and soil quality; and
- land-use compatibility.

- 2.** The Commission further recommends that, as soon as possible and while policy statements are being prepared, interim guidelines be made available to establish provincial expectations for planning and development decisions.
- 3.** While the waterfront policy statement is being prepared, all planning jurisdictions should ensure that Official Plans, waterfront plans, Secondary Plans, and other planning documents for areas on the waterfront incorporate the ecosystem approach and the waterfront regeneration principles.

## **PROVINCIAL REQUIREMENTS FOR PLANNING PRACTICES**

While the Planning Act provides processes for planning and controlling development, it offers little guidance for the form and content of Official Plans. To ensure that its commitment to the ecosystem approach can be reflected in municipal planning, the Province should provide guidance and set out its expectations for ecosystem-based planning and development approval practices.

## **RECOMMENDATIONS**

- 4.** The Royal Commission recommends that the Province, in consultation with

municipalities, other agencies, professional organizations, and interest groups, prepare guidelines for ecosystem planning practices to be used in the preparation of Official Plans, waterfront plans, Secondary Plans, watershed plans, and other planning instruments.

- 5 The Commission further recommends that the Province, in consultation with municipalities, other agencies, professional organizations, and interest groups, develop environmental performance requirements so that there is greater certainty and consistency in the development approval process. These requirements might include greenspace protection, setbacks/buffers between natural areas and other uses, habitat restoration, energy efficiency, ambient and indoor air quality, dust control, waste management, noise restrictions, microclimatic conditions, stormwater management, and integration of built heritage.

## **WETLANDS POLICY STATEMENT**

The recently released draft Wetlands Policy Statement should be revised to provide effective protection for Ontario's remaining wetlands. Draft implementation guidelines have not been released for public review, making it difficult to evaluate the draft statement.

### **RECOMMENDATION**

6. The Royal Commission recommends that the Province strengthen its proposed Wetlands Policy Statement

and bring it into effect as quickly as possible. Implementation guidelines should be made available as soon as possible. Changes should include:

- full protection for all (classes I to III) provincially significant wetlands;
- refusal to permit loss or impairment of significant wetland functions;
- consideration of ecological relationships within entire wetland complexes when making decisions about protection requirements;
- inclusion of requirements for buffer zones;
- the same treatment of public utilities/facilities as private development;
- encouragement of municipalities to protect wetlands of local significance (classes IV to VII);
- clarifications of interpretations of compatible uses and development; and
- a requirement that revisions of planning documents be made within a specified period to reflect the wetlands policy.

### **SITE PREPARATION**

Municipalities have little power to control activities undertaken by landowners during landscaping or renovations, or by developers preparing sites for building (which often occurs even before development approvals have been given). These activities may result in irreversible damage to soils, groundwater, watercourses, aesthetic qualities, and/or wildlife habitats.

Although the Trees Act enables municipalities to pass by-laws restricting the destruction of trees, most municipalities have not done so and the by-laws that have been passed are difficult to enforce. A recent review (1991) of this issue conducted by the Tree Bylaws Advisory Committee (including representatives from the Association of Municipalities of Ontario and the Ministry of Natural Resources) recommended a new Trees Act to provide more effective protection for trees and woodlots.

The Topsoil Preservation Act, administered by the Ministry of Agriculture and Food, enables, but does not require, municipalities to pass by-laws to regulate or prohibit the removal of topsoil.

## RECOMMENDATION

7. The Royal Commission recommends that the Province, in consultation with municipalities and interest groups,

amend the Trees Act, the Topsoil Preservation Act, and the Planning Act, as appropriate, to require municipalities to regulate such activities as removal of trees and other vegetation, grading, removal of topsoil, filling, and drainage. These regulations should apply to new development, redevelopment, and other activities. Interim control measures should be put in place while the legislative changes are being developed and enacted.

## STANDARDS

Standards intended to ensure the safety and/or efficiency of buildings, roads, sidewalks, drainage systems, and associated facilities often constrain creative design. As a result, it is sometimes difficult to implement new ways of maintaining or enhancing environmental quality and creating more liveable places for people.



*Careless site preparation damages soils, watercourses, and wildlife habitats*

## RECOMMENDATION

8. The Royal Commission recommends that the Province convene an interdisciplinary conference of engineers, designers, and non-government groups to explore new approaches to establishing standards of development that will accommodate emerging social and environmental objectives.

## NIAGARA ESCARPMENT

The Niagara Escarpment forms the western side of the Greater Toronto bioregion. Natural landscapes associated with the shallow soils, slopes, and wetlands along this 450-million-year-old landform create a significant natural corridor across southern Ontario. The escarpment serves as a source for many of the streams and rivers feeding into the western and central parts of the Greater Toronto waterfront.

Land uses along the Niagara Escarpment are regulated by the Niagara Escarpment Planning and Development Act, which works through an ecosystem-based plan administered by the provincially appointed Niagara Escarpment Commission. In 1990, in recognition of the escarpment's unique character, as well as the protection afforded by the Act, UNESCO named the escarpment a World Biosphere Reserve.

While planning mechanisms for the Niagara Escarpment are not perfect (for example, they rely heavily on top-down, regulatory approaches) they do provide one of the most advanced models of ecosystem planning in Ontario. The Niagara Escarpment Plan (Ontario 1985) is currently undergoing its first five-year review, and changes are proposed that would provide

stricter control over pits and quarries, land severances, and some types of recreational developments.

The review offers an opportunity to examine how adequately the plan incorporates the ecosystem approach, and the strengths and weaknesses of the escarpment planning process. Such an evaluation would be useful to others seeking insights into the effectiveness of different planning tools in implementing the ecosystem approach, whether in the context of planning for municipalities, watersheds, shoreline regeneration or the Oak Ridges Moraine.

There has been no comprehensive monitoring of environmental health along the escarpment, which makes it difficult to evaluate the effectiveness of the Niagara Escarpment Plan. Long-term environmental monitoring and socio-economic research would provide valuable benchmarks to determine how well protection measures are working, and to assess their effect on land values, development costs, and so on.

## RECOMMENDATIONS

9. The Royal Commission recommends that, as part of the five-year review of the Niagara Escarpment Plan, the Niagara Escarpment Commission assess the degree to which proposed revisions embody the ecosystem approach, and strengthen the plan, where necessary, to ensure it becomes a model of ecosystem planning.
10. The Commission further recommends that the Province establish a long-term environmental monitoring system along the Niagara Escarpment, to

document the plan's effectiveness in protecting and rehabilitating the environment. This monitoring effort should become part of the research and information network for the Greater Toronto bioregion, proposed in the "Water" chapter.

11. The Province should examine how the ecosystem planning approach used by the Niagara Escarpment Commission could assist in development of more ecologically responsible planning in all jurisdictions, especially in interjurisdictional planning for such features as the Oak Ridges Moraine and the shoreline.

## **OAK RIDGES MORAINE**

The Oak Ridges Moraine, spanning about 160 kilometres (100 miles) from the Niagara Escarpment to the headwaters of Cold Creek (a tributary of the Trent River) is a ridge formed of the silt and debris left by receding glaciers during the last Ice Age. Its rolling hills, basins, kettle lakes, and wetlands are among the most scenic landscapes in southern Ontario.

The moraine also has great ecological significance. Its porous layers of sand, silt, and gravel provide deep aquifers, sources of groundwater that feed springs and cold-water streams, many of which flow south, forming larger rivers that end in Lake Ontario. The aquifers also supply drinking water to many hamlets and towns on the moraine.

In *Watershed*, the Royal Commission recommended that the Province take immediate steps to preserve the values of the Oak Ridges Moraine and to undertake a planning study regarding conservation, groundwater

protection, trail locations, cumulative effects, and future development.

In July 1990, the government expressed a Provincial Interest in the Oak Ridges Moraine. In June 1991, Implementation Guidelines for interim protection were published and a planning study was initiated to develop a long-term strategy for protecting and managing the moraine.

Unfortunately both the guidelines and the planning study are limited to the portion of the Oak Ridges Moraine that lies within the Greater Toronto Area — which excludes major parts east and northwest of the GTA boundaries.

Although the guidelines are comprehensive and well-intentioned, they may be vulnerable to misinterpretation and might not be strictly applied to protect the moraine. This concern was recently highlighted by the chair of the Ontario Municipal Board (OMB). In commenting on an application for a development on the Oak Ridges Moraine (Kirby Heights, a proposed 14-estate-lot subdivision in Durham Region), Morley Rosenberg said the guidelines are not applicable to OMB decisions because they have no legal status under the Planning Act.

In addition, some potentially harmful activities are "generally exempt" from the Oak Ridges Moraine Guidelines, including aggregate extraction, minor variances, building permits, and individual consents.

The terms of reference for the Oak Ridges Moraine planning study do not include examining possible implementation mechanisms. But this is a crucial element of ecosystem planning, needed to ensure that action is consistent among jurisdictions and that it addresses interjurisdictional concerns.



*Albion Hills Conservation Area, Oak Ridges Moraine*

## **RECOMMENDATIONS**

- 12.** The Royal Commission recommends that the Province extend the expression of Provincial Interest, Implementation Guidelines, and the planning study to include the entire Oak Ridges Moraine — not just the portions in the Greater Toronto Area (See Map 1.1).
- 13.** The Commission further recommends that the Province, the Ontario Municipal Board, and the municipalities in the Oak Ridges Moraine ensure strict compliance with the guidelines, and that they carefully scrutinize proposals that could be exempted.
- 14.** The Oak Ridges Moraine planning study should be expanded to include a

description and evaluation of possible implementation mechanisms for the long-term strategy, taking into account the experience of the Niagara Escarpment Commission in conserving a similar landform feature and associated ecosystems.

## **WATERSHED PLANNING AND MANAGEMENT**

Over the past four years, the Province has undertaken several reviews of conservation authority funding, organization, membership, and mandate.

In *Watershed*, the Royal Commission recommended that the Province review the mandate and functions of conservation authorities, in order to determine whether the current review should include more fundamental reforms. It also recommended

that conservation authorities assume a greater role in, and receive core funding for, managing watersheds and protecting natural habitats.

This role was recognized in a 1991 draft of "A Conservation Strategy for the Conservation Authorities of Ontario":

The Conservation Authorities of Ontario have as their vision watersheds of ecological integrity where human needs are met in balance with the needs of the natural environment (Association of Conservation Authorities of Ontario).

However, current proposals by the Ministry of Natural Resources (MNR) focus primarily on identifying core and non-core activities for the authorities. This reflects a preoccupation with what MNR will fund, rather than the potential of conservation authorities to employ a watershed perspective in protecting and managing resources. In fact, the core/non-core list doesn't even mention watershed planning or strategies.

A number of other issues affect the ability of conservation authorities to work effectively in ecosystem conservation. Their limited regulatory powers — focused primarily on flood and erosion control — are among several factors that severely restrict the ability of conservation authorities to protect natural areas and systems, and to undertake comprehensive, proactive watershed planning and management. Other factors include the narrow range of activities funded by the Province and, especially in smaller authorities, insufficient staff, resources, and expertise.

The result is fragmentation of watershed management among different government agencies. Because of their watershed jurisdictions and wide-ranging activities,

however, conservation authorities work in areas of interest to departments of many ministries, including Municipal Affairs, Natural Resources, the Environment, Agriculture and Food, Tourism and Recreation, and Education.

It might be more appropriate to consider partnerships between individual conservation authorities and other government agencies, so that each could build on existing strengths in different parts of the Province. In addition, interministerial co-ordination of funding and programs would help to meet conservation authorities' needs in an integrated way.

Another factor that restricts the effectiveness of conservation authorities as ecosystem stewards is the way authority members are chosen. When the government of the day formed a Conservation Authorities Branch in 1944, it was understood that conservation was a grass-roots matter. According to A. H. Richardson (1974), in *Conservation by the People*, Dana Porter, then-Minister of Planning and Development, speaking at the 1944 London Conference on River Development in Southern Ontario, said:

The main necessity in a programme of this kind is that it must have, to be really effective, the fullest possible co-operation and the fullest understanding. . . on the part of the people who are living in the region. . . Unless we can keep the public fully advised and fully aware of the nature of the problems and unless we can carry their continued support, any policy that may be attempted by any government will be sure to fail.

Most members of an authority are appointed by municipal councils, and are frequently municipal politicians and staff.

(In addition, a maximum of three members may be appointed by the Province.) Although this ensures accountability to municipal government, in most areas it means that few authority members have the appropriate training or commitment for ecosystem-based planning and natural resource management.

Watershed strategies initiated by conservation authorities (e.g., the Rouge River Watershed Management Strategy co-ordinated by the Metropolitan Toronto and Region Conservation Authority) and/or Remedial Action Plan processes (such as the Metro Toronto Remedial Action Plan) are not necessarily integrated with municipal land-use planning and development approval processes. As a result, ecosystem-based watershed management may be thwarted, resources may be haphazardly expended, and opportunities to protect, restore, and/or enhance ecosystems may be lost. Work under way by the ministries of the Environment and Natural Resources, in consultation with the Ministry of Municipal Affairs, conservation authorities, and municipalities, on the integration of water resource management objectives into municipal plans should help to address these issues.

## **RECOMMENDATIONS**

**15.** The Royal Commission recommends that the Province, in consultation with conservation authorities, municipalities, and non-government organizations:

- recognize ecosystem-based watershed management and conservation as a primary role of conservation authorities and amend

Section 28 of the Conservation Authorities Act to give them regulatory powers consistent with this role;

- examine ways to assist co-operative initiatives among conservation authorities and provincial government agencies; and
- revise the basis for appointing members to conservation authorities so that more representatives of local non-government environmental/conservation groups are included, while strong municipal representation is maintained.

**16** The Commission further recommends that municipalities work with RAP teams and conservation authorities to integrate remedial action plans and watershed strategies into land-use planning and development approval processes.