

Summary of Policy Review

The following policies, amongst others, apply to the proposal.

Planning Act

Section	Summary of Policy or Issue	Staff Response
<p>Provincial Interest</p> <p>Section 2</p>	<p>The Minister, the council of a municipality, a local board, a planning board, and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,</p> <p>(a) the protection of ecological systems, including natural features and functions;</p> <p>(e) the supply, efficient use and conservation of energy and water;</p> <p>(f) the adequate provision and efficient use of communication, transportation,</p>	<p>The <i>Planning Act</i> outlines matters of provincial Interest that all decisions regarding planning applications shall have regard to. The matters of provincial interest that apply to the application include the protection of ecological systems, including natural features and functions; the supply, efficient use and conservation of energy and water; the adequate provision and efficient use of sewage and water services; the orderly development of safe and healthy communities; the resolution of planning conflicts involving public and private interests; and the protection of public health and safety.</p> <p>Staff recommended three conditions to address the need for stormwater management, a consent</p>

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	<p>sewage and water services and waste management systems;</p> <p>(h) the orderly development of safe and healthy communities;</p> <p>(n) the resolution of planning conflicts involving public and private interests; and,</p> <p>(o) the protection of public health and safety.</p>	<p>agreement, and an acoustical study, to ensure matters of provincial interest were addressed.</p> <p>The Committee of Adjustment decision excluded these three recommended conditions of approval and without these conditions, matters of provincial interest have not been satisfactorily addressed.</p> <p>Additionally, there is a risk of inadequate municipal servicing as the recommended consent agreement condition is also meant to ensure there is adequate provision of servicing for the severed lands.</p> <p>Staff are of the opinion that the approval does not have sufficient regard for matters of provincial interest found in Section 2 of the <i>Planning Act</i>.</p>
<p>Plan of Subdivision Approvals</p> <p>Section 51(24)</p>	<p>In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:</p>	<p>When considering Consent to Sever applications, regard shall be had to section 51(24) of the <i>Planning Act</i>, which considers the matters of provincial interest, whether the proposal complies with the Official Plan and adjacent plans of subdivision, the suitability of the lands to be subdivided, conservation of natural</p>

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	<p>(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;</p> <p>(c) whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;</p> <p>(d) the suitability of the land for the purposes for which it is to be subdivided;</p> <p>(h) conservation of natural resources and flood control; and,</p> <p>(i) the adequacy of utilities and municipal services.</p>	<p>resources and flood control and whether there are adequate utilities and municipal services.</p> <p>The Committee of Adjustment approval excluded recommended conditions of approval.</p> <p>With the exclusion of the conditions, the approval does not have sufficient regard for matters of provincial interest found in Section 2 of the <i>Planning Act</i> nor does it comply with the Urban Hamilton Official Plan.</p> <p>The applicant has not demonstrated that the subject land is suitable for the proposed severance and residential intensification as servicing and stormwater management concerns have not been addressed.</p> <p>Staff are of the opinion that the approval does not have sufficient regard for the criteria for the subdivision of land found in Section 51(24) of the <i>Planning Act</i>.</p>

Provincial Planning Statement (2024)

Theme and Policy	Summary of Policy or Issue	Staff Response
<p data-bbox="201 391 457 537">General Policies for Settlement Areas</p> <p data-bbox="201 667 380 699">Policy: 2.3.1</p>	<p data-bbox="499 391 1104 643">Settlement areas shall be the focus of growth and development, encouraging the efficient use of land and resources to support infrastructure and public service facilities.</p> <p data-bbox="499 691 1083 943">Planning authorities shall achieve this by supporting general intensification and redevelopment to support complete communities, including planning for a range and mix of housing options.</p>	<p data-bbox="1129 391 1906 643">The proposed severance would result in a more efficient use of land, resources and infrastructure while contributing to a range and mix of housing options within the area, supporting the goal of complete communities.</p> <p data-bbox="1129 691 1755 724">The proposal is consistent with Policy 2.3.1.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policy: 3.6.8</p>	<p>Planning for stormwater management shall, amongst other objectives: minimize or prevent increases in stormwater volumes and contaminant loads; mitigate risks to human health, safety, property, and the environment; promote best practices, including stormwater attenuation and reuse, water conservation and low impact development.</p>	<p>Due to the exclusion of the recommended conditions by the Committee of Adjustment, the Committee of Adjustment approval is not consistent with Policy 3.6.8.</p>

Urban Hamilton Official Plan

Theme and Policy	Summary of Policy or Issue	Staff Response
<p>Road and Railway Traffic Noise and Vibration</p>	<p>Where proposals for the development or redevelopment of sensitive land uses, such as residential uses, are located within proximity of an arterial road, highway, or railway (e.g. within 400 metres of a major arterial road), a noise feasibility study, detailed noise study or both, are required. These are required to ensure the proposed</p>	<p>Mohawk Road is identified as a major arterial road in Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. The subject lands are located within 400 metres of Mohawk Road which is classified as an arterial road. Development Planning staff recommended a condition of approval requiring a noise study be submitted to ensure the proposed severance and future residential development can</p>

Policies: B.3.6.3.7 and, B.3.6.3.8	development will satisfy City and provincial noise level criteria and guidelines.	satisfy City and provincial noise level criteria and guidelines. As this condition was excluded from the approval, the decision does not comply with Policy B.3.6.3.7.
<p>Stormwater Management</p> <p>Policies: C.5.4.3, C.5.4.11 and, F.3.1.5</p>	<p>Policy C.5.4.3 of the Urban Hamilton Official Plan requires any new development to submit a detailed stormwater management plan prior to development occurring to address drainage and to ensure there is no negative impact on offsite drainage.</p> <p>Policy C.5.4.11 requires that all land designated on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan is to be serviced by stormwater drainage systems and for development to be in accordance with the City’s Stormwater Master Plan as well as any relevant City and provincial standards and guidelines.</p>	<p>The subject lands are zoned Low Density Residential – Large Lot (R2) Zone in Zoning By-law No. 05-200. This area of Ancaster primarily relies on rural infrastructure (e.g. ditches and swales) for drainage and stormwater management purposes. As described in Report PW16100(a)/PED24032, Phase 2 of the Detailed Drainage Assessment Study identified private source controls, including low impact development techniques on private property as the preferred method to mitigate impacts of redevelopment and lot creation.</p> <p>Development Engineering staff recommended a condition of approval requiring a Stormwater Management Brief to ensure the severance does not negatively impact offsite drainage and complies with the municipal and provincial stormwater management guidelines. As this condition was excluded from the</p>

	<p>Policy F.3.1.5 requires that stormwater management plans be prepared for urban lands to, amongst other things, address concerns such as preserving preexisting natural drainage patterns where possible, minimize stormwater flows and reliance on stormwater management ponds by utilizing low impact development techniques, and alignment with the City's Water, Wastewater and Stormwater Master Plan.</p>	<p>approval, the decision does not comply with Policies C.5.4.3, C.5.4.11 and F.3.1.5.</p>
<p>Neighbourhoods Designation</p> <p>Policy: E.3.4</p>	<p>Low density residential areas within the "Neighbourhoods" designation are located within the interior of neighbourhoods, characterized by low rise grade oriented built forms.</p> <p>A range of low density residential uses are permitted, including single and semi-detached, triplex, fourplex and street townhouse dwellings.</p>	<p>Staff note that a specific built form was not included as part of the proposal. However, both the severed and retained parcels are proposed to contain future residential development.</p> <p>The proposed development and approval comply with the intended function and permitted uses of the low density residential areas of the "Neighbourhoods" designation.</p>

<p>Lot Creation</p> <p>Policy: F.1.14.3.1</p>	<p>Lot creation within the "Neighbourhoods" designation is permitted subject to the following criteria:</p> <p>a) The proposed lots comply with the Urban Hamilton Official Plan and applicable secondary plans or Neighbourhood Plans;</p> <p>b) The proposed lots conform with the Zoning By-law, or a minor variance is approved;</p> <p>c) The proposed lots are compatible with the general scale and character of the established development pattern in the surrounding area;</p> <p>d) The proposed lots are fully serviced by municipal water and wastewater services; and,</p> <p>e) The proposed lots have frontage on a public road.</p>	<p>The conditions requiring a Consent Agreement, Stormwater Management Brief, and an acoustic study, amongst other conditions, were recommended to ensure the proposed severance complies with all applicable policies of the Urban Hamilton Official Plan. These conditions were excluded from the Committee of Adjustment approval of this application.</p> <p>Therefore, the proposed severance does not comply with Urban Hamilton Official Plan policies regarding servicing, lot grading, drainage, stormwater management and noise.</p>
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