

December 2, 2022

Provincial Land Use Plans Branch 13th Flr, 777 Bay St Toronto, ON M7A 2J3

RE: Environmental Registry of Ontario Posting 019-6177 – Review of A Place to

Grow and Provincial Policy Statement

Environmental Registry of Ontario Posting 019-6216 – Proposed

Amendments to the Greenbelt Plan

From: Steve Ganesh, Commissioner (A) – Planning, Building and Growth

Management Department, City of Brampton

To Whom It May Concern,

The City of Brampton appreciates the opportunity to provide comments on the proposed changes outlined through the Environmental Registry Ontario posting regarding the Review of a Place to Grow and Provincial Policy Statement and Amendments to the Greenbelt Plan. In addition to the comments previously submitted to the Environmental Registry of Ontario, Brampton Council passed the following motion (PDC199-2022) on November 28, 2022:

That Planning and Development Services staff be directed to submit additional comments to the Province and immediately meet with Provincial staff on ERO 019-06217, to explore the potential as it relates to the signed Minutes of Settlement (April 2018) between the Corporation and Brampton Brick Ltd. for the purposes of attempting to resolve the long outstanding matter of the Norval Quarry.

1. Background

Regional Official Plan Amendment (ROPA) 32 was adopted by Regional Council on July 11, 2019. The amendment deleted and replaced the shale protection policies of the Regional Official Plan that apply within the North West Brampton Policy Area with new policies. The new policies adopted by the Region continue to identify and protect shale resources in the Provincial Greenbelt Plan Area and retain permission for shale extraction without the need for an official plan amendment in the North West Brampton Urban Development Area and in the Greenbelt Plan Area.

On August 1, 2019 the Ministry of Municipal Affairs and Housing (MMAH) appealed Regional Council's decision on the basis that ROPA 32 was not consistent with the Provincial Policy

Statement 2014 (PPS 2014) and failed to conform and conflicts with the Growth Plan for the Greater Golden Horseshoe, 2019 (the Growth Plan). The Provincial appeal noted concerns that the amendment removes shale resource protection and mapping in the urban area of North West Brampton and does not conserve or utilize mineral aggregate resources in advance of development proceeding.

Status of the ROPA 32 Appeal

On February 7, 2020 the LPAT held a case management conference. In addition to the Region and MMAH, the following entities were given party status: City of Brampton, North West Brampton Landowners Group, Osmington Ltd., Brampton Brick, Halton Region and the Town of Halton Hills.

The Tribunal also directed that the MMAH further clarify and scope its proposed Issues List to allow for focused discussion on the issues which are to be adjudicated in this matter and the focusing of evidence which must be called to address those issues. In order to refine the Issues List, the Tribunal requested the Region and MMAH conduct further communications including discussion of opportunities to resolve issues.

Provincial Modifications to ROPA 32

Following the February 2020 LPAT case management conference, Regional and City of Brampton staff held a series of meetings with provincial staff to discuss opportunities for resolution of their appeal. During these discussions, the provincial staff provided recommended modifications to ROPA 32 on a without prejudice basis in order to address the provincial concerns. Through discussion with MMAH and City of Brampton staff, Regional staff were able to reach a potential settlement to modify the policies in ROPA 32 with wording agreeable to these parties and subject to endorsement of the modifications by the City of Brampton and Region of Peel Councils. These proposed modifications are summarized as follows:

- the addition of a new policy in ROPA 32 directing the City or an applicant to undertake a study to determine the feasibility and economic viability of recovering shale resources prior to, or in conjunction with, proposed draft plans of subdivision or site plans for major development or redevelopment. The study is only required when the application for development is on known shale deposits in the North West Brampton Urban Development Area. The proposed regional policy direction requires the City of Brampton to provide mapping identifying the location of known deposits to identify where feasibility studies may be required. The Approved ROPA 32 including mapping of the location of known deposits in the North West Brampton Urban Development Area is included in Appendix 1 for reference.
- ii) revising of the policy directing that permitted shale extraction within the North West Brampton Urban Development Area not unduly restrict alternatives for the planning of a North-South Transportation Corridor or alternatives for other infrastructure and transportation uses. The proposed revisions updated the terminology in the policy to reflect the wording used in the Provincial Policy Statement, 2020 and the current titles of the corridor protection studies (i.e. the GTA West Transportation Corridor Study and the Transmission Corridor Identification Study).

iii) amend the mapping of High Potential Mineral Aggregate Resources Areas (HPMARA) within the Greenbelt Plan Area by adding areas that have an overburden thickness of up to 15 meters. The adopted mapping in ROPA 32 identifies HPMARA (accessible shale resources) within the Greenbelt up to an overburden thickness of 8 meters. The added areas were requested by Provincial staff to reflect the Province's recommended standard for mapping of shale resources.

The overall intent of the proposed modifications was firstly, to identify and recover as much shale resource as is possible from within North West Brampton before the resource is inaccessible due to urban development and secondly, to ensure that the appropriate references to corridor protection areas are reflected in the amendment. The proposed policies are consistent with provincial policy, conform to the applicable provincial plans that are in effect and reflective of MMAH priorities at the time.

In addition to the above, the provincial appeal letter identified an issue relating to corridor protection from urban development. Based on information provided to provincial staff that corridor protection in relation to urban development is currently in place or being updated and addressed through the Peel 2041 Official Plan Review, the Province was satisfied that this issue could be withdrawn on the basis that satisfactory provisions be included in the Minutes of Settlement.

Threat of the Norval Quarry

In December 2008, Brampton Brick Ltd. submitted an application to the City of Brampton to rezone 34.9 hectares (97 acres) on the east side of Winston Churchill Boulevard, north of Old Pine Crest Road for the development of a shale quarry and related uses. The subject lands are situated within the Provincial Greenbelt Area of north west Brampton (see Appendix 2).

In January 2011, Brampton Brick Ltd. appealed its rezoning application to the Ontario Municipal Board (OMB). The initial pre-hearing conference has not been scheduled to date. Due to the appeal, Council no longer has jurisdiction on the rezoning application.

Brampton Brick Ltd. submitted an application for an Aggregate Resources Act Licence to the Ministry of Natural Resources and Forestry (MNRF) on August 12, 2010. During the initial objection period, the City of Brampton filed an objection in December 2010 on the grounds that the subject site was not zoned for the proposed quarry use and that there were outstanding concerns related to land use planning, transportation, natural environment, hydrogeology, surficial soil, visual, noise, cultural and social impacts, as determined by the initial peer review exercise. In September 2012, City Council confirmed its objection to the ARA Licence application.

In April of 2018, the City of Brampton and Brampton Brick reached a settlement with respect to their application for a Zoning By-law Amendment as well as a license under the Aggregate Resources Act to pursue a quarry for shale extraction operation and related uses on their lands within the Greenbelt. The settlement obligated the City of Brampton, as part of the Official Plan review to consider whether portions of the lands could be removed from the Greenbelt Plan through a request to the Ministry of Municipal Affairs and Housing.

Ultimately, the City does not have the authority to grant removal of the lands from the Greenbelt, that is the jurisdiction of the Province. Planning staff have conveyed to representatives of

Brampton Brick that we are prepared to include their client's lands as part of the City's Official Plan Review process, as per our obligations in the Minutes of Settlement, for the purpose of determining whether or not to request that the Ministry of Municipal Affairs and Housing remove Brampton Brick's lands from the Greenbelt.

Heritage Heights Secondary Plan

The Heritage Heights Secondary Plan functions as the north-western gateway to the City of Brampton from the neighbouring municipalities of Halton Hills and Caledon. The Heritage Heights Area is planned to undergo significant change in the future with the construction of the Higher-order transit facilities, and sustainable transportation infrastructure, which will be catalysts in transforming the Secondary Plan Area from mainly rural lands into an urban, mixeduse, vibrant, and transit-supported community. The area is to be planned to accommodate approximately 124,000 people (35,855 units) and 43,000 jobs. Through the development of the Plan, the City recognized the limitations of the aggregate designations imposed on the urban area and within the Greenbelt, and the requirements of development within the Urban Area having to provide mitigiative measures as to not preclude or hinder quarry operations (inclusive of separation, buffering and mitigation for any negative impacts resulting from extractive activities). The City at the time of drafting the Heritage Heights Plan, recognized how the aggregate policy imposed by MMAH may limit the ability of the Urban Area to be fully realized based on the extent of HPMARA within the Greenbelt. It should also be noted, notwithstanding development constraints associated with the proposed provincial highway, the lands adjacent to the greenbelt are serviceable through regional infrastructure located along Bovaird Drive West.

2. Recommendations

The City of Brampton does not believe that <u>any</u> quarry in Greenbelt lands within the City of Brampton is appropriate, and believes such extractive uses will have negative consequences of delivering communities within the adjacent urban area and the long term delivery of Heritage Heights. As such the City of Brampton requests that:

- Brampton Brick lands (Appendix 2) to be brought into the urban boundary to permit urban uses;
- Policies permitting aggregate resource extraction within Brampton's Greenbelt, imposed by MMHA and the Region of Peel be removed from the Growth Plan and Greenbelt Act, eliminating any threat of a future Quarry within the City of Brampton; and
- aggregate policies imposed by MMAH within ROPA 32 be rescinded to simplify the development process within Brampton's remaining Greenfield area.

There is significant growth occurring in the City and these policies play a key role in guiding how this growth will ensure the overall health and well-being of Brampton residents, its economy and environment.

The City of Brampton would like to thank the Province for the opportunity to provide feedback on the Environmental Registry of Ontario posting. Please let us know if you have any further questions.

Sincerely,

A IN

Steve Ganesh, MCIP, RPP Commissioner (A), Planning, Building and Growth Management City of Brampton

Attachments:

Appendix 1: ROPA 32

Appendix 2: Lands proposed to be brought into the Urban Area

Modifications to Regional Official Plan Amendment 32

REGION OF PEEL

REGIONAL OFFICIAL PLAN

REGIONAL OFFICIAL PLAN AMENDMENT NUMBER 32

AN AMENDMENT TO UPDATE THE NORTH WEST BRAMPTON SHALE RESOURCES PROTECTION POLICIES

MINISTER'S MODIFICATIONS and SETTLEMENT MODIFICATIONS

THE CONSITUTIONAL STATEMENT

Part A, THE PREAMBLE, does not constitute part of this Amendment

Part B, THE AMENDMENT, consisting of amendment to the Text and Schedule of the Region of Peel, constitutes Amendment Number 32 to the Region of Peel Official Plan.

Note:

Modifications to PART A – THE PREAMBLE and PART B – THE AMENDMENT are shown as follows: deletions as strike-out, and additions in underlined text.

PART A – THE PREAMBLE

1. Purpose of the Amendment

The purpose and effect of ROPA 32 is to delete and replace the shale protection policies of the Regional Official Plan that apply within the North West Brampton Policy Area with new policies that will continue to identify and protect shale resources in the Provincial Greenbelt Plan Area and retain permission for shale extraction without the need for an official plan amendment, in the North West Brampton Urban Development Area and the Greenbelt Plan Area.

2. Location

This Amendment applies to lands in the City of Brampton legally described as Part of Lots 7 to 17, Concession 5 and Part of Lots 8 to 14, Concession 6 West of Centre Road (now Hurontario Street) as shown on Schedule A, attached to this amendment.

3. Basis

Establishment of the North West Brampton Urban Development Area

On June 16, 2005, Regional Council adopted Regional Official Plan Amendment 15 (ROPA 15) which extended the Regional Urban Boundary to include all of the lands west of Mississauga Road, south of Mayfield Road, North of the Greenbelt Boundary and East of Winston Churchill Boulevard, known as the "North West Brampton Urban Development Area" within the Region's Urban System. ROPA 15 was appealed to the Ontario Municipal Board (OMB) and an OMB decision that implemented minutes of settlement among the parties was issued in December 2006. Through the Minutes of Settlement, the Region agreed to include shale protection policies in the Regional Official Plan, referred to as the North West Brampton Policy Area (NWBPA), to provide for the continued protection of shale resources in advance of urban development, recognizing that the population and employment forecasts that are the basis of the Regional Official Plan will ultimately require the development of all of North West Brampton to accommodate growth. The Region also agreed to insert official plan policies that prohibited any amendments to the NWBPA for a period of at least ten years following approval of the policy.

The policies for the protection of shale resources in North West Brampton included direction requiring that the policies be reviewed upon expiry of the ten-year moratorium to determine whether shale protection should continue or be removed, in whole or in part, in order to permit urban development to proceed. The relevant policy direction regarding the review of shale policies is provided below:

Policy 5.3.4.2.2 f) v):

No amendment to the areal extent of the NWBPA or to the associated policy framework may be made for at least 10 years from the date of approval of this policy. Following the expiry of this 10-year time period, the Region of Peel, in consultation with the Province and the City of Brampton, shall undertake a review to determine whether it is in the public interest to replace the NWBPA with general urban land use designations. The factors to be considered in the review will be limited to a review of the following:

- Whether any Licence under the Aggregate Resources Act has been issued for the extraction of shale on any lands in the NWBPA or whether any application has been made and is pending for such a Licence; and,
- An assessment of population and employment forecasts in the City of Brampton and the Region of Peel; and,
- Any relevant provincial policies then in effect.

If it is determined as a result of that review that the NWBPA is to be deleted in whole or in part and replaced by general urban land use designations in the Brampton Official Plan, an amendment to Schedule "C" of the Regional Official Plan shall be initiated by the Region to implement the result of the review by deleting any affected portions of HPMARA in North West Brampton, simultaneously with any necessary amendments to the Brampton Official Plan.

The ten-year moratorium on the review of the NWBPA policy expired on December 16, 2016 upon which the Region commenced a study to review the policies.

North West Brampton Shale Resources Policy Review Study Terms of Reference

On June 9, 2016, Regional Council approved terms of reference to undertake a review of the shale protection policies and to provide an analysis of the implications of continued shale protection and an opinion on whether the Regional Official Plan policies for the North West Brampton Policy Area should be retained or deleted in whole or in part. Components of the study included:

- The delineation of shale resources within the study area;
- A technical review to assess the quality, quantity and accessibility of shale resources;
- A summary of the current Provincial, Regional and City of Brampton policy context;
- An economic analysis of the factors that would apply to a decision to continue shale protection in whole or in part; and
- An analysis of the impact to the Region's and City's growth management planning within North West Brampton in relation to the accommodating planned growth to 2031 and 2041.

The study findings, planning opinion and recommendation to remove shale protection have fully addressed the factors to be considered in accordance with policy 5.3.4.2.2 f) v) of the Regional Official Plan.

North West Brampton Shale Resources Policy Review Study Findings

The North West Brampton Policy Area Review Study was completed by Meridian Planning in 2018. The Study considered the provincial policy direction related to shale protection and growth management in the context of North West Brampton. The conclusions provided in the Study confirmed that shale resources in the North West Brampton Urban Development Area are provincially significant, accessible and are subject to the policy direction for mineral aggregate resources in the Provincial Policy Statement, 2014. The Study found that the feasibility of extracting shale from the study area is remote due to land assembly and land cost constraints and that the Regional Official Plan policy protection for shale resources should be removed from the North West Brampton Urban Development Area to permit development.

In accordance with the policy direction for shale protection, the Region implemented a ten-year moratorium on planning approvals that was established when the Regional Urban Boundary was expanded to include North West Brampton in 2006. As noted in the Study, no quarry applications were made within the urban portion of the study area prior to or during the ten-year moratorium and no sites within the North West Brampton Urban Development Area have been acquired for the purposes of making an application for a new licence.

The Study concluded that urbanization of the North West Brampton Urban Development Area serves a greater long-term public interest than protecting the lands for shale extraction. The report concluded that the North West Brampton Urban Development Area lands have been approved to accommodate growth to 2031 and are currently being planned to accommodate additional population and employment growth to 2041 in accordance with policy direction in the Provincial Policy Statement and Growth Plan. It further concluded that servicing cost implications of continued shale protection scenarios varied and are potentially significant based on an economic analysis of impacts. The assessment of growth management and infrastructure implications indicated there would be significant implications to the Region's growth management and infrastructure planning programs if shale resource protection policies continued because the planned population and employment growth within Heritage Heights would need to be accommodated elsewhere in the Region, along with associated servicing costs. Partial shale protection options were considered and were determined to have the highest potential infrastructure cost implications as new infrastructure would be required in other greenfield locations in order to accommodate growth displaced by shale protection and to service the population and employment that would continue to be located in North West Brampton. The Study confirmed that extending urban development in Heritage Heights is logical and aligns with planned community, infrastructure and institutional investments.

The Study's recommendations to remove shale protection would result in the release of all lands inside the Regional Urban Boundary in the North West Brampton Urban Development Area for urban development. The removal of shale protection would not result in financial implications to the Region's infrastructure programs as development would proceed in accordance with planned improvements.

Draft Regional Official Plan Amendment Policy Framework

The Regional Official Plan Amendment will delete the existing policies for shale resources in the North West Brampton Policy Area and replace them with new policies that clarify where shale resources will be identified and protected and where policies for the permission of shale extraction will continue. The amendment will release the lands in the North West Urban Development Area for urban development and allow secondary planning to proceed with requirements to address land use compatibility and the protection of aggregate resource areas and licenced sites.

The implementation of the recommendations to release lands for urban development requires a corresponding amendment to Schedule C in the Regional Official Plan to remove the identification of High Potential Mineral Aggregate Resource Area on all lands within the North West Urban Development Area excluding lands outside the Regional Urban Boundary within the Greenbelt Plan Area. High Potential Mineral Aggregate Resource Area mapping within the Greenbelt Plan Area is recommended to be amended in accordance with updated shale resource mapping provided by the Province.

The amendment retains the policies that permit shale extraction without an amendment to the City of Brampton Official Plan on all lands west of Mississauga Road in the North West Brampton Urban Development Area and in the Greenbelt Plan Area. The policy continues to be relevant to the implementation of provincial policy direction for shale resources. Policies permitting shale extraction to proceed without an amendment to the Brampton Official Plan would continue to be subject to policies included in the Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City's zoning by-law, and subject to the approval requirements and the issuance of a licence under the Aggregate Resources Act.

Infrastructure Corridor Protection

The Region and the City of Brampton recognize the need to ensure that planned infrastructure and transportation corridors remained protected. These planned corridors have been identified on Schedule B to this Amendment for illustrative purposes. ROPA 32 addresses the GTA West Transportation Corridor Study Area and the Northwest GTA Transmission Corridor Identification Study Area by including policy direction to the City of Brampton to ensure that any shale extraction operation will not unduly restrict alternatives for the planned infrastructure and transportation corridors. The policy is intended to be complementary to the more comprehensive corridor protection policies that were proposed by the Region through a series of separate official plan amendments including Region Official Plan Amendments 16, 20, 22, 24 and 26.

Through the Peel 2041 Regional Official Plan Review and Update the Region will consider amending section 5.9 – The Transportation System in Peel. The amendment will insert a new sub-section with policies specifically dedicated to the GTA West Transportation Corridor protection. These proposed policies, in conjunction with the existing ROPA 32 policies protect the transportation corridor from development in North West Brampton and ensure that development applications for lands within the GTA West Transportation Corridor Study Area will not predetermine or preclude the planning or implementation for a transportation corridor.

City of Brampton Interim Control By-law 306-2003 continues to prohibit the erection of any buildings or structures on lands within the affected Interim Control By-Law area in North West Brampton. Where exemptions from Interim Control By-law 306-2003 are requested, the City of Brampton has notified the Ministry of Municipal Affairs and Housing of any such requests with the potential to impact preferred Provincial transportation corridor alignments.

Consistency and Conformity with Provincial Plans and Policies

A detailed review of all applicable Provincial, regional and local policies related to the North West Brampton Shale Resources Policy Review was completed through the Regional Official Plan Amendment process, particularly through the completion of the background studies, consultation and development of the recommended Amendment for adoption. On the basis of this review it was determined that the development of urban uses in the North West Brampton Urban Development Area is in the greater long-term public interest than protecting these same lands for shale extraction. The recommended amendment that would delete shale protection policies and replace them with policies that allow for urban uses within the North West Brampton Urban Development Area is consistent with matters of provincial interest as identified in the Planning Act, Provincial Policy Statement, Growth Plan and Greenbelt Plan.

PART B – THE AMENDMENT

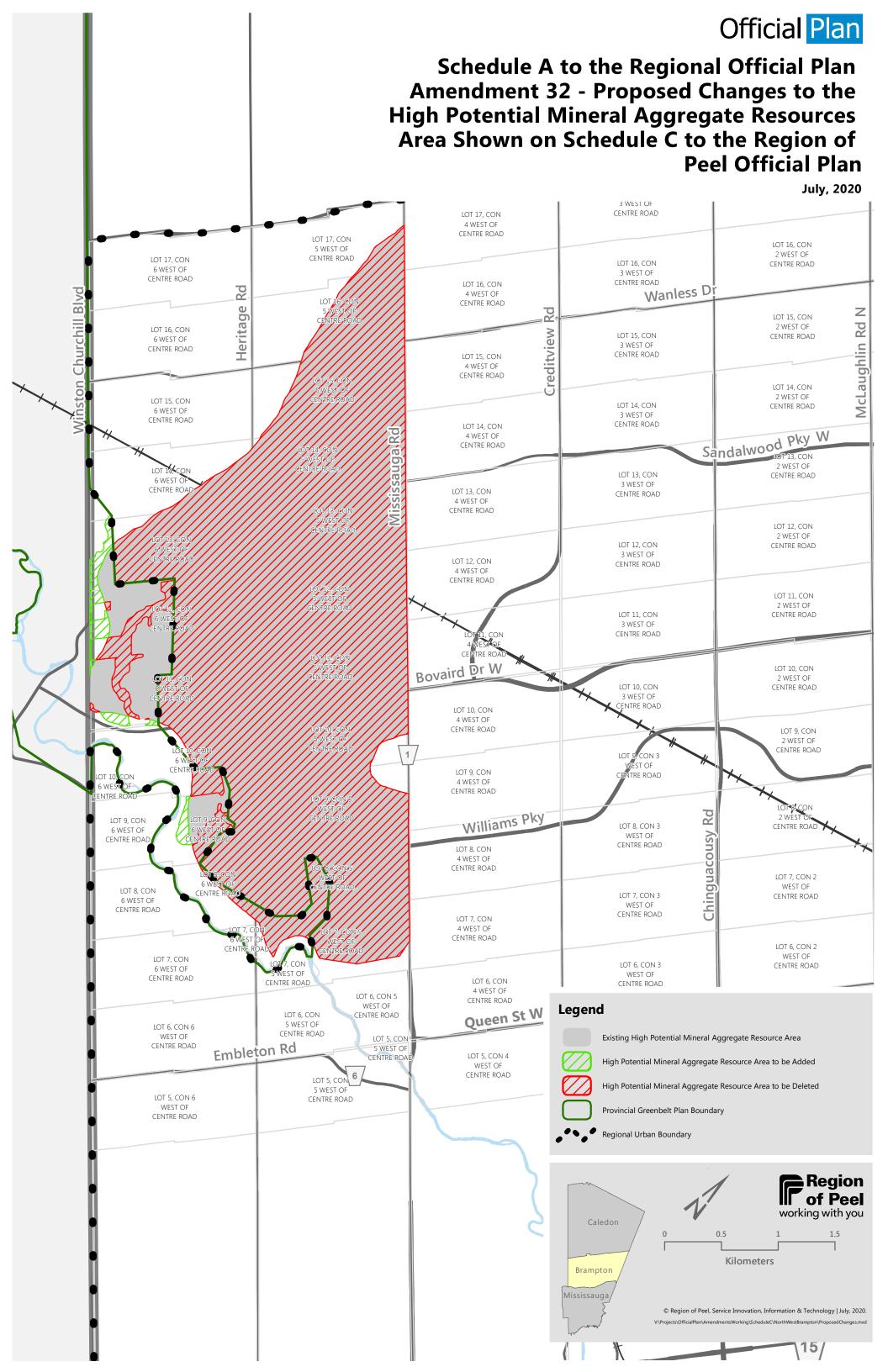
All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached text and schedules Schedule A constitute Amendment Number 32 to the Region of Peel Official Plan.

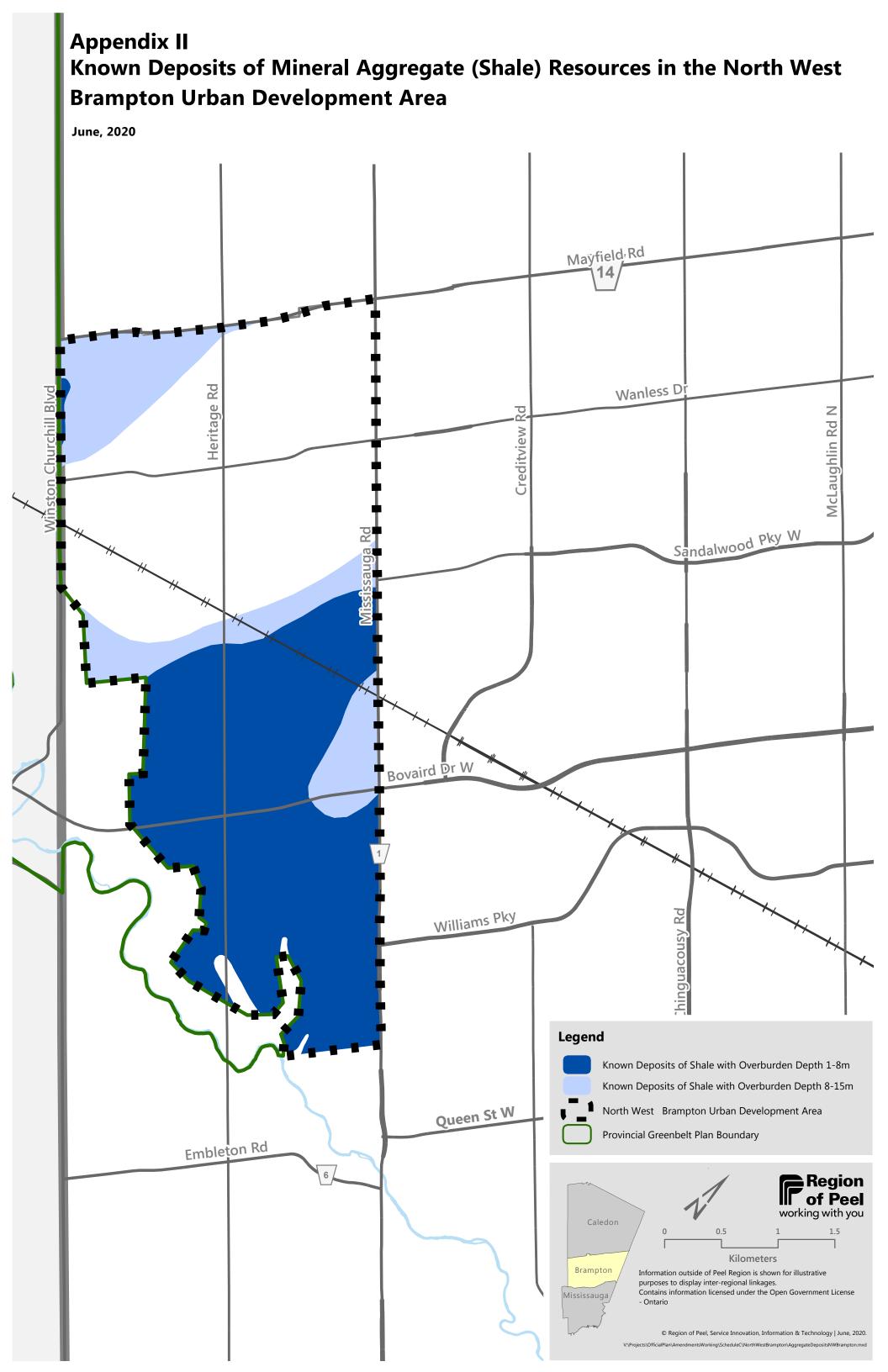
Amendments to Text and Schedules

- 1. Chapter 5, Regional Structure, is amended by deleting Policy 5.3.4.1.6 is in its entirety and replacing it with the following:
 - "5.3.4.1.6 To provide for the availability and use of shale resources within the North West Brampton Urban Development Area and provide for the continued protection and use of Shale resources in the Greenbelt Plan Area adjacent to North West Brampton Urban Development Area."
- 2. Chapter 5, Regional Structure, is amended by deleting policies 5.3.4.2.2 f) and g) in their entirety and replacing them with the following:
 - " 5.3.4.2.2 f) That shale extraction be permitted and that the protection of provincially significant shale resources identified as High Potential Mineral Aggregate Resource Area (HPMARA) on Schedule C of this Plan be continued in accordance with the following:
 - i) The population, household and employment forecasts that are the basis of the Regional Official Plan require the utilization of all of the North West Brampton Urban Development area to accommodate growth;
 - ii) Shale resources shall be protected, in accordance with the policies of Section 3.3 within the area identified as HPMARA on Schedule C and located in the Provincial Greenbelt Plan Area;
 - iii) The extraction of shale shall be permitted to occur on all lands in the North West Brampton Urban Development Area and in the Provincial Greenbelt Plan Area without an amendment to the City of Brampton Official Plan, subject to policies to be included in the City of Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City's zoning bylaw, and subject to the issuance of a licence under the Aggregate Resources Act;
 - iv) Notwithstanding the permissions for shale resource extraction, the City of Brampton is permitted to undertake secondary planning for land-uses in the North West Brampton Urban Development Area, subject to studies to determine appropriate separation, buffering and mitigation of land uses adjacent to lands identified as HPMARA in the Provincial Greenbelt Plan Area or adjacent to sites within the North West Brampton Urban Development Area that are subject to an application for a licence, or are licensed, for extraction under the Aggregate Resources Act.
 - v) Prior to the approval of block plans, site plans for major development or redevelopment, or draft plans of subdivision on mapped deposits of mineral aggregate (shale) resources, the

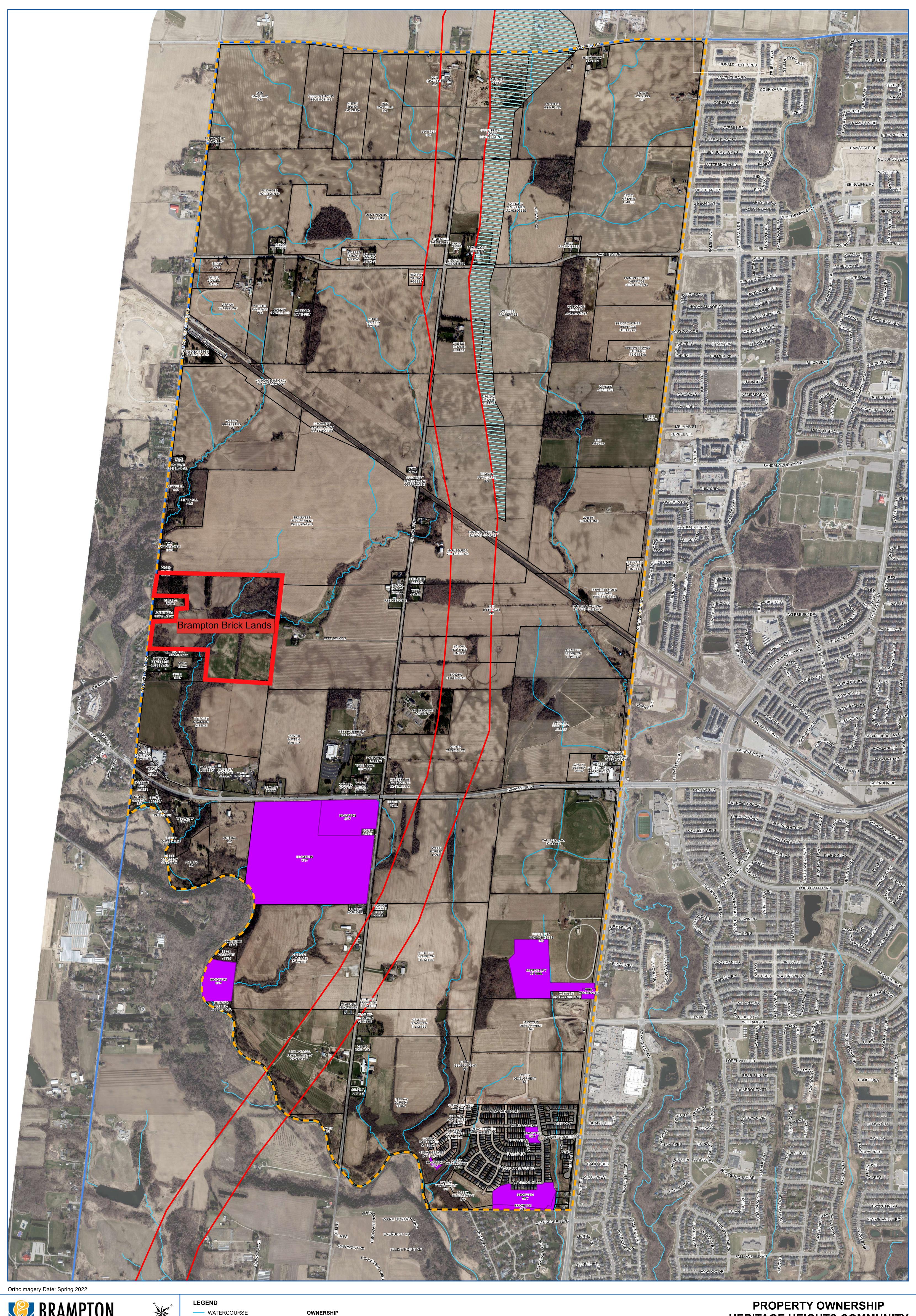
City of Brampton shall undertake or require applicants to undertake a study to determine the feasibility and economic viability of recovering shale resources prior to, or in conjunction with, development of the land. Where such study has determined that shale recovery is feasible and economically viable, the City shall ensure that appropriate conditions or requirements to implement the recovery of shale resources will be included at the appropriate approval stage, unless the proposed development will serve a greater long-term public interest. For the purposes of implementing the study requirement, the City of Brampton shall identify known deposits of mineral aggregate resources on mapping in the City of Brampton Official Plan.

- vi) The City shall ensure that any shale extraction operation will not unduly restrict alternatives for the planning of a potential North-South Higher Order Transportation Corridor or alternatives for other planned infrastructure and transportation corridors uses within including the Northwest GTA Corridor Identification GTA West Transportation Corridor Study Area as identified by the Ministry of Transportation and the Northwest GTA Transmission Corridor Identification Study Area as identified by the Ministry of Energy, Northern Development and Mines and the Independent Electricity System Operator.
- vii) The establishment of land uses within the North West Brampton Urban Development Area adjacent to HPMARA which could preclude or hinder future shale extraction shall only be permitted in accordance with the policies of Section 3.3 of this Official Plan and the applicable provincial policies.
- viii) With the exception of policies 3.3.2.2 and 3.3.2.5, the policies of Section 3.3 of the Region of Peel Official Plan shall continue to apply for the purpose of permitting shale extraction without an amendment to the City of Brampton Official Plan;
- viii ix) The City shall reflect and designate the HPMARA as shown on Schedule C, as amended."
- 3. Schedule C, High Potential Mineral Aggregate Resource Areas (HPMARA) is amended by deleting the High Potential Mineral Aggregate Resource Areas shown in red hatching on Schedule A, attached hereto, adding in the High Potential Mineral Aggregate Resource Areas shown in green and by making such other housekeeping amendments to Schedule C of the Regional Official Plan to update the format and appearance of the Schedule.





APPENDIX 2



BRAMPTON Flower City 500 750 1:6,000 Date: 2022/11/08 Language HEIGHTS BOUNDARY CITY LIMIT PREVIOUS ALIGNMENT GTA WEST PREFERRED ROUTE

PRIVATE

PUBLIC

HERITAGE HEIGHTS COMMUNITY