



Cement
Association
of Canada

May 6, 2023

Submitted via email to: PlanningConsultation@ontario.ca

**RE: PROPOSED CHANGES TO THE PLANNING ACT (BILL 97)
ERO Number: 019-6821**

We are pleased to submit our comments to the proposed changes to the Planning Act (Bill 97). On behalf of the Cement Association of Canada and Concrete Ontario we want to commend the government for their initiatives to address the housing crisis. We would once again like to express our support for the efforts the government is taking to reach the goal of building 1.5 million homes over the next 10 years.

Our two associations represent cement and ready-mix concrete facilities across the province. In Ontario, there are 5 vertically integrated cement manufacturers and 285 ready mixed concrete plants located in virtually every constituency across the province. Concrete is an inherently local product, made from local materials by local workers, rarely travelling more than two hours from where it was mixed.

Cement and concrete are critical materials needed to build Ontario's future. As noted, concrete is a perishable product and needs to be close to market. The protection of these materials from the encroachment of sensitive land uses is critical to support growth and development.

Due to the wide application of the numerous proposed regulatory changes, the likelihood of unintended consequences are high. Our comments are focused on the proposed definition of 'area of employment' and are submitted to address any potential for unintended consequences.

Modifying the proposed definition of "area of employment" in the *Planning Act*, has the potential to impact how Employment Area policies are applied in Provincial policy which serve to protect these uses currently.

Many industrial facilities are *Major Facilities* as defined in the PPS 2020. This definition ensures protection or separation from the invasion of sensitive land uses.

However, there is limited protection for the interaction of *Major Facilities* within Employment Areas and sensitive land uses that are neighbouring, but not located in Employment Areas.

The revisions to the Planning Act, propose that stand-alone retail and stand-alone office uses, which are not related to manufacturing (and related research and development) and warehousing uses, will not be considered as part of "areas of employment".

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Stand-alone retail or stand-alone office uses are often used as a transitional land use or buffer between residential and industrial uses that require separation from sensitive land uses. This approach is frequently used in official plans and recommended by Provincial land use compatibility guidelines.

It is possible that a number of our sites are situated within urban employment areas and some of which are identified as Provincially Significant Employment Zones, which also contain stand-alone retail and stand-alone office uses.

If the definition of employment areas change to allow residential in areas that are currently stand-alone office or stand-alone retail outright, then the proposed Employment Area Policies of the PPS would no longer apply to a number of sites. These policies protect 'core' industrial uses needed to support growth (i.e. concrete batching plants) and provide a transition between industry and sensitive land uses.

This increases the potential for nuisance impact and could impact industry's Environmental Compliance Approvals. The negative and unintended consequence would be the loss of industry in these employment areas and ultimately the loss of needed materials (concrete) for the local area.

It is important to highlight that our concern is with the stand-alone retail or stand-alone office sites *within potential areas of influence* that are subject to this change and no longer subject to employment area policies which currently serve to protect their operations and other *Major Facilities* that are critical to Ontario's economic and housing future.

We therefore would like to lend our support to the submission from CRH Canada and their proposed changes:

Proposed Planning Act – **Requested Revision**

"1.(1) In this Act,

"area of employment" means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:
 - i. Manufacturing uses.
 - ii. Uses related to research and development in connection with manufacturing anything **including mineral aggregate operations.**
 - iii. Warehousing uses, including uses related to the movement of goods.
 - iv. Retail uses, and office uses that are associated with uses mentioned in subparagraphs i to iii.
 - v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.
 - vi. Any other prescribed business and economic uses.



2. The uses are not any of the following uses, **except where such uses are located within lands designated in an official plan as an employment area on [insert date of receipt of Royal Assent] and are within a potential influence area in accordance with provincial land use compatibility guidelines:**
 - i. Institutional uses.
 - ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; (“zone d’emploi”)

We thank you for your consideration of our comments. If you have any questions or require clarification, do not hesitate to reach out.

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