

August 1, 2023

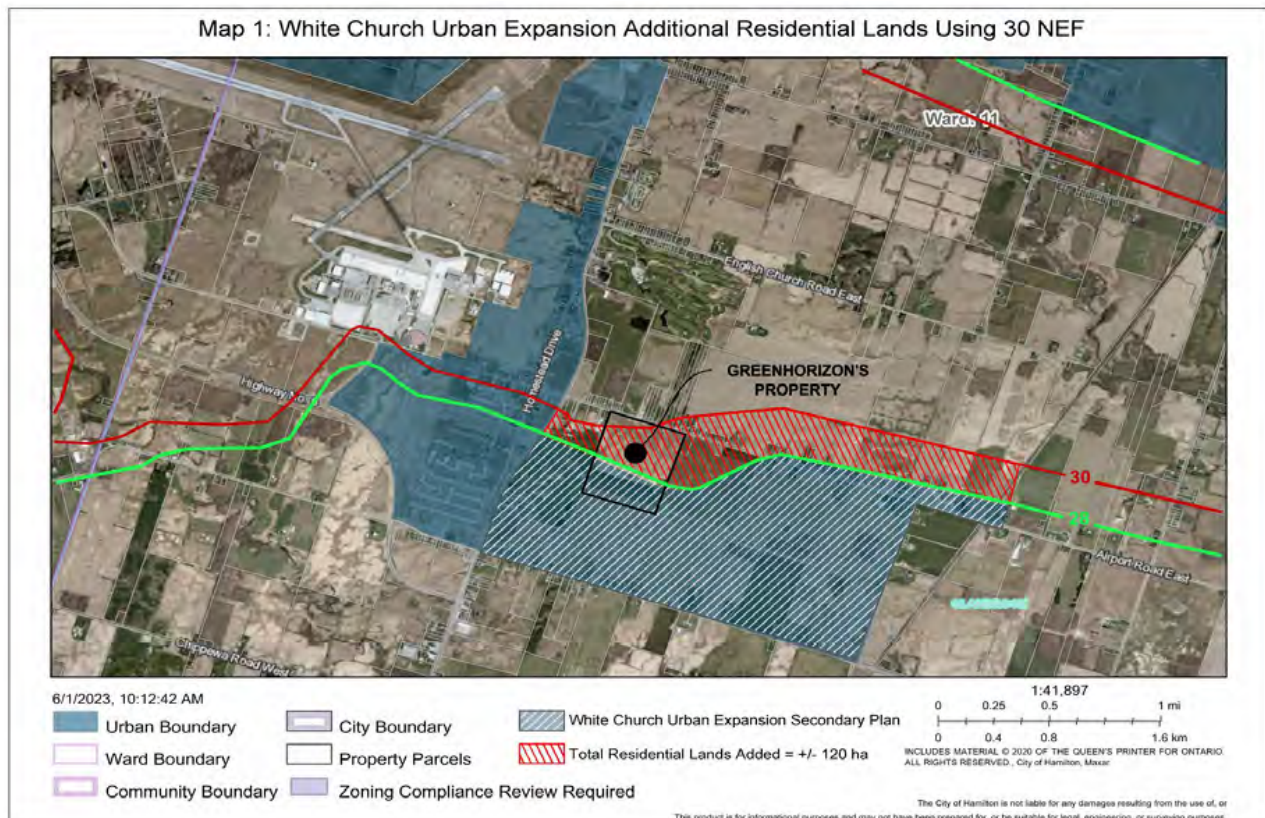
Via Email to [growthplanning@ontario.ca](mailto:growthplanning@ontario.ca), c/o [minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)

Attn: Honourable Steve Clark,  
Minister of Municipal Affairs and Housing (MMAH)  
Provincial Land Use Plans Branch  
777 Bay Street, 13th Floor  
Toronto, ON M7A 2J3

Re: **NEF Contours – Request for changes to the Provincial Planning Statement (PPS)**  
ERO No. 019-6813

Dear Minister;

Stovel and Associates Inc. are the planning consultants and Polocorp Inc. are the senior planning advisors to Greenhorizons Group of Companies, retained to review the proposed amendments to Provincial Planning Statement (“PPS”) via ERO No. 019-6813. Greenhorizons owns lands in the Airport Road/White Church Road area in the City of Hamilton (see the attached Map 1). These lands are a part of the ‘White Church Secondary Plan Area (WCSPA)’, that was added to Hamilton’s Urban Area via the MMAH decision on Hamilton OPA 167 in November 2022. These lands are needed for housing to address, in part, the Province’s Housing Supply Action Plan to build 1.5 million homes over the next 10 years.



The draft Provincial Planning Statement, 2023, maintains the same policy as the 2020 PPS to protect Airports from incompatible development by prohibiting “*new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP*” (Policy 1.6.9). It is silent on whether municipalities can use a more restrictive (i.e., lower) NEF/NEP contour when planning land uses near airports. We are writing to request a minor change to Policy 3.4.2 as provided in the draft Provincial Planning Statement (2023):

In summary, we recommend that the word “**only**” be inserted into the existing and proposed policy prohibition on lands exceeding the 30 NEF/NEP standard as documented below:

**3.4.2 Airports shall be protected from incompatible land uses and development by:**

- a) **Prohibiting new residential development and other sensitive land uses only in areas near airports above 30 NEF/NEP;**
- b) **Considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if has been demonstrated that there will be no negative impact on the long-term function of the airport; and**
- c) **Discouraging land uses which may cause a potential aviation safety hazard.**

The reasons for our recommendation are as per below:

**i. The use of NEF/NEP 30 standard is consistent with Federal policy.**

The Federal Government, through Transport Canada, applies the 30 NEF/NEP standard:

*“Transport Canada recommends that where the NEF exceeds 30, new residential development should not proceed. If it does, regardless of this caution, a detailed noise analysis should be conducted, and noise reduction practices should be implemented.”*

Clearly, there is no suggestion or comment from Transport Canada that a prohibition on residential lands should be applied to sound levels below the 30 NEF/NEP standard.

**ii. Hamilton policy is the anomaly.**

The City of Hamilton applies the 28 NEF/NEP standard in its Official Plan, which is more restrictive than the NEF/NEP 30 standard outlined in the PPS. The result of using the more restrictive standard is a significant loss of potential housing that could have otherwise been constructed under the current PPS regime.

*All other reviewed municipalities in Ontario use the 30 NEF/NEP standard.*

We reviewed the Official Plans for other urban municipalities for policies related to the protection of Airports, including Waterloo, Mississauga, Ottawa, Toronto and Windsor. All other reviewed municipalities in Ontario permit residential land uses in the 30 NEF/NEP contour. Table 1 in Appendix A provides a summary of the municipalities with airports and

their policy framework as it relates to 30 NEF/NEP standard. Appendix A provides a more detailed summary of the policy framework of these municipalities.

**iii. Acoustic Consultants support the NEF/NEP 30 standard.**

Aercoustics Engineering Ltd. (Report attached as Appendix B) was retained to consider the specific conflict between Policy 1.6.9.2(a) of the PPS and Table C.4.8.1 of the Urban Hamilton Official Plan. Aercoustics Engineering Ltd. determined that residential uses in the NEF 28-30 contour area are supportable with appropriate and reasonable mitigation measures including noise warning clauses.

**iv. Lack of justification from Hamilton for use NEF/NEP 28 standard.**

The City of Hamilton has not provided any planning, environmental or acoustical justification to support using the lower threshold of NEF/NEP 28 for residential development, other than to restrict the potential of developable lands to address the housing needs in the City.

**v. Additional residential lands would be added to meet Provincial housing targets.**

If the WCSPA follows the 30 NEF contour, as permitted by PPS, the additional land area would accommodate about 3,000 – 4,000 units, using the City of Hamilton density targets. Please Refer to Map 1 which illustrates the additional land area that would be added to meet the Provincial housing targets.

In summary, it is our professional planning opinion that the minor recommended change to proposed Policy 3.4.2 will provide clarity on the intent of the Provincial Policy Statement, and will ensure consistency with the goals of the Province. Airport operations will remain protected, while developable lands for future housing will be made available in immediate vicinity to the City of Hamilton.

Please feel free to contact the undersigned, should you wish to further discuss the above matter.  
Yours truly,



Robert P. Stovel, M.Sc., M.C.I.P., R.P.P.  
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# Appendix A

**Table 1 : Summary of the Municipalities with Airports and their Policy Framework as it relates to 30 NEF**

Airport	Source	Policy	Page
Waterloo	Waterloo Master Plan	1.2.4. Airport Noise Protection Area As indicated, if land uses adjacent to the airport are properly planned, constraints to airport operations, expansion and the loss of economic benefits to the region can be reduced or eliminated. For the ease of implementation of the land-use guidelines, it is recommended that the region establish an airport noise protection area. The recommended airport noise protection area will follow the natural and manmade boundaries encompassing the 30 NEF contour limit.	144, Figure E-3
Waterloo	Official Plan	5.A.19 The Region of Waterloo International Airport is designated as shown on Map 3a. Permitted land uses within this designation will be related to aviation and associated uses consistent with the Region of Waterloo International Airport Business Plan. Any future adjustments to the boundaries of the Region of Waterloo International Airport will not require an amendment to this Plan, but will be reflected as part of the five-year municipal comprehensive review of this Plan, or the completion of a municipal comprehensive review as otherwise initiated by Regional Council.	64-65, Map 3A
Mississauga	Official Plan	6.10.2.1 Land uses located at or above the corresponding 1996 noise exposure projection (NEP)/2000 noise exposure forecast (NEF) composite noise contour as determined by the Federal Government, will require a noise study as a condition of development. The noise study is to be undertaken by a licensed professional engineer with acoustical expertise in accordance with the applicable Provincial Government environmental noise guideline to the satisfaction of the City prior to development approval to determine appropriate acoustic design criteria. 6.10.2.2 Mississauga will require tenants and purchasers to be notified when a proposed development is located at the noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour of 25 and above. 6.10.2.3 A noise warning clause will be included in agreements that are registered on title, including condominium disclosure statements and declarations.	29-31, Map 6-1, Figure 6-25
Ottawa	Official Plan	2) A noise control study consistent with the Council-approved Environmental Noise Control Guidelines is required as part of a complete application for any development proposal within the 25 Line (Composite of 25 NEF/NEP), as shown on Schedule C14. 3) Development of new noise-sensitive land uses shall not be approved inside the 35 Line (Composite of 35 NEF/NEP), as shown on Schedule C14. 4) New development between the 35 Line and the boundary of the Airport Operating Influence Zone shall not be approved unless the following conditions are met: a) Development of an existing noise-sensitive land use may be permitted if: i) The lands front on an existing public road that is maintained year-round; ii) The lands consist of a lot that was created under the Planning Act prior to May 14, 2003; iii) The land use is permitted in the Zoning By-law; and iv) Appropriate warning clause(s) are included on title to advise purchasers or occupants of ongoing aircraft operations, potential impacts of noise levels on normal activities and sleep and the necessity of installing and maintaining recommended noise control measures.	236, Schedule C14
Toronto	Official Plan	Notwithstanding Section a), redevelopment for sensitive land uses, other than residential, or infilling for sensitive land uses, other than residential, may only be permitted by site specific zoning within the L.B.P.I.A. Operating Area if the proposed sensitive land use development is generally consistent with Transport Canada's latest guidelines. In applying these guidelines, the 30 NEF/NEP noise contour will be considered to be the L.B.P.I.A. Operating Area. d) Notwithstanding Section a), the City may pass comprehensive zoning by-laws that permit residential uses within the L.B.P.I.A. Operating Area, provided that the new Zoning By-law does not increase the number of housing units permitted. The City may pass comprehensive zoning by-laws to continue to permit nonresidential noise sensitive land uses within the L.B.P.I.A Operating Area that are permitted in existing Zoning By-laws. e) Notwithstanding Section a): i) new residential and other sensitive land uses may be permitted on the Woodbine Racetrack lands (shown as Area 'A') provided at the time of draft plan of subdivision and final approval and/or site rezoning no new residential and other sensitive land uses are located within the Transport Canada approved 30 NEF/NEP Composite Noise Contour and that the demarcation between the area where these uses are and are not permitted is shown on the plan of subdivision and/or the zoning by-law by clear features such as streets, natural features, and/or zoning land use boundaries; f) Notwithstanding Section a), new residential development and other sensitive land use development may be permitted on the Rexdale Mall lands within the L.B.P.I.A. Operating Area (shown as Area "B") provided that at the time of Official Plan Amendment and/or rezoning no new residential and other sensitive land uses are located within the Transport Canada approved 30 NEF/NEP Composite Noise Contour and that the demarcation between the L.B.P.I.A Operating Area and the Noise Contour is shown on the map of the Official Plan Amendment and/or zoning by-law by clear features such as streets, natural features, and/or land use/zoning boundaries	Chapter 7, Pages 32-34
Windsor	Official Plan	1.24.3 Notwithstanding the "Residential" designation of these lands on Schedule D: Land Use in Volume 1 – The Primary Plan, the following policies apply to future development within this area: (a) New residential development and other sensitive land uses will not be permitted in areas above the 30 NEF/NEP contour as identified on Schedule C: Development Constraint Areas; (b) Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above the 30 NEF/NEP contour identified on Schedule C: Development Constraint Areas in accordance with the policies of Section 7.2.10, if it can be demonstrated that there will be no negative impacts on the longterm function of the airport; (c) New residential development or redevelopment of existing residential land uses or other sensitive land uses in the area between the 25 and 30 NEF contours may be considered in accordance with the policies of Section 7.2.10 provided that noise mitigation measures are implemented in accordance with applicable provincial and federal guidelines and standards. (7.2.10.2) Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule 'C'. Development Constraint Areas shall be subject to the following: (a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada.	Section 7.2.10.2, (a) Special Policy Areas: Page 29. Schedule C/D

# **Excerpts from Waterloo Master Plan**

- ▶ Restrictions for buildings and structures, to prevent interference with navigational aids;
- ▶ Land-use restrictions for non-compatible land uses related to bird strike hazards;

The Regional Official Plan has identified similar guidelines as shown in Chapter 5 of ROP (5.A.20)

*In planning for land uses in the vicinity of the Region of Waterloo International Airport, Area Municipalities will establish policies in their official plans that:*

- (a) support the long-term operation and economic role of the Airport;*
- (b) protect the Airport from development that would preclude or hinder its expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental concerns;*
- (c) ensure that the Airport and sensitive land uses are designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants;*
- (d) provide for the inclusion of warning clauses advising property owners in the vicinity of the Airport of potential outdoor lighting and height restrictions, and of the potential for occasional noise-related impacts;*
- (e) prohibit any land uses that may cause a potential aviation safety hazard; and*
- (f) be in conformity with Transport Canada’s Region of Waterloo International Airport Zoning Regulations*

#### 1.2.4. Airport Noise Protection Area

As indicated, if land uses adjacent to the airport are properly planned, constraints to airport operations, expansion and the loss of economic benefits to the region can be reduced or eliminated. For the ease of implementation of the land-use guidelines, it is recommended that the region establish an airport noise protection area. The recommended airport noise protection area will follow the natural and manmade boundaries encompassing the 30 NEF contour limit.

#### 1.2.5. Other Factors Affecting Airport Development

Operational Influences Developments proposed must conform to Aerodrome certification standards. The constraints on facilities siting and height, and the materials to be used for building construction are governed by:

- ▶ Runway zoning surfaces,
- ▶ Control tower line of sight, and electronic zoning associated with navigational and telecommunication equipment.
- ▶ These restrictions provide an envelope for airport facility siting and development

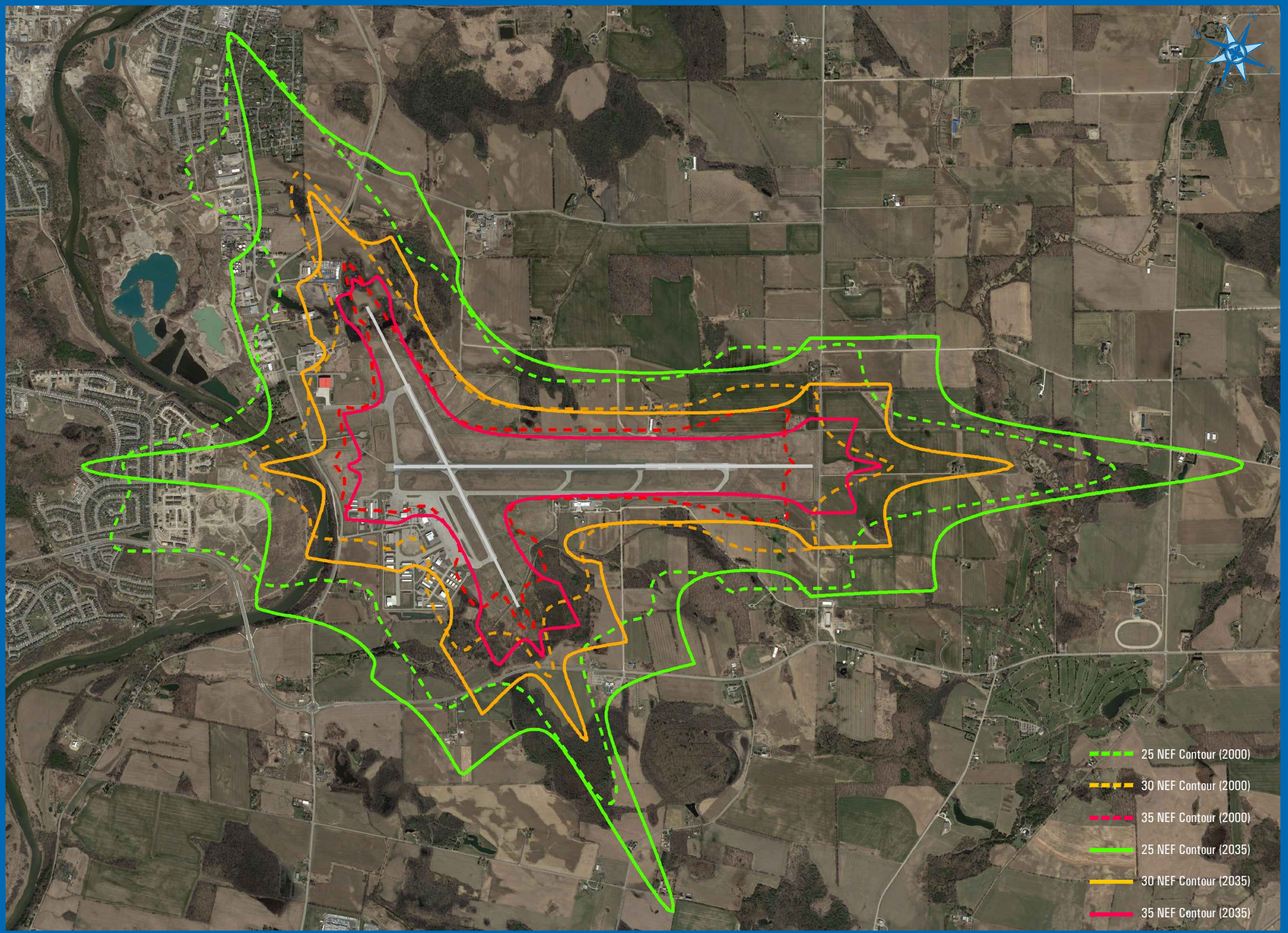
#### 1.2.6. Airport Reserve

Airport reserve lands are properties including the airport noise protection area where sensitive land uses are prohibited. The lands may or may not be within the current Urban Boundary. The long term intended use of these lands are employment, and uses complimentary to the airport. The objective of the airport reserve is to provide predictable long term strategic direction for land uses around the airport for the benefit of air carriers, land owners, surrounding communities and developers. There will be comprehensive review / consultation process to ensure all developments are in line with the municipality requirements.

#### 1.2.7. Land Use Districts

The proposed land use districts and their intended usage are summarized as follows:

- ▶ **Additional Airport Land Required:** This area is required for future expansion and development of the Airport, including runway and taxiway extensions;
- ▶ **Airfield:** This area includes land designated for existing and future runways, taxiways, navigational aids and approach facilities;



**Composite Noise Contour Plan**

**Figure E-3**



**Excerpts from  
Waterloo Official  
Plan**

- 5.A.13 New passenger rail terminals will be located and designed so as to promote safe and convenient access by *pedestrians*, cyclists, transit users and motorists.

### Walking and Cycling Networks

- 5.A.14 Regional cycling routes are designated as shown on Map 5c. These regional-scale routes have been identified within the Regional Cycling Master Plan and will be developed in association with ongoing Regional and Area Municipal Road improvements and other activities.
- 5.A.15 The Region, in collaboration with Area Municipalities, will regularly update the Regional Cycling Master Plan to review the Regional cycling routes as shown on Map 5c and further develop policies and strategies to facilitate cycling for both recreational and everyday activities.
- 5.A.16 Regional Council will maintain a Cycling Advisory Committee to advise the Region on the implementation of the cycling policies in this Plan and the Regional Cycling Master Plan, in accordance with the Terms of Reference adopted and periodically reviewed by Regional Council.
- 5.A.17 Wherever feasible, sidewalks will be provided on both sides of streets where transit service currently exists or is planned, and on a minimum of one side of all other through-streets or streets that interconnect with the walking network.
- 5.A.18 The Region, in collaboration with Area Municipalities, will prepare and update a Regional Pedestrian Master Plan that identifies the *pedestrian* network component of the region's transportation system that will be developed in association with Regional and Area Municipal road improvement projects and other activities.

### Region of Waterloo International Airport

- 5.A.19 The Region of Waterloo International Airport is designated as shown on Map 3a. Permitted land uses within this designation will be related to aviation and associated uses consistent with the Region of Waterloo International Airport Business Plan. Any future adjustments to the boundaries of the Region of Waterloo International Airport will not require an amendment to this Plan, but will be reflected as part of the five-year *municipal comprehensive review* of this Plan, or the completion of a *municipal comprehensive review* as otherwise initiated by Regional Council.
- 5.A.20 In planning for land uses in the vicinity of the Region of Waterloo International Airport, Area Municipalities will establish policies in their official plans that:
- (a) support the long-term operation and economic role of the Airport;

- (b) protect the Airport from development that would preclude or hinder its expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental concerns;
- (c) ensure that the Airport and *sensitive land uses* are designed, buffered and/or separated from each other to prevent *adverse effects* from odour, noise and other contaminants;
- (d) provide for the inclusion of warning clauses advising property owners in the vicinity of the Airport of potential outdoor lighting and height restrictions, and of the potential for occasional noise-related impacts;
- (e) prohibit any land uses that may cause a potential aviation safety hazard; and
- (f) be in conformity with Transport Canada's Region of Waterloo International Airport Zoning Regulations.

5.A.21 The Region will plan and stage improvements to the Region of Waterloo International Airport and related facilities in accordance with updates to the Region of Waterloo International Airport Business Plan.

### Road Network

5.A.22 The road network that will be developed and maintained to support the policies in this Plan includes:

- (a) Existing and Planned Transit Corridors as shown on Map 5a;
- (b) Existing and Planned Regional Roads as shown on Map 5b;
- (c) Existing and Planned *Provincial Highways* as shown on Map 5b; and
- (d) Proposed Road Corridors as shown on Map 5b.

5.A.23 Regional Roads provide safe, direct, accessible and *multi-modal* transportation links for moving people and goods throughout Waterloo Region, and to adjacent municipalities. Regional Roads will be planned and constructed in accordance with the provisions of the Regional Transportation Corridor Design Implementation Guideline.

5.A.24 The Region will update the Regional Road Access By-law as required for the purposes of classifying Regional Roads as either:

- (a) Controlled Access – Prohibited: no access to these roads is generally



Region of Waterloo

# Regional Official Plan SHAPING OUR FUTURE

## MAP 3a

### URBAN AREA

#### LEGEND

- Built-Up Area\*
- Urban Designated Greenfield Areas
- Prime Industrial/Strategic Reserve (Served)
- Urban Growth Centres
- Reurbanization Corridors \*\*
- Major Transit Station Areas \*\*
- Central Transit Corridor Environmental Assessment Study Area
- Planned Highway 7
- Region of Waterloo International Airport
- Urban Area Boundary

#### LEGEND

- Provincial Highway
- Regional Road
- River
- Region of Waterloo International Airport
- Municipal Boundary
- Railway

0 0.5 1 2 Km



Sources: Region of Waterloo, Ministry of Energy and Infrastructure

2015

\* Built-Up Area includes all lands within the built boundary, as established by the Province.

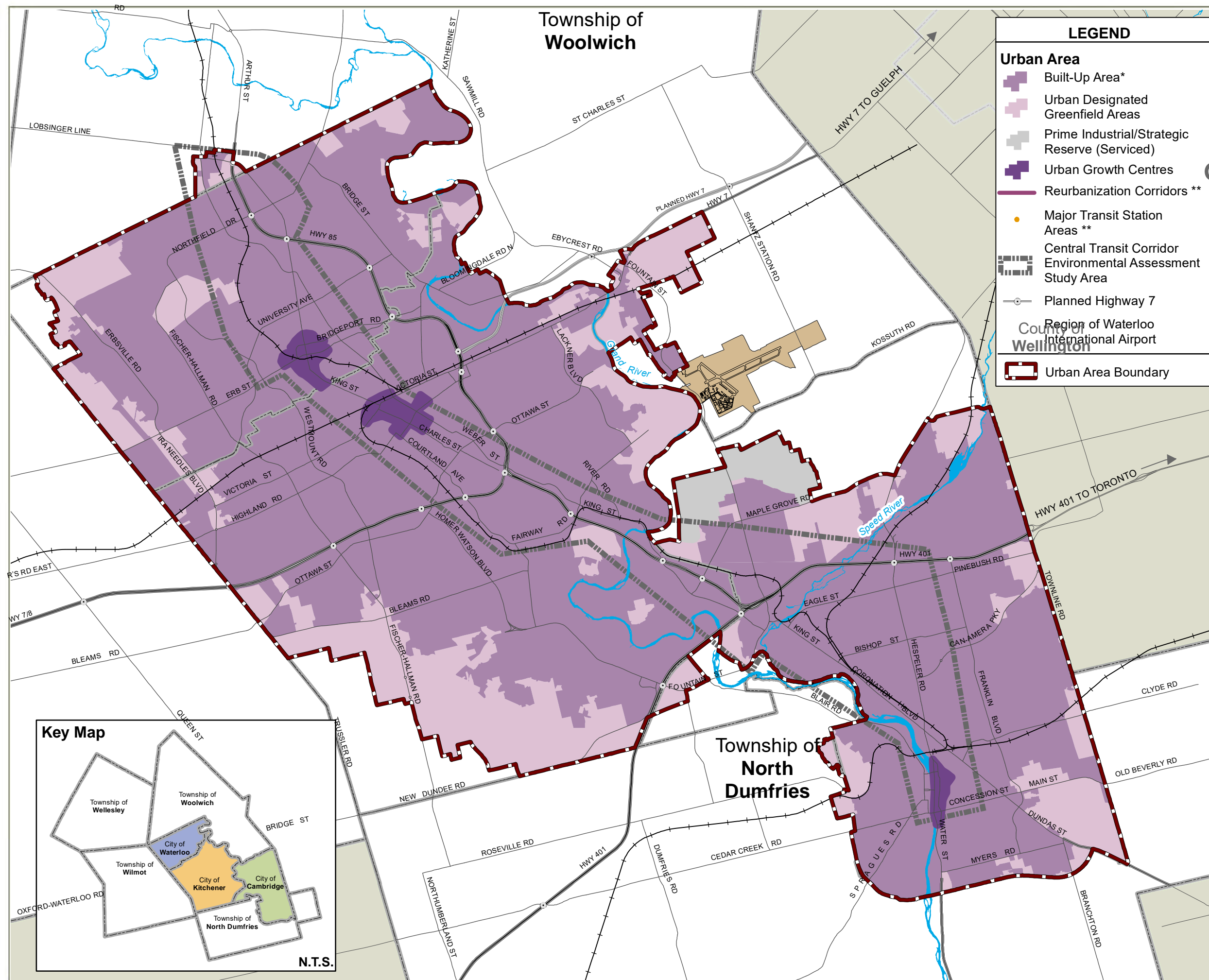
\*\* Map 3a will be amended to designate Reurbanization Corridors and Major Transit Station Areas following the completion of the Rapid Transit Environmental Assessment.

Note: This map forms part of the Official Plan of the Regional Municipality of Waterloo and must be read in conjunction with the policies of this Plan.

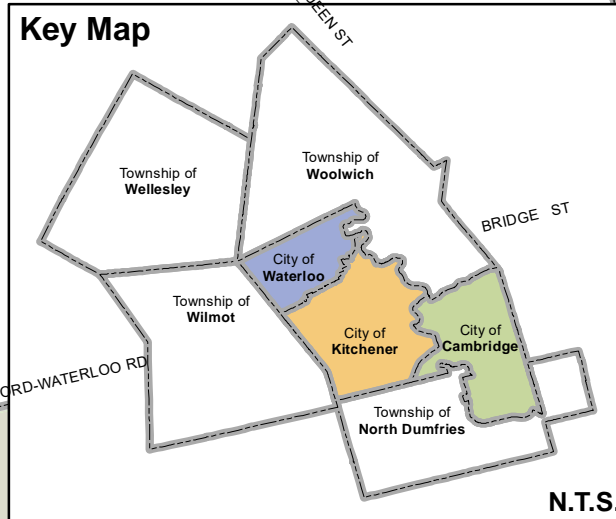
## Township of Woolwich

## Township of North Dumfries

County of Wellington



#### Key Map



N.T.S.

**Excerpts from  
Mississauga Official  
Plan**

purposes of this section, development in this area consists of redevelopment and infill.

6.10.2.1 Land uses located at or above the corresponding 1996 **noise exposure projection (NEP)/2000 noise exposure forecast (NEF) composite noise contour** as determined by the Federal Government, will require a noise study as a condition of development. The noise study is to be undertaken by a licensed professional engineer with acoustical expertise in accordance with the applicable Provincial Government environmental noise guideline to the satisfaction of the City prior to development approval to determine appropriate acoustic design criteria.

6.10.2.2 Mississauga will require tenants and purchasers to be notified when a proposed development is located at the **noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour** of 25 and above.

6.10.2.3 A noise warning clause will be included in agreements that are registered on title, including condominium disclosure statements and declarations.

6.10.2.4 Residential and other sensitive land uses within the Airport Operating Area will not be permitted as a principal or an accessory use with the following exceptions:

- a. lands identified as "Exception Area", as shown on Map 6-1; and
- b. daycare facilities accessory to an employment use in the Corporate Centre Character Areas known as Gateway Corporate and Airport Corporate, on lands located below the 35 **noise exposure projection (NEP)/noise exposure forecast (NEF) composite noise contour**.

Noise Classification	Definition
<b>Class 1 area (urban areas)</b>	Means an area with an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum".
<b>Class 2 area (suburban areas)</b>	Means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 areas: <ul style="list-style-type: none"> <li>• Sound levels characteristic of Class 1 during daytime (07:00 to 19:00 or to 23:00 hours); and</li> <li>• Low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).</li> </ul>
<b>Class 3 area (rural areas)</b>	Means a rural area with an acoustical environment that is dominated by natural sounds having little or no road traffic, such as: a small community; agricultural area; a rural recreational area such as a cottage or a resort area; or a wilderness area.
<b>Class 4 area (intensification areas)</b>	Means an area or specific site that would otherwise be defined as Class 1 or 2 and which: <ul style="list-style-type: none"> <li>• Is an area intended for development with new noise sensitive land use(s) that are not yet built;</li> <li>• Is in proximity to existing, lawfully established stationary source(s); and</li> <li>• Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process.</li> </ul> <p>Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.</p>

Figure 6-23: Noise Classification Areas (adapted from Environmental Noise Guideline, Publication NPC-300)

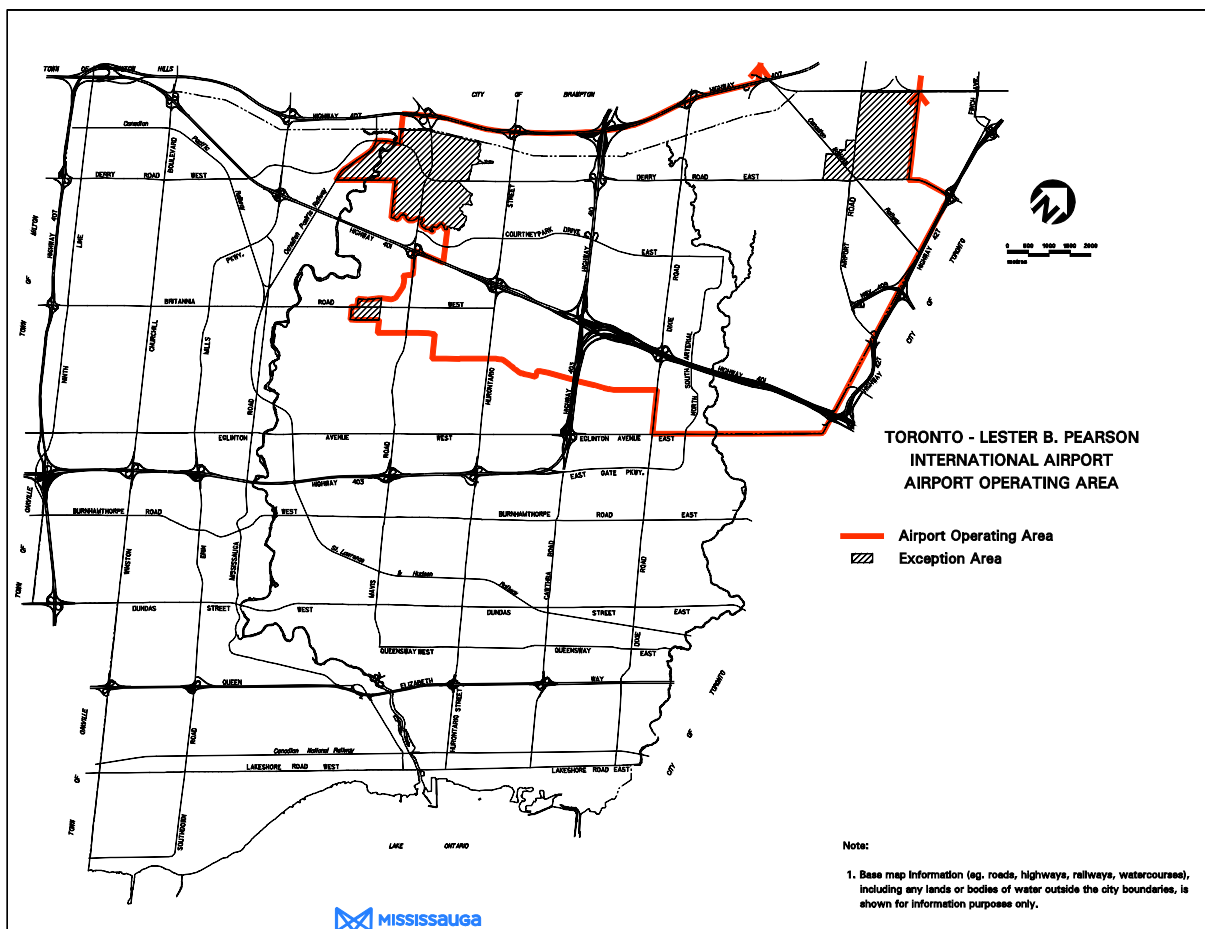


Figure 6-24: Although the Airport contributes to the city’s strong economy, some communities are directly affected by the sound levels emitted by the airplanes.

6.10.2.5 Development applications for sensitive land uses including new residential dwellings, with the exception of replacement detached and semidetached

dwellings, for lands where permitted within the Airport Operating Area, may be processed for approval provided that all of the following are satisfied:

- a. a **feasibility noise impact study** will be submitted as part of a complete development application to verify that mitigated indoor and outdoor noise levels would not exceed the sound level limits established by the applicable Provincial Government environmental noise guideline;
- b. a **detailed noise impact study** will be required prior to final development application approval;
- c. appropriate conditions relating to noise mitigation that are consistent with the findings of the **detailed noise impact study**, are included in the final approval; and
- d. an **Aircraft Noise Warning Agreement** between the City of Mississauga, the Greater Toronto Airports Authority (or its successor) and the Developer, are included in the approval.



Map 6-1: Airport Operating and Exception Area

LAND USE <sub>2</sub>	Noise Exposure Projection (NEP)/Noise Exposure Forecast (NEF) Composite Noise Contour <sub>1</sub>		
	25 - <30	30 - <35	35 or Greater
Residential Public and private schools Daycare facilities <sup>3</sup> Libraries Place of religious assembly Cemeteries Theatres - Outdoor Auditoria Hospitals Nursing Homes Community Centres	<b>Noise Study Required</b>		
Hotels Motels Retail or service commercial Office Athletic fields Stadiums Theatres - Indoor		<b>Noise Study Required</b>	
Park and picnic areas Playgrounds Tennis Courts Industrial Laboratories Arena <sup>4</sup>			<b>Noise Study Required</b>
<p>1. Reference Figure 6-26</p> <p>2. Land uses extracted from Transport Canada's TP1247 – Aviation – Land Use in the Vicinity of Aerodromes, 9th Edition</p> <p>3. Land use not specifically identified within TP1247</p> <p>4. Land use not specifically identified within TP1247</p>			

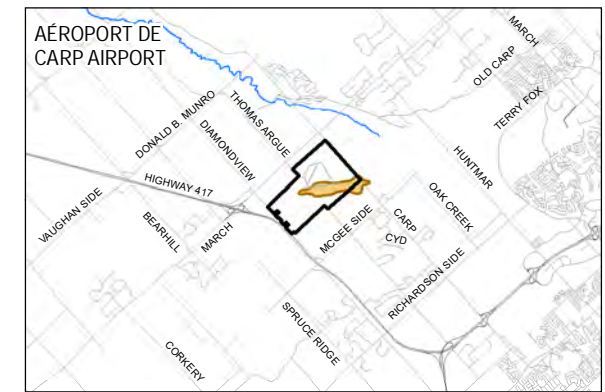
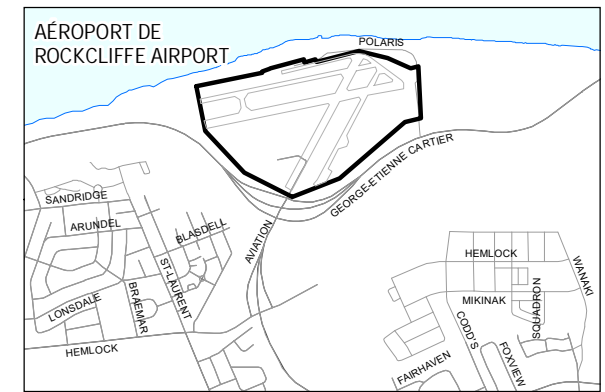
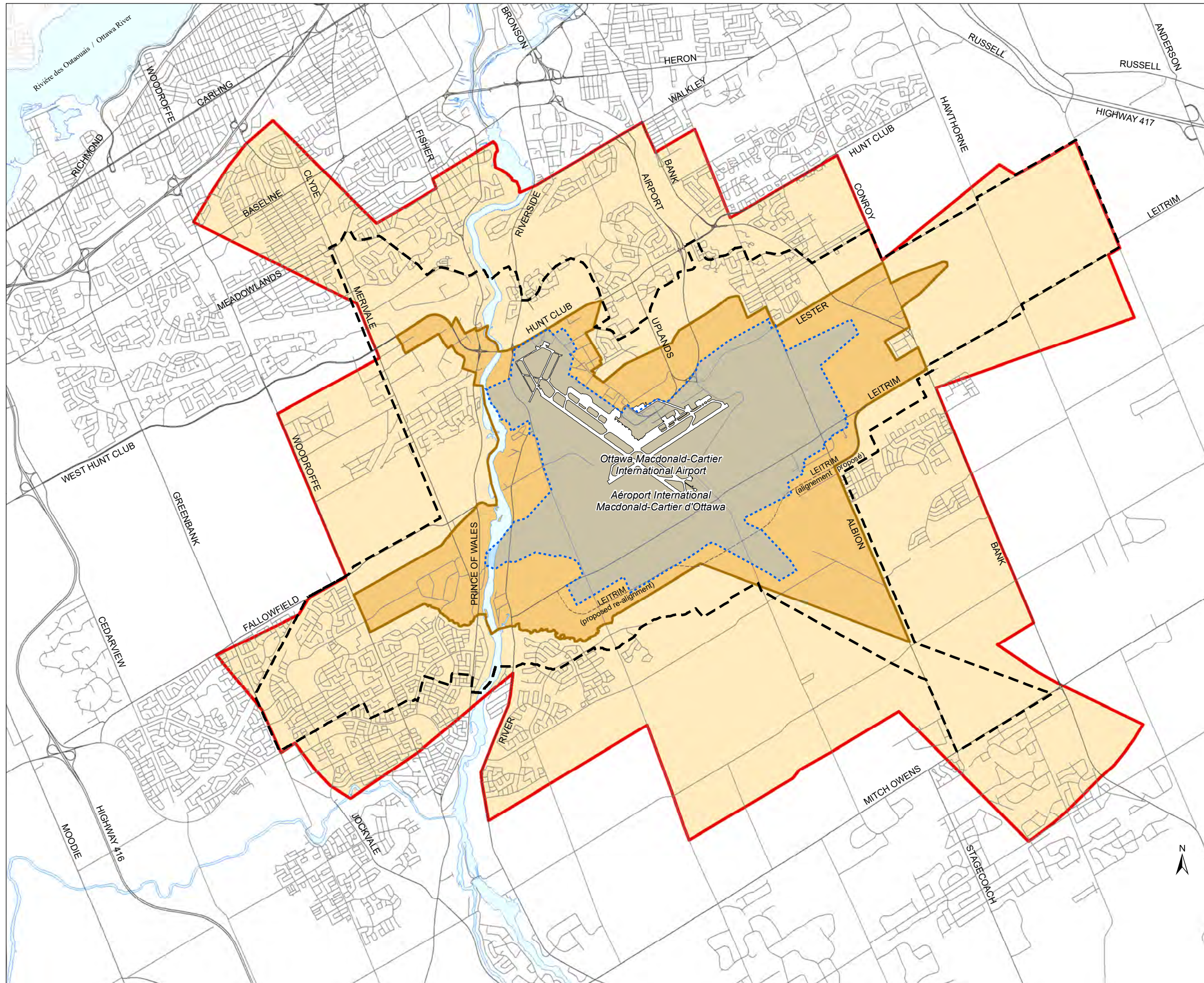
Figure 6-25: Noise Study Requirements for Aircraft Noise



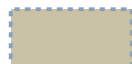




# **Excerpts from Ottawa Official Plan**

### 10.2.2 Protection of airport and aircraft operations

- 1) Development inside the Airport Vicinity Development Zone, as shown on Schedule C14, shall be consistent with applicable City, provincial and federal guidelines and regulations. In the event of a variation between City, provincial or federal guidelines, the most restrictive provisions shall be applied.
- 2) A noise control study consistent with the Council-approved Environmental Noise Control Guidelines is required as part of a complete application for any development proposal within the 25 Line (Composite of 25 NEF/NEP), as shown on Schedule C14.
- 3) Development of new noise-sensitive land uses shall not be approved inside the 35 Line (Composite of 35 NEF/NEP), as shown on Schedule C14.
- 4) New development between the 35 Line and the boundary of the Airport Operating Influence Zone shall not be approved unless the following conditions are met:
  - a) Development of an existing noise-sensitive land use may be permitted if:
    - i) The lands front on an existing public road that is maintained year-round;
    - ii) The lands consist of a lot that was created under the *Planning Act* prior to May 14, 2003;
    - iii) The land use is permitted in the Zoning By-law; and
    - iv) Appropriate warning clause(s) are included on title to advise purchasers or occupants of ongoing aircraft operations, potential impacts of noise levels on normal activities and sleep and the necessity of installing and maintaining recommended noise control measures.
  - b) Residential infill is proposed and:
    - i) The development is for a single detached dwelling(s) on a lot(s) created by severance;
    - ii) A noise control study is prepared detailing necessary architectural measures that implement provincial noise guidelines for interior spaces;
    - iii) The infill development fronts on an existing public road that is maintained year-round;
    - iv) Meets the requirements of the Zoning By-law and all provisions of this Plan;
    - v) Appropriate warning clause(s) be included on title to advise purchasers or occupants of expected noise levels and the necessity of installing and maintaining noise control measures; and
    - vi) The development does not require a Zoning By-law amendment to create the lot(s).
- 5) Within the Airport Vicinity Development Zone, noise-sensitive uses may be permitted between the 25 Line and the Airport Operating Influence Zone.
- 6) Development shall comply with the Ottawa Macdonald-Cartier International Airport Zoning Regulations as enacted under the federal *Aeronautics Act*.
- 7) Development conditions and best practices may be required to reduce the risk of wildlife conflict with airport operations. Proposed land uses, municipal infrastructure projects and activities in the vicinity of the Ottawa International Airport shall have regard to the Ottawa MacDonald-Cartier International Airport Authority Wildlife Management Plan.
- 8) Within the Airport Vicinity Development Zone, the creation of open water habitat areas is prohibited.



-  Airport Vicinity Development Zone  
Zone d'aménagement dans le voisinage de l'aéroport
-  25 Line (Composite of 25 NEF/NEP)  
Ligne 25 (ensemble des courbes NEF et NEP 25)
-  35 Line (Composite of 35 NEF/NEP)  
Ligne 35 (ensemble des courbes NEF et NEP 35)
-  Airport Zoning Regulations  
Règlements de zonage applicables à de l'Aéroport
-  Airport Operating Influence Zone  
Zone d'influence d'exploitation de l'aéroport

NOTE:  
The boundaries of the Ottawa Airport Operating Influence Zone and the Airport Vicinity Development Zone, are not subject to interpretation and their precise locations should be read from a map at a scale of 1:50,000 available from the City of Ottawa and the Ottawa International Airport Authority.

NOTE:  
Les limites de la Zone d'influence d'exploitation de l'aéroport Ottawa et de la Zone d'aménagement dans le voisinage de l'aéroport ne sont sujettes à aucune interprétation. Pour connaître leur emplacement exact, il faut se reporter à la carte qui les définit à une échelle de 1 : 50 000, que l'on peut se procurer auprès de la Ville d'Ottawa et de l'Administration de l'Aéroport international d'Ottawa.



# Official Plan / Plan officiel

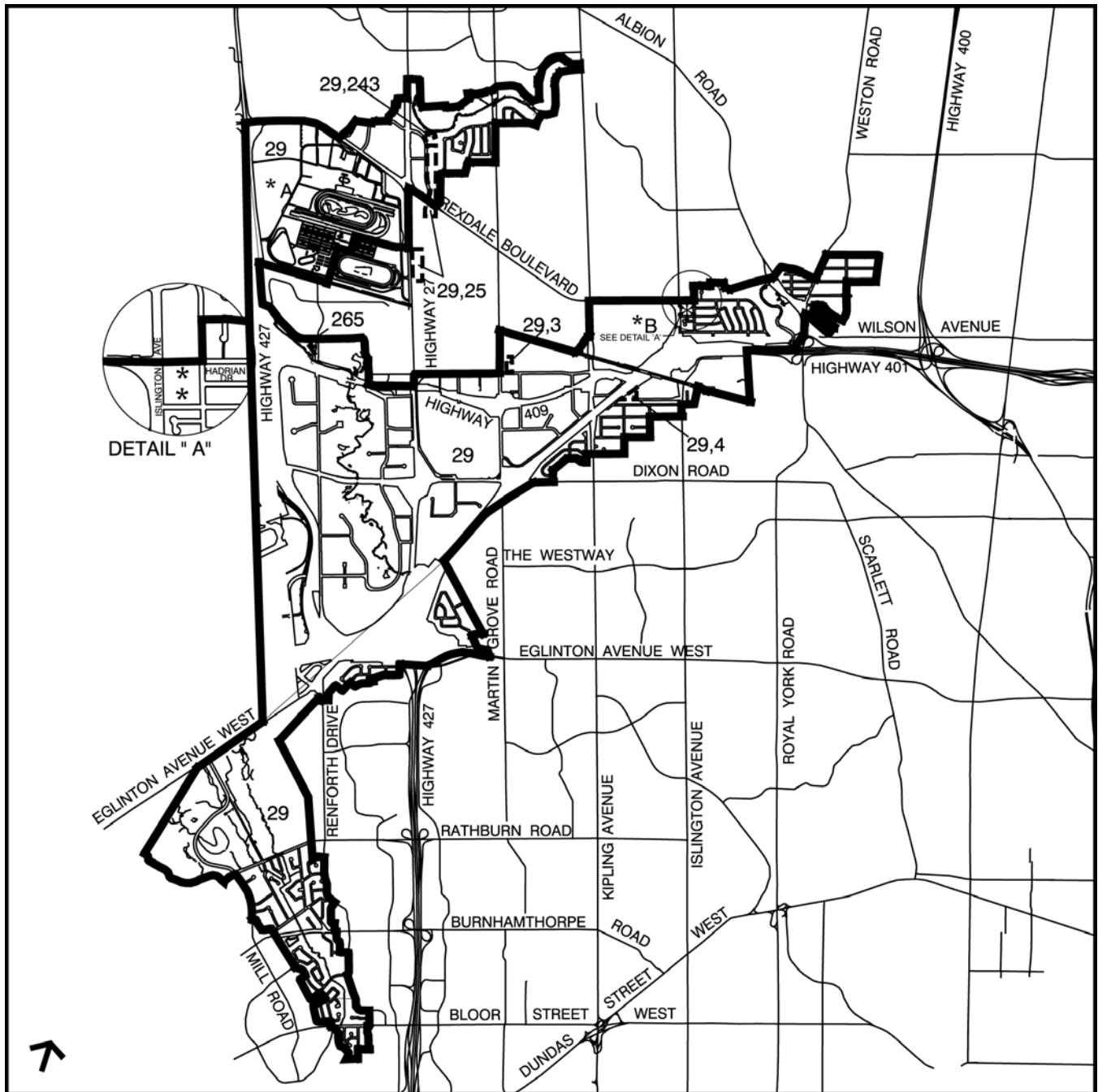
Schedule C14 - Land Use Constraints  
Due to Aircraft Noise  
Annexe C14 - Contraintes limitant l'utilisation  
en raison du bruit des avions

Approved on November 4, 2022  
Approuvé le 4 novembre 2022

Consolidation and Amendments / Consolidation et amendements

# **Excerpts from Toronto Official Plan**

29. Lester B. Pearson International Airport Operating Area



- a) Within the Lester B. Pearson International Airport (L.B.P.I.A.) Operating Area, new development for residential and other sensitive land uses is prohibited, unless permitted by existing zoning.
- b) Notwithstanding Section a):
  - i) redevelopment for residential uses or infilling for residential uses may only be permitted within the L.B.P.I.A. Operating Area if the proposed residential development would result in the same or fewer total number of housing units than the existing zoning would permit; or

- ii) redevelopment for residential uses or infill for residential uses may only be considered within the L.B.P.I.A. Operating Area, provided that there will be no negative impacts on the long-term function of the airport. In this regard, among other matters, the City will require proponents of redevelopment or infilling to provide noise studies and undertakings to provide satisfactory noise attenuation measures when making applications for development approval.
- c) Notwithstanding Section a), redevelopment for sensitive land uses, other than residential, or infilling for sensitive land uses, other than residential, may only be permitted by site specific zoning within the L.B.P.I.A. Operating Area if the proposed sensitive land use development is generally consistent with Transport Canada's latest guidelines. In applying these guidelines, the 30 NEF/NEP noise contour will be considered to be the L.B.P.I.A. Operating Area.
- d) Notwithstanding Section a), the City may pass comprehensive zoning by-laws that permit residential uses within the L.B.P.I.A. Operating Area, provided that the new Zoning By-law does not increase the number of housing units permitted. The City may pass comprehensive zoning by-laws to continue to permit non-residential noise sensitive land uses within the L.B.P.I.A Operating Area that are permitted in existing Zoning By-laws.
- e) Notwithstanding Section a):
  - i) new residential and other sensitive land uses may be permitted on the Woodbine Racetrack lands (shown as Area 'A') provided at the time of draft plan of subdivision and final approval and/or site rezoning no new residential and other sensitive land uses are located within the Transport Canada approved 30 NEF/NEP Composite Noise Contour and that the demarcation between the area where these uses are and are not permitted is shown on the plan of subdivision and/or the zoning by-law by clear features such as streets, natural features, and/or zoning land use boundaries;
  - ii) the redevelopment for residential uses and other sensitive land uses, or infilling for residential uses and other sensitive land uses, may be considered within the L.B.P.I.A. Operating Area, if it has been demonstrated that there will be no negative impacts on the long-term function of the airport. In this regard, among other matters, the City will require proponents of redevelopments or infilling to provide noise studies and undertakings to provide satisfactory noise attenuation measures when making applications for development approval; and
  - iii) nothing in the Plan will prevent the use of the Woodbine Racetrack lands for a horse racetrack including housing, dormitories and other noise sensitive land uses and the keeping of horses, required only for the operation of horse racing, and for any related, associated or accessory uses, facilities and services.
- f) Notwithstanding Section a), new residential development and other sensitive land use development may be permitted on the Rexdale Mall lands within the L.B.P.I.A. Operating Area (shown as Area "B") provided that at the time of Official Plan Amendment and/or rezoning no new residential and other sensitive land uses are located within the Transport Canada approved 30 NEF/NEP Composite Noise Contour and that the demarcation between the L.B.P.I.A Operating Area and the Noise Contour is shown on the map of the Official Plan Amendment and/or zoning by-law by clear features such as streets, natural features, and/or land use/zoning boundaries.

- g) The L.B.P.I.A. Operating Area and the aforementioned policies will be reviewed whenever a new Transport Canada approved 30 NEF/NEP noise contour is prepared for the airport and/or in conjunction with the periodic review of the Plan.
- h) The following definitions will apply only to this site and area specific policy:

Infill: an application for approval under the *Planning Act* for:

- i) the creation of one or more new lots;
- ii) the creation of one or more new residential units;
- iii) a change in land use; or
- iv) the construction of buildings and structures.

And where the subject lands comprise less than 2 hectares and the lands have no buildings erected thereon and are located in an area having existing uses of the same or similar character as the use proposed.

Redevelopment: an application for approval under the *Planning Act* for the following where the subject lands have or previously had one or more buildings erected thereon:

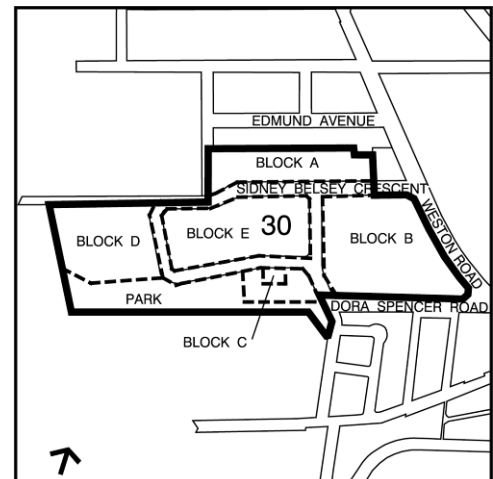
- i) the creation of one or more new lots;
- ii) the creation of one or more new residential units;
- iii) a change in land use; or
- iv) the construction of buildings and structures.

And where the subject lands have or previously had one or more buildings erected thereon.

Sensitive land uses: buildings, amenity areas, or outdoor spaces where routine or normal activities would experience noise impacts from aircraft using the Lester B. Pearson International Airport. Examples of these uses include: residences, day care centres, and education and health facilities.

### 30. 1400 Weston Road

- a) A maximum of 1,640 housing units are permitted on Blocks 'A', 'C', 'D', 'E', and the west portion of Block 'B'. The east portion of Block 'B' near Weston Road may be used for retail, office and service commercial uses with a maximum combined gross floor area of 18,600 square metres. Residential building heights (exclusive of parking levels and mechanical floors) will be varied and will not exceed 24 storeys (exclusive of mechanical penthouses, rooftop appurtenances, and rooftop recreational facilities).



**Excerpts from  
Windsor Official Plan**



## **1.24 Baseline Road Residential Corridor**

(added by OPA #60 – 05/07/07- B/L85-2007)

- 1.24.1 The Baseline Road Residential Corridor designated on Schedule A: Planning Districts and Special Policy Areas in the Primary Plan consists of existing residential development located immediately to the north and south of Baseline Road between the 7th Concession and 8th Concession.
- 1.24.2 Properties located within the Baseline Road Residential Corridor are residential dwellings that have been in existence for many years. For the most part, they are located within the area where residential development is restricted or prohibited due to noise impacts generated by the Windsor Airport.
- 1.24.3 Notwithstanding the “Residential” designation of these lands on Schedule D: Land Use in Volume 1 – The Primary Plan, the following policies apply to future development within this area:
- (a) New residential development and other sensitive land uses will not be permitted in areas above the 30 NEF/NEP contour as identified on Schedule C: Development Constraint Areas;
  - (b) Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above the 30 NEF/NEP contour identified on Schedule C: Development Constraint Areas in accordance with the policies of Section 7.2.10, if it can be demonstrated that there will be no negative impacts on the long-term function of the airport;
  - (c) New residential development or redevelopment of existing residential land uses or other sensitive land uses in the area between the 25 and 30 NEF contours may be considered in accordance with the policies of Section 7.2.10 provided that noise mitigation measures are implemented in accordance with applicable provincial and federal guidelines and standards.

## **1.25 Ray Road and Joy Road Residential Area**

(added by OPA #60 – 05/07/07- B/L85-2007)

- 1.25.1 The Ray Road and Joy Road Residential Area designated on Schedule A: Planning Districts and Special Policy Areas in the Primary Plan consists of a small residential subdivision located on Ray Road and Joy Road immediately east of the 8th Concession and south of Baseline Road that has been in existence for many years.

- (f) All proponents of new development abutting a rail yard, which require a rezoning (exclusive of a zoning by-law consolidation), plan of subdivisions, plan of condominium or site plan approval, shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality, in consultation with the relevant public agency and the appropriate railway company.

*SAFETY MEASURES*      7.2.8.10      All proposed development adjacent to a railway right-of-way or rail yard shall be required to incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality in consultation with relevant public agencies and the appropriate railway company.

*CONSULT RAILWAYS*      7.2.8.11      All proponents of development within 500 metres of a railway right-of-way are encouraged to consult with the appropriate railway company prior to the finalization of any noise and vibration abatement study or development proposal.

**7.2.9      Water Transportation Policies**

*ECONOMIC BENEFITS*      7.2.9.1      Council shall maximize the economic development potential provided by the Port of Windsor by promoting the development of Waterfront Port and Employment uses, including multi-modal facilities, at appropriate locations within Windsor.

*SUFFICIENT PORT LANDS*      7.2.9.2      Council shall ensure that sufficient Waterfront Port lands are available for the Port of Windsor to maintain and expand its operations and protect the existing and future port facilities from the incompatible development in accordance with the land use policies in this Official Plan.

*ACCESS*      7.2.9.3      Council shall require that all waterfront land uses and port facilities have adequate access to and from the land transportation system.

**7.2.10      Air Transportation Policies**

*ECONOMIC BENEFITS*      7.2.10.1      Council shall maximize the economic development potential provided by the Windsor Airport by promoting the development of Commercial and Employment uses, including multi-modal facilities in the vicinity of the airport.

*DEVELOPMENT WITHIN THE AIRPORT OPERATING AREA*      7.2.10.2      Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule ‘C’: Development Constraint Areas shall be subject to the following:

- (a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada;
- (b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:
  - (i) Support the feasibility of the proposal;
  - (ii) Identify and implement appropriate mitigation measures (refer to Procedures chapter);
- (c) Redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;
- (d) Land uses which may cause a potential aviation safety hazard are discouraged;
- (e) Other land uses may be permitted within the Airport Operating Area provided the proponent completes a noise study to support the feasibility of the proposal and, if feasible identify and implement appropriate mitigation measures.

*NOISE AND  
VIBRATION  
ABATEMENT*

7.2.10.3 Council shall ensure that new development in the vicinity of the Windsor Airport includes appropriate noise and vibration abatement measures in accordance with established off-airport land use planning practices.

**7.2.11 Detroit Windsor Tunnel Constraint Area Policies**

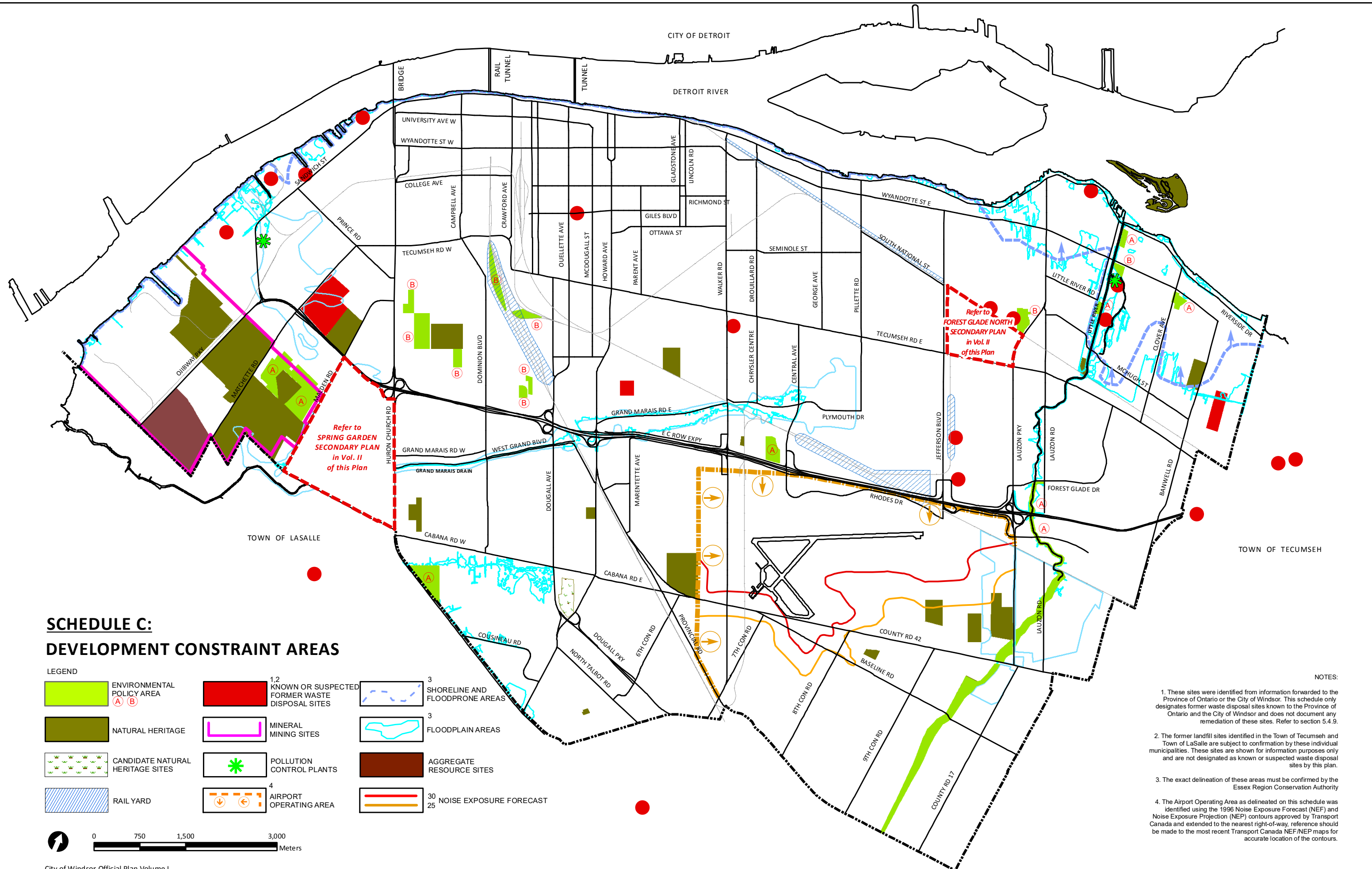
The following policies apply to lands identified on Schedule ‘C’: Development Constraint Areas and Schedule ‘E’: City Centre Planning District and should be read in conjunction with Land and Infrastructure chapters of this Plan.

*GENERAL  
BOUNDARIES*

7.2.11.1 For the purpose of this plan, the Detroit-Windsor Tunnel Development Constraint Area is defined as the triangular area of land beginning at the portal of the Detroit-Windsor Tunnel and Park Street East, extending Northeast to the Detroit River, as shown on Schedule ‘C’: Development Constraint Areas and Schedule ‘E’: City Centre Planning District.

*INCOMPATIBLE  
DEVELOPMENT*

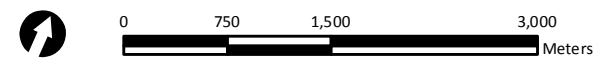
7.2.11.2 Council shall protect the integrity of the Detroit-Windsor Tunnel from damage as a result of incompatible construction and maintenance activities in the Detroit-Windsor Tunnel Development Constraints Area.

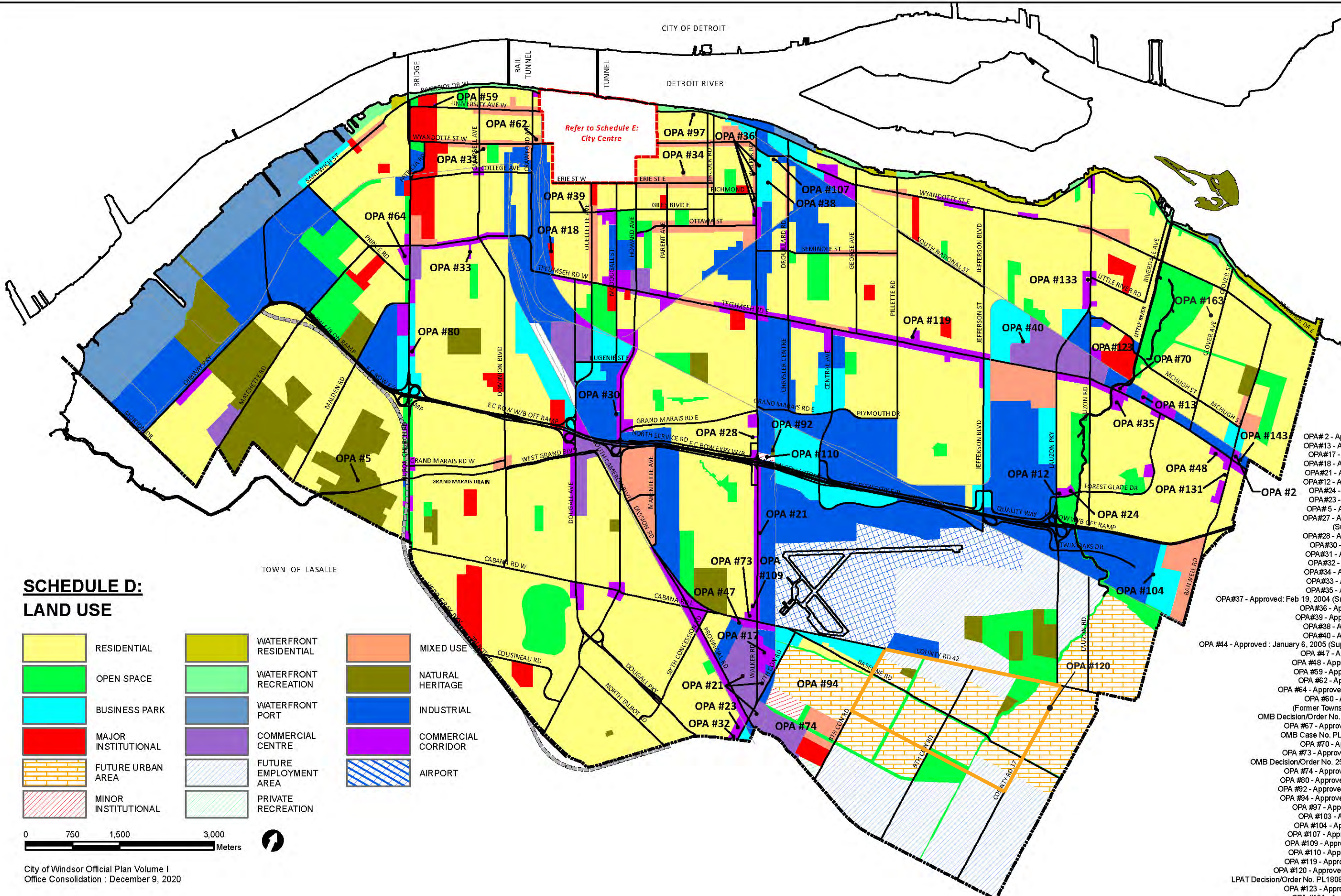


**SCHEDULE C:  
DEVELOPMENT CONSTRAINT AREAS**

LEGEND	
	ENVIRONMENTAL POLICY AREA (A) (B)
	NATURAL HERITAGE
	CANDIDATE NATURAL HERITAGE SITES
	RAIL YARD
	1,2 KNOWN OR SUSPECTED FORMER WASTE DISPOSAL SITES
	MINERAL MINING SITES
	POLLUTION CONTROL PLANTS
	4 AIRPORT OPERATING AREA
	3 SHORELINE AND FLOODPRONE AREAS
	3 FLOODPLAIN AREAS
	AGGREGATE RESOURCE SITES
	30/25 NOISE EXPOSURE FORECAST

- NOTES:**
1. These sites were identified from information forwarded to the Province of Ontario or the City of Windsor. This schedule only designates former waste disposal sites known to the Province of Ontario and the City of Windsor and does not document any remediation of these sites. Refer to section 5.4.9.
  2. The former landfill sites identified in the Town of Tecumseh and Town of LaSalle are subject to confirmation by these individual municipalities. These sites are shown for information purposes only and are not designated as known or suspected waste disposal sites by this plan.
  3. The exact delineation of these areas must be confirmed by the Essex Region Conservation Authority
  4. The Airport Operating Area as delineated on this schedule was identified using the 1996 Noise Exposure Forecast (NEF) and Noise Exposure Projection (NEP) contours approved by Transport Canada and extended to the nearest right-of-way, reference should be made to the most recent Transport Canada NEF/NEP maps for accurate location of the contours.





**SCHEDULE D:  
LAND USE**

	RESIDENTIAL		WATERFRONT RESIDENTIAL		MIXED USE
	OPEN SPACE		WATERFRONT RECREATION		NATURAL HERITAGE
	BUSINESS PARK		WATERFRONT PORT		INDUSTRIAL
	MAJOR INSTITUTIONAL		COMMERCIAL CENTRE		COMMERCIAL CORRIDOR
	FUTURE URBAN AREA		FUTURE EMPLOYMENT AREA		AIRPORT
	MINOR INSTITUTIONAL		PRIVATE RECREATION		



City of Windsor Official Plan Volume I  
Office Consolidation : December 9, 2020

- AS AMENDED BY:
- OPA#2 - Approved: Dec. 11, 2000
  - OPA#13 - Approved: Nov. 22, 2001
  - OPA#17 - Approved: Jan. 3, 2002
  - OPA#18 - Approved: Mar. 15, 2002
  - OPA#21 - Approved: July 16, 2002
  - OPA#12 - Approved: Aug. 21, 2002
  - OPA#24 - Approved: Oct. 7, 2002
  - OPA#23 - Approved: Oct. 9, 2002
  - OPA#5 - Approved: Oct. 29, 2002
  - OPA#27 - Approved: Dec. 16, 2002 (Superseded by OPA #40)
  - OPA#28 - Approved: Dec. 16, 2002
  - OPA#30 - Approved: Apr. 7, 2003
  - OPA#31 - Approved: Apr. 14, 2003
  - OPA#32 - Approved: May 5, 2003
  - OPA#34 - Approved: May 20, 2003
  - OPA#33 - Approved: June 2, 2003
  - OPA#35 - Approved: Aug. 11, 2003
  - OPA#37 - Approved: Feb 19, 2004 (Superseded by OPA #40)
  - OPA#36 - Approved: March 3, 2004
  - OPA#39 - Approved: March 26, 2004
  - OPA#38 - Approved: July 21, 2004
  - OPA#40 - Approved: July 21, 2004
  - OPA#4 - Approved: January 6, 2005 (Superseded by OPA #131)
  - OPA#47 - Approved: May 10, 2005
  - OPA#48 - Approved: August 18, 2005
  - OPA#59 - Approved: March 27, 2007
  - OPA#62 - Approved: June 15, 2007
  - OPA#64 - Approved: September 20, 2007
  - OPA#60 - Approved: May 7, 2007 (Former Township of Sandwich South)
  - OMB Decision/Order No. 2667 - October 5, 2007
  - OPA#67 - Approved: December 4, 2015
  - OMB Case No. PL080049 - April 26, 2016
  - OPA#70 - Approved: April 20, 2009
  - OPA#73 - Approved: September 7, 2006
  - OMB Decision/Order No. 2513 - February 12, 2009
  - OPA#74 - Approved: December 4, 2009
  - OPA#80 - Approved: November 22, 2010
  - OPA#92 - Approved: September 19, 2016
  - OPA#94 - Approved: December 21, 2016
  - OPA#97 - Approved: October 6, 2014
  - OPA#103 - Approved: June 1, 2015
  - OPA#104 - Approved: June 24, 2015
  - OPA#107 - Approved: August 15, 2016
  - OPA#109 - Approved: February 6, 2017
  - OPA#110 - Approved: August 22, 2016
  - OPA#119 - Approved: October 15, 2018
  - OPA#120 - Approved: September 17, 2018
  - LPAT Decision/Order No. PL180842 - December 3, 2019
  - OPA#123 - Approved: January 21, 2020
  - OPA#131 - Approved: August 4, 2020
  - OPA#133 - Approved: November 9, 2020
  - OPA#143 - Approved: June 13, 2022
  - OPA#163 - Approved: May 29, 2023

OPA #163 - Approved - May 29, 2023

# **Appendix B**

June 1, 2023

Aercoustics Project #: 23104.00

**Stovel & Associates, Inc.**

655 Orangeville Road,  
Fergus, Ontario N1M 1T9

ATTN: Rob Stovel Sr, Stovel & Associates

CC: Derek Flake, Aercoustics  
Rob Stovel Jr., Stovel & Associates

Subject: Airport Road Lands – Noise Opinion Letter

## 1 Introduction

Aercoustics Engineering Limited (Aercoustics) has been retained by Stovel & Associates Inc. on behalf of The Greenhorizons Group of Farms Ltd. (“GH”) to provide an opinion letter related to lands along Airport Road in Hamilton, Ontario which are owned by GH.

The purpose of this letter and the associated review was to evaluate the appropriateness of the development of noise sensitive land uses within the Hamilton Airport’s 2010 Noise Exposure Forecast (NEF) 28 contour in the context of the Provincial Policy Statement (PPS) section 1.6.9.

Aercoustics has reviewed White Church Road area NEF contour map and associated existing urban boundary, which is delineated by the 28 NEF/NEP contour line. Aercoustics has experience with a number of noise studies permitting residential and other noise sensitive uses above the 28 NEF/NEP contour lines which satisfy the provincial noise guidelines.

## 2 Subject Location

The Client currently owns an approximately 36 HA parcel approximately 1,750 m to the southeast of the Hamilton International Airport. The parcel is bound by Airport Road to the north, by the Southern Pines Golf & Country Club to the West, and by vacant agricultural lands to the east and south. This parcel is herein referred to as the Subject Lands. The Subject Lands are located within the City of Hamilton urban boundary and are intended for development of residential uses, as shown in the appended figures.

A small roughly 1 HA portion of the Subject Lands is located above the NEF 30 contour; the remaining 35 HA of the parcel is located below the 30 NEF contour and is generally represented by the NEF 28 contour. A figure illustrating the location of the Subject Lands with respect to the Hamilton International Airport has been appended to this letter.

### 3 Applicable Guidelines

#### 3.1 NPC-300

The MECP's document *NPC-300 Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning* (NPC-300) provides recommendations and design targets for sensitive land uses proposed within the NEF 25 contours as outlined in Table 1.

Table 1: Summary of MECP requirements for sensitive development near airports

NEF Contour	NPC-300 Noise Controls
< 25	<ul style="list-style-type: none"> <li>No further assessment required</li> </ul>
25 < NEF < 30	<ul style="list-style-type: none"> <li>Provision for installation of central air conditioning.</li> <li>Building components (windows, walls, doors, duct penetrations) designed to achieve indoor sound level limits.</li> <li>Inclusion of MECP Warning Clause Type C</li> </ul>
>= 30	<ul style="list-style-type: none"> <li>If approved by municipality in accordance of PPS 1.6.9, central air conditioning must be implemented with MECP Warning Clauses Type B and D.</li> <li>Building components (windows, walls, doors, duct penetrations) designed to achieve indoor sound level limits.</li> <li>Outdoor Living Areas (OLA's) as defined by the Ministry are generally not permitted except under specific circumstances.</li> </ul>

The MECP sound level limits for aircraft noise are provided in Table 2, below.

Table 2: MECP Sound Level Limits for Aircraft Noise

Location	Noise Impact
Outdoor	NEF 30
Indoor - Living/Dining/Den area of noise-sensitive spaces	NEF* 5
Indoor - Sleeping quarters	NEF* 0

\* Indoor NEF values above are used to determine acoustical insulation (AIF) requirements based on the NEF contour map.



Indoor sound level impacts from aircraft are based on the attenuation provided by building materials; for sensitive land uses within the NEF 25 to 30 contour, building materials must be selected and evaluated to satisfy the indoor sound level limits. Development of noise sensitive uses with Outdoor Living Areas (OLA) above the NEF 30 contour is typically prohibited. However, noise sensitive uses such as hotels, schools and community centres do not typically require an associated OLA.

### 3.2 Provincial Policy Statement 1.6.9

Section 1.6.9 of the Provincial Policy Statement provides guidance intended to ensure land use compatibility between proposed sensitive land uses and existing airports and has been included below:

*1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*

- a) their long-term operation and economic role is protected; and*
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6*

*1.6.9.2 – Airports shall be protected from incompatible land uses and development by:*

- a) prohibiting new residential development and other sensitive land uses in areas near airports above the 30 NEF/NEP;*
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and*
- c) discouraging land uses which may cause a potential aviation safety hazard.*

## 4 Recommendations

In consideration of the MECP's NPC-300 as well as Section 1.6.9 of the PPS, the following recommendations are provided for the following sections within the Subject Lands.

### 4.1 Lands between NEF 25 and NEF 30 (Approx. 35 HA)

Based on the Subject Lands residing beyond the 30 NEF/NEP contour (generally within the 28 NEF/NEP contours) future development of sensitive uses aligns with PPS 1.6.9. Per NPC-300, the following noise control measures are required:

- Provision for future installation of central air conditioning
- MECP Warning Clause Type C / Type D
- Building components designed to achieve indoor sound level limits per Table 2

#### 4.1.1 MECP Warning Clauses

The following is sample wording from NPC-300 to be included in future purchase or tenant lease agreements:

##### Type C Warning Clause

*“This dwelling has been designed with the provision for adding central air conditioning at the occupants discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks.”*

If central air conditioning is provided during construction, MECP Type D warning clause may be used instead:

##### Type D Warning Clause

*“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound level limits of the City of Hamilton and the Ministry of the Environment, Conservation and Parks”*

#### 4.1.2 Recommendations for Building Components

Windows, doors, walls, penetrations and ceilings of sensitive uses within the proposed development area must be designed to achieve indoor sound levels of 0 NEF in bedrooms and 5 NEF in living and dining areas.

Specific building construction requirements will depend on the planned configuration and should be confirmed by a qualified acoustical consultant prior to Site Plan Application. Requirements are likely to include upgraded windows and potentially façade and roof elements.

#### 4.2 Lands Beyond NEF 30 Contour (Approx. 1 HA)

Development of residential noise sensitive uses within the northwestern portion of the parcel which falls above the NEF 30 contour should be avoided in this situation, although it is acknowledged that development of sensitive uses at/above the NEF 30 contour can be feasible in some circumstances. This portion of the parcel may be used for non-sensitive uses, such as but not limited to: commercial uses, stormwater management,

parking, or utilities. With proper design, some noise sensitive commercial or institutional uses may be permitted.

## 5 Conclusion

Based on Aercoustics' review of the subject site, the development of sensitive land uses within the existing urban boundary to Airport Road is reasonable with incorporation of standard mitigation measures as outlined in NPC-300 such that the long-term operation and economic role of the airport is protected.

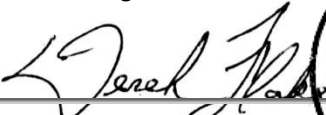
Per NPC-300 and Section 1.6.9 of the PPS, residential uses are permitted below the NEF 30 contour with the incorporation of appropriate noise controls and warning clauses. Based on Aercoustics' review of the relevant NEF contours and other mapping, all but a small portion of the +/- 35 Hectare Subject Lands have the potential to be suitable for residential development while remaining consistent with Section 1.6.9 of the PPS as well as the noise guidelines of the MECP. The northwestern portion of the parcel which is above the NEF 30 contour may be used for non-sensitive uses such as commercial.

Sincerely,

### AERCOUSTICS ENGINEERING LIMITED



Kohl Clark, P.Eng.



Derek Flake, M.Sc., P.Eng.



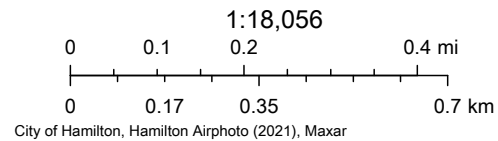
# GH Airport Road Property

Subject Lands



11/28/2022, 2:51:11 PM

- Ward Boundary
- Community Boundary
- City Boundary
- Urban Boundary
- Zoning Boundaries
- Temporary Use Zone
- Interim Control Bylaw Zone



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