

DATE: May 27, 2016

REPORT TITLE: **PROPOSED REVIEW OF THE NORTHWEST BRAMPTON SHALE RESOURCES POLICIES IN THE REGIONAL OFFICIAL PLAN**

FROM: Lorraine Graham-Watson, Commissioner of Corporate Services

RECOMMENDATION

That the proposed terms of reference to undertake a review of the North West Brampton Policy Area (NWBPA) shale protection policies as directed in the Regional Official Plan, attached as Appendix IV to the report of the Commissioner of Corporate Services titled “Proposed Review of the North West Brampton Shale Resources Policies in the Regional Official Plan” be approved;

And further, that Regional staff, in consultation with the Province of Ontario and City of Brampton, initiate the review of the North West Brampton Policy Area shale protection policies, upon expiry of the 10 year policy review moratorium on December 16, 2016 in accordance with the approved terms of reference;

And further, that the subject report be forwarded to the Cities of Brampton and Mississauga, the Town of Caledon, Ministry of Municipal Affairs and Housing and Ministry of Natural Resources and Forestry for information.

REPORT HIGHLIGHTS

- The North West Brampton Urban Development Area policies in the Regional Official Plan (Official Plan) establish a comprehensive policy framework to manage growth, while protecting provincially significant shale resources that have been identified in the area.
- The NWBPA was established on all lands west of Mississauga Road within North West Brampton to protect shale resources, while recognizing that the long term use of the lands will be for urban uses.
- The Official Plan prohibits any amendments to the mapped area and policies associated with the NWBPA for a period of at least ten years following approval of the policy, at which time, the Region of Peel, in consultation with the Province and the City of Brampton, would be required to undertake a review to determine if it is in the public interest to replace the NWBPA with general urban land use designations.
- The ten year moratorium on the review of the NWBPA policy expires on December 16, 2016 at which time the Region proposed to move forward to commence a review of the policies.
- This work will inform the current five year review of the Official Plan (Peel 2041), as undertaken in accordance with the Planning Act.
- This proposed work will also inform the Region of Peel's growth management planning which is examining a new approach to planning, financing and servicing growth.

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Peel's mineral aggregate resources base consists of sand and gravel as well as deposits of shale, sandstone and dolostone. The Region of Peel Official Plan identifies an area of protection for aggregate resources within North West Brampton. The plan provides for the protection of this provincially significant shale resource in advance of urban development.

On June 16, 2005, Regional Council adopted Regional Official Plan Amendment 15 (ROPA 15) to extend the Regional Urban Boundary and include all of the "North West Brampton Urban Expansion 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.

During that process, the Region of Peel, the Province of Ontario and the City of Brampton agreed to include shale protection policies in the Regional Official Plan 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.

These lands remain designated in a similar manner in the City of Brampton Official Plan as the "North West Brampton Policy Area" (NWBPA) for the purposes of affording shale protection (see Appendix I).

The Region and City's Official Plan policies prohibit any amendments to the NWBPA for a period of at least ten years following approval of the policy, at which time, the Region of Peel, in consultation with the Province and the City of Brampton, can initiate a review to determine if it is in the public interest to replace the NWBPA with general urban land use designations. The ten year moratorium on the review of the NWBPA policy expires on December 16, 2016 after which the Region may commence studies and initiate a review of the policies.

Regional staff has consulted with staff from the Ministry of Municipal Affairs and Housing (MMAH), Ministry of Natural Resources and Forestry (MNRF) and the Local Municipalities which has resulted in a proposed scope of work to undertake a review of the NWBPA shale protection policies in accordance with Regional policy. Regional staff is seeking Council direction to initiate the review upon expiry of the moratorium on December 16, 2016.

a) Development in North West Brampton

As part of the implementation of ROPA 15, the City of Brampton has commenced secondary planning for North West Brampton. Development in the eastern portion of North West Brampton outside of the NWBPA, known as the Mount Pleasant Secondary Plan, is underway.

The policies for the NWBPA provided that, notwithstanding shale protection policies applying to the western portion of North West Brampton, all long range planning, including background studies, secondary planning and block planning may proceed on the basis that all lands will ultimately be used for urban purposes. Planning may be completed up to but excluding the formal adoption of amendments.

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In accordance with this direction, the City of Brampton has initiated background studies and secondary planning for the western portion of North West Brampton, known as Heritage Heights. The Heritage Heights study area includes lands that overlap with the shale protection area. To accommodate the growth forecasted to 2031, the City of Brampton Official Plan allocates a total residential target of 43,000 persons and employment target of 20,000 jobs to the Heritage Heights Secondary Plan area.

As the City continues to study and plan for this area, further information is needed on shale protection in order to provide greater certainty for future planning in Heritage Heights and ensure that the policy framework is up to date.

Maps outlining the various secondary plans within the North West Brampton Urban Development Area are presented in Appendices II and III.

b) Norval Quarry Application

In December 2008, Brampton Brick submitted a planning application to the City of Brampton to rezone lands at Old Pinecrest Road and Winston Churchill Boulevard in the City of Brampton (Brampton-Norval Border) in order to permit the extraction of shale. Brampton Council did not make a decision on this application within the 180 days specified under the Planning Act. In January 2011 Brampton Brick appealed the City's non-decision of the rezoning application to the OMB.

Brampton Brick was required to complete an Aggregate Resources Act (ARA) License process within two years of submitting an application to MNR or the application is deemed to be withdrawn. The two-year period expired in November 2012, without Brampton Brick providing all of the technical background reports to the satisfaction of the City of Brampton.

In 2014, Brampton Brick once again requested that the City reconsider the rezoning of the site with the intent to operate a quarry. In response, Brampton Council officially refused the original application in September 2014. Regional Staff will report to regional Council at a later date to provide an update on the status of this matter and to receive direction on the Region's role and position in the Ontario Municipal Board process. The application remains before the Ontario Municipal Board and no hearing date has been set. The final decision on this application will rest with the OMB.

c) Implications to Regional Policy Direction for North West Brampton

The Region of Peel and City of Brampton Official Plans identify the North West Brampton Urban Development Area, including Heritage Heights, for the purpose of accommodating a significant portion of future growth in the City of Brampton with an objective to develop the area as a complete, transit supportive community. The lands are designated to be built out by 2031 in accordance with the 2031a population and employment forecasts of the Growth Plan, which have been allocated to the City of Brampton and further allocated to the Heritage Heights through the City's Official Plan (OPA 43). In accordance with this policy direction, Heritage Heights is to be planned subject to the NWBPA policies in the Region and Brampton Official Plans including those related to transportation corridor requirements and shale protection and review. Any delay in the timing or availability of these lands to accommodate growth will have

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implications in meeting these planning objectives including overall forecasts for Brampton.

Secondary planning for Heritage Heights is being undertaken in a comprehensive and integrated manner with neighbouring secondary plan areas. The ultimate build out of Heritage Heights will complete urbanization in the north-west portion of Brampton. The integrated planning and shaping of the urban form will need to accommodate a major North-South Transportation Corridor (GTA West Corridor), which will include determining appropriate alignment, jurisdiction and financing matters.

ROPA 15 established policy direction that Heritage Heights shale protection would be in place for an interim period of time and that following the expiry of the 10 year time period, the Region in consultation with the Province and Brampton would undertake a review to determine whether it is in the public interest to designate the lands for urban development.

d) Updated Provincial Policy Direction and Planning for Growth to 2041

The provincial planning framework in Ontario has changed since ROPA 15 was adopted. In 2006, the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) was released. This document outlined the Government of Ontario’s vision for managing growth. The Growth Plan contains a range of provincial policies including population and employment forecasts that municipalities are required to conform to through their respective official plans. Through Regional Official Plan Amendment 24 (ROPA 24), the Region brought the Official Plan into conformity with the Growth Plan. Subsequent to the Region’s adoption of ROPA 24, the Province updated the growth forecasts in the Growth Plan through Amendment 2 and now identifies population and employment forecasts to 2041.

In 2014, the province also updated the Provincial Policy Statement (PPS), which revised policies related to aggregates. The Region is in the process of updating the Regional Official Plan to conform with Amendment 2 to the Growth Plan and updated PPS, 2014.

In addition to assessing implications to current planning in North West Brampton, staff is proposing to undertake background research and analysis of the implications of shale protection in relation to planning for longer range growth forecasts. The review of shale protection policies in North West Brampton will be undertaken to ensure consistency with all applicable provincial policies and include an assessment of the impact of shale protection and extraction in North West Brampton to inform the planning for growth to 2041.

e) The Importance of Shale Resources to the Province

During the ROPA 15 process, the Province expressed concerns with the potential loss of the shale resource due to development in North West Brampton. The Province noted that the shale resource within North West Brampton is of provincial significance and should be protected as required by the 2005 PPS. Shale resources are an aggregate that is used in brick manufacturing with known deposits concentrated in the western Greater Toronto and Hamilton Area (GTAH), including in Peel Region. It is also a provincial interest that mineral aggregate resources be made available as close to market as possible.

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In 2012, the Ministry of Northern Development and Mines (MNDM) produced an assessment of shale resources for brick manufacturing based on a concern that resources in a variety of formations across Southern Ontario may not be adequately identified and protected during the land use planning process. This assessment confirmed the importance of the shale resource in the western GTAH and provided updated mapping indicating where shale resources may be available for extraction. The North West Brampton shale resources deposit was identified.

Opportunities to plan for shale protection and extraction as an interim use, is a consideration in the study. The proposed scope of work will consider how provincial, regional and local policy objectives for planning growth and shale protection should be balanced taking into account a variety of planning criteria, recent assessments of the resource and updated mapping.

2. Proposed Scope of Work

Regional staff in consultation with staff from the City of Brampton, recommend hiring a consultant to undertake a review of the North West Brampton Shale Resources protection policies in the Regional Official Plan. The study's scope of work will address all of the factors that are outlined in Regional Official Plan policy 5.3.4.2.2 f) and v) and the City of Brampton Official Plan policies 4.15.4. These policies are intended to provide for the protection of shale resources in advance of urban development. The study will provide the Region and the City of Brampton with information on:

- Updated shale resources mapping for Peel Region prepared by the Ontario Geological Survey (OGS).
- The current policy framework, including the provincial policy context which applies to the subject area, in order to provide an understanding of the province's direction regarding the protection of aggregate resources and growth management.
- A technical analysis of the shale resources in North West Brampton to provide an assessment of the quality, quantity, and accessibility of the resource which is recommended for protection.
- An economic analysis of the factors that applies to the decision to protect and extract aggregate resource deposits including costs associated with bringing shale from the source to market.
- An analysis of the impact to the Region's and City's growth management planning within North West Brampton in relation to accommodating planned growth to 2031 and 2041.
- Assessment of whether shale protection should be removed in whole or in part in North West Brampton.
- Any further recommendations that the Region and the City of Brampton should consider.

The study will provide recommendations regarding the necessity and suitability of the current Region of Peel and City of Brampton official plans shale protection policies in considering their significance to the province and the need to balance policy decisions for shale protection and planning for growth.

A copy of the draft Terms of Reference is attached as Appendix IV.

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3. Proposed Timeline

The study will provide information to inform secondary planning and related growth management decisions. When the Region begins a formal review of the North West Brampton Policy Area policies through a Planning Act process, the findings of this study will be applied.

The timeline for the proposed study is:

- Summer 2016: Finalize study terms of reference
- Fall 2016: Issue the RFP
- Winter (December) 2016: Formally commence the study
- Expected completion date mid- to late 2017

FINANCIAL IMPLICATIONS

A consultant will be hired through an open bidding process to undertake the study. Funds have been allocated through the Integrated Planning Department's Long Range Studies Budget.



Lorraine Graham-Watson, Commissioner of Corporate Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

APPENDICES

Appendix I- North West Brampton Policy Area
 Appendix II- North West Brampton Urban Development Area
 Appendix III - City of Brampton Secondary Plan Areas
 Appendix IV - Terms of Reference

For further information regarding this report, please contact Arvin Prasad, Director, ext. 4251, arvin.prasad@peelregion.ca.

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