

DATE: June 17, 2019

REPORT TITLE: **NORTH WEST BRAMPTON SHALE RESOURCES POLICY REVIEW
REGIONAL OFFICIAL PLAN AMENDMENT 32 - RECOMMENDATION
FOR COUNCIL ADOPTION (ROPA32)**

FROM: Andrew Farr, Acting Commissioner of Public Works

RECOMMENDATION

That the Region of Peel Official Plan be amended to delete and replace the current shale resource protection policies applying 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 in the Greenbelt Plan Area as detailed in Regional Official Plan Amendment 32, attached as Appendix I to the report of the Commissioner of Public Works titled “North West Brampton Shale Resources Policy Review Regional Official Plan Amendment 32 - Recommendation for Council Adoption (ROPA 32)”;

And further, that Regional Official Plan Amendment 32, attached as Appendix I to the subject report be adopted, in accordance with Section 17(22) of the *Planning Act*;

And further, that no additional public meeting be required;

And further, that the necessary by-law to amend the Regional Official Plan be presented for enactment;

And further, that upon enactment of the by-law notice of adoption of Regional Official Plan Amendment 32 be given, in accordance with Section 17 (23) of the *Planning Act*;

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

REPORT HIGHLIGHTS

- A comprehensive review of the North West Brampton Shale Resources policies in the Regional Official Plan has been completed and Regional staff recommend adoption of Regional Official Plan Amendment 32 (the Amendment) attached in Appendix I.
- The Amendment is consistent with provincial policy and conforms to provincial plans

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and represents good planning in the public interest.

- A statutory consultation process to receive input from the public was held and twelve submissions were received and considered in the development of the Amendment.
- Approval of the Amendment as recommended in Appendix I would remove shale resource protection in the North West Brampton Urban Development Area and allow for urban uses to proceed.

DISCUSSION

1. Background

In 2016, Regional Council approved terms of reference and instructed staff to initiate a review of the North West Brampton Policy Area (NWBPA) Shale Protection policies in order to determine if it was in the public interest to remove shale resource protection in North West Brampton, in whole or in part.

The protection policies were approved by the Ontario Municipal Board in 2006 when the Regional Urban Boundary was extended to include North West Brampton. These policies continued shale protection on a portion of North West Brampton and instituted a moratorium that prevented any amendment to the shale protection policies for a period of ten years. At the end of the moratorium, the Region was required to undertake a review of the policies and determine if shale protection should be removed or continued in whole or in part.

A study report titled North West Brampton Policy Area Review Study Report (the Study) was submitted to Regional Council on June 28, 2018 providing an assessment of shale protection options and recommend policy direction. A summary of the Study and other reports that were provided to inform Regional Council's direction are summarized in Appendix II. The Study findings including previous staff reports considered by Regional Council are available on the Region of Peel Planning webpage: www.peelregion.ca/planning/bramptonshale.

Based on Study results, Regional staff developed Regional Official Plan Amendment 32 (the Amendment) to amend the shale resource protection policies that apply within the North West Brampton Urban Development Area and update mapping of High Potential Mineral Aggregate Resource Areas on Schedule C of the Regional Official Plan.

A public meeting to receive input on the proposed amendment was held on March 28, 2019. Through the public consultation process, members of the public had the opportunity to make a verbal or written submission or ask questions of staff related to the proposed amendment.

Following an analysis of input received, staff refined the proposed policy and mapping amendments and are now requesting that Regional Council adopt the recommended Regional Official Plan Amendment, attached to this report as Appendix I, in accordance with Section 17(22) of the *Planning Act*.

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The Study undertaken by the Region considered the provincial policy direction related to shale protection and growth management in the context of North West Brampton. The Study confirmed that shale resources in the North West Brampton are provincially significant, accessible and are subject to policy direction for mineral aggregate resources in the Provincial Policy Statement, 2014. The Study found that 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 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 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 development of urban uses in the North West Brampton Urban Development Area is in the greater long-term public interest than protecting the lands for shale extraction. All lands within the North West Brampton Urban Development Area have been planned to accommodate residential and employment allocations to 2031 to facilitate the planning for Heritage Heights. Study results indicate there are significant growth management, community planning and infrastructure servicing implications of continuing either full or partial protection policies in North West Brampton. Based on Study conclusions, Regional staff developed a draft policy amendment for consultation with the public.

3. Comments Received from Agencies and the Public

Throughout the process, staff consulted with Provincial staff, local and adjacent municipalities and members of the public who had an interest in the North West Brampton Shale Resources Policy Review. Consultation included residents, representatives from the Shale Brick Industry, members of the development community, particularly the North West Brampton Landowners Group, the Ministry of Natural Resources and Forestry, Ministry of Northern Development and Mines, Ministry of Municipal Affairs and Housing, the City of Brampton, City of Mississauga and Town of Caledon. Staff held meetings and telephone discussions to give presentations, exchange information and provide project updates related to the background study and recommended Amendment.

A public meeting was held on March 28, 2019, 9:00 am, at the Regional Administrative Headquarters. Notice of the public meeting was provided in accordance with Section 17(17) of the *Planning Act*. On February 21, 2019 notice was posted in the four local newspapers that have circulation in Peel Region. These papers include the Mississauga News, Brampton Guardian, Caledon Enterprise, and Caledon Citizen. Additionally, notice was posted on the Region of Peel's website and provided by mail to the stakeholders prescribed under section 17(15)(b) of the *Planning Act*. Notice of the public meeting was also provided by mail to landowners in North West Brampton who earlier in the process identified themselves as wanting to remain informed throughout the Regional Official Plan review following staff's presentation to the North West Brampton Landowners Group Inc. meeting in 2017.

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Regional staff gave a presentation at the public meeting outlining the project objective, background studies and proposed amendment. One member of the public also gave a presentation to provide Council with recommendations for proposed mapping amendments. The minutes from the public meeting are attached as Appendix III.

The Region received 12 written submissions through the public consultation process. As of the date of writing this report, no comments from the Province have been received. A detailed summary of the public consultation undertaken by the Region, comments received and Regional staff responses is provided in Appendix IV. Appendix V is a copy of all the submissions received. None of the public submissions expressed opposition to the proposed removal of shale protection within the North West Brampton Urban Development Area.

4. Recommended Regional Official Plan Amendment

The recommended Regional Official Plan Amendment 32 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;
- 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;
- continue to identify and protect provincially significant shale resources in the Provincial Greenbelt Plan Area adjacent to the North West Brampton Urban Development Area and retain permission for shale extraction, without the need for an amendment to the City of Brampton Official Plan, in the North West Brampton Urban Development Area and in the Greenbelt Plan Area.

The permission for shale extraction was retained in order to demonstrate consistency with the Provincial Policy Statement, 2014.

Policies are included in the Amendment to address provincial requirements that development and activities not preclude or hinder the establishment of new operations or access to resources. Policy requirements permit the City of Brampton to undertake secondary planning for urban 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 protected shale resource areas in the Greenbelt or adjacent to sites within the North West Brampton Urban Development Area that are subject to an application for a licence, or are licenced, for extraction under the *Aggregate Resources Act*.

The policy will ensure that resource areas are protected in the Greenbelt for potential resource extraction and that land use compatibility between urban land uses and licenced sites is addressed should any licenced sites be established in accordance with the policies. The establishment of a site for resource extraction is subject to provincial policy, policy requirements in the Region of Peel and City of Brampton Official Plans and requirements under the *Aggregate Resources Act*.

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To support the Amendment, Schedule C to the Regional Official Plan would be amended to remove the High Potential Mineral Aggregates Area designation in the North West Brampton Urban Development Area, which is designated in the Region Official Plan to identify areas of shale resources for protection from incompatible land uses.

Minor mapping refinements to the existing High Potential Mineral Aggregate Resource Areas within the Greenbelt Plan Area are also recommended to reflect updated provincial bedrock mapping and updated policies identifying areas where aggregate extraction is prohibited in the Regional Official Plan. The proposed mapping of High Potential Mineral Aggregate Resource Areas excludes natural heritage features where shale extraction is prohibited in the Regional Official Plan or where extraction is unlikely due to the presence of existing developed residential, commercial and institutional land uses. The methodology used to update the mapping is provided in Appendix VI.

5. Conformity with Provincial Plans and Policies

The 2014 Provincial Policy Statement, Growth Plan 2019, Greenbelt Plan 2017, Regional Official Plan and the City of Brampton Official Plan policies provide the framework that governs growth management and mineral aggregate resources identification in North West, Brampton.

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 Amendment for adoption. A full analysis of conformity to the provincial plans and policies can be found in Appendix VII.

Regional staff has reviewed the recently enacted *Bill 108, More Homes, More Choice Act, 2019* that included changes to several pieces of legislation including the *Planning Act* and the *Local Planning Appeal Tribunal Act, 2017*. Staff analysis of the recommended Regional Official Plan Amendment in relation to Bill 108 has concluded that the proposed amendment addresses the planning process and policy consistency requirements under of the previous *Planning Act* and the *Act* as amended by Bill 108.

Regional staff has 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 Amendment represents good planning and is consistent with matters of provincial interest as identified in the *Planning Act*, Provincial Policy Statement, Growth Plan and Greenbelt Plan.

6. Relation to Other Strategic Initiatives

The shale protection policy framework impacts the overall planning for the Heritage Heights secondary planning area. Heritage Heights includes lands that overlap with the shale protection area. Heritage Heights is currently planned to accommodate approximately 43,000 people and 20,000 jobs by 2031. In October 2017, Regional Council endorsed a proposed allocation of population and employment for the Region to 2041 for consultation purposes as part of the current five-year review of the Regional Official Plan (Peel 2041) and a preliminary land budget which allocates additional growth to Heritage Heights to accommodate projected growth in the City of Brampton.

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As the Region and City continues to study and plan for this area, a determination of shale protection in North West Brampton is required to provide greater certainty for planning growth in a comprehensive, integrated and efficient manner. The Amendment addresses this need.

7. Risk Considerations

Approval of the recommended policies does not pose a risk to the Region because the current water and roads infrastructure planning considers allocation of population into North West Brampton. If shale protection were to continue, in whole or in part, a significant amount of population and employment growth would need to be accommodated elsewhere and most likely in new greenfield areas. A partial shale protection scenario would impose new servicing costs in the new greenfield areas, in addition to the servicing costs that would continue to be required in North West Brampton.

In May 2019 the Provincial government introduced Bill 108 *The More Homes, More Choice Act, 2019* and released the Ontario Housing Supply Action Plan. Proposed direction in the Action Plan indicates the Province's intention to consult on the provincial natural heritage system policies to improve access to aggregate resources within the Growth Plan Area. Detailed information on the scope of the review or whether there will be changes to policy is not available at this time. Regional staff will continue to monitor the initiative and respond accordingly.

CONCLUSION

Based on the study findings and input received from stakeholders, it is recommended that, in accordance with Section 17(22) of the *Planning Act*, the Region of Peel Official Plan be amended to remove shale resources protection from the lands within the North West Brampton Urban Development Area. As a result, urban development will be permitted to proceed in accordance with staging and phasing acceptable to the Region and City of Brampton. The recommended amendments to the shale protection policy framework satisfies the greater long-term public interest as opposed to protecting the lands for shale extraction, is consistent with and conforms to provincial policies, and represents good planning.



Andrew Farr, Acting Commissioner of Public Works

Approved for Submission:


D. Szwarc, Chief Administrative Officer

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APPENDICES

Appendix I – Regional Official Plan Amendment 32

Appendix II – Listing of Reports and Studies Considered by Regional Council

Appendix III – Public Meeting Minutes

Appendix IV – Record of Public Consultation, Comments Received and Regional Responses

Appendix V – Submissions Received

Appendix VI – Methodology for Identifying HPMARA

Appendix VII – Analysis of Conformity with Provincial Plans and Policies

Additional background materials are also available on the Region of Peel website:

<http://www.peelregion.ca/planning/bramptonshale/>

For further information regarding this report, please contact Steve Jacques, Director of Regional Planning and Growth Management, Chief Planner, Ext. 4625, steve.jacques@peelregion.ca

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