

REPORT

REPORT TO: Chair and Members of the Planning, Public Works and Transportation Committee

REPORT FROM: Ruth Conard, Planner – Development Review

DATE: October 15, 2019

REPORT NO.: PLS-2019-0069

RE: North West Brampton Shale Resources Policy Review - Region of Peel Official Plan Amendment 32

RECOMMENDATION:

THAT Report PLS-2019-0069, dated October 15, 2019, regarding “North West Brampton Shale Resources Policy Review - Region of Peel Official Plan Amendment 32”, be received for information.

PURPOSE OF THE REPORT:

To provide an overview of the Region of Peel’s North West Brampton Shale Resources Policy Review (Regional Official Plan Amendment 32) which is seeking to remove existing shale resource protection policies affecting portions of north-west Brampton. In the past, shale resources in north-west Brampton have been linked to the availability of shale resources in the Town of Halton Hills.

On July 11, 2019, the Region of Peel adopted ROPA 32, which was subsequently appealed to the Local Planning Appeal Tribunal (LPAT) by the Minister of Municipal Affairs and Housing.

BACKGROUND:

In 2006 the Ontario Municipal Board (OMB) approved an expansion to the City of Brampton’s urban area to include the lands referred to as the “North West Brampton Urban Development Area”, which abuts the Town of Halton Hills; see **Schedule 1 – North West Brampton Urban Development Area**.

The incorporation of north-west Brampton into the urban area was secured through Region of Peel Official Plan Amendment 15 (ROPA 15) and City of Brampton Official Plan Amendment 93-245. One of the contentious issues throughout the review of these amendments was shale extraction.

Shale resources are known to exist in north-west Brampton. The areas with these known shale deposits have historically been subject to resource protection policies under Peel and Brampton's Official Plans. However, in the early 2000s the City of Brampton had a study completed which concluded that shale resource extraction was not likely feasible on a significant portion of the lands in north-west Brampton due to:

- economically extractable overburden depth (the deeper shale is located the less viable shale is for extraction – the Provincial standard is 8 metres or less of overburden);
- existing land use and environmental constraints; and
- fragmentation of resource areas.

Based on the results of the study, Brampton concluded that “there does not appear to be any basis for the long-term protection strategy covering the shale resource in north-west Brampton” and opted to remove the shale resource reference from the drafts of ROPA 15 and OPA 93-245.

As Council may recall, one of the arguments advanced by Brampton in support of the removal of the shale resource protection policies was that sufficient shale deposits existed elsewhere in Southern Ontario that could satisfy demand. Halton Hills was one of the specific municipalities identified as having shale deposits available for extraction. To that end, Brampton took an active interest in the protection of the shale deposits in Halton Hills located to the south and south-west of Georgetown through comments on our Official Plan and the appeal of Halton's ROPA 25.

Following Regional adoption, ROPA 15 was appealed to the OMB by the Ministry of Municipal Affairs and Housing (MMAH) and landowners in north-west Brampton with aggregate interests (e.g. Brampton Brick, North West Brampton Landowners, and the Sierra Club of Canada), partially over their concerns regarding the loss of long-term shale protection.

Following settlement discussions amongst all parties an agreement was reached that resulted in the shale protection policies remaining in place for a period of 10 years. On the basis of the agreement, the OMB approved amended versions of ROPA 15 and OPA 93-245, which incorporated north-west Brampton into the urban area.

ROPA 32:

The 10 year shale protection period secured through ROPA 15 expired in December 2016. In anticipation of this, Peel Council directed staff in June 2016 to initiate a review of the shale resource protection policies in north-west Brampton.

Peel retained Meridian Planning to determine if shale protection should be removed or continue in whole or in part. Meridian concluded that the lands in north-west Brampton are suitable for urban development and that full urbanization of the North West Brampton Urban Development Area serves a greater long-term public interest than protecting the lands for shale extraction. Additional conclusions were:

- the feasibility of extracting shale resources is remote and would require land assembly and acquisition costs that would be uneconomical for a shale quarry; and
- no quarry applications were submitted within the urban area and no sites were acquired for the purposes of a quarry during the 10-year shale protection period.

Based on Meridian's conclusions, Peel staff prepared a draft Official Plan Amendment (ROPA 32), which proposed to remove the shale protection policies applicable to north-west Brampton.

Prior to consideration by Regional Council, multiple agencies were circulated by Peel for comments regarding ROPA 32, including the Town and MMAH. The Minister for MMAH responded by requesting further *conversations with municipal staff and key stakeholders, to develop options for protecting a portion of the shale resources in North West Brampton. This approach would provide for the long-term supply of shale resources, while releasing the vast majority of lands in North West Brampton for urban development; see Schedule 2 – Comments from the Minister of Municipal Affairs and Housing.*

Notwithstanding the comments received from the Minister, the Region of Peel chose to adopt ROPA 32, as drafted, with the shale protection policies removed. The Minister subsequently appealed the Decision to the Local Planning Appeal Tribunal (LPAT) on the basis that ROPA 32 is not consistent and does not conform with the aggregate resource policies within the Provincial Policy Statement, 2014 and Growth Plan for the Greater Golden Horseshoe, 2019; see **Schedule 3 – Notice of Appeal.**

COMMENTS:

To date, no other information has been provided to the Town regarding ROPA 32 and the appeal by MMAH. Planning staff will continue to monitor the amendment and report back to Council with further detailed information, once available.

For Council's benefit, the lands owned by Brampton Brick and subject to their Aggregate Resources Act (ARA) License application were located within a portion of north-west Brampton affected by the shale protection policies secured under ROPA 15 and proposed to be removed under ROPA 32. However, Brampton Brick withdrew their application before the OMB hearing regarding their quarry proposal could be concluded.

RELATIONSHIP TO STRATEGIC PLAN:

This report relates, in part, to the following Strategic Action Plan priority adopted by Council for this term:

3. Planning for Growth:

- F. Actively participate in the Regional Official Plan review on the basis of a moderate scale and pace of growth to 2041 for Halton Hills.

FINANCIAL IMPACT:

There is no financial impact associated with this particular report.

INTERNAL CONSULTATION:

Planning staff has consulted with the appropriate Town Departments in the preparation of this report.

PUBLIC ENGAGEMENT:

No public notification or engagement is required for this report.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The report's recommendation is not applicable to the Strategy's implementation.

COMMUNICATIONS:

There is no communications impact pertaining to this report.

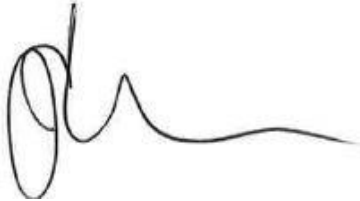
CONCLUSION:

This report has provided an overview of the North West Brampton Shale Resources Policy Review - Region of Peel Official Plan Amendment 32 (ROPA 32), for Council's information.

Reviewed and Approved by,

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Jeff Markowiak, Manager of Development Review

A handwritten signature in black ink, appearing to read "John Linhardt". The signature is written in a cursive style with a large initial "J".

John Linhardt, Commissioner of Planning and Sustainability

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is written in a cursive style with a large initial "B".

Brent Marshall, Chief Administrative Officer