

The GTAA relies on the airport NEF (Noise Exposure Forecast) / NEP (Noise Projection Forecast) composite noise contour mapping, based on airport operations, as a basis to restrict or prohibit any new development deemed sensitive to noise being undesirable in the proximity to LBPIA (Figure 10).

5.1 NOISE EXPOSURE CONTOURS

There are three types of noise exposure contours produced depending on the time element involved. These are Noise Exposure Forecasts (NEF's), Noise Exposure Projections (NEP's) and Composite NEF/NEP Planning Contours. According to Transport Canada both NEF's and NEP's undergo a rigorous review and approval process before public release.

5.1.1 NOISE EXPOSURE PROJECTION (NEP)

It is recognized that much land use planning involves projections beyond five years into the future, when aircraft fleet mixes and runway configurations are most likely to be different from the known conditions of today. To provide provincial and municipal authorities with long range guidance in land use planning, Transport Canada introduced the Noise Exposure Projection (NEP).

The NEP is based on a projection (not a forecast) of aircraft movements for up to 20 years into the future, and includes aircraft types and runway configurations that may materialize within this period. An NEP is an approved (official) contour and Transport Canada will support them to the level of accuracy of the input data. The information required to produce an NEP must, at least, be contained in an Aviation System or Airport Master Plan.

NEP's are available to interested parties in the same manner as NEF's.

Mississauga Plan defines the Noise Exposure Projection (NEP) as being, “*similar to the NEF with the exception that it provides authorities with long range guidance in land use planning based on a projection of aircraft traffic levels, aircraft types and runway configurations over a specified future time period.*”

5.1.2 NOISE EXPOSURE FORECAST (NEF)

The Noise Exposure Forecast (NEF) is produced to encourage compatible land use planning in the vicinity of airports. NEF's are approved (official) contours and Transport Canada will support them to the level of accuracy of the input data. Accordingly, the input data must be as accurate as current technology permits.

Traffic volume and aircraft type and mix used in calculating the noise contours are normally forecast for a period of between five and ten years into the future. Runway geometry must be the current layout, except that new and approved

projects involving changes in the runways may be included, when the completion date of the project lies within the forecast period.

In the case of LBPIA a new runway program has been completed in the last five years. No new runways will occur in the near future. It is not likely that new, louder commercial aircraft will be manufactured and put into service, as noise mitigation is a key design component that all aircraft manufacturers take into account. New Chapter 11 aircraft have been designed to reduce the amount of engine noise generated. Therefore the trend is clearly to quieter aircraft and as a result, the NEF noise contours would be expected to be adjusted accordingly in the future. Traffic volume is also a consideration in the determination of NEF noise contours as noted above.

According to the November 2004 Pickering Airport Draft Plan Report, *“The redevelopment of Pearson, which maximizes the use of its available properties, is limited by existing boundaries and surrounding urban development. This fact, coupled with constraints in the ground transportation network that connects the airport to the surrounding communities, is an indication that Toronto Pearson could begin to approach capacity around 2020...airside congestion will develop as traffic levels approach the airport’s capacity, an effect expected to begin on 2020.”*

For land use planning purposes regional and local municipalities rely on 1996 NEP and 2000 NEF Composite Noise Contours as set out in Mississauga Plan. In July 2004 the GTAA supplied Toronto Pearson International Airport Operating Area and Composite Noise Contours, as prepared by the GTAA, as per Figure 10 of this report. These GTAA contours appear to generally reflect those contours as set out in Mississauga Plan although at a different scale.

NEF’s are made available to provincial and local governments for use in conjunction with Transport Canada’s recommended Land Use Tables (See Appendix C) which enables land use planners to define compatible land use in the vicinity of airports over the short term. These forecasts are prepared and/or approved by Statistics and Forecasts Branch of Transport Canada, Policy and Co-ordination.

Transport Canada retains copies of NEP’s and NEF’s, both regionally and at headquarters, in order to:

- A. Provide municipalities and local governments with a basis for zoning; and,*
- B. Inform the public of noise sensitive areas in the vicinity of airports.*

Transport Canada does not support or advocate incompatible land use (especially residential housing) in areas affected by aircraft noise.

Mississauga Plan describes the Noise Exposure Forecast (NEF) as follows:

“means the value at a ground position providing an estimate of the integrated noise exposure produced by all types of aircraft at an airport, based on the actual or projected number and type of aircraft as well as the yearly runway utilization. The NEF system takes into consideration the number of flights, the duration of noise, the time of day, the frequency components of the noise and the noise potential from different types of aircraft operating under specific conditions. NEF values increase or decrease in logarithmic manner, and the resultant scale is aimed at approximately the human response to a complex noise situation.”

5.1.3 LOCAL VARIANCES FROM NEF CONTOURS

It is significant to note Transport Canada acknowledges that while great effort is put into creating NEF noise contours there may be certain circumstances where other factors affect aircraft noise attenuation or propagation and Transport Canada can be requested to provide recommendations in this regard.

Although there are procedures in place for dealing with requests for local minor variances from the published NEF contours, for the purposes of this report, Orlando Corporation is not requesting a review of the NEF contours in light of local variances.

For the record NEF review procedures are as follows:

- A. *The proponent of the change (property owner, developer) determines from the municipality that a variance from the present zoning, established on the basis of Transport Canada’s applicable official NEF contour, would be considered if adequate justification is provided. Municipal authorities advise Transport Canada (TC) Aviation, Air Navigation System (ANS) of the request;*
- B. *The proponent undertakes to provide evidence that NEF contours, as they apply to his/her property, do not take into account factors that would affect aircraft noise attenuation or propagation. It is recommended that the proponent consult with TC, ANS to determine what evidence would be required to verify his/her contention;*
- C. *The proponent obtains and submits the evidence to municipal authorities;*
- D. *Municipal authorities ask TC, ANS for its recommendations concerning the validity of evidence and claimed adjustment to noise impact relative to the official NEF contour;*
- E. *TC, ANS makes recommendations to the municipality, and provides any pertinent additional information or advice that could bear on the municipality’s decision; and*

- F. *The municipality determines whether to allow variance from established zoning, taking into account TC, ANS's recommendations, and advises the proponent, provincial ministries concerned and Transport Canada.*

It is intended that this process will not affect the status of the applicable NEF map. The NEF map will not be changed to reflect the local variance, nor will future forecast show the local variance. The Transport Canada process as described is intended to accommodate small-scale characteristics of the property which can locally affect aircraft noise impact such as terrain features, ground condition, reflective or shielding surfaces, etc. The NEF model does not include such small scale characteristics, and it is not intended to incorporate a capability to do so in the future.

The municipality or province may request Transport Canada's technical advice and recommendations concerning such small-scale effects on aircraft noise levels, in order to consider the technical validity of claims to variances from official land zoning plans. The onus is on the proponent of such zoning variances to provide evidence of the noise impact adjustment; Transport Canada will not undertake any studies into the matter, and will only advise the municipality on the basis of evidence provided by the proponent.

In summary, Transport Canada will not include local small-scale effects in the calculation of NEF contours, nor will official NEF contour sets be revised if and when it is demonstrated that localized small-scale effects modify predicted aircraft noise levels in specified areas.

5.1.4 1996 NEP/2000 NEF COMPOSITE NOISE CONTOURS

The third type of noise contour is the Composite Noise Contour produced to investigate planning alternatives and must be labeled as such. This may be released to the public by a Regional Transport Canada office without Headquarters' (Ottawa) approval. Any agency may produce these contours as they do not have any official status.

The Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) Composite Noise Contour is described in Mississauga Plan as follows:

"Means a line linking the specific locations predicted to be subject to the same noise exposure value based on the most stringent of an airport's NEF and NEP."

For the purposes of land use policy and zoning regulations the City of Mississauga relies on the above noted Composite Noise Contour as set out in Appendix J of Mississauga Plan.

5.2 SUMMARY

The GTAA relies on the airport NEP (Noise Projection Forecast) / NEF (Noise Exposure Forecast) composite noise contour mapping, based on airport operations, as a basis to restrict any new development deemed sensitive to noise being undesirable in the proximity to LBPIA. There are three types of noise exposure contours produced depending on the time element involved; including Noise Exposure Projections (NEP's) / Noise Exposure Forecasts (NEF's), and Composite NEP/NEF Planning Contours. According to Transport Canada both NEP's and NEF's undergo a rigorous review and approval process before public release.

The GTAA has applied Transport Canada's Guidelines in its recommendations to the Region and City, advising residential development is not compatible with lands at or above the 30 NEF noise contour, surrounding LBPIA, and therefore rejects new residential development within the Airport Operating Area, the boundary of which generally follows the limit of 30 NEF noise contour. As well, the GTAA has created an affixed Airport Operating Area (AOA) generally based on the 30 NEF composite noise contour. Regional and City planning policies reflect this information.

6.0 TRANSPORT CANADA – TP1247E – LAND USE IN THE VICINITY OF AIRPORTS (EIGHTH EDITION, (05/2005)

Transport Canada’s *TP 1247E, Land Use in the Vicinity of Airports*, document describes the operational characteristics of airports which may influence land use outside the airport property boundary and recommends, where applicable, guidelines for land uses which would be compatible with airport operations. Although many land use types are reviewed within the *TP 1247E* document, for the purpose this Land Use Planning Assessment Report reference is made to School facilities and Playgrounds as follows because there is no specific reference in the Transport Canada Report to Child Care Centres, such as Day Care facilities.

6.1 SCHOOL FACILITIES: MAY BE LOCATED WITHIN THE 30 TO 35 NOISE EXPOSURE FORECAST (NEF) VALUES

According to Transport Canada’s *TP 1247E, Land Use in the Vicinity of Airports*, school facilities are permitted uses between the 30 to 35 NEF noise contours. This land use is acceptable in accordance with the appropriate limitations indicated therein (See Appendix ‘C’).

Schools should not be located close to the 30 contour unless the requirements as outlined per Note D are followed:

These uses should not be approved unless a detailed noise analysis is conducted and the required noise insulation features are considered by the architectural consultant responsible for the building design.

Co-incidentally, Office Uses, Community Uses, Nursing Homes and Hospitals are also permitted uses between the 30 to 35 NEF noise contours and subject to the restrictions as outlined in Note D.

6.2 PLAYGROUNDS: MAY BE LOCATED WITHIN THE 35 TO 40 NOISE EXPOSURE FORECAST (NEF) VALUES

According to Transport Canada’s *TP 1247E, Land Use in the Vicinity of Airports*, Playgrounds are a permitted land use in the 35 to 40 NEF noise contours lands without restrictions (See Appendix ‘C’). This is important as playgrounds are typically associated with Child Care Centres, such as Day Care facilities and schools.

The indicated land use is not considered to be adversely affected by aircraft noise and no special noise insulation should be required for new construction or development of this nature.

6.3 SUMMARY

In summary, from a land use planning perspective, Transport Canada acknowledges, school facilities, like offices, nursing homes and hospitals for example, are conditionally permitted on lands within the 30 to 35 NEF noise contour, in the vicinity of Canadian Airports, per Transport Canada Guidelines and recommendations. Playgrounds are permitted without restriction at this level.

Although Transport Canada's guidelines do not specifically refer to Child Care Centres, such as Day Care facilities specifically, it is our opinion that it is reasonable to consider day care activity in this same context, since among other comparables, this use occurs in the day time only. As well, governmental planning documents describing sensitive land uses refer to schools, like Day Care facilities, as sensitive land uses. It is reasonable to also recognize Day Care facilities similarly, subject to appropriate building and facility design requirements.

7.0 ADDITIONAL FEDERAL DEPARTMENTS

7.1 HEALTH CANADA

Health Canada provides advice to the public and regulatory authorities such as Transport Canada on the health effects of aircraft noise. *“This ensures that health risks are taken into account when decisions are made that affect our exposure to aircraft noise.”*

In an April 2003 statement Health Canada provides its position regarding the potential health effects from aircraft noise and an opinion on the affects of airport related noise on children. Health Canada advises as follows: Relying on scientific study from other major airports Health Canada advises that *“these studies provide no evidence that noise can lead to stress-related illness, including heart disease later in life.”*

7.2 IBANA AS PART OF THE FEDERAL RESEARCH COUNCIL

IBANA (Insulating Buildings Against Noise from Aircraft), is a aircraft noise abatement program under the National Research Council. This federal agency is conducting extensive research regarding the affects of aircraft noise in the vicinity of airports and building insulation standards and recommendations will be relied upon in building design and architecture as appropriate. IBANA has just completed a three year project that *“gives architects and builders a new and better design tool for insulating buildings against noise from aircraft.”* (IBANA; December 18, 2007)

Given the Canadian climate, building insulation is an important component of building design and architecture. Building insulation contributes to aircraft noise abatement. It is proven by IBANA that proper aircraft noise insulation on buildings can achieve desired indoor sound levels.

8.0 PROVINCE OF ONTARIO – PUBLIC POLICY & PLANNING OBJECTIVES

Ontario's land use planning system is established by a complex array of statute and regulatory laws, Provincial Policy Statement, Growth Plan, Official Plans and Zoning By-laws, among others. Our policy-led system includes the current Provincial Policy Statement (PPS) as issued under the *Planning Act*, and in effect March 1, 2005, replacing the prior PPS issued May 22, 1996, and amended February 1, 1997.

The PPS, 2005 is a key document concerning the Province of Ontario's land use planning system. This PPS "*provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all citizens of Ontario.*" (page 1)

In terms of policy implementation the Province of Ontario can delegate authority to regional and local governments as determined to allow for the refinement, implementation of land use planning policies and regulations. For example, the Region of Peel has the delegated authority to approve Mississauga Plan, the City of Mississauga Official Plan. And, the City of Mississauga has delegated authority to approve local Official Plan Amendments.

It is noted that ROPA 14, Orlando Corporation's Regional Official Plan Amendment application was filed in 2004, therefore under the planning regime of PPS, 1996 (amended, February 1, 1997).

Although ROPA 14 was filed under the Provincial Planning Statement, 1996 (amended, February 1, 1997) planning regime, our appeal to the City of Mississauga Official Plan Amendment No. 25 and the Comprehensive Zoning By-law No. 0225-2007 has been filed in the context of the current Provincial Planning Statement, 2005.

Therefore it is necessary to review the context of applicable PPS policies that apply to support the objective of the ROPA 14 and, the Mississauga Plan/Zoning By-law appeal accordingly.

8.1 PROVINCIAL POLICY STATEMENT, MAY 22, 1996 (AMENDED, FEBRUARY 1, 1997)

Although the *Planning Act* requires the PPS to be reviewed every five years the PSS, 1996 was amended in 1997 for the following reasons....In the 1997 update, reference is made to the PPS Summary of Consultations document, where, "*some transportation stakeholders involved in airport planning expressed a need to review policies permitting intensification near airports.*" Under "Airports" Stakeholders advise, "*the PPS airport policies should be updated to reflect new standards and/or revised responsibilities. Specific suggestions include expanding the definition of airports, reviewing*

intensification policies related to development near airports, and issues related to buffering”.

The PPS 1997 “...provides direction on matters of provincial interest related to land use planning and development...intended to promote the provincial policy-led planning system which recognizes there are complex inter-relationships among environmental, economic and social factors in land use planning.”

The policy change related to Land Use in the vicinity of Airports is as follows.

Section 1.1.3 reads, *Long term economic prosperity will be supported by:*

g) planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

To protect airports from incompatible development:

- 1. New residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps, (as revised from time to time) approved by Transport Canada; but*
- 2. **Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.*** (Bold added)

The PPS conditionally recognizes *redevelopment* or *infilling* of other sensitive land uses, i.e. Day Care facilities, among other uses, in areas above 30 NEP/NEF, if it is demonstrated there will be *no negative impacts to the long-term function of the airport.*

The PPS defines ‘*Development*’ as follows:

“means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the Drainage Act;

The PPS does not define ‘*Re-Development*’.

The Region of Peel Official Plan defines ‘*Development*’ as follows:

“The subdivision of land, or construction of buildings, and structures, requiring approval under the Planning Act but does not include activities that create or

maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act.”

The Region of Peel Official Plan defines ‘*Re-Development*’ as follows:

“The creation of new units in existing buildings or on previously developed, serviced land. Redevelopment includes infill, accessory apartments and rooming houses.”

City Plan (April 1999), per the City of Mississauga, defines ‘*Development*’ by duplicating the definition of ‘*Development*’ as per the PPS. City Plan also includes ‘*Re-Development*’ to mean the same as ‘*Development*’.

In summary, the *re-development* of sensitive land uses such as Child Care Centres/Day Care facilities may be considered above the 30 NEF composite noise contour where there would be no negative affect the long-term function of an airport; in this case LBPIA. We are of the opinion the objective of ROPA 14 fits under this discretionary permission.

Although current Regional and City planning policy Exemptions relate to certain lands in residential districts over the 30 NEF composite noise contour, these same policy Exemption approach could be considered for lands in an Employment District, given the planning objectives of a District Node; where there is a planned function of a concentration of employment density, including planning objectives to establish high levels of accessibility and public transit facilities, among other locational benefits.

However, for the purpose of ROPA 14 our application request is to simply allow, or recognize Child Care Centres/Day Care facilities as an accessory use to be implemented by an Exception Zone under the City of Mississauga’s Zoning By-law. This implementation approach acknowledges this accessory use on certain lands located within this major employment Gateway District Node. It is our opinion this request is in compliance with the PPS 1996 (amended, February 1, 1997).

8.2 PROVINCIAL POLICY STATEMENT (2005)

As noted above our appeal to the City of Mississauga Official Plan Amendment No. 25 and the Comprehensive Zoning By-law No. 0225-2007 is in the context of the current Provincial Planning Statement, 2005. PPS *Part 1: Preamble* reads in part as follows:

Provincial plans and municipal official plans provide a framework for comprehensive, integrated and long term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may also affect planning matters, and assist in implementing these interests.

The Province provides direction in *PPS Part III: How to Read the PPS* as follows:

A policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The Provincial Policy Statement is more than a set of individual policies. It is intended to be read in its entirety and the relevant policies are to be applied to each situation. A decision-maker should read all of the relevant policies as if they are specifically cross-referenced with each other. While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

Land use planning, among other matters “shall be consistent with” the current Provincial Policy Statement, notwithstanding “shall have regard to” per the previous PPS.

8.2.1 THE VISION FOR ONTARIO’S LAND USE PLANNING SYSTEM

The vision for Ontario's Land Use Planning System is found in Part IV of the PPS. The following paragraphs are excerpts from the *Vision*:

The long term prosperity and social well being of Ontarians depend on maintaining strong communities, a clean and healthy environment and a strong economy.

The Provincial Policy Statement focuses growth within settlement areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, parks and open spaces, and transportation choices that facilitate pedestrian mobility and other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. Strong, livable and healthy communities enhance social well-being and are economically and environmentally sound.

It is equally important to protect the overall health and safety of the population. The Provincial Policy Statement directs development away from areas of natural

and human-made hazards, where these hazards cannot be mitigated. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long term prosperity, environmental health and social well-being should take precedence over short term considerations.

8.2.2 IMPLEMENTING ONTARIO’S VISION THROUGH POLICY

Implementing the vision of Ontario’s land use planning system depends, “...on wisely managing change and promoting the efficient land use and development patterns. Efficient land use and development patterns support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.”

To achieve healthy, liveable and safe communities under section 1.1.1, Provincial Policy requires among other matters;

- a) *promoting efficient development and land use patterns which sustain the financial well being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open spaces uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*

Managing and directing land use to achieve efficient development and land use patterns requires *Settlement Areas* as “the focus of growth and their vitality and regeneration shall be promoted.”

The Province requires that, “A co-ordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities” ..., where municipalities are required to, “identify areas where growth will be directed including the identification of nodes and the corridors linking these nodes.”, among other matters.

8.2.3 THE PROMOTION OF ECONOMIC DEVELOPMENT & COMPETITIVENESS IN EMPLOYMENT AREAS

The PPS refers to *Employment Areas* where planning authorities are required to promote economic development and competitiveness per Section 1.3 by:

- a) *providing the appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long term needs;*
- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future business;*
- c) *planning for, protecting and preserving employment areas for current and future use; and,*
- d) *ensuring the necessary infrastructure is provided to support current and projected needs.*

8.2.4 CO-ORDINATION OF INFRASTRUCTURE & PUBLIC SERVICES

Infrastructure and Public Services Facilities, per Section 1.6 shall be “*provided in a co-ordinated, efficient and cost-effective manner to accommodate projected needs*”, among other matters. This is supported by *Transportation Systems, Section 1.6.5*, where it is noted that, “*A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.*”...“*Transportation and land use considerations shall be integrated at all stages of the planning process.*”

Airports Section 1.6.7 reads as follows:

1.6.7.1 Planning for land uses in the vicinity of airports shall be undertaken so that:

- a) *the long term operation and economic role of airports is protected; and*
- b) *airports and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.*

1.6.7.2 Airports will be protected from incompatible land uses and development by:

- a) *prohibiting new residential development and other sensitive land-uses in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) that have been reviewed by Transport Canada;*

- 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 (bold added)*
- c) *discouraging land uses which may cause a potential aviation safety hazard.*

The PPS prohibits “new residential development “and “other sensitive land uses” in areas near airports above the 30 NEF/NEP, as set out on maps, redevelopment and infilling of “other sensitive land uses” above the 30 NEF/NEP is permitted, only if it is demonstrated there will be no negative impacts on the long-term function of the airport.

The PPS defines ‘Development’ as follows:

“means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include:

- a) *activities that create or maintain infrastructure authorized under an environmental assessment process;*
- b) *works subject to the Drainage Act; or...;*

The PPS defines ‘Re-Development’ as follows:

“means the creation of new units, uses or lots on previously developed land in existing communities, including Brownfield sites.”

The Region of Peel Official Plan defines ‘Development’ as follows:

“The subdivision of land, or construction of buildings, and structures, requiring approval under the Planning Act but does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act.”

The Region of Peel Official Plan defines ‘Re-Development’ as follows:

“The creation of new units in existing buildings or on previously developed, serviced land. Redevelopment includes infill, accessory apartments and rooming houses.”

Mississauga Plan (OPA No. 25), per the City of Mississauga, defines ‘Development’ by duplicating the definition of ‘Development’ as per the PPS. Mississauga Plan also includes ‘Re-Development’ as per the PPS.

8.2.5 ROPA 14 FITS THE PPS UNDER DISCRETIONARY PERMISSION

In summary, the *re-development* of sensitive land uses such as Child Care Centres/Day Care facilities may be considered above the 30 NEF composite noise contour where there would be no negative affect the long-term function of an airport; in this case LBPIA. We are of the opinion the objective of ROPA 14 fits under this discretionary permission.

Orlando Corporation lands, comprising the Gateway District Node are *developed* by definition, i.e., having new lots created through the Plan of Subdivision process and changes in land use through approved rezoning. Therefore, adding Day Care facilities, as sensitive land use, would be the subject of *redevelopment*, by definition, within the Gateway District Node per section 1.6.7.2 b) of the PPS.

This discretionary permission is also clarified through the Implementation/Interpretation section 4.5 of the PPS which reads in part, “*The official plan is the most important vehicle for the implementation of this Policy Statement. Comprehensive, integrated and long term planning is best achieved through municipal official plans. ...*” This is generally consistent with the current Regional and City municipal planning policies allowing the redevelopment of sensitive land uses in certain areas of the LBPIA Operating Area above the 30 NEF/NEP, (but below the 35 NEF/NEP) per section 1.6.7.2 b) of the Provincial Policy Statement.

It is our opinion the PPS as applied fairly, permits the consideration of other sensitive land uses such as Day Care facilities in an employment area, such as the Gateway District Node, a major central Employment Area of the Region and City. The planned function of an Employment District Node, such as the Gateway District Node, includes a concentration of major employment density, including planning objectives to establish high levels of accessibility, public services and public transit facilities, among other attributes.

For example, a component of the PPS includes policies regarding Energy and Air Quality which are achieved through the promotion of the compact form and structure of Nodes and Corridors. Under Section 1.8 *Energy and Air Quality* the Province requires planning authorities to support energy efficiency and improved air quality through land use and development patterns which:

- a) *promote compact form and a structure of nodes and corridors;*
- b) *promote the use of public transit and other alternative transportation modes in and between residential, employment (including commercial, industrial and institutional uses) and other areas where these exist or are to be developed;*
- c) *focus major employment, commercial and other travel-intensive land uses on sites which are well served by public transit where this exists or is to be developed, or designing these to facilitate the establishment of public transit in the future; ...*

These policies further reinforce the recognition and importance of the Gateway District Node as a major Employment Area. The planned function and form of this Node, combined with the function of intensifying land use along the Hurontario Corridor which bi-sects the Node, warrants special attention. The Gateway District Node is located between Mississauga City Centre and Downtown Brampton, identified as Urban Growth Centres in terms of the most current Provincial planning policies contained in Places to Grow and the Growth Plan.

The purpose of ROPA 14 is to simply allow, or recognize Child Care Centres/Day Care facilities as an accessory use to be implemented by an Exception Zone under the City of Mississauga's Zoning By-law. This implementation approach does not necessarily require an Exemption boundary for the Regional Official Plan, Mississauga Plan and the Gateway District Node, and at the Zoning By-law level, as applied per other Planning Districts, and acknowledges this accessory use on certain lands located within this major employment Gateway District Node.

To support *Long-Term Economic Prosperity*, the PPS requires consistency with policy 1.7.1 which reads as follows:

- e) planning so major facilities (such as airports, transportation/transit /rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.*

In conclusion we are of the opinion that the discretionary permission set out in the PPS provides consideration of sensitive land uses, (such as Day Care facilities) in the vicinity of an Airport.

8.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSEHOE (2006)

On June 16, 2006, the Government of Ontario released the Growth Plan for the Greater Golden Horseshoe, 2006 as sanctioned under the Places to Grow Act, 2005. The Places to Grow initiative and Growth Plan is overseen by the Ministry of Public Infrastructure and Renewal (PIR).

The principle aim of the Growth Plan is to:

- *Revitalize downtowns to become vibrant and convenient centres;*
- *Create complete communities that offer more options for living, working, shopping and playing;*
- *Provide greater choice in housing types to meet the needs of people at all stages of their life;*
- *Curb Sprawl and protect farmland and green spaces;*

- *Reduce traffic gridlock by improving access to a greater range of transportation choices. (Technical Backgrounder PIR)*

The Growth Plan refers to Employment Lands in Section 2.2.6 with the following requirements:

1. *An adequate supply of land providing locations for a variety of appropriate employment uses will be maintained to accommodate the growth forecasts on Schedule 3.*
2. *Municipalities will promote economic development and competitiveness by:*
 - a) *providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs*
 - b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future business*
 - c) *planning for, protecting and preserving employment areas for current and future uses*
 - d) *ensuring the necessary infrastructure is provided to support current and forecasted employment needs.*
9. *Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highways interchanges, ports, rail yards and airports as areas for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.*

Planning for Employment in the Greater Golden Horseshoe, Background Paper May 2008 (hereinafter referred to ‘***Planning for Employment***’) is the first step of an assessment resulting in proposed Employment Strategies. *Policy 5.3.4 of Places to Grow, 2006* refers to the Sub-Area Assessment process at a regional scale, focusing on –

- a). *regional economic analysis and provincially significant employment areas, among other matters.*

One of the overall objectives of the employment area assessment is to “*promote the development of complete communities*”. A ‘*complete*’ employment community would be supported by a broad range of complementary uses to effectively minimize work life conflicts and trip generation. Employment opportunities and multiple service

opportunities in situ, makes employment communities stronger and working conditions easier.

'Planning for Employment' focuses on two locational factors as to where companies choose to invest and locate, and they are *land use planning and infrastructure investment*.

'Planning for Employment' will be strengthened by recognizing the increasing importance of quality, diversity and innovation to survive in the global market and *land use planning and infrastructure investment* for employment should therefore support policies offering high capacity of performance, flexibility and innovation. Today and in the future, mobile intelligent labour and creativity are the key production factors of a knowledge based economy. The availability of qualified labour force is a key factor in a company's decision making, while qualified professionals look for places with a high variety of employment possibilities and amenities, quality urban living conditions.

In addition in providing guidance on employment issues, the policies supporting the *Growth Plan* should include the following;

- *Encourage complete business communities which include personal and family service amenities to minimize work/life conflicts and trip generation, i.e. work-place daycare.*

The Province is considering *'Planning for Employment'* proposed strategies as follows: Proposed Strategy 5.3.1 a) reads as follows:

The Province should continue to work with municipalities and Metrolinx to ensure that priority is given to transit investments that support large employment nodes of major office and employment activities, such as in urban growth centres, major transit station areas, and along intensification corridors.

5.3.1.b) Where appropriate and market conditions allow, the Province and municipalities should use land holdings and investments in urban growth centres, major transit station areas, or areas with existing frequent transit service, or existing or planned higher order transit service to support the development of major office uses.

5.3.2 a) The Province should work with stakeholders to develop a set of guidelines to support better planning for office uses. Some of the areas that these guidelines may examine include:

- *planning for various office uses in a manner that makes more efficient use of land and is more transit supportive.*
- *planning for more specific land use designations for office use.*
- *supporting the clustering of office uses where appropriate.*

We believe that the intent of the *Growth Plan* is to ensure that that viable Nodes and Intensification Corridors are allowed to flourish so as to fulfill planned function; where the full potential of existing major Employment Areas such as the Gateway District Node is achieved.

In order to Optimize Access to the Transportation Network the Province is considering Proposed Strategies as follows:

6.2a) The Province should continue to work with municipalities and Metrolinx to ensure that priority is given to transit investments that support large employment nodes of major office and employment activities, such as in urban growth centres, major transit station areas, and along intensification corridors.

6.2b) The Province will continue to use its investments in highways in the Greater Golden Horseshoe to support efficient goods movement.

Major office uses tend to locate in Nodes and Intensification Corridors where higher order transit is available or proposed. The Gateway District Node will benefit from optimizing the use of existing, and future Higher Order Transit which is being considered to support major office uses greater than 100,000 square feet.

In summary, ongoing Provincial efforts must consider the land use planning and public infrastructure needs of Employment Areas so as to:

- align provincial and municipal initiatives with growth management objectives on employment planning to achieve sustained economic prosperity;
- identify and support important locations for future job growth and public investment;
- encourage complete business communities which include personal and family service amenities to minimize work/life conflicts and trip generation, i.e. work-place daycare.

Creating more compact, mixed-use and transit supportive communities in the Greater Golden Horseshoe is a key objective of the Growth Plan. As a result, ‘*intensification*’ of the Gateway District Node by allowing accessory use Day Care facilities supports the objectives of the Growth Plan.

FIGURE 11 - PLACES TO GROW, SCHEDULE 2, PLACES TO GROW CONCEPT

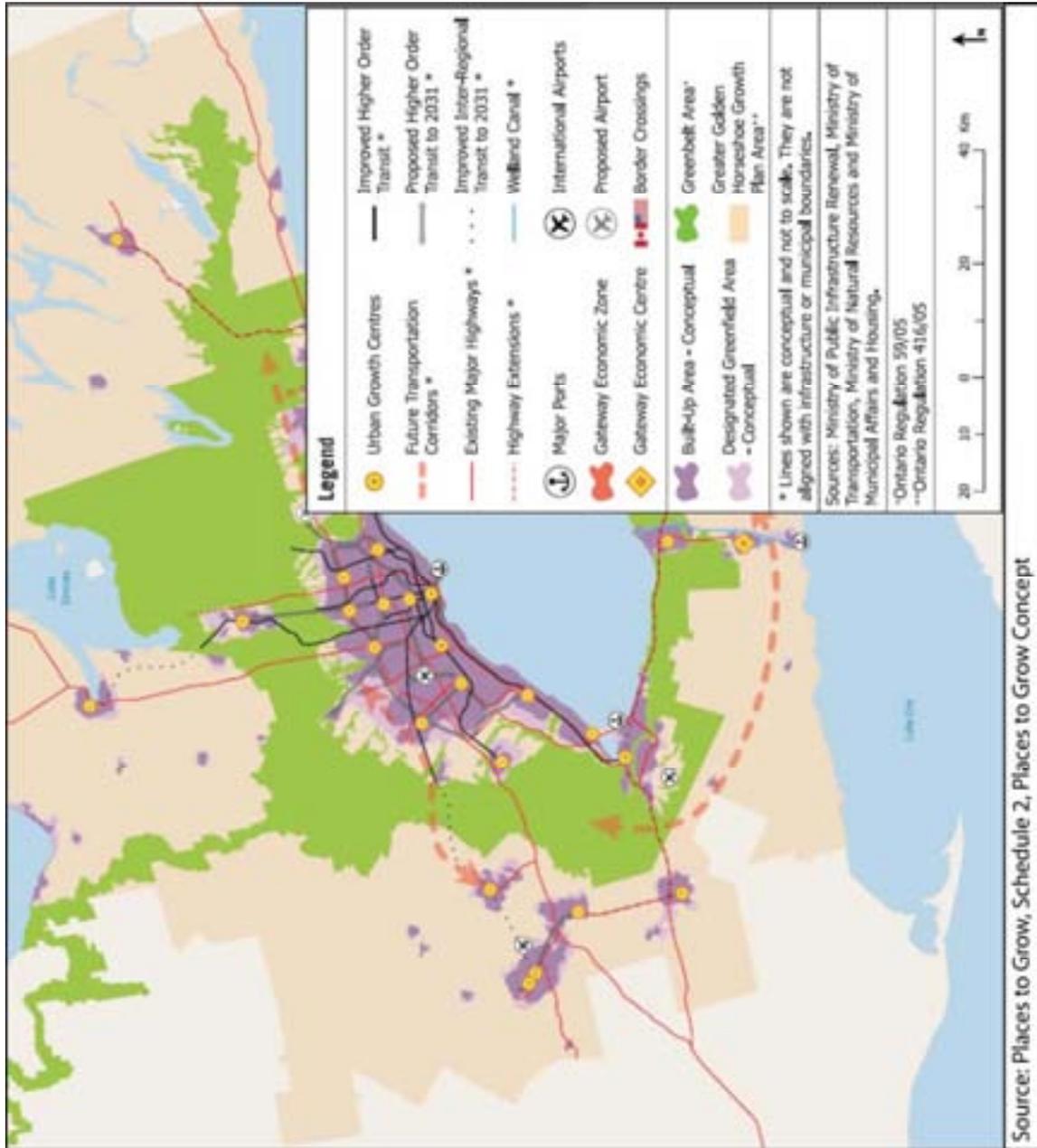
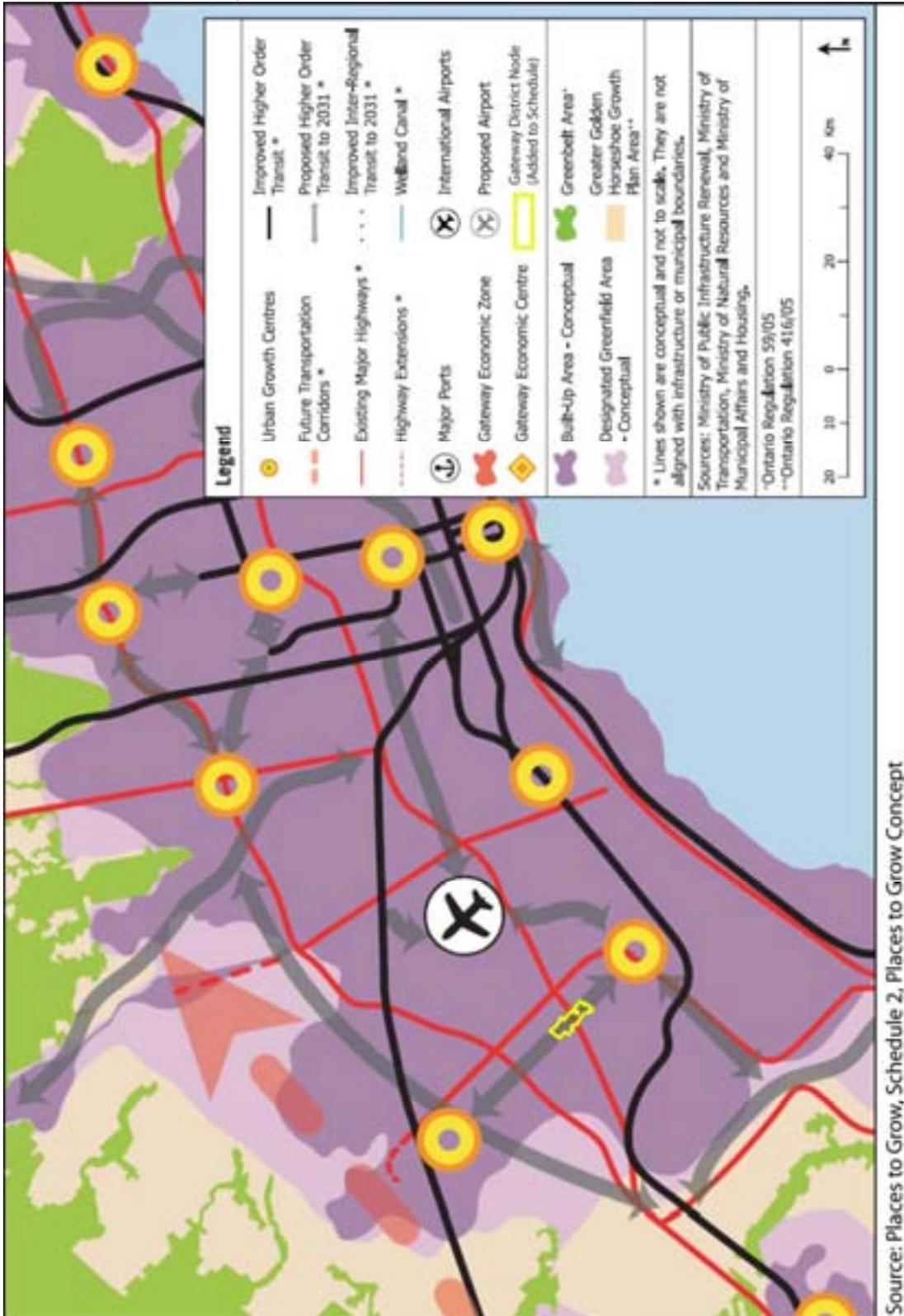


FIGURE 12 - PLACES TO GROW, SCHEDULE 2, PLACES TO GROW CONCEPT, (ENLARGED CONTEXT OF GATEWAY DISTRICT NODE)



9.0 PROVINCE OF ONTARIO MINISTRIES

9.1 MINISTRY OF ENVIRONMENT: NOISE NEAR AIRPORTS

The Ministry of Environment (MOE) provides recommendations regarding noise near Airports under their report titled “*Publication LU-131: Noise Assessment Criteria in Land Use Planning*”, *Annex and Technical Details*, October 1997. These guidelines provide the position of the MOE on noise criteria for planning “*noise sensitive land uses*”, in support of the Provincial Policy Statement under the *Planning Act* and in accordance with the MOE Guideline D-1 “*Land Use Compatibility*.” Moreover, MOE’s guidelines are intended to assist municipalities in the preparation of official plans, official plan amendments, comprehensive zoning by-laws, rezonings, plans of subdivision, plans of condominium, and other applications under the *Planning Act*. MOE refers to the Provincial Policy Statement as Reference (13). According to MOE, by definition, “*Noise sensitive land uses*”;

“mean the following sensitive land uses: residential developments; seasonal residential developments; hospitals, nursing/retirement homes, schools, day-care centres, etc.”

Section 3.2, Air Traffic, 3.2.1. Noise Impact, Policy 1.1.3 g) of Reference [13] establishes criterion as follows:

“The noise impact on the proposed noise sensitive land use is determined based on the location of the noise sensitive land use with respect to the official Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) contours. These NEF/NEP contours are specified on a list of current contour maps available from the Ministry of Municipal Affairs and Housing. The more restrictive of the NEF and NEP contours apply.”

Under section 3.2 *Criteria for Transportation Noise Sources, Aircraft Policy A.3.2.1., Application of Criteria, (b) Air Traffic Policy 1.1.3 g)* of the Provincial Policy Statement (Reference 13) reads:

- 1. New residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) approved by Transport Canada; but*
- 2. Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long term function of the airport.*

According to this section, “*If the outdoor NEF/NEP value is less than 25, no further assessment is required. If the proposed development is located within the NEF/NEP contour of 25, there are requirements for appropriate ventilation, acoustically designed*

building components and warning clauses for prospective occupants, as specified in Reference [1].” Reference (1) means the “Publication LU-131: Noise Assessment Criteria in Land Use Planning”, Annex and Technical Details, October 1997. Furthermore, “If the municipality, in accordance with Reference [13], approves the development in the NEF/NEP range above NEF/NEP 30, the noise sensitive land uses should be provided with acceptable ventilation, acoustically designed building components and warning clauses for prospective occupants, as specified in Reference [1].”

Under the report titled “*Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*”, Section 8, “*Aircraft Noise Control Measures*” also reads:

“The noise impact from aircraft is assessed using the NEF/NEP contour maps. The NEF/NEP contour values are approved by Transport Canada for various airports in Canada. If the receptor location is within the NEF/NEP contours of 30 and 35, central air conditioning is mandatory with warning clauses Type Band D. In addition, building components including windows, doors, walls and ceiling/roof must be designed to achieve the indoor sound level criteria.”

From a land use planning point of view, sensitive land uses are defined collectively as apparent above through the Provincial Policy Statements and municipal Official Plans.

It is significant to note that the MOE Table A-2, Indoor Aircraft Noise Criteria (applicable over a 24-hour period) refines sensitive land uses where Indoor NEF/NEP are applied as it relates to day and night activity. When assessing Indoor Aircraft Noise Criteria over a 24 hour period, the MOE recognizes that there is a distinction between Indoor NEF/NEP where used as an assessment criteria for the evaluation of acoustical insulation requirements.

In particular, “*Living/dining areas of residences, sleeping quarters of hotels/motels, theatres, libraries, day-care centres, places of worship, etc.*” are distinguishable, and less sensitive to indoor Aircraft Noise than are “*the sleeping quarters of residences, hospitals, nursing/retirement homes, etc.*”, which require a higher standard to be met. Day Care facilities are day time activity land uses, whereas the NEF/NEP noise contour criteria used by the Region of Peel and the City of Mississauga has been determined on both day time and night time activity levels per the GTAA and Transport Canada. The MOE “*Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*”, Section 4.1 Aircraft Noise, requires a detailed noise study for proposals that are located above the 25 NEF/NEP.

Therefore from MOE perspective it is necessary to satisfy sound level criteria as part of the Building Permit process and obtain approval for an office use alone, which may include a Day Care facility as well, for example.

9.2 THE MINISTRY OF COMMUNITY, FAMILY AND CHILDREN'S SERVICES: THE DAY NURSERIES ACT

The requirements for obtaining a license to either operate a Day Nursery or a private-home Day Care are regulated under the *Day Nurseries Act*.

Under the *Day Nurseries Act* R.S.O. 1990, CHAPTER D.2 a "day nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

- (a) under eighteen years of age in the case of a day nursery for children with a developmental disability, and;
- (b) under ten years of age in all other cases, but does not include;
- (c) part of a public school, separate school or private school under the *Education Act*;

The following is as set out in the "Appendix 1: Glossary of Terms, in the report "Child Care Licensing in Ontario: Orientation Package for Prospective Child Care Operators" The *Day Nurseries Act* contains no mention of restrictions related to aircraft noise levels or the proximity of a day care facility in terms of airport and aircraft traffic. The report "Child Care Licensing in Ontario: Orientation Package for Prospective Child Care Operators", as supplied by the Ministry of Community and Social Services, provides information and advice on the establishment of a day care centre. Under Section I. *Licensing Requirements for Day Nurseries, Building and Accommodation*, "Each day nursery must: Comply with local requirements i.e. zoning and building planning, health and fire."

In summary, this Ministry relies on other provincial acts and regulations to endorse locations and built form.

9.3 THE MINISTRY OF EDUCATION: THE EDUCATION ACT

The *Education Act* contains no mention of restrictions related to aircraft noise levels or the proximity of a school in terms of airport and aircraft traffic. This Ministry relies on other provincial acts and regulations to endorse school locations and built form.