REGION OF PEEL

REGIONAL OFFICIAL PLAN

REGIONAL OFFICIAL PLAN AMENDMENT
NUMBER 32

AN AMENDMENT TO UPDATE THE NORTH WEST BRAMPTON SHALE RESOURCES PROTECTION POLICIES
THE CONSTITUTIONAL STATEMENT

Part A, THE PREAMBLE, does not constitute part of this Amendment

Part B, THE AMENDMENT, consisting of amendment to the Text and Schedule of the Region of Peel, constitutes Amendment Number 32 to the Region of Peel Official Plan.
PART A – THE PREAMBLE

1. Purpose of the Amendment

The purpose and effect of ROPA 32 is to delete and replace the shale protection policies of the Regional Official Plan that apply 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 the Greenbelt Plan Area.

2. Location

This Amendment applies to lands in the City of Brampton legally described as Part of Lots 7 to 17, Concession 5 and Part of Lots 8 to 14, Concession 6 West of Centre Road (now Hurontario Street) as shown on Schedule A, attached to this amendment.

3. Basis

Establishment of the North West Brampton Urban Development Area

On June 16, 2005, Regional Council adopted Regional Official Plan Amendment 15 (ROPA 15) which extended the Regional Urban Boundary to include all of the lands west of Mississauga Road, south of Mayfield Road, North of the Greenbelt Boundary and East of Winston Churchill Boulevard, known as the “North West Brampton Urban Development 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. Through the Minutes of Settlement, the Region agreed to include shale protection policies in the Regional Official Plan, referred to as the North West Brampton Policy Area (NWBPA), 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. The Region also agreed to insert official plan policies that prohibited any amendments to the NWBPA for a period of at least ten years following approval of the policy.

The policies for the protection of shale resources in North West Brampton included direction requiring that the policies be reviewed upon expiry of the ten-year moratorium to determine whether shale protection should continue or be removed, in whole or in part, in order to permit urban development to proceed. The relevant policy direction regarding the review of shale policies is provided below:

Policy 5.3.4.2.2 f) v):
No amendment to the areal extent of the NWBPA or to the associated policy framework may be made for at least 10 years from the date of approval of this policy. Following the expiry of this 10-year time period, the Region of Peel, in consultation with the Province and the City of Brampton, shall undertake a review to determine whether it is in the public interest to replace the NWBPA with general urban land use designations. The factors to be considered in the review will be limited to a review of the following:

- Whether any Licence under the Aggregate Resources Act has been issued for the extraction of shale on any lands in the NWBPA or whether any application has been made and is pending for such a Licence; and,

- An assessment of population and employment forecasts in the City of Brampton and the Region of Peel; and,

- Any relevant provincial policies then in effect.

If it is determined as a result of that review that the NWBPA is to be deleted in whole or in part and replaced by general urban land use designations in the Brampton Official Plan, an amendment to Schedule “C” of the Regional Official Plan shall be initiated by the Region to implement the result of the review by deleting any affected portions of HPMARA in North West Brampton, simultaneously with any necessary amendments to the Brampton Official Plan.

The ten-year moratorium on the review of the NWBPA policy expired on December 16, 2016 upon which the Region commenced a study to review the policies.

**North West Brampton Shale Resources Policy Review Study Terms of Reference**

On June 9, 2016, Regional Council approved terms of reference to undertake a review of the shale protection policies and to provide an analysis of the implications of continued shale protection and an opinion on whether the Regional Official Plan policies for the North West Brampton Policy Area should be retained or deleted in whole or in part. Components of the study included:

- The delineation of shale resources within the study area;
- A technical review to assess the quality, quantity and accessibility of shale resources;
- A summary of the current Provincial, Regional and City of Brampton policy context;
- An economic analysis of the factors that would apply to a decision to continue shale protection in whole or in part; and
- An analysis of the impact to the Region’s and City’s growth management planning within North West Brampton in relation to the accommodating planned growth to 2031 and 2041.

The study findings, planning opinion and recommendation to remove shale protection have fully addressed the factors to be considered in accordance with policy 5.3.4.2.2 f) v) of the Regional Official Plan.
North West Brampton Shale Resources Policy Review Study Findings

The North West Brampton Policy Area Review Study was completed by Meridian Planning in 2018. The Study considered the provincial policy direction related to shale protection and growth management in the context of North West Brampton. The conclusions provided in the Study confirmed that shale resources in the North West Brampton Urban Development Area are provincially significant, accessible and are subject to the policy direction for mineral aggregate resources in the Provincial Policy Statement, 2014. The Study found that the 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 when the Regional Urban Boundary was expanded to include North West Brampton 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 ten-year 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 urbanization of the North West Brampton Urban Development Area serves a greater long-term public interest than protecting the lands for shale extraction. The report concluded that the North West Brampton Urban Development Area lands have been approved to accommodate growth to 2031 and are currently being planned to accommodate additional population and employment growth to 2041 in accordance with policy direction in the Provincial Policy Statement and Growth Plan. It further concluded that servicing cost implications of continued shale protection scenarios varied and are potentially significant based on an economic analysis of impacts. The assessment of growth management and infrastructure implications indicated there would be significant implications to the Region’s growth management and infrastructure planning programs if shale resource protection policies continued because the planned population and employment growth within Heritage Heights would need to be accommodated elsewhere in the Region, along with associated servicing costs. Partial shale protection options were considered and were determined to have the highest potential infrastructure cost implications as new infrastructure would be required in other greenfield locations in order to accommodate growth displaced by shale protection and to service the population and employment that would continue to be located in North West Brampton. The Study confirmed that extending urban development in Heritage Heights is logical and aligns with planned community, infrastructure and institutional investments.

The Study’s recommendations to remove shale protection would result in the release of all lands inside the Regional Urban Boundary in the North West Brampton Urban Development Area for urban development. The removal of shale protection would not
result in financial implications to the Region’s infrastructure programs as development would proceed in accordance with planned improvements.

**Draft Regional Official Plan Amendment Policy Framework**

The Regional Official Plan Amendment 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. The amendment will 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.

The implementation of the recommendations to release lands for urban development requires a corresponding amendment to Schedule C in the Regional Official Plan to remove the identification of High Potential Mineral Aggregate Resource Area on all lands within the North West Urban Development Area excluding lands outside the Regional Urban Boundary within the Greenbelt Plan Area. High Potential Mineral Aggregate Resource Area mapping within the Greenbelt Plan Area is recommended to be amended in accordance with updated shale resource mapping provided by the Province.

The amendment retains the policies that permit shale extraction without an amendment to the City of Brampton Official Plan on all lands west of Mississauga Road in the North West Brampton Urban Development Area and in the Greenbelt Plan Area. The policy continues to be relevant to the implementation of provincial policy direction for shale resources. Policies permitting shale extraction to proceed without an amendment to the Brampton Official Plan would continue to be subject to policies included in the Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City’s zoning by-law, and subject to the approval requirements and the issuance of a licence under the Aggregate Resources Act.

**Consistency and Conformity with Provincial Plans and Policies**

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 recommended Amendment for adoption. On the basis of this review it was 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 recommended amendment that would delete shale protection policies and replace them with policies that allow for urban uses within the North West Brampton Urban Development Area is consistent with matters of provincial interest as identified in the Planning Act, Provincial Policy Statement, Growth Plan and Greenbelt Plan.
PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached text and schedules constitute Amendment Number 32 to the Region of Peel Official Plan.

Amendments to Text and Schedules

1. Chapter 5, Regional Structure, is amended by deleting Policy 5.3.4.1.6 is in its entirety and replacing it with the following:

“5.3.4.1.6 To provide for the availability and use of shale resources within the North West Brampton Urban Development Area and provide for the continued protection and use of Shale resources in the Greenbelt Plan Area adjacent to North West Brampton Urban Development Area.”

2. Chapter 5, Regional Structure, is amended by deleting policies 5.3.4.2.2 f) and g) in their entirety and replacing them with the following:

“ 5.3.4.2.2 f) That shale extraction be permitted and that the protection of provincially significant shale resources identified as High Potential Mineral Aggregate Resource Area (HPMARA) on Schedule C of this Plan be continued in accordance with the following:

i) The population, household and employment forecasts that are the basis of the Regional Official Plan require the utilization of all of the North West Brampton Urban Development area to accommodate growth;

ii) Shale resources shall be protected, in accordance with the policies of Section 3.3 within the area identified as HPMARA on Schedule C and located in the Provincial Greenbelt Plan Area;

iii) The extraction of shale shall be permitted to occur on all lands in the North West Brampton Urban Development Area and in the Provincial Greenbelt Plan Area without an amendment to the City of Brampton Official Plan, subject to policies to be included in the City of Brampton Official Plan governing the rezoning of the lands for mineral extraction in the City’s zoning bylaw, and subject to the issuance of a licence under the Aggregate Resources Act;

iv) Notwithstanding the permissions for shale resource extraction, the City of Brampton is permitted to undertake secondary planning for 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 lands identified as HPMARA in the Provincial Greenbelt Plan Area or adjacent to sites within the North West Brampton Urban Development Area that are subject to an application for a licence, or are licensed, for extraction under the Aggregate Resources Act.

v) The City shall ensure that any shale extraction operation will not unduly restrict alternatives for the planning of a potential North-South Higher Order Transportation Corridor
or alternatives for other infrastructure and transportation uses within the Northwest GTA Corridor Identification Study Area as identified by the Ministry of Transportation;

vi) The establishment of land uses within the North West Brampton Urban Development Area adjacent to HPMARA which could preclude or hinder future shale extraction shall only be permitted in accordance with the policies of Section 3.3 of this Official Plan and the applicable provincial policies.

vii) With the exception of policies 3.3.2.2 and 3.3.2.5, the policies of Section 3.3 of the Region of Peel Official Plan shall continue to apply for the purpose of permitting shale extraction without an amendment to the City of Brampton Official Plan;

viii) The City shall reflect and designate the HPMARA as shown on Schedule C, as amended.”

3. Schedule C, High Potential Mineral Aggregate Resource Areas (HPMARA) is amended by deleting the High Potential Mineral Aggregate Resource Areas shown in red hatching on Schedule A, attached hereto, adding in the High Potential Mineral Aggregate Resource Areas shown in green and by making such other housekeeping amendments to Schedule C of the Regional Official Plan to update the format and appearance of the Schedule.
Schedule A to the Regional Official Plan Amendment 32 - Proposed Changes to the High Potential Mineral Aggregate Resources Area Shown on Schedule C to the Region of Peel Official Plan

May, 2019