



REMARKS TO THE STANDING COMMITTEE ON GENERAL GOVERNMENT
BILL 135 - GREENBELT ACT
FEBRUARY 02, 2005

THANK YOU

- Acknowledge Chair, Committee Members, and People present in the room.
- Thank you for the opportunity to input to this next stage of the Greenbelt Act's development.
- We also acknowledge that the Greenbelt legislation is but one part of a series on initiatives to improve land use policies and procedures.
- Specifically we refer to the Strong Communities Act, proposed revisions to the Provincial Policy Statement, pending Source Water Protection Legislation, the Places to Grow Act and its companion Growth Management Plan, all of which are at various stages of approval and consultation.
- We feel that each separately and all of these together will contribute to more sustainable development within the Province.

INTRODUCTION

- As introduced my name is Graham Flint and I am acting as Chair and Spokesperson for Friends of Rural Communities and the Environment (FORCE)
- Federally incorporated, not-for-profit, citizen-based, advocacy group with hundreds of supporters in Campbellville, rural Milton, Kilbride, Mountsberg, Freelon, and Carlisle
- Formed in June 2004 to protect our natural and built environments in the face of a proposed large-scale, below the established water table, aggregate operation

- We note upfront that our organization is not anti-aggregate, nor anti-road; indeed we acknowledge the need for aggregate materials to support the growth of our infrastructure and economy, and point out that our area is already home to some of Ontario's and Canada's largest aggregate operations.
- We do, however, have significant issues with a current aggregate development application facing our Communities in its proposed location for substantive reasons.
- We also believe that in addition to representing our specific Communities throughout the resolution of this proposed development application, we have a responsibility to promote good government and hence we are taking advantage of this opportunity to provide input into the broader planning reform processes which hopefully will improve the situation for all stakeholders involved in these types of situations.
- Two of the overriding themes behind our comments are "Conservation First" and "Certainty"
- We can look to the conservation community for the "Ecology or Conservation First" Principle. Encapsulated it states that there should be no new or expanded development uses until a network of protected areas is reserved which adequately represents the natural regions affected by that future development. The Greenbelt Act and Plan are an effort to achieve this principle.
- Certainty is the second principle: Certainty for the Aggregate industry, Certainty for the local Municipalities charged with implementing Provincial Policies and Procedures locally, and Certainty for the residents who make the decision to call these Communities home for their families and their businesses and are then impacted by the uncertainty of proposed developments and land use changes. An effective Greenbelt Act, Greenbelt Plan, and Transition Provisions can provide greater certainty for all stakeholders.

FORCE APPLAUDS THE GREENBELT INITIATIVE

- FORCE supports the permanent Greenbelt initiative and the key attribute is that it is permanent
- We applaud the long term vision demonstrated by the legislation; we feel it is long overdue.
- Greenbelt not just about preservation of agricultural lands and natural features it is about our health as residents of this Province and the importance of providing a sustainable economy
- Too often we hear the Greenbelt debate dividing itself as pro-environmental and anti-development and we feel that this polarization is both inaccurate and short sighted.
- Protecting interconnected greenspaces is an important legacy for us, our children, and their children yet to come

- A healthy Greenbelt can help to provide an environment where economic growth and development is possible.
- Smart Growth needs to balance the use of the provincial landscape for growth with the protection of that same provincial landscape for the life sustaining functions it provides.
- The Greenbelt Act is not a myopic view of the entire province but rather a tool to reflect the need to preserve some areas of our environmental landscape for the critical life sustaining functions that they provide.
- Aggregate developments, for example, are still permitted within the Greenbelt - a recognition that aggregate is a necessary resource for our homes, roads, public institutions ,etc.
- but when you step back and look at the big picture we see the proposed legislation and plan saying that in these specific areas we must take an “ecology first” principle to achieve the balance we require.
- Any development in these protected areas must be prohibited or restricted in order to achieve the balance overall within the Province.
- The increased protection proposed for sensitive Watersheds, Provincially Significant Wetlands, significant Woodlots, and other natural heritage features is very positive and necessary for the long term health of our Province, both economically and environmentally.

LOCAL ISSUE IS A MICROCOSM OF LARGER PROVINCIAL INTERESTS

- Let me turn our comments back to our local issue as we believe it is a true microcosm example of the larger issue at hand.
- The proposed development is located on a site within the Golden Horseshoe Greenbelt area – part of the “protected countryside” and is in fact designated as a “Natural Heritage System” and as such is afforded the highest level of protecting within the Greenbelt Act.
- Groundwater quantity and quality issues are already significant in the area and the Amabel Formation that is proposed to be mined is identified as a highly susceptible & sensitive aquifer.
- Two Provincially Significant Wetlands, significant Woodlots and several ESAs, Environmentally Sensitive Areas, are present in and around the site.
- The Bronte Creek headwaters and several tributaries are present.
- There are habitats for several Species of Significance found on the site and it is a wintering area for a number of the local wildlife.
- Several Residential Subdivisions surround and abut the site.
- Rural concession Homes, Schools and Community Centres all exist within a few kilometres of the site.
- There is an active agricultural economy in the area and crops have been, and continue to be taken, from the fields on the site.
- Currently the lands are zoned for Agriculture and Conservation Management.

- I ask you to imagine the Communities shock when an application was announced and then formally submitted in September of 2004 for a large scale, below the established water table, aggregate development on this site.
- By production quantity it is proposed to be the 8th largest quarry in Canada
- Its excavation depth puts it right through the aquifers servicing many area wells including the municipal wells supplying Carlisle a community of around 3,000 people.
- The proposed site plans would encroach upon the Provincially Significant Wetlands with the proposed site entrance cutting a path right thorough one of them.
- We know Provincially Significant Wetlands are important hence the designation, we know that healthy groundwater is critical and unfortunately recent history has shown the devastating results if it is violated, we know that protecting headwaters is crucial for healthy streams and rivers, and we know that aggregate is required to support our economic growth
- Our situation is a clear example of conflicting interests and incompatible land uses
- The Greenbelt Act and companion Plan takes a major step towards resolving that conflict by establishing that for these areas the hydrogeological and ecological integrity and functions of the local features must not be impacted. In short it states that for these areas, ecology must come first.

TRANSITION ISSUES

- This brings us to the main focus of our remarks today. Namely how the Greenbelt Act will be applied in cases such as the one I have described.
- To start with we feel it is important to remember that the Greenbelt process was initiated by issuing a zoning order and then Bill 27 creating the protected Greenbelt study area and this was done in December 2003.
- These 2 instruments created a development moratorium in effect until December 2004, now extended until March 2005, so that ideally the Greenbelt should exist as it was in December 2003.
- What appeared to be the focus of that moratorium was on the conversion of lands from Rural to Urban use. This being the greatest source of Urban sprawl.
- Land use changes within the Rural context, namely land use changes where the land remained Rural, were not impacted by the restrictions.
- Aggregate Extraction is considered a Rural land use.
- Unfortunately as our example points out there are Rural land uses that can have a dramatic impact on the Greenbelt.
- Currently the Greenbelt Act would only apply to Rural applications made after the date the bill becomes effective.

- Rural land use applications made before the passage of the bill would not be subject to it or its regulations yet they can dramatically change the landscape of the very lands that the Act is attempting to preserve.
- It is understandable that a “clean go forward policy” might be desirable
- but we all need to recognize that there are some “Rural” use applications that will have a significant impact on the Greenbelt and they should be subject to its higher standards in particular those standards relating to hydrological and ecological integrity.
- To return to our example the aggregate proposal in our area was submitted in late September 2004, just 3 months prior to the original December 16, 2004 date for Bill passage.
- But as the Act is currently proposed since the application was submitted prior to the Act being passed, it would not be subject to the legislation
- without amendments to the Bill or a public government commitment to a transition regulation, we could possibly see a major new Greenfield Quarry being implementing within the Natural Heritage System of the Protected Country side as one of the first developments within the Greenbelt and it would not even have been considered and approved within this new regulatory landscape – it would have been subject to the previous regime.
- We do not believe that this is the intent of the legislation.
- FORCE’s expectation and we feel the expectation of the residents of this Province is that: Greenbelt legislation, plan, and policies will apply to the approvals process for all future developments that have significant risk of negatively impacting the Greenbelt areas. Future developments being considered as all those uses not currently approved.

TRANSITION OPTIONS

- There are several options to achieve this goal:
 - Possible Amendments to Bill 135
 1. Amend sections 22 – 24 of the Bill so that the effective date of the legislation is December 16, 2003 or
 2. Amend section 24(4)(b) and (d) of Bill 135 to “raise the bar” such that the time of commencement for a request for an OPA or zoning by-law amendment is **not** simply on the day the request is received, including those requested before the Act’s effective date, but rather when a municipal council decision is made or similar or
 3. Amend section 24(4)(b) and (d) of Bill 135 as per above but narrow its breadth to specify that this applies to rural use applications submitted between December 16, 2003 and the Bill’s passage or

4. Amend section 24(4)(b) and (d) of Bill 135 as per above but further narrow the breadth to specify that this applies to significant rural use applications, such as for Industrial/Industrial Extractive

Or

- Possible Prescription Regulations (Note these alternatives may require date amendment in Bill 135 – sections 22-24 to permit retroactive application)
 1. Implement a General Prescription regulation as per section 24(3) of Bill 135 (see Oakridges Moraine prescription regulation) that applies the Greenbelt Plan provisions to applications, matters or proceedings commenced before the Bill's passage that involve sensitive hydrogeological and natural heritage features
 2. Implement a Specific Prescription regulation as per section 24(3) with respect to a series of applications that involve sensitive hydrogeological and natural heritage features and were commenced before the Bill's passage (i.e. Lowndes Holdings' OPA and zoning bylaw request to City of Hamilton, on September 20, 2004) such that they shall be prescribed to conform to the policies of the Greenbelt Plan
- With these changes we feel that the legislation can fairly deal with these transitional land use applications
- Applications which have the potential to significantly impact the Greenbelt Landscape.
- Failing to apply the Greenbelt standards to these applications in our opinion would be failing in the first tests of commitment to this legislation – failing the principles of Ecology/Conservation First and Certainty

THANK YOU

- Thank you once again for opportunity to share our comments with you
- FORCE has submitted written comments on this and the other relevant land use legislative proposals under development
- We will continue to make ourselves available for further discussions
- And at this time I would be pleased to take any questions that you might have in the time that I have remaining