



December 05, 2023

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Submitted by email to: Alejandra.Perdomo@ontario.ca and mmahofficialplans@ontario.ca

**RE: Comment on the Planning Statute Law Amendment Act, 2023
ERO number: 019-7885**

Walker is grateful for the opportunity to submit comments on the proposed Planning Statute Law Amendment Act, 2023. It is understood that the proposed legislation would reverse provincial decisions on Official Plans, including the Niagara Region Official Plan.

Walker worked with Niagara Region Staff on the new Official Plan and, for the most part, were able to reach general agreement on the Niagara Official Plan policies and mapping prior to its adoption. However, there were some outstanding issues regarding the Natural Environment System and Provincial Natural Heritage System policy. These issues were of primary concern as they would contravene existing provincial legislation and regulations. For ease of reference we have attached our previous submission made to the Province on October 06, 2022, explaining our concerns.

The primary issues raised by Walker in the October 2022 submission were addressed through modifications made by the Ministry in their decision on the Niagara Region Official Plan (dated November 04, 2022). A total of 45 modifications were made as part of the Ministry's decision on the adopted Niagara Region Official Plan.

It is our understanding that the Planning Statute Law Amendment Act as currently proposed would approve the Official Plan adopted by Regional Municipality of Niagara pursuant to By-law 2022-47 with the exception of now six modifications (modifications numbered 5, 24, 25, 32, 33, 39, 42 and 44 of the Ministry's initial decision dated November 04, 2022) that would continue to apply.



However, modifications numbered 9, 11 and 13 of the Ministry's initial decision dated November 04, 2022 ("**Modifications 9, 11 and 13**") should also be added to the proposed legislation and should continue to apply for the following reasons.

The Niagara Region Official Plan, as adopted by By-law 2022-47 would have the effect of prohibiting mineral aggregate operations in non-provincially significant features, which is a much more restrictive test and is not consistent with the PPS and conflicts with provincial plans. The effect of this more restrictive policy is the sterilization of more aggregate resources close to market, which goes against a long-standing provincial principal of having as much resource available as close to markets as possible. A principal that supports the availability of resources essential in achieving provincial intensification and growth targets, ensure a prosperous future for Niagara Region.

Modifications 9, 11 and 13 replaces the strict prohibition in the adopted Official Plan with a more balanced approach that is consistent with the PPS and provincial plan policy, allowing mineral aggregate operations in non-provincially significant features (and associated buffers) provided that such applications continue to demonstrate through the preparation of an environmental impact study that there will be no negative impact on the natural feature or its ecological function. It is this kind of balanced approach that allows for better, optimal solutions which secure the availability of resources while allowing for off-setting opportunities through rehabilitation, which Walker has demonstrated success and award-winning achievements in time and time again.

In summary and in closing, **it is requested that provincial modifications numbered 9, 11 and 13, which formed part of Ministry's initial decision dated November 04, 2022, be added to the proposed Planning Statute Law Amendment Act (Bill 150) with regards to the Niagara Region Official Plan.**

Walker appreciates the Province's consideration of our comments and welcomes the opportunity to work with Provincial staff to clarify and further discuss the comments included in our submission.

Yours truly,

A handwritten signature in black ink, appearing to read 'K. Kehl'.

KEVIN KEHL
PROJECT MANAGER
AGGREGATES & CONSTRUCTION DIVISION