

## LOCAL PLANNING APPEAL TRIBUNAL

IN THE MATTER of Subsections 17(24), 17(36), 22(7), 34.1(1), 34(11), 34(19), 51(34), 51(39) and 69(3) of the Planning Act, R.S.O. 1990, c. P. 13, as amended,

Applicant and Appellant:	ClubLink Corporation ULC and ClubLink Holdings Ltd.
Subject:	Appeal of Development Applications submitted for the property located at 1333 Dorval Drive
Municipality:	Town of Oakville
LPAT Case No's.:	PL171084, PL180158, PL180580, MM180022, MM170004
LPAT File No's.:	PL171084, PL171085, PL171086, PL171167, PL180034, PL180158, PL180159, PL180580, PL180581, MM180022, MM170004,
LPAT Case Name:	ClubLink Corporation ULC v. Oakville (Town)

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**WITNESS STATEMENT OF DAVID CAPPER, MCIP, RPP**  
**May 17, 2021**

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## **INTRODUCTION**

1. This Witness Statement has been prepared for the Local Planning Appeal Tribunal (the "Tribunal") hearing related to the lands municipally known as 1313 and 1333 Dorval Drive in the Town of Oakville (the "Subject Property"). Unless otherwise stated, for the purposes of this Witness Statement the Subject Property does not include the RayDor Estate block which is not included as part of the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications.
2. The appeals relate to applications by ClubLink Corporation ULC and ClubLink Holdings Limited ("ClubLink") to the Town of Oakville ("Town") for an Official Plan Amendment, Zoning By-law Amendment and Draft plan of Subdivision (the "Applications"), as well as three Town-initiated Official Plan Amendments, a Town-initiated Zoning By-law Amendment, an application by ClubLink to demolish the golf course under section 34 of the Ontario Heritage Act, and fees paid by ClubLink in relation to the Applications.
3. This Witness Statement describes the Subject Property and its contextual location within the Town of Oakville. This Witness Statement reviews the policy and regulatory documents to which I will refer and provides planning opinions and evidence that will be presented to the Tribunal with respect to the Applications. Finally, this Witness Statement identifies the Issues on the Issues List that I will address in my evidence and a summary of my responses to those Issues.
4. This Witness Statement has been coordinated with the Witness Statement of Mr. Peter Smith.

## **QUALIFICATIONS**

5. I am a land use planner with experience in various land use planning matters. I have practiced as a land use planner for the past 16 years. I am currently an Associate at Glen Schnarr & Associates Inc. (GSAI), a land use planning consultancy based in Mississauga, Ontario.
6. Prior to joining the private sector in April 2011, I was employed at the Town of Oakville Planning Services Department and Economic Development Department. I held the position of Development Planner in the Town of Oakville Planning Services Department from 2004 to 2010 and as Senior Economic Development Officer in 2011.

7. I have previously been qualified to provide expert testimony before the Tribunal, the former Ontario Municipal Board, and the Toronto Local Appeal Body as a land use planner.
8. I am a member of the Canadian Institute of Planners (CIP) and a Registered Professional Planner with the Ontario Professional Planners Institute (OPPI) and the Planning Institute of British Columbia (PIBC).
9. My CV which outlines my academic background and practical experience relating to land use planning is attached to this Witness Statement.
10. I have executed an Acknowledgement of Expert's Duty for this hearing, which is attached to this Witness Statement.

## **INVOLVEMENT WITH APPLICATIONS**

11. GSAI was retained in June of 2015 to provide professional planning consulting services to ClubLink.
12. The purpose of the retainer was to evaluate the redevelopment potential of the property and assist in the preparation and submission of planning applications for amendments to the Town of Oakville Official Plan and Zoning By-Law as well as an application for Draft Plan of subdivision (Draft Plan) approval to facilitate the redevelopment of the Subject Property for a residential/mixed use development.
13. Our retainer involved conducting research on the relevant policies and regulations contained in the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Greenbelt Plan, Region of Halton Official Plan, Town of Oakville Official Plan and Town of Oakville Zoning By-law (2014-014).
14. Our firm was tasked with the preparation of a Planning Justification Report which evaluated the proposed redevelopment in the context of the existing policy regime and provided an independent professional opinion on the appropriateness of the proposed redevelopment. Additionally, our firm was tasked with the preparation of the planning instruments that would be required to implement the proposed Draft Plan as well as the preparation of the proposed Draft Plan.
15. Our retainer also included project management of the Applications as they proceeded through the public consultation and technical review processes as well as attendance at public meetings held regarding the Applications.
16. Following the appeals of the Applications, our retainer was extended to include preparation for and the provision of expert testimony at the hearing before the

Local Planning Appeal Tribunal. In addition, GSAI provided land use planning advice in relation to the Town-initiated Official Plan Amendments (OPAs 15, 16 and 24) and Zoning By-law No. 2018-016 that were appealed by ClubLink.

17. I have managed this file at GSAI since January 2020. My preparation for this hearing has included the following tasks:
  - a) Initially, reviewed the details of the Applications in order to determine if I could support the Applications;
  - b) Conducted a number of site visits to the Subject Property and surrounding areas;
  - c) Taken photographs of the Subject Property and surrounding areas for visual evidence; and
  - d) Revised the Planning Instruments for the proposed development to address technical review commentary where it has been provided.

## **SITE CONTEXT AND DESCRIPTION**

18. The Subject Property is located within the south-east quadrant of Upper Middle Road and Dorval Drive in the Town of Oakville and is legally described as Part of Lots 17-20, Concession 2, South of Dundas Street.
19. The Subject Property has a total site area of 93.98 hectares (232.22 acres). When excluding the portion of the property on which the RayDor Estate is located, the Subject Property has an area of 92.72 hectares (229 acres) which is comprised of tableland and a portion of the Sixteen Mile Creek and valley. The Subject Property has lot frontages of approximately 598 metres (1,818 feet) on Dorval Drive and 704 metres (2,309 feet) on Upper Middle Road.
20. The tableland area of the Subject Property is approximately 61.50 ha (151.96). The portion of the Subject Property which is located within the Sixteen Mille Creek system and associated valley lands is approximately 31.48 ha (77.79 ac). These two land features are separated by a change in slope of approximately 30.0 m in height.
21. The property is currently occupied by Glen Abbey Golf Club and the RayDor Estate office building, which are both in active use. As previously noted, the RayDor Estate is not subject to the applications.
22. The RayDor Estate building was designated in 1993 under Part IV of the Ontario Heritage Act (By-law 1993-112). The portion of the Subject Property occupied by RayDor Estate is not part of the Applications.

23. The tablelands are characterized by the existing golf course's extensive, gently undulating topography with several artificial ponds and a woodlot feature near Dorval Drive. The Clubhouse, Stables building (maintenance building) and various ancillary buildings associated with the golf course are located on the tableland area.
24. The Sixteen Mile Creek valley lands are characterized by the meandering Sixteen Mile Creek, five golf holes, existing golf cart paths, and well-vegetated valley edge slopes. There are few structures located within the valley lands area, excepting three cart bridges over Sixteen Mile Creek and a remnant building which previously housed a ski lift mechanism.
25. The slopes of the valley lands are heavily vegetated with mature trees and understory vegetation. The tablelands areas are predominantly manicured golf course fairways and greens with mature trees and vegetation located between fairways as well as at the periphery of the course. There are four man-made water features located on the tableland area of Subject Property, and these features serve drainage and irrigation purposes for the golf course. An additional water feature is located within the valley lands.
26. A more detailed description of the natural features that exist on the Subject Property is provided in the Environmental Impact Assessment prepared by Beacon Environmental Ltd. submitted in support of the Applications.

A more detailed description of the existing buildings located on the Subject Property is contained within the Urban Design Brief prepared by SGL Planning and Design Inc. and the Addendum to the Cultural Heritage Landscape Assessment and Heritage Impact Assessment prepared by ERA Architects, both submitted in support of the Applications.

27. The above will be illustrated with reference to a number of images of the Subject Property which will be contained in the Photobook prepared as visual evidence for this hearing.

## **SURROUNDING NEIGHBOURHOOD CONTEXT**

28. The Subject Property is located within the Glen Abbey Community.
29. The Town of Oakville's Transportation Master Plan defines the Glen Abbey Community as bounded by Upper Middle Road to the north, Sixteen Mile Creek to the east, Fourteen Mile Creek to the west, and approximately the North Service Road to the south.

### ADJACENT LANDS TO THE NORTH

30. Adjacent lands on the north side of Upper Middle Road are within the West Oak Trails and River Oaks Communities. They are occupied by a portion of Sixteen Mile Creek and natural areas. Lands to the east and west of Sixteen Mile Creek in these communities are predominantly comprised of single detached dwellings.
31. There are a number of blocks containing medium density built forms located in the southeast quadrant of Fourth Line and Westoak Trails. Built forms in this area include street townhouses and semi-detached dwellings. West Oaks Public School is located on Fourth Line, north of Upper Middle Road. St. Teresa of Calcutta Catholic School is located to the north on Westview Terrace. There are a number of parks as well as recreation trails within this area.
32. The lands to the east of Sixteen Mile Creek, and north of Upper Middle Road, have been predominantly developed with single detached dwellings. There are also a number of medium density blocks which have been developed with townhouse developments.

### ADJACENT LANDS TO THE EAST

33. The lands to the east of the Sixteen Mile Creek valley are located within the College Park Community and are occupied predominantly by detached dwellings, townhouse dwellings, neighbourhood commercial uses, schools, and parks.
34. The built form within the adjacent community immediately abutting to the east of the Subject Property is predominantly single detached dwellings with a mix of one and two storey building heights. Dwellings on lots abutting the Sixteen Mile Creek valley are generally sited approximately 15 metres from rear property lines (abutting valley). A number of dwellings (281 Richmond Road, 296 & 294 Rambler Court, 286 Royal Oak Court & 1266 Richards Crescent) were observed as having a building setback of less than 8.5 metres from their respective rear property line.
35. The public Sixteen Mile Creek Trail system runs along the top of the eastern bank of the Sixteen Mile Creek valley. The trail is situated between the top of the valley slope and the rear yards of the adjacent dwellings to the east within the College Park Community. In proximity to the Subject Property, the trail system stretches from north of Upper Middle Road and continues along the top of the valley slope to McCraney Street West approximately 1 km to the southeast. A southern portion of the trail system includes a cantilevered boardwalk of which portions extend out beyond and/or above the top of the valley slope. The trail block is approximately

7.5 metres wide with a few portions that are wider where the trail provides connections to the adjacent streets. This trail provides connections to the extensive park and open space system which exists in and around the community.

#### ADJACENT LANDS TO THE WEST

36. The lands to the west, located on the west and south sides of Dorval Drive, have been predominantly developed with single detached dwellings. An area of medium and high-density residential uses is located in the area south of Upper Middle Road along Nottingham Gate. Built forms in this area include apartment buildings, ranging in height from 6 to 9 storeys, and street townhouses.
37. The lands immediately adjacent to the west of the Subject Property, and east of Dorval Drive, are known as the Fairway Hills neighbourhood. This area is made up of single detached dwellings which are two storeys in height. Dwellings and lots within this area are generally larger than those in adjacent neighbourhoods. An open space feature is located at the entrance to this neighbourhood adjacent to Fairway Hills Blvd. This feature connects to a larger open space feature which directly abuts the westerly boundary of the Subject Property. These open space blocks appear to be privately owned as they are noted as being under the ownership of the Fairway Hills Community Association of Oakville.
38. The Fairway Hills neighbourhood is distinctly separated from the Subject Property and does not represent an integrated residential development within a golf course such as the Millcroft Golf Club in Burlington or former Riverstone Golf Course in Brampton.
39. The Fairway Hills neighbourhood appears to have been developed in the mid to late 1980's, through the registration of Plan 20M 382 which was registered in 1986. However, the eastern portion (Abbeydale Court and Golfview Court) of the neighbourhood was developed in 2001/2002 through the registration of Plan 20M 829 in 2002. The easterly part of the neighbourhood consists of 28 single detached dwellings. Given that these are newer dwellings, they are generally larger than the older building stock in the Fairway Hills neighbourhood. These dwellings also generally have higher building heights than those of the adjacent older dwellings.
40. Dwellings within the Fairway Hills neighbourhood have generally been sited to provide greater front and rear yard setbacks than the minimums that are required in the Zoning By-law. Separation distances between dwellings appear to be consistent with the minimum side yard setbacks required in the Zoning By-law.

## ADJACENT LANDS TO THE SOUTH

41. The lands to the south of the Subject Property have been developed with a wider range in built form and dwelling types. Dwelling types in this area include single detached dwellings, street townhouses, condominium townhouses and mid-rise apartment buildings. Lot areas and frontages within this area are generally more compact than other adjacent neighbourhoods. Neighbourhood service commercial and retail uses exist in the area surrounding the intersection of the QEW highway and Dorval Drive. A number of office employment and business commercial uses are located along the North Service Road adjacent to the QEW highway.
42. The Sixteen Mille Creek and associated valley system is located along the easterly side of the Subject Property. Portions of the existing golf course are located within the valley system. Beyond the Subject Property, the Sixteen Mile Creek valley system extends southward to Lake Ontario and northward toward North Oakville and beyond. The slopes of the valley system are heavily vegetated with mature trees and vegetative understory. The mature trees are dense in quantity and vegetation. The density of these trees assists in screening the adjacent land uses to the east from the golf course and vice versa.
43. The above will be illustrated with reference to a number of images of the surrounding community which will be contained in the Photobook prepared as visual evidence for this hearing.

## **PROPOSED DEVELOPMENT CONCEPT**

44. The Applications seek to permit the redevelopment of the Subject Property with a new residential and mixed use neighbourhood consisting of 3,222 residential units, 5,429 m<sup>2</sup> of office commercial space and 5,841 m<sup>2</sup> of retail commercial space. The redevelopment includes an additional 546 m<sup>2</sup> of market retail space proposed to be located within the existing Stables building.
45. The redevelopment proposal includes the creation of 10.38 hectares (25.65 acres) of new publicly accessible park area within the Glen Abbey Community.
46. The redevelopment concept proposes the conveyance of the Sixteen Mile Creek valley and its associated buffers, as well as tableland woodlots and their associated buffers to the Town as a condition of approval. This will result in approximately 32.57 hectares (80.48 acres) of Natural Heritage System and 1.78 hectares (4.4 acres) of Natural Heritage System Buffer being added to the publicly owned natural heritage system. This dedication would allow for future public access to lands that are not currently accessible to the public other than the patrons of the golf course.

47. Additionally, the redevelopment concept includes the following additional land conveyances to the Town:
  - 0.34 hectares of remnant wooded area (Block 176);
  - 4.32 hectares of stormwater management ponds; and,
  - 0.78 hectares of open space.
48. The total amount of land proposed to be conveyed to the Town is 50.17 hectares (123.97 acres) which represents 54% of the land area of the Subject Property.
49. The RayDor Estate is not subject to the Applications and has been excluded from the redevelopment proposal.
50. The proposed residential units are broken down into the following unit types:
  - 141 Single Detached Dwellings;
  - 299 Townhouse Dwellings of various forms allowing for street townhouses, back-to-back townhouses, stacked townhouses and stacked back-to-back townhouses; and,
  - 2,782 Apartment Dwellings.

The range in unit types proposed is intended to promote variety and diversity, and address changes in market conditions.

51. The redevelopment concept has been designed to allow for an appropriate transition in height and density from west to east as one traverses the Subject Property. A similar transition occurs as one traverses the site from south to north.
52. This transition is intended to recognize the existing development of large lot single detached dwellings within the Fairway Hills neighbourhood along the westerly and northwesterly property boundaries and the existing townhouse development to the southeast of the Subject Property. The incorporation of similar built form and zoning permissions in this area allows for the development of dwellings that are compatible with the existing built form. Additionally, the proposed development has sited the lowest densities and building heights around the periphery of the Subject Property adjacent to the existing low density residential neighbourhood.
53. A more detailed description of the proposed redevelopment concept is contained within the Urban Design Brief prepared by SGL Planning and Design Inc. submitted in support of the Applications.

## **PROPOSED PLANNING INSTRUMENTS**

54. The Appeals before the Tribunal seeks the approval of the Applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan approval to allow for the redevelopment of the Subject Property with the proposed residential/mixed use development which consists of 3,222 residential units consisting of single detached dwelling units, townhouse dwelling units (street towns, back-to-back towns, stacked towns, and stacked back-to-back towns) and apartment dwelling units. The proposed redevelopment also incorporates commercial, parks and open space, and natural heritage uses.
55. The proposed Planning Instruments were submitted with the Applications and were revised in January 2021 for submission to the Tribunal.
56. In addition to the Appeals related to the Applications, additional appeals have been filed by ClubLink with respect to the following matters:
  - Appeal of OPA 24 - Cultural Heritage Special Policy Areas, including Glen Abbey Golf Course;
  - Appeal of Zoning By-law 2018-016 for the Glen Abbey Property
  - Appeal of OPA 15 – Urban Structure;
  - Appeal of OPA 16 – Cultural Heritage Policy Update;
  - Demolition permit appeal under the Ontario Heritage Act; and,
  - Appeal of application fees as administered by the Town.

## **EXISTING OFFICIAL PLAN DESIGNATIONS AND PROPOSED OFFICIAL PLAN AMENDMENT**

57. The Applications were submitted under the Livable Oakville Official Plan, February 23, 2015 Office Consolidation.
58. The Subject Property is recognized as a 'Residential Area' on Schedule A1 – Urban Structure of the Livable Oakville Plan. The Livable Oakville Plan indicates that the majority of the residential neighbourhoods in the Town are designated for low density residential uses to ensure a continuation of the existing neighbourhood structure. The policy provides for medium and high density areas in existing communities “primarily to reflect developments that are already in place”.
59. Schedule H (West Land Use) of the Livable Oakville Plan designates the Subject Property as Private Open Space and Natural Area with two site-specific exceptions. The two site specific exceptions are discussed in paragraph 64 and 65 below.

60. Additionally, Schedule H (West Land Use) of the Livable Oakville Plan designates a portion of the northwest corner of the Subject Property as Low Density Residential. This area measures approximately 0.87 hectares (2.15 acres). This land use designation is proposed to be removed by the Town Of Oakville through its adoption of OPA 24 which redesignated this portion of the Subject Property as Private Open Space. This area could accommodate up to 25 single detached residential units under the maximum residential density permitted in the Low Density Residential land use designation.
61. Schedule I (Central Land Use) of the Livable Oakville Plan designates a portion of the valley lands system as being Private Open Space. This designation is located on the east side of the Sixteen Mile Creek and is the only portion of the valley lands system located on the Subject Property that is designated as Private Open Space. It appears that the inclusion of this land use designation is a mapping error in the Livable Oakville Plan. I believe the error is a result of the Subject Property straddling the boundary of two Official Plan Schedules and these schedules not being appropriately coordinated.
62. Uses permitted within the Private Open Space designation include legally existing golf courses; legally existing recreational facilities; trails; existing cemeteries; conservation uses including fish, wildlife and forest management; and, essential public works including transportation, utility, watershed management and flood and erosion hazard control facilities. Section 17.4.2 of the Official Plan states that lands designated Private Open Space are not intended for public use.
63. Uses permitted within the Natural Area designation include the following:
  - legally existing uses, buildings and structures including existing agricultural uses;
  - fish, wildlife and conservation management including forestry management;
  - essential public works including transportation, utility, watershed management, and flood and erosion control facilities; and
  - passive recreation features such as trails, walkways, and bicycle paths.
64. In addition, a site-specific exception applicable to the Subject Property in Section 27.3.4 of the Livable Oakville Plan permits the following on the portion of the subject lands designated Private Open Space:

*The following additional uses related to the principal golf course use may also be permitted:*

  - a) a hotel / conference centre with accessory facilities and uses thereto;*
  - b) banquet and dining facilities;*
  - c) limited retail, service commercial, manufacturing and storage;*

- d) recreational, educational and cultural facilities;*
- e) administrative offices and publication facilities; and,*
- f) maintenance / groundskeeper facilities, including existing residential uses.*

65. On the portion of the Subject Property designated Natural Area, Section 27.3.5 of the Livable Oakville Plan, a second site specific exception applicable to the Subject Property, permits the existing golf course to be restored and/or rebuilt to its previous condition if damaged or destroyed by a natural disaster, subject to the following:

- a) The owner shall prepare an environmental impact statement to demonstrate, to the satisfaction of the Town, that erosion and any adverse impacts to water quality, water quantity, slope stability, wildlife habitat, existing vegetation and drainage shall be minimized, and existing valley slopes shall not be disturbed.*
- b) Necessary mitigation measures shall be implemented to the satisfaction of the Town.*
- c) The necessary permits shall be obtained from Conservation Halton.*

66. The existing Official Plan designations do not allow the residential and commercial uses proposed on the Subject Property. As such, an Official Plan Amendment is required to permit the proposed redevelopment.

67. The proposed Official Plan Amendment is to amend the Official Plan designations from "Low Density Residential", "Natural Area", "Natural Area – Exception Policy 27.3.5", "Private Open Space" and "Private Open Space – Exception 27.3.4" to "Low Density Residential", "Medium Density Residential", "High Density Residential", "Main Street 2 – Exception XX", "Community Commercial – Exception XX", "Natural Area", "Parks and Open Space" and "Natural Area". Exception Policies 27.3.4 and 27.3.5 are also being retained.

68. The proposed Official Plan Amendment seeks an amendment to Schedule H – West Land Use to introduce the following land uses:

- Low Density Residential land use designation at the northwest periphery of the Subject Property and adjacent to the existing Low Density Residential designation within the Fairway Hills neighbourhood;
- Medium Density Residential land use designation internal to the Subject Property and adjacent to the new north-south collector road;
- High Density Residential land use designation internal to the Subject Property;
- Main Street 2 land use designation located adjacent to new north-south collector road at the intersection of minor/major collectors;

- Community Commercial land use designation applied to existing Stable buildings to allow for adaptive reuse of these buildings as a public use such as a farmers market;
  - Parks and Open Space designation surrounding higher density land uses at the centre of the development and along the valley edge;
  - Designation of the Sixteen Mile Creek valley lands system as Natural Area;
  - Recognition of Site-Specific exceptions noted in the proposed Official Plan Amendment; and,
  - Designation of tableland woodlots as Natural Area.
69. In addition to the above-mentioned land use designations, the proposed Official Plan Amendment seeks to add site specific policies to recognize specific aspects of the proposed redevelopment as follows:
- Addition of a site-specific policy which permits Community Commercial uses to locate at the intersection of the Retail Main Street and a Local Road, whereas the Official Plan contemplates such uses to be located at the intersection of two arterial roads or at the intersection of an arterial road and a collector road;
  - Addition of a site-specific policy which eliminates the requirement for Community Commercial areas to be developed in a nodal configuration and are encouraged to provide and maintain a food store as part of the node;
  - Addition of a site-specific policy which eliminates the requirement for mixed use development to be focused on lands located within Oakville's Growth Areas and along identified corridors;
  - Addition of a site-specific policy which eliminates the requirement for the Main Street 2 designation to be located in emerging Growth Areas such as Kerr Village and the Uptown Core and the gateway areas within Bronte Village; and,
  - Addition of a site-specific policy which permits buildings within the Main Street 2 designation to have a minimum of one storey in height and a maximum of 12 storeys in height.

## **EXISTING ZONING PROVISIONS AND PROPOSED ZONING BY-LAW AMENDMENT**

70. The Subject Property is zoned as Private Open Space (O2) and Natural Area (N), with special provision 114 applying to part of the Private Open Space Zone (O2 Zone).
71. The uses permitted within the Private Open Space O2 zone are as follows:
- Business office
  - Commercial school (*Permitted only accessory to another permitted use*)

- Community centre
- Conservation use
- Emergency service facility
- Golf course
- Library (*Permitted only accessory to another permitted use*)
- Museum (*Permitted only accessory to another permitted use*)
- Outside miniature golf course
- Park, private
- Public hall (*Permitted only accessory to another permitted use*)
- Restaurant (*Permitted only accessory to another permitted use*)
- Retail store (*Permitted only accessory to another permitted use*)
- Stormwater management facility
- Service commercial establishment (*Permitted only accessory to another permitted use*)
- Sports facility

72. The uses permitted within the Natural Area (N) zone are as follows:

- Conservation use (*No habitable buildings and habitable structures shall be permitted*)
- Park, private (*No habitable buildings and habitable structures shall be permitted*)
- Park, public (*No habitable buildings and habitable structures shall be permitted*)
- Stormwater management facility

73. Special Provision 114 permits the following additional uses:

- Hotel
- Manufacturing, accessory
- Public hall, and Footnote 1 of Table 12.2, relating to the limitation to accessory use only, shall not apply.
- Residential accommodation for caretakers and maintenance staff

74. On February 1, 2016, Oakville Planning and Development Council passed By-law 2016-024, which was an Interim Control By-Law (ICBL) that prohibited certain uses of the Subject Property. The effect of the passing of the ICBL was to restrict the use of any land, building or structure for any purpose whatsoever except for a use that lawfully existed on the date of passing of the ICBL and as long as it continues to be used for such purposes. Furthermore, the ICBL restricted the construction, alteration, or expansion of any building or structure, with the exception of construction, alteration, or expansion is a continuation of a lawful use existing on the date of passing of the ICBL.

75. The ICBL effectively removed all zoning permissions for permitted uses which would have previously applied to the Subject Property.
76. The ICBL was passed for a period of one year and was subsequently extended by the passing of By-law No. 2016-115 which amended the original ICBL by extending it for one additional year, for a total of two years. As a result of the outstanding appeal of By-law No. 2018-016 by ClubLink, the ICBL continues in effect.
77. The current zoning does not allow the residential, mixed use and commercial uses proposed on the Subject Property and as such an amendment to the Zoning By-law is required to permit the proposed redevelopment of the Subject Property.
78. The proposed Zoning By-law Amendment seeks to amend the zoning of the Subject Property to the following zone categories:
  - Site-Specific Residential Low zone RL3
  - Site-Specific Residential Low zone RL5
  - Site-Specific Residential Low zone RL8
  - Site-Specific Residential Low zone RL9
  - Site-Specific Residential Medium zone RM1
  - Site-Specific Residential Medium zone RM2
  - Site-Specific Residential Medium zone RM3
  - Site-Specific Residential High zone RH
  - Site-Specific Residential High zone RH XX (*Provides specific additional regulations for Block 142 at north west corner of Subject Property*)
  - Site-Specific Urban Centre zone MU3
  - Site-Specific Community Commercial zone C2
79. The proposed site-specific provisions applicable to each zone have been developed in accordance with the urban design objectives for the proposed redevelopment. Many of the zoning provisions are greater than what is required under the minimum parent zoning provisions and additional regulations have been added where necessary to achieve the urban design objectives.
80. The Applications seek a reduction in the minimum required parking spaces for certain uses. The proposed parking space reductions are lower than the parking requirements of Zoning By-law 2014-014, however they are consistent with the parking provisions within the North Oakville Zoning By-law 2009-189, noting the exception of the proposed parking requirement for a community centre.
81. I note that the proposed parking rate for a C2 - Community Commercial use is 1 parking space per 30 m<sup>2</sup> of net floor area whereas the parent zoning provisions

require 1 parking space per 22 m<sup>2</sup> of net floor area. Within areas which are zoned as mixed use, the parent zoning provisions for the C2 - Community Commercial zone require parking rates between 0 parking spaces (non-residential uses within Downtown Oakville) and 1 parking space per 40 m<sup>2</sup> of net floor area (Bronte Village and Kerr Village).

82. The justification provided for the reduced parking ratio for Community Centre use is the availability of on street parking which is being proposed on Street 'R' adjacent to the proposed C2 - Community Commercial zone.

### **PROPOSED DRAFT PLAN OF SUBDIVISION**

83. In order to implement the proposed redevelopment, a Draft Plan is required to subdivide the Subject Property into lots and blocks.
84. The general layout of the Draft Plan organizes lower density residential uses at the west periphery of the Subject Property transitioning to higher density residential and mixed uses as one traverses to the interior of the proposed redevelopment.
85. The majority of the proposed lower density residential areas are separated from higher density areas by way of the proposed street network and the Greenway Park linear park system, noting the exception of Blocks 142 and 148. Blocks 142 and 148 are separated by lower intensity built forms such as townhouses (Block 142) and single detached dwellings (Block 148).. The Greenway Park and open space system, including the proposed Central Park, is continued along the entirety of the Sixteen Mile Creek valley System, except adjacent to Block 163, Block 164 and the RayDor Estate lands. Lands within the linear park system are proposed to be conveyed to the Town as publicly accessible parkland. A Central Park is proposed at the approximate centre of the redevelopment, in the general vicinity of the existing 18<sup>th</sup> Hole on the golf course. The Central Park is 5.08 ha (12.55 ac) in area.
86. A new north-south major collector road bisects the Subject Property with a minor collector and local streets organized in a modified grid pattern adjacent to the major collector road.
87. Lands within the Sixteen Mile Creek valley system and the associated buffers are proposed to be conveyed to the Town for inclusion as part of the larger Town owned Natural Heritage System. The Natural Heritage System area on the Subject Property totals 33.74 ha (83.37 ac) in area.

88. Three proposed stormwater management (SWM) ponds are located at Blocks 189, 190 and 191. The SWM ponds have been sited in the most appropriate locations to accommodate site drainage.
89. There are two tableland woodlots that are located at Blocks 183 and 184. These Blocks have been provided with an appropriate buffer and are included within the Greenway Park system. In addition to these two tableland woodlots, a remnant wooded area is proposed to be retained in Block 176.
90. Proposed internal roads within the Subdivision range in width from 36.0 m for the major collector road (Street 'A') to 7.5 m for rear laneways (Lanes 'A' through 'F'). The full range of proposed road widths is provided in the table below in Paragraph 91 below.
91. The following table provides a summary of the various land uses, blocks and the associated areas within the proposed Draft Plan (with colours corresponding to those on the Draft Plan):

Land Use Schedule				
LAND USE	LOTS / BLOCKS	AREA (ha)	AREA (ac)	UNITS
DETACHED - 9.20m (30')	48-66,83,86-107,131,132,134-141	2.03	5.02	52
DETACHED - 9.75m (32')	119,120	0.06	0.15	2
DETACHED - 12.20m (40')	44-47,67,68,71-73,75-79,84,85,108-110,116-118,121,123,124,127,129	1.19	2.94	27
DETACHED - 13.10m (43')	40-43,69,82,11-115,128,130,133	0.84	2.08	14
DETACHED - 15.20m (50')	70,74,122,125,126	0.32	0.79	5
DETACHED - 18.20m (60')	1-39,80,81	3.94	9.74	41
TOWNHOUSE & APARTMENT	142,143,148-159,161-166	15.17	37.49	2492
MIXED USE TOWNHOUSE / APARTMENT	144-147,160	3.38	8.35	589
COMMUNITY AMENITY	167	0.5	1.24	
PARK	168-175	10.38	25.65	
REMNANT WOODED AREA	176	0.34	0.84	
OPEN SPACE	177-179	0.21	0.52	
ENBRIDGE EASEMENT	180,181	0.4	0.99	
NATURAL HERITAGE SYSTEM (NHS)	182-184	32.57	80.48	
NHS BUFFER	185-188	1.78	4.40	
SWM POND	189-191	4.32	10.67	
ROAD WIDENING	192	0.21	0.52	
7.5m LANE ROW (589m)		0.46	1.14	
11.5m LANE ROW (289m)		0.38	0.94	
17.0m ROW (4,110m)		6.98	17.25	
22.0m ROW (723m)		1.66	4.10	
26.0m ROW (410m)		1.12	2.77	
27.50m ROW (72m)		0.21	0.52	
34.0m ROW (90m)		0.32	0.79	
36.0m ROW (1,095m)		3.96	9.79	
<b>SUBDIVISION TOTAL</b>	<b>192</b>	<b>92.73</b>	<b>229.14</b>	<b>3222</b>
EX. RAYDOR ESTATE (NOT A PART OF APPLICATION)		1.25	3.09	
<b>TOTAL</b>	<b>192</b>	<b>93.98</b>	<b>232.22</b>	<b>3222</b>

92. Single detached residential lots that abut the Fairway Hills neighbourhood have been designed with lot frontages of approximately 18.2 m (60 ft) wide. Lot depths within this area range from approximately 42 m (137 ft) to 53.20 m (174 ft). The smallest lot area within this area is 768.95 m<sup>2</sup> (8,276.9 ft<sup>2</sup>) and the largest lot area within this area is 968.24 m<sup>2</sup> (10,422.04 ft<sup>2</sup>).
93. The Zoning regulations for the lots adjacent to the Fairway Hills neighbourhood require a minimum rear yard setback of 17.5 m (24.6 ft) which is greater the minimum required rear yard in the Fairway Hills neighbourhood, thus ensuring a minimum separation distance in the rear yard of 17.5 m (57 ft) between the existing rear lot lines and any proposed dwellings. The intent of the increased rear yard setback, beyond the minimum zoning requirement of 7.5 m is to ensure that a 10.0 m landscaped buffer can be introduced in the rear yards of the lots abutting the Fairway Hills neighbourhood.

94. Proposed Street 'J' separates these larger single detached residential lots from a number of smaller single detached residential lots which are generally located between Street 'J' and Street 'B'. Single detached residential lots within this area have a range of lot frontages from 9.10 m (30 ft) to 23.85 m (78.2 ft). The smallest lot area within this area is 294.4 m<sup>2</sup> (3,168.89 ft<sup>2</sup>) and the largest lot area within this area is 765.58 m<sup>2</sup> (8,240.68 ft<sup>2</sup>). A number of these lots abut a rear laneway which provides an opportunity for detached rear yard garages.
95. Within these two areas, there are a total of 141 single detached residential lots. These lots occupy a total of 8.37 ha of land area resulting in a residential density of 17 units per hectare. The proposed residential density is within the density range contemplated in the Official Plan for the Low Density Residential designation, which has a maximum density of 29 units per site hectare.
96. The people per unit (PPU) rate for single detached dwellings was identified in the Town of Oakville's 2012 Development Charge (DC) Background Study as 3.48 PPU. Based on a PPU of 3.48 it was projected that a total population of 491 residents could be expected within the proposed single detached dwellings.
97. The PPU rate for single detached dwellings as identified in the Town's 2018 DC Background Study is 3.68 PPU. Based on a PPU of 3.68 it is projected that a total population of 519 residents can be expected within the proposed single detached dwellings.
98. Medium Density residential uses have been sited so that they are internal to the Subject Property and are separated from other residential uses by the Greenway Park and proposed street network, with the exception of Blocks 142 and 148.
99. Built forms contemplated within this area are street townhouses, back-to-back townhouses, stacked townhouses and stacked back-to-back townhouses. These built forms are proposed to be located in Blocks 142, 149, 151, 152, 155, 156, 158, 159, 160, 161 and 164. Some of these blocks also include mid-rise (4 to 8 storeys) and mid-rise (8 to 12 storeys) apartment buildings. Building heights for townhouse built forms range from 3 to 4 storeys. There are a total of 299 townhouse units that are proposed in the Draft Plan.
100. The PPU rate for multiple attached dwellings as identified in the Town's 2012 DC Background Study was 2.55 PPU. Based on a PPU of 2.55 it was projected that a total population of 763 residents could be expected within the proposed multiple attached dwellings.
101. The PPU rate for multiple attached dwellings as identified in the Town's 2018 DC Background Study is 2.61 PPU. Based on a PPU of 2.61 it is projected that a total

population of 781 residents can be expected within the proposed multiple attached dwellings.

102. High Density and Mixed Use residential uses have been sited so that they are located along the major collector road (Street 'A') and internal to the site where the majority of the proposed density and building heights are concentrated.
103. Built forms in this area are predominantly mid-rise buildings ranging in height from 5 to 12 storeys. All mid-rise apartment buildings include a podium of between 2 and 4 storeys. There are a total of 2,724 apartment units proposed. Of these units, 33.3% (927 units) are proposed to be 1 bedroom units and 66.6% (1,855 units) are proposed to be 2 or more bedroom units. I note that the final mix of unit types and sizes will be determined based on market demand at the time of construction of the proposed apartment buildings.
104. The PPU rate for apartment dwellings as identified in the Town's 2012 DC Background Study was 1.46 PPU for 1 bedroom units and 2.03 PPU for 2 or more bedroom units. Based on these rates, it was projected that a total population of 5,119 residents could be expected within the proposed apartment dwellings.
105. The PPU rate for apartment dwellings as identified in the Town's 2018 DC Background Study is 1.44 PPU. Based on a PPU of 1.44 it is projected that a total population of 3,923 residents can be expected within the proposed apartment dwellings.
106. An evaluation of the proposed Draft Plan under Section 51 (24) of the Planning Act has been included in Paragraphs 132 and 133 of this Witness Statement.

## **POLICY ANALYSIS**

107. In preparation for this hearing, I have considered the following policy and regulatory documents as they relate to the Applications:
  - The Planning Act;
  - The Provincial Policy Statement (2020);
  - Growth Plan for the Greater Golden Horseshoe (2019);
  - The Greenbelt Plan (2017);
  - The Halton Region Official Plan Amendment – Interim Office Consolidation September 28, 2015 (ROPA 38) as partially approved by the OMB;
  - Conservation Halton Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document April 27, 2006;
  - The Livable Oakville Official Plan (2011) – Office Consolidation, February 23, 2015;

- Town of Oakville Official Plan Amendment 15;
- Town of Oakville Official Plan Amendment 16; and,
- Town of Oakville Official Plan Amendment 24 and Zoning By-law 2018-16;

## THE PLANNING ACT

108. Section 2 of the Planning Act requires decision makers, in carrying out their responsibilities under the Planning Act, to have regard to, among other matters, matters of provincial interest.

109. The following matters of provincial interest are relevant to the evaluation of the proposed redevelopment:

- (a) *the protection of ecological systems, including natural areas, features and functions;*
- (d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- (e) *the supply, efficient use and conservation of energy and water;*
- (f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) *the orderly development of safe and healthy communities;*
- (h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- (i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- (j) *the adequate provision of a full range of housing, including affordable housing;*
- (k) *the adequate provision of employment opportunities;*
- (l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- (m) *the co-ordination of planning activities of public bodies;*
- (n) *the resolution of planning conflicts involving public and private interests;*
- (o) *the protection of public health and safety;*
- (p) *the appropriate location of growth and development;*
- (q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) *the promotion of built form that,*
  - (i) *is well-designed,*
  - (ii) *encourages a sense of place, and*
  - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

110. With respect to Section 2.a) (the protection of ecological systems, including natural areas, features and functions), the Applications propose the conveyance of 34.26 ha of Natural Heritage System and associated buffers to the Town. The area to be conveyed to the Town includes the Sixteen Mile Creek and valley lands system and their associated features and functions. Additional lands to be conveyed include tableland woodlots. These areas are currently under private ownership. The conveyance of these lands to a public authority will ensure the long-term protection of the Natural Heritage System, and their associated buffers, as the lands will be under the stewardship of the Town. The Applications included the submission of an Environmental Impact Assessment prepared by Beacon Environmental, dated October 2016, and updated in February 2021. I have relied on the findings and recommendations of the Beacon reports in determining whether the proposed redevelopment has regard to Section 2.a. of the Planning Act. On this basis, it is my opinion that the Applications have regard for Section 2.a. of the Planning Act.

111. With respect to Section 2.d) (the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest), the Applications have been reviewed in the context of a Cultural Heritage Landscape Assessment and Heritage Impact Assessment and a Park and Open Space Concept Plan, both prepared by ERA Architects, dated November 9<sup>th</sup>, 2016, and submitted in support of the Applications. I have relied on the findings and recommendations of the ERA reports in determining whether the proposed redevelopment has regard to Section 2.d. of the Planning Act. This report concludes that the proposed redevelopment conserves the site's identified cultural heritage value. The proposal also incorporates significant benefits to the Town, including:

- *“Conveyance of the privately owned valley lands to a public authority. These lands are a “missing link” in the Oakville section of the Sixteen Mile Creek Valley, a Regional Natural Heritage System that extends from Lake Ontario to north of Highway 401 to the Niagara Escarpment;*
- *Creation of approximately 10.5 hectares (26 acres) of parkland and trails, connecting proposed and existing neighbourhoods internally and to the valley;*
- *A high quality public realm that will enhance the proposed neighbourhood and improve the health and well-being of its residents;*
- *A layered and enriched landscape that reinterprets the history of Glen Abbey Golf Club and the many previous historical uses of the site; and*
- *Creation of an interpretation program to document the evolving landscape from the time of First Nations occupation to the present.”*

112. The ERA report concludes that the proposed redevelopment conserves the site's identified heritage resources through their adaptation and incorporation into a publicly accessible park and open space system, enabling resources that are

currently privately owned to be fully accessible to the public. On the basis of the findings and conclusions of the ERA report, it is my opinion that the Applications have regard for Section 2.d) of the Planning Act.

113. With respect to Section 2.e) (the supply, efficient use and conservation of energy and water), I note that the proposed residential units will be required by the Ontario Building Code (OBC) to comply with the OBC requirements for increased energy efficiency and improving water efficiency in new-home construction, thereby providing for potential reductions in energy and water usage. On this basis, it is my opinion that the Applications have regard for Section 2.e) of the Planning Act
114. With respect to Section 2.f) (the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems), , I note that the proposed redevelopment was evaluated in the context of a Functional Servicing and Stormwater Management Report prepared by SCS Consulting Group, dated October 2016 and updated in February 2021. I have relied on the findings and recommendations of the SCS report in determining whether the proposed redevelopment has regard to Section 2.f. of the Planning Act. The report outlines the means by which the Subject Property can be graded and serviced with sanitary and stormwater servicing in accordance with Town, Region, Conservation Halton and the Ministry of Environment, Conservation and Parks design criteria and policies. On the basis of the findings, conclusions and recommendations of the SCS report, it is my opinion that the Applications have regard for Section 2.f. of the Planning Act.
115. With respect to Section 2.h) (the orderly development of safe and healthy communities), I note that the Applications will result in the redevelopment of an existing parcel of record located within the Town's Urban Area and Delineated Built Boundary. The proposed new residential and mixed use land uses are located outside of any areas identified as hazard lands or lands which would otherwise be considered unsafe for development.
116. The Applications will result in the redevelopment of a currently underutilized area of land with residential and mixed uses in an efficient and compact urban form containing a range of housing options and a mix of land uses. Large, unencumbered parcels of land within urban settings are logical locations for the orderly development of communities through redevelopments such as is proposed under the Applications.
117. The proposed conveyance of the Sixteen Mile Creek valley system will remove this area from private ownership and allow for long term protection of the Natural Heritage System under the stewardship of the Town. The proposed linear park system will allow for significant and new opportunities for passive and active recreational activity within this area of the Town.

118. It is therefore my opinion that the Applications have regard for Section 2.h) of the Planning Act.
119. With respect to Section 2.h.1) (the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies), I note that the redevelopment facilitated by the approval of the Applications will be required to comply with the relevant OBC provisions regarding accessible design thereby ensuring accessibility to all facilities and services. In this regard, it is my opinion that the Applications have regard for Section 2.h.1) of the Planning Act.
120. With respect to Section 2.i) (the adequate provision and distribution of educational, health, social, cultural and recreational facilities), I note that the proposed redevelopment was evaluated in the context of a Community Services and Facilities Study (CSFS) prepared by IBI Group, dated February 17, 2021. I have relied on the findings and recommendations of the IBI report in determining whether the proposed redevelopment has regard to Section 2.i. The purpose of the CSFS is to provide a review of the existing community services and facilities that are available to future residents of the Glen Abbey redevelopment and surrounding study area, and to determine the community infrastructure needs associated with residential growth based on current/recommended level of service standards. The report concludes that the community infrastructure within the study area sufficiently meets the future needs of the Glen Abbey redevelopment and other growth in the study area and meets the policy intent of the Halton and Oakville Official Plans. Where potential deficiencies are identified, the report presents potential opportunities for accommodation on site through the proposed open space, residential and non-residential uses. Additionally, the report concludes that opportunities to accommodate future demand for community infrastructure exists within the study area. On the basis of the findings, conclusions and recommendations of the IBI report, it is my opinion that the Applications have regard for Section 2.i.) of the Planning Act.
121. With respect to Section 2.j) (the adequate provision of a full range of housing, including affordable housing), I note that the proposed redevelopment provides for the full range of dwelling and unit types that are currently available in the Town thereby providing a wider range of housing options than are currently available in the Glen Abbey community. It is my understanding that the proposed units will be available at market rates with the diversity in unit types allowing for a range of price points including entry level units. It is therefore my opinion that the Applications have regard for Section 2.j) of the Planning Act.
122. With respect to Section 2.k) (the adequate provision of employment opportunities), I note that the proposed redevelopment includes approximately 5,429 m<sup>2</sup> (58,438 ft<sup>2</sup>) of new office space and 5,840.9 m<sup>2</sup> (62,871 ft<sup>2</sup>) of new retail/commercial space

in mixed use format buildings. Additionally, the proposed redevelopment provides for an opportunity for the adaptive reuse of the Stables building which will provide an additional 556 m<sup>2</sup> (5,985 ft<sup>2</sup>) office and/or retail/commercial floor area. The matter of employment opportunities was examined as part of the Commercial/Retail Market Review prepared by IBI Group and dated October 31, 2016 and updated in February 2021. The report estimates that approval of the Applications would result in 157 new jobs being produced by the non-residential development, and these employees would also make use of the retail and services provided in the mixed use buildings thereby further contributing to non-residential employment. It is therefore, it is my opinion that the Applications have regard for Section 2.k) of the Planning Act.

123. With respect to Section 2.l) (the protection of the financial and economic well-being of the Province and its municipalities), I note that if approved the proposed redevelopment will generate substantial new development charges and tax revenue for the Town thereby ensuring the protection of the financial and economic well-being of the Province, Region of Halton and the Town of Oakville. The proposed redevelopment has been evaluated in the context of a Commercial/Retail Market Review & Impact Study and a Financial Impact Study prepared by IBI Group and both dated October 31, 2016 and updated in February 2021. I have relied on the findings and recommendations of the IBI reports in determining whether the proposed redevelopment has regard to Section 2.l. The Commercial/Retail Market Review & Impact Study generally concludes that the retail/service/office space proposed as part of the redevelopment will be sufficient to service the immediate local community and will not impact the viability or planned function of existing or future neighbouring retail. Furthermore, the Financial Impact Study concludes that the majority of the proposed capital infrastructure is a direct developer responsibility, with approximately \$3.93 million not being directly funded and that out of the total \$3.93million. The Town will not be required to finance any part of the capital items required by the proposed redevelopment. On the basis of the findings, conclusions and recommendations of the IBI report, it is my opinion that the Applications have regard for Section 2.l. of the Planning Act.
124. With respect to Section 2.m) (the co-ordination of planning activities of public bodies), I note that the Applications have been vetted through a public technical review process involving the Town, the Region, Conservation Halton, Halton School Boards and numerous external commenting agencies. As such, it is my opinion that the Applications have regard for Section 2.m) of the Planning Act.
125. With respect to Section 2.n) (the resolution of planning conflicts involving public and private interests), it is my opinion that planning conflicts involving public and private interests have not been adequately resolved through the review process for the Applications. I note that I do not consider this simply to be a dispute between private and public interests, as the approval of the Applications would be in the

public interest as there are numerous public benefits to be realized through the approval of the Applications. Ultimately, the Tribunal will resolve outstanding disputes between ClubLink as the private landowner and the public agencies, represented by the Town, Region and CH.

126. With respect to Section 2.o) (the protection of public health and safety), I note that the matter of achieving public safety through effective urban design was addressed in detail in the Urban Design Brief prepared by SGL and dated October 2016. I have relied on the findings and recommendations of the SGL report in determining whether the proposed redevelopment has regard to Section 2.o. The document notes a number of urban design considerations that have been incorporated into the proposed redevelopment to ensure the delivery of a safe and comfortable neighbourhood. Additionally, the proposed redevelopment will result in a significant amount of new, publicly accessible, outdoor recreation space which will provide opportunities for increased health and well-being through the provision of active and passive recreation. As confirmed in the Golder Associates Geotechnical Investigation Report dated January 2021 and the Beacon Updated Environmental Impact Assessment dated February 2021, the proposed redevelopment is located outside of any identified hazard lands. I have relied on the Golder, SGL and Beacon reports in determining whether the proposed redevelopment has regard for Section 2.o It is therefore my opinion that the Applications have regard for Section 2.o) of the Planning Act.
127. With respect to Section 2.p) (the appropriate location of growth and development), I note that the Subject Property is located within the Town's Settlement Area and within the Built Boundary. As noted in paragraph 137 of this Witness Statement, the Applications will result in the redevelopment of a currently underutilized area of land with residential and mixed uses in an efficient and compact urban form containing a range of housing options and a mix of land uses, efficiently utilizing existing services and community infrastructure. Furthermore, the proposed redevelopment is located outside of any areas identified as hazard lands or lands which would otherwise be considered unsafe for development. It is therefore my opinion that the Applications have regard for Section 2.p) of the Planning Act.
128. With respect to Section 2.q) (the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians), I note that these matters are addressed in the Urban Design Brief prepared by SGL and dated October 2016. Additionally, matters related to the existing transit use and proposed future transit routes were evaluated in the Transportation Considerations Report prepared by BA Group and dated October 24, 2016, and updated in February 2021. The proposed redevelopment has been designed to incorporate sustainable design elements such as transit supportive residential densities, complete streets which provide for multi modal transportation options and opportunities for mixed use forms of development which place service and retail uses in close proximity to

residential uses. I have relied on the above mentioned reports to inform my opinion on matters related to sustainable design and transit supportive/pedestrian oriented development. On the basis of the findings and recommendations of the above mentioned reports, it is my opinion that the Applications have regard for Section 2.q) of the Planning Act.

129. With respect to Section 2.r) (the promotion of built form that is well-designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant), I note that in support of the Applications, a detailed Neighbourhood Master Plan and accompanying Urban Design Brief has been prepared. These documents provide a detailed description of the urban design direction and the overall configuration for the proposed redevelopment. The documents provide a well-developed strategy for implementing the proposed redevelopment in a manner that is compatible with and sensitive to the surrounding development. Based on my review of these materials and the recommendations that are contained therein, it is my opinion that the approval of the Applications will promote built form that is well designed, encourages a sense of place and provides for high quality, safe, accessible, attractive, and vibrant public spaces. It is therefore my opinion that the Applications have regard for Section 2.r) of the Planning Act.
130. With respect to Section 2.s) (the mitigation of greenhouse gas emissions and adaptation to a changing climate), the approval of the Applications would result in a development that will be required to comply the Energy Efficiency Design requirements of the OBC. Meeting such requirements will assist in reducing the impact of climate change through the introduction of buildings which are required to function more efficiently than older building stock. Increased energy efficiency of buildings assists in mitigating greenhouse gas emissions and adapting to the impacts of climate change. Additionally, as noted above, the proposed redevelopment has been designed to incorporate sustainable design elements such as transit supportive residential densities, complete streets which provide for multi modal transportation options and opportunities for mixed use forms of development which place service and retail uses in close proximity to residential uses. These factors provide opportunities for reduced dependency on the use of automobiles. Reduced auto use assist in mitigating greenhouse gas emissions. It is therefore my opinion that the Applications have regard for Section 2.s) of the Planning Act.
131. Based on my review of Sections 2 a) through s) of the Planning Act, the approval of the Applications would not cause a conflict with the above-mentioned matters of Provincial interest as identified in this section of the Planning Act. On this basis, it is my opinion that the Applications have regard for matters of provincial interest.
132. The proposed Draft Plan has been evaluated under the criteria established in Section 51(24) of the Planning Act which requires that regard shall be had, among

other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. It is my opinion that the Applications will result in a redevelopment that has regard to these matters through the provision of a site design which encourages healthy active living through the provision of new parks and open space areas which are conveniently located and designed to be universally accessible, accompanied by new residential and employment opportunities, thereby ensuring the well-being of current and future residents of the Glen Abbey community. The following table provides an analysis of the proposed Draft Plan under this section of the Planning Act:

<b>Section 51(24) Criteria</b>	<b>Response</b>
(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;	As explained in paragraphs 108 through 131 of this Witness Statement, it is my opinion that the approval of the proposed subdivision would not cause a conflict with the relevant matters of Provincial interest as identified in Section 2 of the Planning Act.
(b) whether the proposed subdivision is premature or in the public interest;	The proposed subdivision will assist the Town and the Region in achieving their minimum intensification targets as established by the Province. The proposed subdivision will allow for the redevelopment of a currently underutilized parcel of land to accommodate growth within the Town's Built Boundary, in a manner which is sensitive to the surrounding community. The proposed development will contribute approximately 34.26 hectares (84.65 acres) of additional land area to the Town owned natural heritage system, thereby providing public access to the Sixteen Mile Creek valley system. In addition, the proposed development will provide 10.38 ha (25.64 acres) of new, publicly accessible, park area within the Glen Abbey Community. The

	<p>proposed redevelopment will also provide 0.50 ha (1.2 acres) of new Community Area around the existing Stables building and provide opportunities for an adaptive reuse of this building.</p> <p>The proposed redevelopment is located in an area of existing infrastructure and servicing to support the proposed development.</p> <p>On the basis of the above, it is my opinion that the proposed subdivision is in the public interest and is not premature.</p>
<p>(c) whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;</p>	<p>The Subject Property is identified as Residential Area as shown on Schedule A1 of the Official Plan. Section 4 of the Official Plan states that “the population and employment growth in the Town is intended to be accommodated through the development of the Residential and Employment Areas within the existing Built Boundary shown on Schedule A2,”</p> <p>An application for an Official Plan Amendment has been submitted to facilitate the proposed subdivision. If the Applications are approved, the proposed subdivision will conform to the relevant Official Plan policies, as explained in this Witness Statement.</p> <p>The proposed subdivision has been designed to coordinate with the adjacent plans of subdivision with respect to lotting patterns through aligning like built forms and lot orientations. Given that the proposed subdivision represents</p>

	<p>infill/redevelopment with no ability to connect roads to adjacent subdivisions, coordination of road access points to adjacent subdivisions is not required. I note that there are numerous pedestrian linkages that are provided to and from, as well as throughout, the Subject Property by way of the existing municipal sidewalk system and the proposed Greenway Park System.</p>
<p>(d) the suitability of the land for the purposes for which it is to be subdivided;</p>	<p>The Subject Property is appropriately located and sufficiently suitable for the development of a subdivision containing the proposed residential and mixed uses.</p> <p>I note that a Phase 2 ESA was submitted in support of the Applications. The Phase 2 Report notes that the completion of a risk assessment or remediation is required prior to the submission of a Record of Site Condition (“RSC”) for the Site. If the Applications are approved, the Region of Halton can, and will likely, require satisfactory confirmation of resolution of environmental matters as a condition of subdivision approval. This is typically confirmed through receipt of a Record of Site Condition.</p>
<p>(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;</p>	<p>As previously noted, the proposed redevelopment provides for the full range of dwelling and unit types that are available in the Town thereby providing a wider range of housing options than which are currently available in the Glen Abbey Community. It is my understanding that the proposed units will be</p>

	<p>available at market rates with the diversity in unit types allowing for a range of price points including entry level units.</p>
<p>(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;</p>	<p>The internal road network for the proposed subdivision has been designed and evaluated through the preparation of a Transportation Considerations Report by BA Group. The proposed road network and its external connections to the existing road network have been designed generally in accordance with the Town and Region engineering standards for road design. Based on the findings of and subject to the recommendations contained within the Transportation Considerations Report, the proposed road system has been determined to be adequate.</p>
<p>(f) the dimensions and shapes of the proposed lots;</p>	<p>The dimensions and shapes of the proposed lots are appropriate for the proposed uses.</p> <p>The subdivision has been designed to incorporate the same zoning provisions as existing properties at the periphery of the Subject Property where the proposed redevelopment will interface with existing development. The proposed blocks/lots will comply with the minimum required zoning regulations regarding lot area and frontage. This has been done to ensure compatibility between proposed and existing lots and allow for a transition between the lower density residential uses existing at the periphery of the Subject Property and the more</p>

	intensive uses proposed to be located within the central portions of the subdivision.
(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;	Subject to a satisfactory Record of Site Condition, it is not anticipated that any restrictions will be required to accommodate the proposed redevelopment. I note that the existing heritage designation is a restriction that applies to the Subject Property, however ClubLink has applied to demolish the golf course, thereby removing the designation. This matter will be resolved through the Tribunal's decision regarding the appeals. Further, I note that other restrictions would apply to the valley land areas, however there is no development that is proposed within these areas and these lands are proposed to be conveyed to the Town. I note that the Enbridge easement and Upper Middle Road widening which are located along the northerly property line would be considered a restriction, however the draft plan has been designed to exclude any development within these areas.
(h) conservation of natural resources and flood control;	The approval of the Applications would result in the long-term preservation of the natural heritage features that are present on the Subject Property and allow for their conservation through conveyance to the Town. Additionally, as set out in the Functional Servicing and Stormwater Management Report prepared by SCS Consulting Group, the proposed stormwater management facilities have been designed to accommodate the anticipated stormwater flows from

	<p>the proposed redevelopment thereby contributing to flood control measures.</p>
<p>(i) the adequacy of utilities and municipal services;</p>	<p>The proposed development blocks will be serviced by municipal roads. The proposed development blocks will be serviced by way of full urban municipal services which will be provided in accordance with the Region's servicing policies. Any upgrades to the existing municipal servicing systems required because of the proposed redevelopment will be the responsibility of the developer.</p>
<p>(j) the adequacy of school sites;</p>	<p>The adequacy of existing school sites within the neighbourhood has been evaluated as part of the CSFS prepared by IBI Group and in consultation with the Halton School Boards. The report concludes that the future school going populations resulting from the proposed development can be accommodated within existing neighbourhood schools.</p> <p>The Halton District School Board and Halton Catholic District School Board have both confirmed that a school site is not required.</p>
<p>(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;</p>	<p>It is the intent of the Applications that portions of the Subject Property that fall within the Natural Heritage System, and the associated buffers, will be conveyed to the Town through conditions of approval for the Draft Plan.</p> <p>Additionally, a road widening is required along the northerly property line to accommodate the full width of the identified Upper</p>

	<p>Middle Road right of way. This road widening has been incorporated into the Draft Plan.</p> <p>These areas are clearly delineated on the Draft Plan.</p>
<p>(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and</p>	<p>Any buildings located within the proposed redevelopment will be required to be designed in accordance with OBC requirements for energy efficiency.</p> <p>Other opportunities for energy conservation can be further examined during the detailed design phase for the proposed buildings and future building permit submissions</p>
<p>(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the <i>City of Toronto Act, 2006</i>.</p>	<p>The Subject Property falls within an area of the Town identified as a site plan control area.</p> <p>Future development of the Subject Property will require site plan approval prior to building permit issuance for the majority of the proposed buildings, with the likely exception of the proposed single detached dwellings.</p>

133. It is my opinion that the proposed subdivision has regard to the matters that are identified in Section 51(24) of the Planning Act as outlined in the table above.

**THE PROVINCIAL POLICY STATEMENT, 2020**

134. On May 1, 2020, the Province of Ontario issued a new Provincial Policy Statement (PPS). Section 3 of the Planning Act requires that all decisions affecting planning matters be consistent with the policies contained in PPS (2020). The PPS must be read in its entirety and one policy does not supersede another. When more than one policy is relevant, all the policies must be considered to understand how they work together. The policies represent minimum standards that may be exceeded provided there is no conflict with any policy of the PPS.

135. The GSAI Planning Justification Report submitted with the Applications had been prepared in the context of the PPS (2014). As such, an updated evaluation of the Applications is being provided to ensure that the proposed redevelopment is consistent with the policies contained in the PPS (2020).
136. Section 1 of the PPS outlines policies associated with future development and land use patterns. Section 1.1.1 of the PPS identifies that healthy, liveable and safe communities are sustained by:
- 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
  - c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
  - d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas*
  - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
  - f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
  - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
  - h) promoting development and land use patterns that conserve biodiversity; and,*
  - i) preparing for the regional and local impacts of a changing climate.*
137. The Applications promote an efficient development and land use pattern in that they provide for a sensitive level of intensification to occur on a currently underutilized site within the Town's Urban Area and Built-Up Area. In doing so, the proposed redevelopment will assist in increasing the tax base for the Town thereby promoting the financial well-being of the Town and the Province over the long term.

138. The proposed redevelopment will assist in providing a wider range of housing and employment options within the Glen Abbey Community by offering dwelling types that are limited in quantity relative to single detached dwellings or do not currently exist within that community. The diverse range of dwelling types provides for more opportunity for choice in dwelling types than which currently exists. As noted in the Commercial/Retail Market Review prepared by IBI Group and dated October 31, 2016 and updated in February 2021, it is estimated that approval of the Applications would result in 157 new jobs being produced by the proposed non-residential development.
139. The proposed redevelopment avoids development patterns which cause environmental or public health and safety concerns through the proposed conveyance of the natural heritage system and buffers and incorporation of site designs which meet municipal standards for vehicular and pedestrian circulation.
140. Given the location of the Subject Property within the Built-Up Area, the proposed redevelopment will reduce the need for expansion of the settlement areas. The locational characteristics and proposed residential density of the proposed redevelopment promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning and as such achieves a cost-effective development pattern, contributes to the optimization of transit investments and minimizes land consumption and servicing costs. Additionally, the proposed redevelopment will offset the need for outward expansion of the urban area in order to accommodate future growth.
141. Future buildings within the proposed redevelopment will be required to be designed in accordance with the OBC requirements and standards for accessibility, thereby improving accessibility for persons with disabilities and older persons.
142. The proposed redevelopment has been evaluated in the context of a Functional Servicing and Stormwater Management Report prepared by SCS Consulting Group October 2016 and updated in February 2021. The proposed development blocks will be serviced by way of full urban municipal services which will be provided in accordance with Region's servicing policies and standards, as well as the Town's and Conservation Halton's development standards for stormwater management. Any upgrades to the existing municipal servicing systems required due to, or in order to implement, the proposed redevelopment will be the responsibility of the developer. Requirements for any servicing system upgrades can be effectively dealt with through conditions of Draft Plan approval.

143. In accordance with Section 1.1.3.1 of the PPS, the approval of the proposed redevelopment will facilitate growth within the Town's settlement area without the need to expand the Town's settlement boundary. The proposed redevelopment advances the objectives of wisely managing growth by providing for intensification within the Town's Urban Area and Built Boundary without the need for additional land.
144. Section 1.1.3.2. of the PPS requires that *"land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
- a) efficiently use land and resources;*
  - b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
  - d) prepare for the impacts of a changing climate;*
  - e) support active transportation;*
  - f) are transit-supportive, where transit is planned, exists or may be developed; and*
  - g) are freight-supportive.*

*Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."*

145. It is my opinion that the proposed redevelopment represents an efficient use of land and resources in that a reasonable increase in residential density, beyond that which currently exists, is being achieved on the Subject Property thereby allowing for an efficient use of land. I note that the proposed residential densities are in accordance with the density ranges that are contemplated in the Official Plan.
146. The proposed redevelopment will result in the efficient use of existing infrastructure and public service facilities that currently exist in proximity to the Subject Property and as such the proposed redevelopment will not result in the need for uneconomical expansion of existing infrastructure and public service facilities.
147. The proposed redevelopment has been designed with a modified grid pattern of streets, transit route, bicycle routes, and multi-use trails that will provide a multi-modal transportation system that will connect to the existing transportation

network. The proposed land use pattern, density and mix of uses will also support existing and future transit and active transportation measures.

148. Section 1.1.3.3 of the PPS states that “*planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*”
149. It is acknowledged that Section 4.3 of the Livable Oakville Official Plan indicates that that “*the key focus for development and redevelopment to accommodate intensification will be the locations identified as Growth Areas.*”
150. With respect to the PPS requirement for *accommodating a significant supply and range of housing options through intensification* as identified in Section 1.1.3.3 of the PPS, the full range of housing options that are proposed under the Applications could not be achieved in a number of the Town’s identified Growth Areas without the requirement for planning approvals. The Zoning regulations for the Midtown Oakville, Downtown Oakville, Kerr Village and Bronte Village would not permit the development of new single detached and townhouse (street townhouses, back-to-back townhouses, stacked townhouses and stacked back-to-back townhouses) built forms. The Applications facilitate providing these built forms through intensification as the Town has deemed such built forms as inappropriate built forms within certain designated Growth Areas.
151. I note that Section 4.3 of the Livable Oakville Plan provides for additional residential intensification outside of the identified Growth Areas and generally throughout the built-up area.
152. Section 4.3 of the Livable Oakville Plan states that “*while the Plan encourages intensification generally throughout the built-up area, it also recognizes that some growth and change may occur in these areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas including additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered in the context of this Plan.*”
153. It is my opinion that the Applications will not result in development that threatens or challenges the overall urban structure of the Town. Additionally, it is my opinion

that the proposed redevelopment represents a sensitive level of intensification on an underutilized parcel and has been designed to ensure that the character of the area is preserved.

154. Section 1.1.3.4 of the PPS states that '*appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety*'.
155. The Applications will allow for the development of the Subject Property with a higher level of residential density than which currently exists and in accordance with the permitted densities and uses which are contemplated within the residential land use designations. This can assist in providing intensification within the Built-Up Area while at the same time preserving the character of the surrounding Glen Abbey Community.
156. Section 1.4.3 of the PPS states that Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

*"b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
  - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of*

*housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”*

157. It is my opinion that the proposed redevelopment conforms to the policy direction provided in Section 1.4.3 of the PPS in that it provides for a range and mix of housing options and densities to meet projected market-based need. The proposed redevelopment is in an area serviced by existing infrastructure and community services which can support the proposed redevelopment. Additionally, the proposed planning instruments will allow for a compact urban form to be developed.
158. Section 1.6.3 of the PPS states that “*before consideration is given to developing new infrastructure and public service facilities:*
- a) the use of existing infrastructure and public service facilities should be optimized; and*
  - b) opportunities for adaptive re-use should be considered, wherever feasible.”*
159. The proposed redevelopment has been designed in accordance with the Functional Servicing and Stormwater Management Report prepared in support of the Applications. Any infrastructure improvements in the existing infrastructure servicing the site would be required to be upgraded as a condition of development. As such, it is my opinion that the proposed redevelopment optimizes the use of existing infrastructure and therefore is consistent with Section 1.6.3 of the PPS.
160. Section 1.6.6.2 of the PPS states that “*Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.”*
161. The proposed redevelopment represents intensification within the Town’s settlement area and is located in an area which is serviced by existing municipal servicing infrastructure. It is my opinion that the redevelopment of the Subject Property is consistent with the policy direction contained in Section 1.6.6.2 of the PPS.
162. Section 2.1.1 of the PPS states that *Natural features and areas shall be protected for the long term.* The proposed redevelopment has been designed to ensure that all new development is located outside of the limits of the adjacent Natural Heritage

System and its associated buffers, which will be conveyed to the Town. Additionally, measures have been implemented to ensure the preservation of the tableland woodlots that exist on the Subject Property. As such the proposed development is consistent with the policy direction provided in Section 2.1.1 of the PPS.

163. Section 2.1.8 of the PPS states that “*Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*”
164. The proposed redevelopment is located outside of any areas that are identified in Section 2.1.4 (significant wetlands and coastal wetlands), Section 2.1.5 (significant woodlands and significant valley lands) and Section 2.1.6 (fish habitat). The proposed redevelopment has been evaluated in the context of an Environmental Impact Assessment prepared by Beacon Environmental which has confirmed that, subject to the recommendations in the report, there shall be no impact to the adjacent natural heritage features. As such the proposed redevelopment is consistent with Section 2.1.8 of the PPS. I rely on the evidence and opinions to be provided by Beacon Environmental in this regard.
165. Section 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The proposed redevelopment has been evaluated through a Cultural Heritage Landscape Assessment and Heritage Impact Assessment and a Park and Open Space Concept Plan, both prepared by ERA Architects, dated November 9th, 2016, and submitted in support of the Applications. This report concludes that the proposed redevelopment conserves the site’s identified cultural heritage value. I rely on the evidence and opinions to be provided by ERA Architects in this regard.
166. Section 3.1.1 of the PPS states that “*Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:*
- a) *hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
  - b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
  - c) *hazardous sites.*”

167. The redevelopment proposal does not include development within the identified natural heritage lands or the associated buffer area. As such, all development is located outside of areas that could be considered hazardous due to flooding and erosion hazard associated with the Sixteen Mile Creek. Furthermore, the Subject Property has been evaluated in the context of Phase 2 Environmental Site Assessment (ESA) prepared by Golder and Associates. It is noted that the Phase 2 ESA was prepared in anticipation of filing for a Record of Site Condition (RSC). The Phase 2 noted that a risk assessment or remediation was required prior to the submission of an RSC. Approval of an RSC by the Ministry of the Environment, Conservation and Parks, confirming the appropriate remediation has occurred, will be required prior to the redevelopment proceeding.
168. In conclusion, it is my opinion that the proposed redevelopment and the planning instruments that are required to implement the proposal are consistent with the relevant policies of the PPS (2020).

### **A PLACE TO GROW: THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2019)**

169. The Province of Ontario approved a new Growth Plan for the Greater Golden Horseshoe, which took effect on May 16, 2019. Amendment 1 to the Growth Plan (2019) (the Growth Plan) was also approved and took effect on August 28, 2020.
170. The Planning Justification Report submitted with the Applications was prepared in the context of the Growth Plan (2013). As such, an updated evaluation of the redevelopment proposal is being provided in order to ensure that the proposed redevelopment conforms with the policies in the Growth Plan (2019).
171. The proposed redevelopment conforms to several of the guiding principles that are established in Section 1.2.1 of the Growth Plan. Most notably, the proposed redevelopment will support the achievement of complete communities that are designed to support healthy and active living through providing connections to existing active transportation routes. The provision of a wider range of dwelling types than currently exists within the Glen Abbey Community supports a range and mix of housing options to serve all sizes, incomes, and ages of households. The conveyance of the natural heritage features within the Sixteen Mile Creek valley system to the Town will protect and enhance the natural heritage features and functions of the valley system through incorporating this area as part of the

Regional Natural Heritage System and maintaining it in the stewardship of a public authority.

172. In accordance with Section 2.1 of the Growth Plan the Applications will allow for the development of densities which are transit supportive. The proposed residential unit mix will provide for greater diversity of housing forms and a range of land uses beyond what currently exists in the Glen Abbey Community while ensuring that there is adequate water and wastewater services to support this new growth.
173. In accordance with Section 2.2.1.2.c. of the Growth Plan, the Site is located within the delineated Built-Up Area for the Town and in an area with existing transit routes, which provide convenient connections to higher order transit at the Oakville GO Transit Station and Bronte GO Transit Station.
174. The proposed redevelopment will provide for a more compact built form. The proposed redevelopment will also allow for the preservation of the existing natural heritage features on the Subject Property. This will assist in mitigating the future impacts of climate change on a local and regional basis..
175. As per the policy requirements of Section 2.2.1.4 of the Growth Plan, the proposed redevelopment will support the achievement of complete communities by providing greater diversity in the range and mix of housing options available within the Glen Abbey Community. Furthermore, the proposed redevelopment will provide convenient access to a range of service commercial and retail uses, open space and natural heritage uses, and transit and active transportation facilities within the proposed Mixed Use areas. As identified in the Commercial/Retail Market Review prepared by IBI Group and dated October 31, 2016 and updated in February 2021, it is estimated that approval of the Applications would also result in 157 new jobs being produced by the proposed non-residential development.
176. As per Section 2.2.2.1.a), the Growth Plan requires that a minimum of 50 per cent of all residential development occurring annually within each upper- or single-tier municipality is required to be within the delineated built-up area. The proposed redevelopment assists the Region and Town achieve these minimum intensification targets.
177. In accordance with Section 2.2.2.3 of the Growth Plan, municipalities are required to *“develop a strategy to achieve the minimum intensification targets and intensification throughout the delineated built-up area in a manner that will.*

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;*
- c) encourage intensification generally throughout the delineated built-up area;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.”*

178. The Growth Plan requires municipalities to ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities. The proposed redevelopment conforms to this policy objective through the provision of a wider range of housing types than currently exist within the surrounding community.
179. The Growth Plan indicates that well planned infrastructure is essential to the viability of communities and critical to economic competitiveness, quality of life, and the delivery of public services (Section 3.1).
180. The Growth Plan prioritizes public transit for transportation infrastructure planning and investment. A comprehensive and continuous active transportation network is also to be provided to offer a viable alternative to the private automobile for personal travel. The Applications propose a level of density that can provide a critical mass to support opportunities for higher levels of transit usage.
181. In accordance with Section 3.2.2.2 of the Growth Plan, the proposed redevelopment will provide connectivity among transportation modes through the proximity of the Subject Property to existing and planned transit routes that provide convenient connections to the Oakville and Bronte GO Transit Stations. The provision of road and sidewalk and trail connections from the proposed redevelopment to the existing active transportation network will offer multimodal access to jobs, housing, schools, cultural, and recreational opportunities, and goods and services.
182. In accordance with Section 3.2.2.3 of the Growth Plan, the proposed road network within the plan of subdivision has been designed to be a system of complete streets which are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists. The proposed road network functions as a

system of multi-purpose streets which are both transportation corridors and pedestrian oriented places. The proposed road network balances the demands of pedestrians and cyclists, as well as vehicles in the creation of attractive and comfortable public spaces.

183. In conclusion, it is my opinion that the proposed redevelopment and the planning instruments that are required to implement it conform to the relevant policies of the Growth Plan.

### **GREENBELT PLAN (2017)**

184. The Greenbelt Plan was established under Section 3 of the Greenbelt Act, 2005, and took effect on December 16, 2004. In May of 2017 the Province approved an amendment to the Greenbelt Plan which took effect on July 1, 2017. The Greenbelt Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape.

185. Portions of the Subject Property which are proposed to be conveyed to the Town as a condition of approval for the Applications, fall within an identified Urban River Valley as identified in the Greenbelt Plan. As per Section 3.2.6(2) of the Greenbelt Plan, parts of the Subject Property that fall within the Urban River Valley designation, which are intended be conveyed to the Town, will be subject to the following policies:

*The river valleys that run through existing or approved urban areas and connect the Greenbelt to inland lakes and the Great Lakes, including areas designated as Urban River Valley, are a key component of the long-term health of the Natural System. In recognition of the function of the urban river valleys, municipalities and conservation authorities should:*

*a) Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;*

*b) In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:*

*i. Establish or increase the extent or width of vegetation protection zones in natural self-sustaining vegetation, especially in the most*

*ecologically sensitive areas (i.e. near the stream and below the stable top of bank);*

- ii. Increase or improve fish habitat in streams and in the adjacent riparian lands;*
- iii. Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and*
- iv. Seek to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts associated with the quality and quantity of urban runoff into the valley systems; and*

*c) Integrate watershed planning and management approaches for lands both within and beyond the Greenbelt, taking into consideration the goals and objectives of protecting, improving and restoring the Great Lakes.*

186. Section 6.2 of the Greenbelt Plan establishes policies relevant to lands falling within the Urban River Valley. The section states that:

- 1. Only publicly owned lands are subject to the policies of the Urban River Valley designation. Any privately owned lands within the boundary of the Urban River Valley area are not subject to the policies of this designation. For the purposes of this section, publicly owned lands means lands in the ownership of the Province, a municipality or a local board, including a conservation authority.*
- 2. The lands are governed by the applicable official plan policies provided they have regard to the objectives of the Greenbelt Plan.*

As per Section 6.2.1 of the Greenbelt Plan, the Urban River Valley policies will only apply to those portions of the Subject Property which are to be conveyed to the Town as a condition of approval of the Applications. Until such time that conveyance of these lands occurs, the Urban River Valley policies are not applicable to the Applications.

187. As noted by Beacon Environmental in its response to comments from the public agencies, *“it is expected that the proposed redevelopment will not hinder the municipality’s ability to conduct stewardship and restoration initiatives, provide compatible open space and recreational trail connections, and protect the natural heritage system within the valley lands per Sections 3.2.6, 3.3 and 6 of the Greenbelt Plan following dedication/transfer of ownership.”*

188. It is my opinion that the Applications conform to the relevant sections of the Greenbelt Plan in that portions of the Subject Property that are located within the Urban River Valley designation, those being lands within the Sixteen Mile Creek valley system, are proposed to be secured by the Town through conveyance as a condition of subdivision approval. At such time, the relevant policies regarding the Urban River Valley designation would be applicable to the lands that are located within the Sixteen Mile Creek valley.

## **THE HALTON REGION OFFICIAL PLAN**

189. Between 2006 and 2009, the Region undertook an Official Plan Review to bring its Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe and other Provincial policies. The Official Plan Review culminated in the adoption of Regional Official Plan Amendment No. 38 (ROPA 38) by Regional Council on December 16, 2009. ROPA 38 was approved, with modifications, by the Ministry of Municipal Affairs and Housing (MMAH) on November 24, 2011. The MMAH decision was subsequently appealed to the Ontario Municipal Board (OMB). The OMB/LPAT hearing process is ongoing, with a large portion of ROPA 38 having been approved (through OMB issued Orders on February 4, 2014 and October 2, 2014). Some policies remain under appeal on a site or area specific basis and therefore the concurrent policies in the 2006 Regional Official Plan continue to apply. There are no site or area specific appeals to ROPA 38 which impact the Subject Property.

190. The Planning Justification Report submitted in support of the Applications provided an evaluation of the proposed redevelopment under the Interim Office Consolidation of the Regional Official Plan (ROP) dated September 28, 2015, being the version of the ROP in effect on the date the Applications were submitted. The evidence regarding the relevant ROP policies in this Witness Statement is based on the Interim Office Consolidation dated September 28, 2015.

191. According to Map 1 (Regional Structure) of the Regional Official Plan (ROP) the Subject Property is located within the Urban Area designation of the Urban System. The area of the Subject Property that is located within the Sixteen Mile Creek valley is designated as Regional Natural Heritage System. Additionally, the Subject Property is located within the Region's Built Boundary for the Town of Oakville. Lands within the "Urban Area" are intended to accommodate the Region's growth over the long term where urban services are or will be made available to accommodate existing and future urban development and amenities.

192. The policies of the Urban Area designation promote complete and compact communities that support intensification within the Built Boundary where urban services exist to accommodate concentrations of existing and future development.
193. According to Map 5 – Regional Phasing Map, the Subject Property is located in an area that is within the Urban Area with Regional Phasing to 2021.
194. Section 48 of the Regional Official Plan states that *Area-Specific Plans such as secondary plans are to be prepared by the Local Municipalities for settlement areas such as new communities, Intensification Areas and Hamlets in accordance with policies of this Plan.*
195. The term Area-Specific Plans is a defined term within the ROP. The term is defined as meaning a *Local Official Plan Amendment applying to a specific geographic area such as a secondary plan or a Regional Official Plan Amendment applying to a specific geographic area.*
196. With respect to Section 48 of the Regional Official Plan, it is my opinion that the proposed redevelopment represents intensification within the existing Glen Abbey Community rather than the introduction of a new community which under Section 48 of the ROP would require analysis by way of an Area Specific Plan.
197. The proposed redevelopment involves a single parcel of land and as such the scope of matters relating to development which require coordination amongst other landowners is simply not an issue. In this regard, it is my opinion that a privately initiated Official Plan Amendment, the associated Zoning By-law Amendment and Draft Plan, are the appropriate planning mechanisms for the evaluation of the Applications.
198. The Region's objectives for the Urban Area are established in Section 72 of the ROP. Section 72(2) of the ROP establishes the objective *to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.*
199. Section 72(3) of the ROP establishes the objective *to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.* Additionally, Section 72(9) of the ROP establishes the *objective to facilitate and promote intensification and increased densities.*

200. It is my opinion that the location, site design and development configuration which would be implemented through the approval of the Applications meets the above mentioned objectives (policies 72(2), (3) and (9)) through providing a development with a compact built form which is located in an area where there are existing urban services and community facilities. Additionally, the proposed redevelopment provides for a wider range of housing and built form options and retail, commercial and employment opportunities than currently exist in the surrounding area, thereby contributing to achieving a complete community, and does so in a manner which is sensitive to the surrounding land uses.
201. Section 74 of the ROP states that the Urban Area consists of areas so designated on Map 1 where urban services are or will be made available to accommodate existing and future urban development and amenities. As confirmed in the Functional Servicing and Stormwater Management Report prepared in support of the proposed redevelopment, and subject to the recommendations contained therein, sufficient servicing capacity exists to accommodate the proposed redevelopment.
202. Section 76 of the ROP states that *the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this Plan.*
203. Section 77(2.1) of the ROP establishes that it is the policy of the Region *to direct, through Table 2 and Table 2a, to the Built-Up Area a minimum of 40 per cent of new residential development occurring annually within Halton in 2015 and every year thereafter.* The Region's policies relating to Growth Management direct a significant portion of new growth to the Region's Built-Up Area and that this new growth is to be achieved through intensification. The approval of the Applications will assist in accommodating growth within the Built-Up Area and reaching the minimum growth target of 40 per cent within the Region's Built-Up Area.
204. Section 77 (5) of the ROP requires *local Municipalities to prepare Area-Specific Plans or policies for major growth areas, including the development or redevelopment of communities.* As indicated in Paragraphs 196 & 197 of this Witness Statement, it is my opinion that the proposed redevelopment would not require analysis or implementation by way of an Area-Specific Plan.
205. Section 78 through 83 of the ROP establish policies relevant to the Region's Intensification Areas. Intensification Areas are defined in the ROP as "*lands identified by the Region or its Local Municipalities within the Urban Area that are*

*to be the focus for accommodating intensification. Intensification Areas include Urban Growth Centres, Major Transit Station Areas (including Metrolinx-designated Mobility Hubs), Intensification Corridors, and Mixed Use Nodes".* The Subject Property is not located in an Intensification Area as defined in the ROP. Section 81(1) of the ROP states that it is policy of the Region to *direct development with higher densities and mixed uses to Intensification Areas.* It is my opinion that Section 81(1) of the ROP should not be interpreted to mean that development with higher densities and mixed uses can only occur within Intensification Areas. Such an interpretation would conflict with Section 2.2.2.3 of the Growth Plan which encourages intensification generally throughout the delineated built-up area and requires that lands be zoned and development designed in a manner that supports the achievement of complete communities. I note that complete communities are a defined term in the Growth Plan and they are defined as being:

*"Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts."*

206. Section 81(3) of the ROP states that it is policy of the Region to *require the Local Municipalities to prepare detailed official plan policies or an Area-Specific Plan for the development of a new Intensification Area or the redevelopment of an existing Intensification Area, in accordance with Sections 48 and 77(5) of this Plan. The provisions for Intensification Areas may be incorporated as part of a larger community plan.* As indicated in Paragraph 196 & 197 of this Witness Statement, it is my opinion that the proposed redevelopment would not require analysis or implementation by way of an Area Specific Plan.

207. Section 81(7.2) of the ROP states that it is Policy of the Region to *Consider intensification and development of Intensification Areas as the highest priority of urban development within the Region and implement programs and incentives, including Community Improvement Plans under the Planning Act, to promote and support intensification.* As with the opinion expressed in paragraph 205 of this Witness Statement, it is my opinion that Section 81(1) of the ROP should not be interpreted to mean that developments with significant density cannot be achieved outside of areas that are identified as Intensification Areas. Again, it is my opinion that such an interpretation would conflict with Section 2.2.2.3 of the Growth Plan which encourages intensification generally throughout the delineated built-up area.

208. Section 85 of the ROP establishes objectives for Housing within the Region. *Section 85(4) of the ROP establishes the objective to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.* Additionally, Section 85(13) of the ROP *establishes the objective to promote residential intensification through the development or redevelopment of brownfield and greyfield sites.*
209. Section 86(11) of the ROP states it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained. In this regard, it is my opinion that the proposed redevelopment has been designed to integrate into and be compatible with the existing Glen Abbey Community and will maintain the character of the existing neighbourhood.
210. In my opinion, the Applications conform to the relevant policies of the Region of Halton Official Plan. The proposed redevelopment will facilitate the development of the Subject Property with a higher residential density than which currently exists therefore fulfilling and promoting intensification within an existing residential area in a sensitive manner.

**CONSERVATION HALTON - POLICIES AND GUIDELINES FOR THE  
ADMINISTRATION OF ONTARIO REGULATION 162/06 AND LAND USE PLANNING  
POLICY DOCUMENT STATEMENT (REVISED 2016)**

211. Portions of the Subject Property which are located within 15 metres of the top of bank for the Sixteen Mile Creek are governed by Ontario Regulation 162/06 which is administered by Conservation Halton. Conservation Halton has issued the document Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document Statement (revised 2016) (the "CH Policy Document") to provide policies for the administration of Ontario Regulation 162/06.
212. The Sixteen Mile Creek is identified as a major regulated feature and as such it requires a 15 metre setback from the Long Term Stable Slope (LTSS).
213. All portions of the Subject Property that are located outside of the 15 m setback from the LTSS are outside of the area governed by and are not subject to Ontario Regulation 162/06.

214. Section 2.35.3 of the CH Policy Document states that *Except as provided for in policies 2.35.1 and 2.35.2, no new development or redevelopment is permitted within 15 metres of the stable top of bank of major valley features.*
215. All lands that are located within 15 metres from the LTSS are proposed to be conveyed to the Town as either natural area buffer or as part of the Town's open space system.
216. There is no new development occurring on the Subject Property, save and except for the creation of the natural area and open space blocks, which are to be conveyed to the Town, that is proposed within the 15 metre setback from the LTSS. I note that the part of the existing RayDor Estate block, which is not subject to the Applications, is located within the 15 metre setback from the LTSS.
217. It is my opinion that the reference to "new development or redevelopment" in Section 2.35.3 of the CH Policy Document should not be interpreted in the strictest sense to mean that the creation of lots within 15 metres of the stable top of bank of major valley features is not permitted. Such an interpretation would prevent the creation of lots and blocks which are to be conveyed to a municipality for incorporation into the Natural Heritage System.
218. On the basis of the above, it is my opinion that the approval of the Applications meets the policy objectives established in the CH Policy Document.

#### **TOWN OF OAKVILLE LIVABLE OAKVILLE OFFICIAL PLAN**

219. The Livable Oakville Official Plan contains goals, objectives, and policies that were established to primarily guide the physical change of Oakville and manage the effects of that change on the social, economic, and natural environments of the Town.
220. The Planning Justification Report submitted in support of the Applications provided an evaluation of the proposed development under the Livable Oakville Plan, February 23, 2015, Office Consolidation (OP), being the version of the OP in effect on the date the Applications were submitted. The evidence regarding the relevant OP policies in this Witness Statement is based on the February 23, 2015 Office Consolidation.
221. As shown on Schedule A1 – Urban Structure of the OP, the Subject Property is identified as being within the Town's Residential Areas.

222. The Subject Property is further designated on Schedule H – Land Use as “Private Open Space”, “Low Density Residential” and “Natural Area”. Additionally, it is noted that there are two Site Specific Exceptions that apply to the Subject Property as described in Exception Policies 27.3.4 and 27.3.5 of the OP .
223. A portion of the Subject Property is also shown on Schedule I – Central Land Use as being designated as “Private Open Space” and “Natural Area”.
224. As noted in Paragraph 61 it is my opinion that the inclusion of the Private Open Space land use designation in the Sixteen Mile Creek valley is a mapping error in the Official Plan. I believe the error is a result of Subject Property straddling the boundary of two Official Plan Schedules and these schedules not being coordinated.
225. Section 2.2 of the OP establishes the Guiding Principles for the OP. The following guiding principles are established for the Town:

*2.2.1 Preserving and creating a livable community in order to:*

- a) preserve, enhance, and protect the distinct character, cultural heritage, living environment, and sense of community of neighbourhoods;*
- b) direct the majority of growth to identified locations where higher density, transit and pedestrian oriented development can be accommodated; and,*
- c) achieve long term economic security within an environment that offers a diverse range of employment opportunities for residents.*

*2.2.2 Providing choice throughout the Town in order to:*

- a) enable the availability and accessibility of a wide range of housing, jobs and community resources to meet the diverse needs of the community through all stages of life;*
- b) provide choices for mobility by linking people and places with a sustainable transportation network consisting of roads, transit, walking and cycling trails; and,*
- c) foster the Town's sense of place through excellence in building and community design.*

*2.2.3 Achieving sustainability in order to:*

- a) minimize the Town's ecological footprint;*

- b) *preserve, enhance and protect the Town's environmental resources, natural features and areas, natural heritage systems and waterfronts; and,*
- c) *achieve sustainable building and community design.*

226. It is my opinion that the approval of the Applications would assist in creating a livable community through maintaining and enhancing the character of the Glen Abbey community, directing growth to an area where higher densities, transit and pedestrian oriented development can be accommodated and contributing to the Town's long term economic security through the provision of new employment opportunities for residents within the community.
227. The Applications will allow for a wider range of choice in housing opportunities within the Glen Abbey community and will provide for greater connectivity within the community through increased opportunities for active transportation. The proposal was carefully designed to foster a sense of place.
228. The proposed redevelopment will contribute to achieving sustainability through a significant amount of residential density on a currently underutilized parcel of land. The approval of the proposed redevelopment would result in a significant contribution of land area to the Town-owned Natural Heritage System thereby ensuring its long term preservation in public ownership.
229. Section 3 of the OP provides policies for the Town's Urban Structure. Section 3.1 of the OP provides Urban Structure policies relating to the Town's Residential Areas. Section 3.1 states that *the majority of the residential neighbourhoods in the Town are designated for low density residential uses to ensure a continuation of the existing neighbourhood structure. Medium and high density areas are also provided for in existing communities primarily to reflect developments that are already in place.*
230. The use of the word "majority" in Section 3.1 of the OP is intended to imply that despite being designated for low density residential uses, there are areas within the Town's residential neighbourhoods where uses other than low density residential uses are appropriate and can be accommodated. Furthermore, the use of the word "primarily" in reference to reflecting medium and high density developments that are already in place, demonstrates a level of flexibility in the policy regarding the locational characteristics for medium and high density uses. I do not interpret this policy to mean that the only form of development contemplated within the Town's Residential Areas is low density residential uses or that medium and high density residential uses are restricted to locations where they currently exist. This opinion is confirmed with a recent development approval for the

property located at 3171 Lakeshore Road West (LPAT Case Number PL200232 dated May 6, 2021) in the Town. As part of a settlement between the developer and the Town, the Tribunal approved an Official Plan Amendment and Zoning By-law Amendment, as well as Draft Plan approval for the redesignation of this parcel from Low Density Residential to Medium Density Residential to allow for the development of the parcel for 27 townhouse residential units and 8 semi detached residential units.

231. Section 3.2 provides policies for the Town's Mixed Use designations and states that the *Mixed Use designations are to be primarily focused within the Growth Areas and in specified locations reflective of an area's planned function. The six Growth Areas provide for a concentration of mixed use, higher density, development: Midtown Oakville (urban growth centre), Uptown Core, Palermo Village, Downtown Oakville, Bronte Village and Kerr Village. Policies for all six of the Growth Areas are found in Part E.*
232. It is my opinion that the use of the words 'primarily focused' in Section 3.2 of the OP demonstrates that there is some flexibility in the location of Mixed Use designations and that they need not be located within Growth Areas and specified locations. Additionally, I do not interpret Section 3.2 to mean that mixed use developments are restricted only to the Town's Growth Areas. It is my opinion that such an interpretation would conflict with Section 2.2.2.3 of the Growth Plan which encourages intensification generally throughout the delineated built-up area (2.2.2.3.c) and supporting the achievement of complete communities (2.2.2.3.d).
233. Section 4 of the OP establishes policies regarding the management of growth and change. This section states that, *the population and employment growth in the Town is intended to be accommodated through the development of the Residential and Employment Areas within the existing Built Boundary shown on Schedule A2, Built Boundary and Urban Growth Centre, and within greenfield areas.*
- "Within the existing Built Boundary shown on Schedule A2, growth is to occur primarily within the defined Growth Areas in Part E (Midtown Oakville, the Uptown Core, Palermo Village, Kerr Village, Bronte Village and Downtown Oakville). Intensification outside of the Growth Areas is to be provided in accordance with the policies as set out in this Plan."*
234. The Subject Property is identified as a Residential Area on Schedule A1 of the OP. The policies also recognize that intensification outside of Growth Areas is to be provided in accordance with the policies of the OP.

235. Section 4.1 of the OP establishes policies relevant to the Town's Growth Areas. This Section of the OP states that *the majority of intensification in the Town is to occur within the Growth Areas as defined in Part E. Midtown Oakville, the Uptown Core and Palermo Village are primary Growth Areas, which will accommodate the highest level of intensification.*
236. This policy directs the majority of intensification to the Town's Growth Areas. The use of the word 'majority' implies that there are opportunities to accommodate intensification outside of Growth Areas. This is supported by Section 4 of the OP, which states that *Intensification outside of the Growth Areas is to be provided in accordance with the policies as set out in this Plan.* Likewise, Section 2.2.2.3 of the Growth Plan encourages intensification generally throughout the delineated built-up area.
237. Section 4.3 of the Livable Oakville Plan outlines policies for residential intensification outside of the Growth Areas. These policies indicate that lands outside of Growth Areas are predominantly stable residential communities which consist of established neighbourhoods. Notwithstanding this, the Livable Oakville Plan recognizes that *"some growth and change may occur in these residential areas provided the character of the areas is preserved and the overall urban structure of the Town is upheld. Intensification outside of the Growth Areas, including additional intensification opportunities such as infill and the redevelopment of greyfield and brownfield sites, will be considered by the Town in the context of these policies."*
238. The Livable Oakville Plan defines "character" as the collective qualities and characteristics that distinguish a particular area or neighbourhood. In this regard, the character of the Glen Abbey Community is not defined by the Glen Abbey Golf Club or the character of the lands adjacent to the Golf Club itself but rather the collective qualities and characteristics that make up the Community, which include:
- a mix of low, medium and high density residential uses;
  - a mix of neighbourhood, community, core and business commercial uses;
  - office employment uses;
  - outdoor recreation opportunities;
  - an extensive natural area system;
  - an extensive park and open space system; and
  - a system of linear park connections.
239. The character of the Glen Abbey Community must be considered in this context and not just in the context of the Glen Abbey Golf Club. Maintaining the character

of the Community should not be interpreted to mean that redevelopment of the Glen Abbey Golf Club lands cannot or should not occur. The change of land use is a normal course of evolution in urbanized communities. The redevelopment of the Glen Abbey Golf Club does not change the overall character of the Community provided that the qualities and characteristics that define it are maintained. In this regard, it is my opinion that the proposed redevelopment includes the qualities and characteristics of the Glen Abbey Community, is therefore consistent with the existing character of the Community and will preserve, and indeed enhance, that character. Furthermore, it is my opinion that the proposed redevelopment will not threaten, but will rather uphold, the urban structure of the Town.

240. Additionally, Section 4.3 of the OP acknowledges that additional intensification opportunities such as infill, redevelopment and greyfield and brownfield sites, will be considered by the Town in the context of the OP policies. I note that Greyfields is a defined term in the OP and it is defined as “*previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict or vacant.*” In this regard, the OP policies recognize that intensification may occur on lands that are not designated for residential land uses and that intensification may include other land use designations such as Commercial. Similarly, it is my opinion that intensification opportunities may also include lands within the Private Open Space designation.
241. Section 5 of the OP contains policies relevant to Cultural Heritage. The policies note that *conservation of cultural heritage resources forms an integral part of the Town’s planning and decision making. Oakville’s cultural heritage resources shall be identified and conserved so that they may be experienced and appreciated by existing and future generations, and enhance the Town’s sense of history, sense of community, identity, sustainability, economic health and quality of life.*
242. The Applications were prepared in the context of a Cultural Heritage Landscape Assessment and Heritage Impact Assessment and a Park and Open Space Concept Plan, both prepared by ERA Architects, dated November 9th, 2016, and submitted in support of the Applications. I have reviewed the Cultural Heritage Landscape Assessment and Heritage Impact Assessment and the Park and Open Space Concept Plan and I rely on the findings and support the recommendations contained therein regarding the proposed heritage conservation strategy. Based on my review of the relevant OP policies, the proposed redevelopment conforms with the OP policies regarding Cultural Heritage.
243. Section 6 of the OP establishes policies applicable to urban design matters. As previously mentioned, the proposed redevelopment has been evaluated in the

context of an Urban Design Brief prepared by SGL and dated October 2016. I have reviewed this report and I rely on the findings and support the recommendations contained therein regarding the urban design strategy for the proposed redevelopment. Based on my review of the relevant OP policies, the proposed redevelopment conforms with the OP policies regarding urban design.

244. Section 8 of the OP establishes policies applicable to transportation matters. I have reviewed the proposed redevelopment in the context of the policies in Section 8 of the OP. The proposed redevelopment has been evaluated in the context of a Transportation Considerations Report prepared by BA Group, dated October 24<sup>th</sup>, 2016 and updated in February 2021. I have reviewed this report and rely on the findings and support the recommendations contained therein regarding the transportation strategy for the proposed redevelopment. Based on my review of the relevant OP policies, the proposed redevelopment conforms with the OP policies regarding transportation matters
245. Section 9 of the OP establishes policies applicable to physical services. Section 9.1.1 of the OP requires that *development of all lands within the urban area shall be based on full urban water and sanitary sewers*. In this regard, I note that the proposed redevelopment is proposed to be serviced by way of full municipal servicing. The proposed redevelopment was evaluated in the context of Functional Servicing and Stormwater Management Report prepared by SCS Consulting Group, dated October 2016 and updated in February 2021. The report provides a strategy for the provision of full urban water and sanitary sewers to the proposed redevelopment. I have reviewed this report and I rely on the findings and support the recommendations contained therein regarding the servicing strategy for the proposed redevelopment. Based on my review of the relevant OP policies, the proposed redevelopment conforms with the OP policies regarding physical services.
246. Section 11 of the OP establishes policies relevant to the Town's Residential Areas. As per Section 11, the lands identified as Residential Areas on Schedule A1, Urban Structure, represent the areas that provide for stable residential communities. I note that the Subject Property is identified on Schedule A1 as being in the Residential Areas.
247. The policies within Section 11 identify that the *majority of intensification and development within the Town is to occur within the Growth Areas as described in Part E. Intensification outside of the Growth Areas within the stable residential communities will be subject to policies that are intended to maintain and protect the existing character of those communities*.

248. The preamble to Section 11 of the OP establishes the following relevant objectives for the Towns' Residential Areas:

- a) *maintain, protect and enhance the character of existing residential areas;*
- b) *encourage an appropriate mix of housing types, densities, design and tenure throughout the Town;*
- c) *promote housing initiatives to facilitate revitalization, compact urban form and an increased variety of housing alternatives;*
- d) *promote innovative housing types and forms to ensure accessible, affordable, adequate and appropriate housing for all socio-economic groups;*

249. I note that the proposed use is consistent with the uses that are intended within the Town's Residential Areas. The proposed redevelopment will effectively integrate with the existing residential area and will maintain, protect and enhance the existing character of the surrounding residential areas while at the same time allowing for redevelopment to occur with a compact urban form through the introduction of a variety of built forms. Furthermore, the proposed redevelopment will provide greater diversity in the range of housing types and densities that are available within the Glen Abbey community.

250. Section 11.1.4 of the Livable Oakville Plan states that *development shall conform with the policies relating to urban design and sustainability set out in Part C*. As such, an evaluation of the proposed redevelopment under the Urban Design policies contained in Part C is required. These policies are typically implemented through the Town's Site Plan Approval process, however these policies have been used as the basis for the redevelopment concept that is proposed as part of the Applications before the Tribunal. The Urban Design policies are addressed further in the Urban Design Brief submitted in support of the proposed redevelopment.

251. Section 11.1.9 of the Livable Oakville Plan establishes evaluative criteria for development in stable residential communities. These evaluative criteria are intended to ensure that development within stable residential communities maintain and protect the existing character of existing neighbourhoods. I note that the Subject Property itself is not a stable residential community, however it is surrounded by and is proposed to be integrated into a stable residential community and as such an evaluation under Section 11.1.9 of the OP has been included. Of note, is the use of the word compatible in a number of the evaluative criteria. Compatible is a defined term in the OP and it is defined as meaning "*the development or redevelopment of uses which may not necessarily be the same as,*

*or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.”*

252. The following table provides commentary on how the proposed redevelopment fulfills the evaluative criteria established in Section 11.1.9 of the Livable Oakville Plan:

<i>11.1.9 Development within all stable residential communities shall be evaluated using the following criteria to maintain and protect the existing neighbourhood character:</i>	
<i>a) The built form of development, including scale, height, massing, architectural character and materials, is to be compatible with the surrounding neighbourhood.</i>	The proposed redevelopment is compatible with the character of the surrounding neighbourhood. I note that the redevelopment has been designed so as to locate the majority of the proposed height and density internal to the proposed redevelopment and thus distanced from the surrounding existing neighbourhood. In areas where the proposed redevelopment abuts the existing neighbourhood, built form, building height, scale and massing is proposed to be regulated in the Zoning By-law Amendment so that the proposed redevelopment will be compatible with the surrounding development.

<p><i>b) Development should be compatible with the setbacks, orientation, and separation distances within the surrounding neighbourhood.</i></p>	<p>The proposed redevelopment provides an appropriate degree of separation between the proposed redevelopment and the adjacent residential properties immediately abutting the periphery of the Subject Property. In these areas, the proposed building setbacks (front, rear and side) are generally consistent with those found within the Fairway Hills neighbourhood, with the noted exception of the required rear yard setback which is greater than the minimum required in the Fairway Hills neighbourhood in order to achieve a 10.0 m landscape buffer along the rear lot lines.</p> <p>Higher building heights and densities are sited interior to the redevelopment, thereby providing sufficient distance to mitigate potential impacts from shadowing and overlook conditions.</p>
<p><i>c) Where a development represents a transition between different land use designations or housing forms, a gradation in building height shall be used to achieve a transition in height from adjacent development.</i></p>	<p>The proposed redevelopment has been designed to allow for a transition in housing forms and building heights as one moves from the periphery of the proposed redevelopment to the interior of the redevelopment. Areas adjacent to existing development have been designed to permit similar building typologies and heights as the adjacent neighbourhood and transitioning to taller buildings in the interior of the Subject Property.</p>

<p><i>d) Where applicable, the proposed lotting pattern of development shall be compatible with the predominant lotting pattern of the surrounding neighbourhood.</i></p>	<p>Where the proposed redevelopment abuts existing neighbourhoods, the lotting pattern has been configured to be consistent with the surrounding development by providing similar lot frontages and areas to those found in the adjacent neighbourhoods.</p>
<p><i>e) Roads and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.</i></p>	<p>A Functional Servicing and Stormwater Management Report has been submitted in support of the Applications. Based on the findings of, and subject to the recommendations of this report, the proposed development can be appropriately serviced. Any improvements identified during detailed design can be resolved through conditions of Draft Plan approval. The proposed redevelopment has been designed to meet the requirements of the OBC with respect to fire access requirements.</p>

<p><i>f) Surface parking shall be minimized on the site</i></p>	<p>Surface parking has been minimized through the provision of parking for the proposed apartment and non-street townhouse (stacked, back to back) buildings below grade. Parking is provided on a number of streets within the proposed redevelopment in order to provide for additional parking opportunities for the proposed commercial and retail uses.</p> <p>I note that the proposed Zoning By-law Amendment seeks to implement some of the applicable parking ratios that apply to North Oakville. Such parking ratios have been applied in North Oakville to encourage mixed use and transit oriented forms of development and are appropriate for the proposed redevelopment in recognition of the mixed use nature of the proposed redevelopment. These proposed parking reductions assist in minimizing the amount of surface parking.</p>
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*g) A proposal to extend the public street network should ensure appropriate connectivity, traffic circulation and extension of the street grid network designed for pedestrian and cyclist access.*

The redevelopment does propose to extend the public street network. The proposed street network provides for an appropriate extension of the existing street network and has been designed in accordance with the Town's engineering standards for public roads. I note that some new street cross sections have been proposed in order to achieve the urban design vision for the redevelopment. The proposed streets have been designed to be complete streets incorporating sidewalks and active transportation networks throughout the proposed redevelopment and where appropriate.

*h) Impacts on the adjacent properties shall be minimized in relation to grading, drainage, location of service areas, access and circulation, privacy, and microclimatic conditions such as shadowing.*

The Urban Design Brief submitted in support of the Applications included a shadow impact analysis. This analysis concludes that the redevelopment meets the criteria for shadow impact studies for the Town of Oakville by complying with established criteria one (Residential Private Amenity Space), criteria two (Public Realm Areas) and criteria three (Solar Energy Potential).

Matters relating to grading, drainage and servicing have been addressed through the preliminary Functional Servicing Report and Stormwater Management Report prepared by SCS and dated October 2016 and updated in February 2021. The report demonstrates that the redevelopment can be graded and serviced in accordance with the Town of Oakville, Halton Region, Conservation Halton and the Ministry of Environment, Conservation and Parks design criteria which are intended to mitigate potential impact to adjacent properties.

Potential impacts to privacy resulting from overlook situations have been mitigated through the siting of increased height and density internal to the redevelopment and thus providing an appropriate degree of separation from existing residential development.

<p><i>j) The preservation and integration of heritage buildings, structures and uses within a Heritage Conservation District shall be achieved.</i></p>	<p>The Subject Property is not located in a Heritage Conservation District. However, a Cultural Heritage Landscape Assessment and Heritage Impact Assessment has been prepared in support of the proposed redevelopment. This report identifies a heritage conservation strategy for how the proposed redevelopment can conserve the cultural heritage value and certain built heritage resources on the Subject Property.</p>
<p><i>j) Development should maintain access to amenities including neighbourhood commercial facilities, community facilities including schools, parks and community centres, and existing and/or future public transit services.</i></p>	<p>Given that the proposed redevelopment is located at the periphery of the Glen Abbey Community, it will maintain, and will not impede, access to existing amenities as described in subsection j). The proposed redevelopment will also allow greater opportunities for the surrounding community to have greater access to amenities that will be established on the Subject Property .</p>
<p><i>k) The transportation system should adequately accommodate anticipated traffic volumes.</i></p>	<p>A Traffic Considerations Report has been prepared for the proposed development. Subject to some transportation improvements, the study concludes that the transportation system can accommodate the traffic which is expected to be generated by the proposed redevelopment.</p>

<p><i>l) Utilities shall be adequate to provide an appropriate level of service for new and existing residents.</i></p>	<p>A Functional Servicing and Stormwater Management Report has been prepared in support of the proposed development. Any improvements that are identified through detailed design for the proposed development can be resolved/upgraded as a condition of the development of the Subject Property.</p>
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253. Based on the analysis provided in the preceding paragraph, it is my opinion that the proposed redevelopment when evaluated in the context of Section 11.1.9 of the Livable Oakville Plan will not present an unacceptable adverse impact to the surrounding Community – it will maintain and protect the existing neighbourhood character.

254. Section 12 of the OP establishes policies relevant to the Town’s Mixed Use land use designation. This designation is intended to *provide areas where residential, commercial and office uses are integrated in a compact urban form at higher development intensities. Mixed Use areas are to be pedestrian-oriented and transit-supportive.*

The intent of the Mixed Use designation is to allow for a diversity of residential, commercial and office uses which are integrated in buildings to provide for the efficient use of municipal services and infrastructure.

255. Section 12.1.2 of the OP states that Mixed Use development is intended to be focused on lands located within Oakville’s growth areas and along identified corridors.

The intent of this policy is to ensure that mixed use development is primarily located within the Town’s Growth Areas and along identified corridors, however it does not preclude such Mixed Use development from other areas in the Town. It is my opinion that this policy is permissive in allowing Mixed Use development in other areas of the Town such as the Subject Property where the proposed redevelopment can be appropriately accommodated in a compatible manner, affirming the direction in the Growth Plan for supporting the achievement of complete communities.

256. Section 12.1.4 of the OP states that *all development within the Mixed Use designations shall be of a high quality design that considers the integration of new and existing buildings, as well as building façade treatment*. In this regard, I note that future development of individual development blocks within the proposed Mixed Use designation will be subject to the Site Plan Approval process. Individual building designs and façade treatments can be defined through that future process.
257. The Applications propose the Main Street 2 land use designation in two separate areas of the proposed redevelopment. The first is located at the intersection of Street 'A' and Street 'W'. The second location is in the blocks located on the east side of Street 'A' and adjacent to Streets 'R', 'S' and 'Q'. The proposed Official Plan Amendment seeks to add a site-specific land use permission to allow for a maximum building height of 12 storeys within the Main Street 2 designation, whereas the parent Official Plan policies would permit a maximum building height of 6 storeys. The provision permitting a maximum building height of 12 storeys applies to a single Block within the proposed development, being Block 147, which is located along the proposed major collector road and in proximity to the northerly entrance to the redevelopment.
258. Section 16 of the OP establishes policies relevant to the Natural Area land use designation. The purpose of the Natural Area designation is for the long-term preservation of natural features and functions.

The lands within the Sixteen Mile Creek valley are currently designated as Natural Area and Private Open Space.

259. Section 16.1.4 of the OP states that in areas where *lands are designated Natural Areas, where no development is permitted, these lands shall be zoned to prohibit the erection, location or use of any buildings or structures other than those which legally exist*. This policy recognizes the need for appropriate zoning regulations which would prohibit the erection of new buildings and structures within the Natural Area designation and requires that the appropriate zoning regulations be imposed to prevent the erection of new buildings or structures from occurring.
260. Lands that are located within the Natural Area designation are intended to be conveyed to the Town of Oakville. As previously noted, all lands along the entirety of the Sixteen Mile Creek valley system, except the RayDor Estate Block, are located within the linear park system and are proposed to be conveyed to the Town as publicly accessible parkland.

261. The policies in Section 16.1.9 of the Livable Oakville Official Plan establish the requirement for a regulatory setback of 15 metres from the Top of Bank for the valleylands system. The policies do not permit development or site alteration within the setback area with the exception of compatible permitted recreational uses, essential public works and utilities subject to the requirements of the OP. As per the OP policies, the proposed redevelopment does not include development or site alteration within the 15 metres setback area. Additionally, all lands that are located within 15 metres of the Top of Bank are proposed to be conveyed to the Town, noting the exception of the RayDor Estate lands.
262. On the basis of the above analysis, it is my opinion that the Applications conform to the relevant OP policies and would meet planning objectives of the Livable Oakville Official Plan. Furthermore, it is my opinion that the Applications represent good land use planning and should be approved by the Tribunal.

#### **TOWN OF OAKVILLE OFFICIAL PLAN AMENDMENT 15**

263. Town-initiated Official Plan Amendment No. 15 (“OPA 15”), was adopted by Town Council on September 27, 2017 and approved, with modifications, by the Regional on April 26, 2018. The OPA was a result of a review of the Town’s Urban Structure.
264. The Urban Structure Review was identified as a major study in the Town’s ongoing Official Plan Review which resulted in updates to the policies and mapping related to the Urban Structure Review. The OPA incorporated modifications to the text and schedules into the Livable Oakville Plan and was described as providing for a town-wide urban structure and establish the basis for official plan policy and for making planning decisions.
265. I have reviewed OPA 15 along with the supporting materials that were provided to Oakville Council, including the Statutory Public Meeting Report prepared by Town staff (Statutory Public Meeting Report, Town-initiated Official Plan Amendments – Urban Structure Review, File No. 42.15.52, dated May 19, 2017), as well as the Recommendation Report also prepared by Town staff (Meeting and Recommendation Report – Town-initiated Official Plan Amendments – Urban Structure Review, By-law 2017-079, 2017-080, 2017-081, File No. 42.15.52, dated September 12, 2017). Additionally, I have reviewed the file materials that were prepared as part of the submission of appeals of OPA 15. My review has been in the context of responding to the issues that have been raised as part of this hearing as they relate to the appeal of parts of OPA 15 and the appeal of the Applications.

266. In summary, it is my opinion that there are components of OPA 15 that are not consistent with the PPS and do not conform to the Growth Plan and the Greenbelt Plan and do not constitute good planning.

267. OPA 15 replaces the existing Section 3 of the OP which provides the Urban Structure intended for the Town. The opening paragraph of Section 3 as found in OPA 15 indicates that “*The urban structure sets out the framework for where and how the Town will grow and how to determine Oakville’s character and form.*” The following paragraphs of Section 3 identify the various components of the Town’s urban structure and these are identified as “*distinct and interconnected elements*”.

268. Section 3.6 of OPA 15 identifies Nodes and Corridors as one of these above mentioned distinct and interconnected elements. The opening paragraph for Section 3.6 indicates that “*Nodes and Corridors are key areas of the Town identified as the focus for mixed use development and intensification.*” (my emphasis) Furthermore, Section 3.6 states that “*The Nodes and Corridors identified in this Plan and in the North Oakville Plans comprise the town’s strategic growth areas as that term is defined in the Growth Plan, 2017*”. (my emphasis). The underlined terms can be misconstrued and interpreted to mean that Nodes and Corridors are intended to be the only areas of the Town where development of mixed use forms can occur. Additionally, the policy can be misconstrued and interpreted to mean that intensification can only occur within those areas identified as strategic growth areas.

269. It is my opinion that such an interpretation would conflict with the policies of the PPS and the Growth Plan in that the policy directive in the Provincial documents direct growth and intensification to settlement areas and specifically delineated built up areas. Section 1.1.3.1 of the PPS states that “*settlement areas shall be the focus of growth and development*”. The closing paragraph of Section 1.1.3.2 states that “*[I]and use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated*”. In this context, the settlement area of the Town is sufficiently broader than those areas that are identified as nodes and corridors in OPA 15.

270. Section 1.1.3.3 of the PPS states that

*“Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and*

*redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”*

In accordance with the direction provided in Section 1.1.3.2, that being ‘*[I]and use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification*’, Section 1.1.3.3 provides direction for planning authorities to “*identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs*”. It is my opinion that the policy directive in Section 1.1.3.3 is for a municipality to both identify appropriate locations for intensification and promote opportunities for intensification and redevelopment such as the opportunity for redevelopment of the Subject Property.

271. With respect to the Growth Plan, Section 2.1 places an “*emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.*” Section 2.2.1.2.c) of the Growth Plan indicates that within settlement area, growth will be focused in delineated built up areas as well as strategic growth areas and locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities. An interpretation that OPA 15 only permits intensification within those areas identified as strategic growth areas would conflict with this direction provided in the Growth Plan.

272. I note that the term *strategic growth areas* is a defined term in the Growth Plan and that this same definition has been incorporated into OPA 15. I note that the definition includes references to not only nodes and corridors, but also “*other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields*”. It is my opinion that the proposed redevelopment of the Subject Property constitutes a major opportunity for redevelopment.

273. Section 3.9 of OPA 15 is applicable to the Town’s Residential Areas. This section recognizes that “*[s]ome growth and change may occur in the Residential Areas*

*provided the character of the area is preserved and the overall urban structure of the town is upheld".* Despite the assertions of the Town that the Applications will result in the establishment of a new Growth Area, this policy recognizes the ability to accommodate growth within the Town's Residential Areas.

274. I note that Section 3.3 of OPA 15 identifies the Greenbelt - Urban River Valleys as a component of the Town's urban structure in accordance with Section 6 of the Greenbelt Plan. As described in paragraph 188 of this witness statement, the policies applicable to the Urban River Valleys only apply to lands which are in public ownership. OPA 15 fails to provide this distinction. Furthermore, Schedule A1 has been revised to reflect the Greenbelt – Urban River Valley overlay on the portion of the Subject Property that is located within the Sixteen Mile Creek Valley. Given that this area of the Subject Property is not publicly owned, it is my opinion that the Urban River Valley policies do not apply to the Subject Property and the overlay has been applied in error. In this regard, it is my opinion that OPA 15 does not conform to the policies contained in the Greenbelt Plan.

275. The opening paragraphs of OPA 15 indicate that the urban structure provides for the "long-term protection of ... cultural heritage resources". Additionally, Section 3.10 of OPA 15 indicates that "*As additional Heritage Conservation Districts and cultural heritage landscapes are protected and registered under the Ontario Heritage Act, they shall be added to Schedule A1, Urban Structure.*"

276. I note that the PPS provide a definition for the term conserved (and the and Growth Plan a very similar definition) as it relates to built heritage resources, cultural heritage landscapes and archaeological resources. The definition is defined as being:

*the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.*

277. Both the PPS and the Growth use the term 'conserved' when referring to significant built heritage resources, significant cultural heritage landscapes and cultural heritage resources. Given this language used in the PPS and Growth Plan, the use

of the term 'long term protection' in Section 3.10 of OPA 15 creates ambiguity with respect to the Town's intentions and could be misconstrued to eliminate other approaches to heritage conservation that are indicated in the PPS and Growth Plan such as mitigative measures and/or alternative development approaches. In this regard, OPA 15 does not conform to the policies contained in the PPS and Growth Plan

## **TOWN OF OAKVILLE OFFICIAL PLAN AMENDMENT 16**

278. On September 26, 2017, Town Council adopted OPA 16 (Cultural Heritage Policy Updates) to the Livable Oakville Plan. On April 26, 2018 Halton Region approved OPA 16, with modifications. OPA 16 is intended to be an update to the Town's policies regarding Cultural Heritage as found in Section 5, Cultural Heritage, of the OP.

279. I have reviewed OPA 16 along with the supporting materials that were provided to Oakville Council, including the Public Meeting and Recommendation Report – Town-initiated Official Plan Amendment: Cultural Heritage Policy Updates (Livable Oakville) – File No. 42.24.016 – By-law 2017-089, dated September 12, 2017. Additionally, I have reviewed the file materials that were prepared as part of the submission of appeals of OPA 16. My review has been in the context of responding to the issues that have been raised as part of this hearing as they relate to the appeal of parts of OPA 16 and the appeal of the Applications.

280. In summary, it is my opinion that there are components of OPA 16 that are not consistent with the PPS and do not conform to the Growth Plan and do not constitute good planning.

281. OPA 16 proposes to introduce a new Section 5.3.4 into the OP. The section includes references to Heritage Conservation Districts and cultural heritage landscapes that are 'protected or registered under the Ontario Heritage Act being identified on Schedule A1 – Urban Structure of the OP, with a new Schedule A1 proposed to be established through OPA 15.

282. Thus, as noted in paragraphs 275 to 277 in relation to OPA 15, I share the same concern regarding OPA 16. The use of the term 'long term protection' in OPA 15 creates ambiguity with respect to the Town's intentions and could be misconstrued to eliminate other approaches to heritage conservation that are indicated in the

PPS and Growth Plan such as mitigative measures and/or alternative development approaches.

283. I have reviewed the witness statement of Michael McClelland in the context of OPA 16. I share the concerns expressed by Mr. McClelland regarding references to “cultural heritage landscape conservation plans” and the definitions of “cultural heritage landscape” and “heritage attributes”. In this regard, I rely on the evidence provided in Mr. McClelland’s witness statement.

## **TOWN OF OAKVILLE OFFICIAL PLAN AMENDMENT 24 AND ZONING BY-LAW 2018-16**

284. On January 30, 2018 Town Council adopted OPA 24 (File No. 42.24.019 File No. 42.24.019 Cultural Heritage Special Policy Areas including Glen Abbey Golf Course) to the Livable Oakville Plan and passed a Town-initiated Zoning By-law Amendment No. 2018-016 (File Z.1519.10, Glen Abbey Golf Course). The purpose of OPA 24 is described by the Town as being to provide the framework to recognize special policy areas for heritage conservation districts and cultural heritage landscapes and to provide land use designations and policies to support the protection, management and use of the Glen Abbey Golf Course cultural heritage landscape (1333 Dorval Drive) in a manner that ensures its cultural heritage value or interest and heritage attributes, as established by By-law 2017-138 designating the property under section 29 of the Ontario Heritage Act, are retained.

285. The purpose of Zoning By-law 2018-016, as described by the Town, is to regulate the use of the Glen Abbey property, and the erection, location and use of buildings and structures thereon, to ensure that the cultural heritage value or interest and heritage attributes, as established by By-law 2017-138 designating the property under section 29 of the Ontario Heritage Act, are retained.

286. I have reviewed OPA 24 and Zoning By-law 2018-016 along with the supporting materials that were provided to Oakville Council, including the Public Meeting and Recommendation Report - Town-initiated Official Plan Amendment: Cultural Heritage Special Policy Areas including Glen Abbey Golf Course, and Town-initiated Zoning By-law Amendment: Glen Abbey Golf Course - File Nos. 42.24.019 and Z.1519.10 - By-law 2018-015 (OPA 24) and By-law 2018-016, dated January 22, 2018. Additionally, I have reviewed the file materials that were prepared as part of the submission of appeals of OPA 24 and Zoning By-law 2018-016. My review has been in the context of responding to the issues that have been raised as part

of this hearing as they relate to the appeal of OPA 24, the appeal of Zoning By-law 2018-016 as well as the appeal of the Applications.

287. In summary, it is my opinion that OPA 24 and Zoning By-law 2018-016 are not consistent with the PPS and do not conform to the Growth Plan and do not constitute good planning.

288. For reference, the approval of OPA 24 would having the following effects on the Subject Property:

- I. Create a new Special Policy Area applying only to the Subject Property as shown on Land Use Schedules H and I;
- II. Add a new section 26.6 in the OP entitled "Heritage Conservation Districts and Cultural Heritage Landscapes".
- III. Create new policies in section 26.6.1 of the OP, which would be solely limited to the Subject Property in their applicability, including permitted uses and restrictions on new buildings and building additions;
- IV. Delete the site-specific exceptions that currently apply to the Subject Property in sections 27.3.4 and 27.3.5 of the Livable Oakville Plan; and
- V. Change the "Low Density Residential" land use designation on a portion of northwest corner of the Subject Property to "Private Open Space".

289. I note that in staff's recommendation report associated with OPA 24 and Zoning By-law 2018-016 there is no discussion on the appropriateness of, nor is a justification provided for the elimination of the Low Density Residential land use designation which applies to the northwest corner of the Subject Property. As identified in paragraph 60 of this witness statement, this area is capable of accommodating approximately up to 25 single detached residential units under the maximum residential density permitted in the Low Density Residential land use designation. The elimination of this land use designation results in a loss of 25 residential units that could be accommodated in an existing neighbourhood where existing servicing and community infrastructure is available. The proposed elimination of the Low Density Residential designation, without proper and adequate justification, does not in my opinion represent good planning.

290. OPA 24 introduces a new site specific exception to the Subject Property. Section 26.6.1(a) of OPA 24 regulates the range of uses that are permitted and these uses are described as the only permitted uses on the Subject Property. The range of uses permitted in this section is similar to the existing site specific exception in terms of the specific uses that are permitted, however the section eliminates all of

the additional uses that would otherwise be permitted under the existing Private Open Space designation.

291. In addition to the above mentioned land use restrictions, OPA 24 introduces a number of additional site specific policies that would apply to the Subject Property. These policies would have the effect of:

- I. Requiring the cultural heritage value or interest and heritage attributes of the Subject Property to be retained;
- II. Restrict several existing permitted uses which are permitted on the entirety of the Subject Property to existing buildings only, with some exceptions based on the Town's discretion; and
- III. Restrict a hotel/conference centre, together with accessory facilities and uses, as a permitted use but subject to additional conditions and the Town's discretion whereas these uses were previously unrestricted.

292. In addition to the site specific land use provisions contained in OPA 24, Zoning By-law 2018-016 introduces a similar restrictive set of Zoning regulations which regulate the use of the Subject Property. With the approval of Zoning By-law 2018-016, a number of the uses which were permitted as of right under the existing O2 – Private Open Space Zone because they were considered as appropriate uses related to the golf club are removed from the property. Additionally, Zoning By-law 2018-016 restricts a number of uses to being contained within buildings whereas such uses would otherwise have been permitted on the entirety of the Subject Property. This would not otherwise be the case in the parent zoning provisions applicable to permitted uses within the O2 – Private Open Space zone. This proposed zoning by-law also restricts all buildings and structures to only those existing on the date of the passage of the By-law, with a limited exception for temporary structures and buildings related to golf tournaments.

293. By-law 2018-016 also introduces a site specific definition for a golf course use which is different from that of the parent zoning definition contained in Zoning By-law 2014-014. The specific purpose of a golf course as defined in By-law 2018-016 is “operated for the purpose of playing golf and hosting amateur and professional/championship golf tournaments ...”, whereas the parent zoning provision does not include this specific purpose. In my opinion, By-law 2018-016 attempts to achieve an inappropriate level of zoning regulation/control over the type and form of golf activity that occurs on the Subject Property.

294. Additionally, the site specific definition for a golf course in By-law 2018-016 differs from the parent zoning definitions in that the definition of golf course in By-law

2014-014 includes reference to “a club house, and other buildings and structures devoted to the maintenance and operation of the golf course”. This part of the definition has been removed in By-law 2018-016.

295. I note that “Building” is defined in By-law 2014-014 as “a structure consisting of any combination of walls, roofs and floors, or a structural system serving the function thereof”. “Structure” is defined in By-law 2014-014 as “anything that is erected, built, or constructed of parts joined together”.
296. The broad definition for building, coupled with the removal of the terms “club house, and other buildings and structures devoted to the maintenance and operation of the golf course” from the Golf Course definition in By-law 2018-016, unnecessarily restricts the existing use to only existing buildings and structure on the property.
297. The Zoning regulations that are proposed through the passage of By-law 2018-016 are, in my opinion, overly restrictive and unnecessarily regulate uses which do not otherwise exist on the Subject Property and are not likely to occur in the context of the existing use, with the noted exception of a hotel and conference centre use which could occur in the context of the golf club.
298. Despite the direction in the PPS and Growth Plan for growth and new development to be accommodated within settlement areas, and particularly built up areas where there is existing or planned infrastructure, and on lands where such growth and new development can be accommodated, OPA 24 and ZBL 2018-016 propose to prohibit opportunities for such growth and new development.
299. Similarly, it is my opinion that the additional restrictions proposed to be imposed on the existing golf course, which operates as a private commercial business, and one that the Town has repeatedly asserted is important to the local economy, through OPA 24 and By-law 2018-016 are not consistent with the PPS policies that promote economic development and prosperity and do not constitute good planning.

## RESPONSES TO ISSUES LIST

300. **Issue 1:** Do the Applications conserve the significant cultural heritage landscape within the subject lands, as designated under section 29 of the Ontario Heritage Act by Town By-law No. 2017-138, as required by:
- c. the Region of Halton Official Plan (Halton OP), including sections 26, 29, 30, 31, 72(1), 146, 147(2), 165, 166, 167, 170, 224, and 224.1;
  - d. Livable Oakville Plan, including sections 2.1, 2.2.1, 3, 5, and 29.5?
301. **Response:** Section 25 through Section 33 of the ROP establishes the Planning Vision for the Region. Section 26 of the ROP recognizes that Halton is a strategic location within the Greater Toronto and Hamilton Area and that population and employment growth are important to the social and economic life of its residents. Section 26 indicates that Halton expects further urbanization and changes to its landscape within the planning period between now and 2031 and that in this regard, Halton will undertake the necessary steps to ensure that growth will be accommodated in a fashion that is orderly, manageable, yet sensitive to its natural environment, heritage and culture. Section 26 also indicates that to maintain Halton as a desirable and identifiable place for this and future generations, certain landscapes within Halton must be preserved permanently. This concept of “landscape permanence” represents Halton's fundamental value in land use planning and will guide its decisions and actions on proposed land use changes accordingly.
302. In reference to landscape permanence, Section 27 of the ROP indicates that Halton's future landscape will always consist of three principal categories of land uses, those being:
- settlement areas with identifiable communities,
  - a rural countryside where agriculture is the preferred and predominant activity, and
  - a natural heritage system that is integrated within settlement areas and the rural countryside, to preserve and enhance the biological diversity and ecological functions of Halton.
303. Section 27 of the ROP concludes that the land uses in these categories are complementary to each other and will together move Halton towards the goal of sustainability. Each will always exist in large measures over time, both during and beyond the planning period.

304. Section 29 of the ROP states that the concept of landscape permanence will be reflected in the goals, objectives, and policies of this Plan. In pursuit of this concept, Regional Council will exercise its powers and authority, as permitted by legislation, and deploy its resources accordingly. Other government agencies, as well as individuals or corporations, making decisions affecting Halton's landscape are also encouraged to incorporate this concept.
305. I note that the Applications, if approved, will result in the conveyance of 32.57 ha of Natural Heritage System to the Town of Oakville thereby placing these lands in public ownership to become part of the Town owned Natural Heritage System. I note that the Natural Heritage System is identified as one of the three principal categories of land uses which are referenced in the Region's permanent landscape.
306. Section 30 of the ROP states that the best means of preserving landscapes is by public ownership. Furthermore, the policy notes that the Regional Council will, in its approach to making planning decisions, refer to the concept of sustainable development and the principles of sustainability, i.e., seeking a balance among the environmental, economic and social interests.
307. In this regard, I note that the approval of the Applications will ensure landscape permanence through the conveyance of the Natural Heritage System to the Town. Furthermore, I note that the Applications will result in the redevelopment of the Subject Property in a sustainable manner by balancing the achievement of Provincial growth objectives with regional and local environmental, economic and social interests.
308. With respect to the Livable Oakville policies contained in Section 2.1 of the Livable Oakville Plan, this section of the OP describes the Town's mission statement as being to enhance the Town's natural, cultural, social and economic environments by ensuring that environmental sustainability, cultural vibrancy, economic prosperity and social well-being are incorporated into growth and development decisions.
309. It is my opinion that Section 2.1 of the OP is intended to imply a balanced approach to informing growth and development decisions. This balanced approach recognizes the interrelationship between the Town's natural, cultural, social and economic environments and that growth and development decisions consider matters relating to environmental sustainability, cultural vibrancy, economic prosperity and social well-being collectively.

310. It is my opinion that the Town of Oakville, to date, has not taken a balanced approach in its decisions relating to the Applications as required by the PPS and Growth Plan. Furthermore, it is my opinion that the approval of the Applications will allow the approval of a development which achieves the objectives of environmental sustainability, cultural vibrancy, economic prosperity and social well-being to the benefit of Oakville residents.
311. I note that as provided for in the witness statement of Michael McClelland, the heritage attributes identified in By-law No. 2017-138 are problematic in that they do not correctly identify the heritage features that are to be conserved in order to conserve the cultural heritage value of the Subject Property for the future.
312. **Issue 2:** Do the Applications have appropriate regard for matters of provincial interest with respect to the conservation of features of significant architectural, cultural, historical, archeological or scientific interest as required by Section 2(d), (h) and (n) the Planning Act?
313. **Response:** Section 2.d) of the Planning Act is addressed in paragraph 111 of this witness statement. Section 2.h) of the Planning Act is addressed in paragraph 115 of this witness statement. Section 2.n) of the Planning Act is address in paragraph 125 of this witness statement.
314. In paragraph 131, I note that based on my review of Sections 2 a) through s) of the Planning Act, the approval of the proposed Applications would have regard for and not cause a conflict with the above-mentioned matters of Provincial interest as identified in this section of the Planning Act. On this basis, it is my opinion that the Applications have regard for matters of provincial interest with respect to the conservation of features of significant architectural, cultural, historical, archeological or scientific interest as required by Section 2(d), (h) and (n) the Planning Act?
315. **Issue 4:** Would the replacement of the Glen Abbey Golf Course with the mixed-use development proposed by the Applications fail to preserve the character of the Glen Abbey community, as required by the policies of the Livable Oakville Plan, including sections 2.2.1 and 4.3, and is it consistent with the policies of the Provincial Policy Statement that support conserving features that define community character including cultural heritage landscapes, including section 1.7.1(e)?

316. **Response:** An analysis of Section 2.2.1 of the OP is provided in paragraph 225 & 226 of this witness statement. An analysis of Section 4.3 of the OP is provided in paragraph 237 of this witness statement.
317. With respect to Section 1.7.1.e) of the PPS, it states that, Long term economic prosperity should be supported by *“encouraging a sense of place, by promoting well-designed built form and cultural planning, conserving cultural heritage features that help define the community character, including built heritage resources and cultural heritage landscapes”*.
318. It is my opinion that the approval of the Applications will allow for a development which incorporates well designed built form and the conservation of built heritage resources and a cultural heritage landscape. The proposed redevelopment will provide a significant land contribution to the Town owned Natural Heritage System and will provide for an extensive system of publicly accessible open space areas and trail network. It is my opinion that the proposed redevelopment will result in the ‘best of both worlds’ whereby the development of a well-designed built form with a sense of place which conserves cultural heritage features will preserve the character of the Glen Abbey community and will support the long term economic prosperity of the Province, the Region of Halton and the Town of Oakville.
319. In summary, it is my opinion that the approval of the Applications will preserve the character of the Glen Abbey community and will allow for the conservation of the cultural heritage features that help define the community character. Additionally, and importantly, those cultural heritage features will be publicly accessible and in the case of the Natural Heritage system and proposed linear park system under the ownership of the Town of Oakville.
320. **Issues 5:** Do the Applications adequately consider the impact of the proposed redevelopment on the Town’s urban structure as provided for in the Livable Oakville Plan, including sections 3, 4, 11 (preamble), and 11.1.8, Schedule A1, the North Oakville East Secondary Plan and North Oakville West Secondary Plan, and do the Applications uphold or undermine the Town’s urban structure?
321. **Response:** An analysis of Urban Structure policies of the OP is provided in paragraph 229 through 240 of this witness statement.
322. It is my opinion that the Applications uphold the Town’s urban structure in that they will allow for the development of a large underutilized parcel of land within the Residential Areas for the purpose of creating a residential and mixed use neighbourhood, and will do so in accordance with Section 2.2.2.3 of the Growth

Plan which encourages intensification generally throughout the delineated built-up area and requires that lands are zoned and development is designed in a manner that supports the achievement of complete communities.

323. **Issue 6:** Do the Applications propose an unplanned strategic growth area in the context of the Town's urban structure as provided for in the Livable Oakville Plan, including sections 3, 4, 11 (preamble), and 11.1.8, Schedule A1, the North Oakville East Secondary Plan and North Oakville West Secondary Plan, considering matters such as geographic area, population and employment, built form, density, building heights, and mix of land uses proposed through the redevelopment?
324. **Response:** I have reviewed the witness statement of Peter Smith in regard to his response to this issue. I agree with the opinion of Mr. Smith and adopt his evidence regarding this issue.
325. **Issue 7:** Is the area subject to the Applications an appropriate location for a new unplanned strategic growth area?
326. **Response:** I have reviewed the witness statement of Peter Smith in regard to his response to this issue. I agree with the opinion of Mr. Smith and adopt his evidence regarding this issue.
327. **Issue 9:** Should the Applications be refused on the basis that intensification of the nature and scale proposed should be located in the Town's strategic growth areas (Growth Areas in the Livable Oakville Plan), based on:
- a. consistency with the policies of the Provincial Policy Statement regarding nodes and corridors; intensification and redevelopment; transit-supportive development; and coordinating planning and infrastructure; including sections 1.1.1, 1.1.3.2, 1.1.3.3, 1.2.1, 1.2.4, 1.6.1, and 1.6.3;
  - b. conformity with the policies of the Growth Plan regarding directing growth to strategic growth areas; intensification within the delineated built-up area; integration of planning and infrastructure; aligning growth with transit and transportation corridors; transit-supportive densities and development; and implementation; including sections 1.2.1, 2.1, 2.2.1, 2.2.2, 3.1, 3.2.1, 3.2.2, 3.2.3, 3.2.8, 5.2.3.2, and 5.2.5;
  - d. conformity with the policies of the Halton Official Plan regarding Intensification Areas; the coordination of infrastructure and planning; and transit-supportive development, including sections 44, 47, 48, 72, 77(5), 78, 80, 81(1), (2), (3), (4), (7), (7.2), (9) and (10), 172, and 173 (2), (20) and (21); and

- e. the policies of the Livable Oakville Plan regarding growth areas and residential intensification outside of growth areas; the use of infrastructure and public service facilities; transit-supportive development; and developing a transit-supportive urban structure, including sections 2.2.1, 3, 4.1, 4.3, 8.1.1, 8.9.1, 8.9.4, 8.9.9, 8.12.1, 8.12.2, 9.1.2, 11 (preamble), and 11.1.8?
328. **Response:** I have reviewed the witness statement of Peter Smith in regard to his response to this issue. I agree with the opinion of Mr. Smith and adopt his evidence regarding this issue.
329. **Issue 36:** Do the Applications propose an appropriate land use pattern and mix of housing and housing types?
330. **Response:** It is my opinion that the Applications do propose an appropriate land use pattern and mix of housing and housing types. As previously noted, the development strategy for the Applications is to locate areas proposed to have the lowest residential densities at the periphery of the Subject Property adjacent to existing Low Density Residential uses. Land uses in these areas have been designed with similar lot areas, frontages and will allow for similar building siting as exists within the adjacent Fairway Hills neighbourhood. Where higher heights and densities are proposed, they are internal to the proposed redevelopment in order to provide the greatest degree of separation between existing and proposed land uses. This strategy has effectively mitigated the potential impacts from increased height and density including shadowing, impacts to privacy from overview and building massing. The range of land uses that are proposed within the mixed use portions of the proposed redevelopment will assist in achieving a complete community through the provision of additional retail and commercial services which currently do not exist on the Subject Property. The approval of the Applications will result in a full and diverse range of housing opportunities from one bedroom apartment dwelling units through to large lot single detached dwelling units.
331. **Issue 39:** Does the draft zoning by-law appropriately implement the proposed development? Does the proposed zoning by-law provide appropriate regulation of built form, density and building heights required to constitute good planning?
332. **Response:** It is my opinion that the proposed Zoning By-law does appropriately implement the proposed redevelopment and it provides appropriate development standards and regulations and constitutes good planning. I am not aware that the Town has provided any formal review comments on the draft Zoning By-law, as is

normal course reviewing a development application. However, if the proposed redevelopment is approved, I would be pleased to work with Town staff to ensure that the final zoning by-law to be approved by the Tribunal is, from a technical perspective, in a form satisfactory to the Town.

333. I note that the draft Zoning By-law has been developed to ensure that potential impacts to the surrounding development are mitigated through including similar zoning provisions where the proposed redevelopment abuts existing residential development. The Zoning By-law has been developed to incorporate a transition in height, density and intensity away from the existing residential neighbourhood and internal to the development. Furthermore, I note that the proposed medium and high density, and mixed use zones are separated by distance and the inclusion of the linear parkway system.
334. I note that the zoning provisions for the proposed residential medium density blocks have been prepared to allow for a range of built forms, such as townhouses, back to back townhouses, stacked townhouses and stacked back to back townhouses. These zoning provisions are intended to allow for the development of a range of housing types in an effort to assist in achieving a complete community.
335. I note that during a review of the planning instruments for the Applications, I identified an error in the one of the zoning provisions for the proposed RL3 zone. The error involves the previously identified minimum rear yard setback for the RL3 zone. The site specific By-law is supposed to include a minimum rear yard setback for the RL3 zone of 17.5 m. The setback is intended to provide for a 10.0 m landscaped buffer and an additional 7.5 m building setback for a total of 17.5 m from the rear lot lines of the properties which abut the Fairway Hills neighbourhood. This provision will be included in an updated Draft Zoning By-law.
336. It is my opinion that the Draft Zoning By-law will allow for the implementation of a redevelopment which will constitute good planning.
337. **Issue 40:** Are the location, size and configuration of the proposed parks appropriate?
338. **Response:** The proposed redevelopment incorporates an appropriate amount of parkland as is required under the provisions of the Planning Act. Any minor deficiencies in the amount of parkland dedications that are determined through the detailed design of the redevelopment, can be facilitated through cash in lieu of parkland payments and as a condition of Draft Plan approval. Based on the proposed unit count, there is a shortfall of 0.3 hectares (0.74 acres) of parkland

dedication. It would be appropriate for a cash in lieu of parkland contribution to compensate for this shortfall.

339. The location and configuration of the proposed central park is located in the interior of, and central to, the proposed redevelopment thereby allowing for convenient access to existing and future residents of the Glen Abbey Community. The linear park system provides convenient connections through the proposed redevelopment and provides links to the natural heritage system located within the Sixteen Mile Creek Valley.
340. It is my opinion that the location, size and configuration of the proposed parks are therefore appropriate.
341. **Issue 42:** Has there been sufficient analysis of the capacity of the existing community facilities to accommodate the proposed development? Has a community infrastructure plan, based on Regional guidelines, been provided describing where, how and when public services for health, education, recreation, socio-cultural activities, safety and security and affordable housing will be provided to serve the proposed community?
342. **Response:** This matter is addressed in paragraph 120 of this witness statement.
343. **Issue 61:** Does the Traffic Impact Study adequately evaluate and where applicable provide mitigation for the following:
- d. Land dedications or protection for the future widening of Regional Roads, including but not limited to Upper Middle Road?
344. **Response:** The Region of Halton has identified a required road widening along Upper Middle Road. The Draft Plan has been revised to incorporate the identified road widening which is included as Block 192. No other Regional road widenings have been identified as being required by the Region. I note that the road widening is located in an area where a registered easement in favour of Enbridge and Ontario Hydro is located. These easements are located within the Region's right of way further along Upper Middle Road to the east.
345. It is my opinion that the required Regional road widening has been appropriately provided.
346. **Issue 73:** Do the Applications conform to the affordable housing provisions of the Growth Plan 2019, Provincial Policy Statement 2020 and Regional Official Plan?

347. **Response:** I note that the relevant policies in the PPS, Growth Plan and Regional OP do not require an owner to provide affordable housing. Furthermore, I note that inclusionary zoning would not apply in this instance. It is my opinion that the proposed redevelopment will offer a wider range of dwelling unit types than what is currently available within the surrounding community or is available in limited supply. Such dwelling unit types will range in size and price point and will allow for market housing including entry level units. This range of dwelling type options will allow for housing options that are intrinsically more affordable for future residents than the predominantly detached dwellings that exist within the adjacent residential neighbourhoods.
348. **Issue 88:** Do the applications have regard to matters of provincial interest in section 2 of the Planning Act, including but not limited to Section 2(r)?
349. **Response:** A full analysis of the proposed Applications under Section 2 of the Planning Act is provided in paragraphs 108 through 131 of this Witness Statement.
350. Paragraph 129 specifically addresses Section 2.r) of the Planning Act. In this paragraph, I conclude that it is my opinion that the approval of the Applications will promote built form that is well designed, encourages a sense of place and provides for high quality, safe, accessible, attractive, and vibrant public spaces and therefore it is my opinion that the Applications have regard for Section 2.r) of the Planning Act.
351. **Issue 89:** Does the proposed development maintain, protect and enhance the existing neighbourhood character to conform to the Town's Official Plan, including the criteria in Section 11.1.9?
352. **Response:** A full analysis of the proposed development under Section 11.1.9 of the OP is provided in paragraph 252 of this witness statement. It is my opinion that the proposed redevelopment will maintain, protect and enhance the character of the existing neighbourhood.
353. **Issue 90:** Does the inclusion of a portion of the rear yard of 1301 Greeneagle Drive in the development application have an adverse impact on the existing stable residential neighbourhood?
354. **Response:** For clarity, I note that no part of the real property located at 1301 Greeneagle Drive is included as part of the development application. Furthermore, I note that 1301 Greeneagle Drive still exists as a single detached dwelling within

the existing residential low density designation. Original Block 102 (PIN 24872-0441) is owned by ClubLink Holdings Limited and is the parcel adjacent to, and east of the property located at 1301 Greeneagle Drive. ClubLink Holdings Limited acquired this parcel on July 8, 2016.

355. For reference, the area adjacent to the rear yard of 1301 Greeneagle Drive is adjacent to Block 191. Block 191 is proposed to be a stormwater management block. I note that stormwater management facilities are permitted as of right in all residential low (RL) zones and residential medium (RM) zones, as well as all other zoning categories. Furthermore, I note that there are no zoning regulations which are applicable to such facilities and such facilities are unregulated in the Zoning By-law 2014-014 in terms of size, depth and setbacks from property lines.
356. It is my opinion that a stormwater management facility is a normal component of many stable residential neighbourhoods. I note that such facilities are normally naturalized facilities and often function as open space areas within neighbourhoods. Some stormwater facilities include trails/walkways and provide connections to the Town's open space and active transportation network. I note the preliminary design for Block 191 does not include such walkway features adjacent to the existing dwellings located on Greeneagle Drive.
357. The inclusion of a stormwater management facility adjacent to a lot located within stable residential neighbourhood will not, in my opinion, have an adverse impact on the existing stable residential neighbourhood.
358. **Issue 92:** If a Draft Plan of Subdivision is to be approved, what are the appropriate conditions of approval?
359. **Response:** The Town of Oakville has a template list of conditions of approval which are imposed for most draft plan of subdivision approvals. Such conditions cover a wide range of matters including land requirements and dedications for public infrastructure/facilities (Schools, SWM facilities, roads etc.), parkland requirements and engineering requirements to name a few. Most conditions of draft plan approval include site specific conditions which respond to unique situations and requirements for a particular development and/or development site.
360. Conditions of draft plan approval typically include conditions that have been provided by other public authorities such as the Region of Halton, Conservation Halton, Halton District and Catholic School Boards, public utilities and other relevant agencies.

361. The conditions of draft plan approval require the developer to enter into a subdivision agreement with the Town of Oakville for the purposes of controlling the design and construction of municipal services and ensuring the completion of works to the satisfaction of all Town Departments.

362. To date, the Town of Oakville has not provided a set of conditions of draft plan approval for the proposed redevelopment. Given the materials submitted with the Applications and the review of those materials that has occurred, all of the circulated agencies would, in my opinion, have sufficient information to provide proposed conditions of approval to the Town of Oakville.

363. **Issue 93:** Do OPA 24 and/or Zoning By-law 2018-016 require the Town's identified heritage attributes of the Glen Abbey Property to be "retained" and, if so, does this requirement render OPA 24 and/or Zoning By-law 2018-016:

- a. Inconsistent with the Provincial Policy Statement, 2020 ("PPS"), and in particular, policy 2.6.1 and the definitions of "Conserved" and "Heritage attributes", as well as the following policies: 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.5, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
- b. Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan"), and in particular, policy 4.2.7.1 and the definition of "Conserved", as well as the following policies: 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1(a) and 2.2.6.2(b)-(d)?
- d. Contrary to principles of good planning?

364. **Response:** The requirement to retain heritage attributes is inconsistent with the policies contained in the PPS and the Growth Plan as well as their definitions for the term "conserved". Both policy documents speak to the conservation of heritage value, rather than the specific retention of heritage attributes. I note that I have reviewed the witness statement of Mr. Michael McClelland in relation to heritage matters. I agree with the opinions expressed by Mr. McClelland and I rely on his evidence in this regard.

365. **Issue 94:** Are the proposed restrictions on permitted land uses and new buildings and structures imposed by OPA 24 and Zoning By-law 2018-016:

- a. Inconsistent with the PPS, and in particular, policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.5, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
- b. Not in conformity with the Growth Plan, and in particular, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1(a) and 2.2.6.2(b)-(d)?

- c. Not in conformity with the Halton Region Official Plan, and in particular, policies 72(1) - (4) and (9), 168, 169(1.1), 169(1.2), 169(1.3), 169(11), 170(14) and 170(16)?
- d. In the case of Zoning By-law 2018-016, not in conformity with the Livable Oakville Plan, and in particular, policy 17.4.1?

366. **Response:** This matter is addressed in paragraphs 284 to 299 of this witness statement.

367. **Issue 95:** Are OPA 24 and Zoning By-law 2018-016, and specifically the proposed restrictions on permitted land uses and new buildings and structures, inappropriate and contrary to principles of good planning?

368. **Response:** It is my opinion that the restrictions contained in OPA 24 and Zoning By-law 2018-016 are inappropriate and contrary to principles of good planning. As I have noted, it is my opinion that the Subject Property is an appropriate location to accommodate residential and mixed-use intensification through redevelopment. Thus, as the proposed restrictions in Zoning By-law 2018-016 preclude such redevelopment of the Subject Property, they are, in my opinion, in appropriate and contrary to principles of good planning. The proposed restriction in ZBL 2018-016 that limits the property to existing buildings and structures, means that any new buildings or structures or other improvements would require approval from the Town, either in the form of a Zoning By-law Amendment or Minor Variance application. In my experience, such processes can be time consuming, costly and subject to risks of delay due to the third party appeals and/or refusal. These factors will make it more difficult for the owner of the Subject Property to adapt to changing conditions regarding operations of the golf course. The same is said for any ability to make necessary or desired improvements to the Subject Property. In this regard, I rely on the evidence of Andrew Keffer of ClubLink.

369. **Issue 96:** Do the proposed restrictions on permitted land uses and new buildings and structures imposed by Zoning By-law 2018-016 place an undue burden on the ability of the Glen Abbey golf course to function as it exists, or to expand or improve? If so, is this a valid purpose and is it contrary to principles of good planning?

370. **Response:** The proposed restriction in Zoning By-law No. 2018-016 that generally limits the Subject Property to existing buildings and structures, means that any new buildings or structures or other improvements, even if proposed to accommodate the existing golf course use, would require approval from the Town, either in the form of a Zoning By-law Amendment or Minor Variance application. In my

experience, such processes can be time consuming, costly and subject to risks of delay due to the third party appeals and/or refusal and are not necessary. In my opinion, even if the Subject Property remains as a golf course, these factors will make it more difficult for the owner of the Subject Property to adapt to changing conditions regarding operations of the golf course. The same is said for any ability to make necessary or desired improvements to the Subject Property. In this regard, I rely on the evidence of Andrew Keffer of ClubLink.

371. **Issue 98:** Do OPA 24 and Zoning By-law 2018-016 fail to properly balance policy objectives in a way that is:

- a. Inconsistent with the PPS, and in particular, Part I and Part III and policy 4.2?
- b. Not in conformity with the Growth Plan, and in particular, policies 1.2.3 and 5.2.1.1?

372. **Response:** This matter is addressed in paragraphs 284 to 299 of this witness statement.

373. **Issue 100:** Is the proposed redesignation in OPA 24 of a portion of the Glen Abbey property from the current "Low Density Residential" designation to "Private Open Space" inappropriate and contrary to principles of good planning?

374. **Response:** This matter is addressed in paragraph 289 of the witness statement. In summary it is my opinion that the proposed redesignation of the Low Density Residential designation to "Private Open Space", without proper and adequate justification, is inappropriate and does not represent good planning.

375. **Issue 101:** Are the proposed site-specific definitions of "Golf course" and "Museum" in Zoning By-law 2018-016 inappropriate and contrary to principles of good planning?

376. **Response:** The site specific definitions for 'golf course' and 'museum' as provided for in By-law 2018-016 are in my opinion inappropriate and contrary to good planning principles. The golf course use as proposed to be defined in By-law 2018-016 requires that the use be operated for the purpose of, among other things "hosting amateur and professional/ championship golf tournaments". It is my opinion that it is unreasonable and inappropriate for a Zoning By-law to be used to dictate the day to day business operations of a permitted land use. Further, the proposed site-specific definition of "golf course" for the Subject Property proposes to eliminate any reference to a clubhouse or other buildings and structures, all of which exist on the Subject Property and, according to Andrew Keffer, form an integral part of the Glen Abbey Golf Club. In my opinion, there is no apparent need

or justification to amend the Town-wide Zoning By-law definition of a 'golf course' for the Subject Property.

377. The proposed site specific definition for 'museum' similarly requires that the museum be related to the game of golf and/or the natural and cultural heritage of the site. Similar to the reasons expressed in the paragraph above, it is my opinion that this is an unreasonable and inappropriate use of the zoning tools afforded under the Planning Act, and there is no apparent need or justification to amend the Town-wide Zoning By-law definition of a 'museum' for the Subject Property.
378. **Issue 102:** Is Zoning By-law 2018-016 contrary to Section 34 of the Planning Act in that it purports to prohibit the erection of any new buildings or structures on lands that are not otherwise constrained for development?
379. **Response:** It is my opinion that By-law 2018-016 is overly restrictive and would prohibit new buildings and structures on large portions of the Subject Property that do not appear to have any physical or ecological constraints to accommodate the erection of buildings and/or structures
380. **Issue 103:** Is Zoning By-law 2018-016 contrary to Section 39 of the Planning Act in that the permitted temporary buildings and structures fail to include any time limit?
381. **Response:** Section 39 of the Planning Act requires that a By-law permitting a temporary use specify the period of time for which the authorization shall be in effect, which shall not exceed three years from the day of the passing of the by-law. By-law 2018-016 proposes to permit "temporary buildings and structures related to golf tournaments" on a portion of the Subject Property, but specify the period of time for which the permission shall be in effect.
382. **Issue 104:** Are the references in Zoning By-law 2018-016 to "temporary" buildings and structures and "commercial golf school" vague and/or internally inconsistent?
383. **Response:** The terms "temporary", which is referred to in Zoning By-law 2018-016 in relation to buildings and structures related to golf tournaments, is not defined, nor is the term defined in the Town-wide Zoning By-law 2014-014. A "commercial golf school", as proposed to be defined in By-law 2018-016, is a premises or outdoor area in which facilities are provided for the purpose of golf instruction, conduct, practice or training. (my emphasis). Meanwhile, Zoning By-law 2018-016 proposes to permit a "commercial golf school" as an accessory use to a golf course use within buildings existing on the date of passage of the by-law (my

emphasis). Thus, in my opinion, these terms in Zoning By-law 2018-016 are vague and, in the case of a “commercial golf school”, is internally inconsistent as to whether it must be located within an existing building or can be located outdoors.

384. **Issue 105:** Is proposed section 3.6, together with the proposed new Schedule A1, intended to restrict growth through mixed use development and intensification to the areas identified as “Nodes and Corridors” on Schedule A1 and, if so, does this restriction render OPA 15:

- a. Inconsistent with the Provincial Policy Statement, 2020 (“PPS”), and in particular, policies 1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.4.3, 1.6.3, 1.6.6, 1.6.7, 1.7 and 1.8?
- b. Not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”), and in particular, section 2.1, policies 2.2.1.2(a), (c) and (d), 2.2.1.3(c), 2.2.1.4, 2.2.2.3, 2.2.6.1 and 2.2.6.2, and the definition of “strategic growth areas”?

385. **Response:** This matter is dealt with in paragraphs 263 through 277 of this witness statement.

386. **Issue 117:** Would the demolition/removal of the Glen Abbey golf course to accommodate the proposed redevelopment of the property, as proposed by ClubLink, represent an appropriate balancing of the public and community interests against the private property rights of ClubLink, as the owner of the property?

387. **Response:** It is my opinion that the demolition/removal of the golf course to accommodate the proposed redevelopment would result in an appropriate balancing of public and private interests. As noted in paragraph 318 of this witness statement it is my opinion that the proposed redevelopment will result in the ‘best of both worlds’ whereby the development of a well-designed built form with a sense of place which conserves cultural and natural heritage features that help define the community character, supports the long term economic prosperity of the Province, the Region of Halton and the Town of Oakville can be realized. The public benefit that would be realized through the redevelopment of the Subject Property is, in my opinion, much greater than the public benefit derived from a private golf club which is not freely accessible to the public.

388. **Issue 118:** Were the Town’s reasons for designating the Glen Abbey property and adjacent lands under By-law No. 2017-138, including the by-law’s “Statement of Cultural Heritage Value or Interest” and the “Description of Heritage Attributes”:

- d. Ignorant of the interests of ClubLink, as the owner of the property;
- e. Contrary to the Municipal Act, 2001 and the Ontario Heritage Act;
- f. inconsistent with the Provincial Policy Statement, 2020, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including Part I, Part III, sections 1.1, 1.4, 1.6, 1.7, 1.8, 2.6 and 4.2);
- g. not in conformity with the Growth Plan for the Greater Golden Horseshoe, 2019, including policies supporting intensification and the efficient use of land and infrastructure within existing built-up areas, policies to conserve significant cultural heritage resources, and the direction that all applicable policies are to be considered and applied (including sections 1.2.3, 2.1, 2.2.1, 2.2.2, 2.2.6, 3.1, 3.2, 4.2.7 and 5.2.1); and
- h. unreasonable and inappropriate?

389. **Response:** I have reviewed the witness statement of Mr. Michael McClelland in regard to his response to this issue. I agree with the opinion of Mr. McClelland and adopt his evidence regarding this issue.

390. **Issue 119:** Should the Tribunal approve ClubLink's application to demolish/remove the Glen Abbey golf course (including all buildings identified in the application and related infrastructure) and order the Town to consent to the demolition/removal?

391. **Response:** The approval of the application to demolish/remove the Glen Abbey golf course will be required to facilitate the proposed redevelopment of the Subject Property, which I consider to be appropriate and in the public interest.. It is my recommendation to the Tribunal that the application to demolish/remove the Glen Abbey golf course (including all buildings identified in the application and related infrastructure) should be approved and that the Town be ordered to consent to the demolition/removal.

392. **Issue 122:** Was the Town's refusal of the demolition of the Glen Abbey golf course consistent with the overarching goal of the OHA to conserve, protect, and preserve Ontario's heritage?

393. **Response:** It is my opinion that the Town's refusal of the demolition of the Glen Abbey golf course was not consistent with the overarching goals of the OHA. Rather it is my opinion that the Applications incorporate a conservation strategy that will successfully conserve the cultural heritage value of the significant cultural

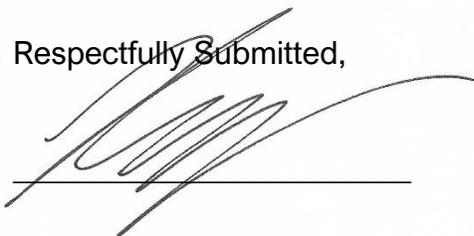
heritage landscape of the Subject Property as identified in ERA reports and I rely on the evidence of Mr. Michael McClelland and Mr. Brendan Stewart in this regard.

394. **Issue 123:** What is the amount of the costs (both out-of-pocket expenses and staff-time equivalents) that each of the Town of Oakville, the Regional Municipality of Halton and the Halton Region Conservation Authority legitimately incurred for the processing of ClubLink's combined applications for an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision (collectively, the "Redevelopment Applications") for the Glen Abbey property between the date that the Tribunal issued its Decision confirming the Redevelopment Applications to be complete (i.e., June 7, 2017) and the date that ClubLink appealed the Redevelopment Applications to the Tribunal (i.e., October 10, 2017)?
395. **Response:** I am not able to quantify these costs. I am aware that during this time, the Town of Oakville hosted a public information meeting for the Applications. Additionally, I am aware that the application was circulated. Typically, circulations on development applications solicit responses from circulated departments and agencies, which are then provided to the applicant for an opportunity to respond to the comments. However, based on my review of the file documents and discussion with members of ClubLink's consulting team, it is my understanding that no comments on the Applications were provided to ClubLink or its consultants prior to the issuance of a Town staff report for a Council meeting at the end of September 2017, which recommended that the Applications be refused, and attached a series of comments received.
396. **Issue 124:** Were the application fees that ClubLink paid for the Redevelopment Applications excessive in the particular circumstances of this case?
397. **Response:** I have reviewed the calculation of the application fees based on the Town's rates and fees in effect at the time of the application being submitted to the Town (November 10, 2016). I confirm that the amount paid to the Town, that being \$194,860.65, is the appropriate amount as calculated in accordance with the Town's fee By-law in effect at that time. In addition to the Town fees, there were additional fees paid to the Region and CH, amounting to \$18,436.00 and \$160,426.00 respectively.
398. I note that there are a number of review components of a typical development application review process which do not appear to have been conducted or at least provided by the Town during the processing of the Applications, most notably the failure of the Town to provide circulation comments on the Applications to ClubLink and its consultants.

## CONCLUSION

399. It is my opinion that the Applications are consistent with or conform to the policies of the PPS, the Growth Plan, the Greenbelt Plan, and the Region of Halton Official Plan, and the general policies of the Livable Oakville Plan. As was confirmed by the Region, an amendment to the Region of Halton Official Plan is not required.
400. The Subject Property is located within a Settlement Area as defined by the PPS, the Built-Up Area as defined by the Growth Plan, the Urban Area as defined by the Region of Halton Official Plan, and the Built Boundary as defined by the Livable Oakville Plan, which are intended to accommodate a significant portion of new growth.
401. The approval of the Applications promotes the policies within the PPS and Growth Plan that direct and manage growth and conforms with the growth policies of the Region of Halton and Livable Oakville Official Plans which direct growth to the Urban Area and Built Boundary.
402. The approval of the Applications will conform to, and will not jeopardize, the Urban Structure policies of the Livable Oakville Plan which permit intensification opportunities such as infill and redevelopment outside of the identified Growth Areas and within Residential Areas. The Applications do not propose to amend the Urban Structure policies or map of the OP.
403. It is my opinion that the Applications, which would be implemented through the accompanying Official Plan and Zoning By-law Amendments and Draft Plan, are in keeping with the intent of the relevant Official Plan policies and would contribute to the achievement of the planning objectives of the Livable Oakville Official Plan. Furthermore, it is my opinion that the proposed Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision represent good planning and are in the public interest.
404. Based on the analysis that I have conducted for this hearing and the evidence to be presented to the Tribunal, I recommend that the Tribunal approve the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

Respectfully Submitted,



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David Capper MCIP, RPP

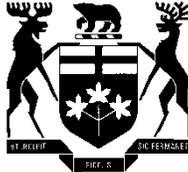
May 17, 2021

## **APPENDIX A: DOCUMENTS RELIED UPON**

405. The following documents have been relied upon in order to prepare this witness statement:

- The Planning Act, R.S.O. 1990, c. P. 13, as amended;
- The Provincial Policy Statement, 2020 (the “PPS”);
- The Provincial Growth Plan for the Greater Golden Horseshoe, 2019 (August 2020, Office Consolidation) (the “Growth Plan”);
- The Region of Halton Official Plan (September 28, 2015, Interim Office Consolidation);
- The Town of Oakville Official Plan (February 23, 2015, Office Consolidation);
- Town of Oakville Zoning By-law 2014-014;
- Site-specific Zoning By-law 1980-91;
- Complete list of submission materials provided in support of the Applications;
- Various Town of Oakville Staff reports regarding matters pertaining to the Applications;
- Various Oakville Town Council and Planning and Development Council meeting minutes;
- Video of various Oakville Town Council and Planning and Development Council meetings;
- Globe and Mail article ‘ClubLink files to redevelop Glen Abbey into residential community’, October 27, 2015 (accessed via Globe & Mail online);
- Additional media coverage and news releases relating to proposed development (Various news outlets);
- Staff reports, correspondence, Council decisions, meeting minutes, by-laws, appeal letters and other materials relating to:
  - I. The Applications;
  - II. Interim Control By-laws 2016-024 & 2016-115;
  - III. Official Plan Amendment 15;
  - IV. Official Plan Amendment 16;
  - V. Official Plan Amendment 24;
  - VI. Zoning By-law Amendment 2018-016;
  - VII. Section 34 OHA Demolition Application; and
  - VIII. Application Fee Appeal.
- Various witness statements and affidavits filed in relation to various appeals relating to Applications;
- Various file materials and correspondences relating to the Applications;
- Various OMB/LPAT decisions relating to Oakville development applications and appeals.

**APPENDIX B: Acknowledgement of Expert Duty and CV**



Ontario  
Local Planning Appeal Tribunal  
Tribunal d'appel de l'aménagement local

**ACKNOWLEDGMENT OF EXPERT'S DUTY**

<b>Case Number</b>	<b>Municipality</b>
PL171084, PL180158, PL180580, MM180022, MM170004	Town of Oakville

1. My name is.....David E. Capper.....(name)  
I live at the ...Town of Milton.....(municipality)  
in the.....Region of Halton.....(county or region)  
in the .....Province of Ontario.....(province)
2. I have been engaged by or on behalf of **ClubLink Corporation ULC and ClubLink Holdings Limited** (name of party/parties) to provide evidence in relation to the above-noted LPAT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
  - a. to provide opinion evidence that is fair, objective and non-partisan;
  - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
  - c. to provide such additional assistance as the LPAT may reasonably require, to determine a matter in issue.
  - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date...May 17, 2021.....

Signature

## Curriculum Vitae: David Capper, MCIP, RPP

### Education

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Bachelor of Environmental Studies (Urban & Regional Planning), University of Waterloo, 2003

### Affiliations

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- Associate, Glen Schnarr & Associates Inc., February 2016 – Present.
- Registered Professional Planner and a Member of Ontario Professional Planners Institute, Planning Institute of British Columbia & Canadian Institute of Planners.

### Experience

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David Capper is an Associate with over 16 years of public and private sector planning experience in numerous GTA municipalities as well as a number of rural municipalities outside of the GTA. He has extensive experience in managing planning applications (including Official Plan and Zoning By-Law Amendments, Draft Plans of Subdivision, Site Plans, Draft Plans of Condominium, minor variance and consent applications) and processing them through municipal approvals.

David has been qualified as a professional land use planner with the Ontario Municipal Board (OMB)/ Local Planning Appeals Tribunal (LPAT) and he has provided expert testimony at numerous OMB/ LPAT hearings. David has also provided professional evidence at the Toronto Local Appeals Body.

### Roles and Responsibilities

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- Preparation and processing of Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan Approval, Consent and Minor Variance Applications
- Preparation of Planning Justification and Rationale Reports
- Presentation of development proposals to municipal committees and councils
- Management and coordination of project teams
- Representation at Local Planning Appeals Tribunal hearings

### Professional Background

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2016 to Present                      Associate – Glen Schnarr and Associates

- Preparation and processing of Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Condominium, Site Plan Approval, Consent and Minor Variance Applications
- Preparation of Planning Justification and Rationale Reports

- Presentation of development proposals to municipal committees and councils
- Management and coordination of project teams
- Representation at Ontario Municipal Board hearings

2015 – 2016                      Senior Planner – Ruth Victor and Associates

- Co-ordinating development approvals (ie. Zoning By-law Amendments, plans of subdivision/condominium, site plans, minor variances, consents) for development industry clients across the Greater Toronto Area
- Site investigation, assistance with due diligence research and preparation of Development Options Reports
- Presenting development applications to various municipal Councils and Committees
- Professional representation as an expert witness at the Ontario Municipal Board

2011 – 2015                      Associate – Weston Consulting

- Coordination of development approvals for a diverse range of projects
- Professional representation as an expert witness at the Ontario Municipal Board
- Project management of development applications from project inception through to final approval
- Preparation of Expropriation Reports and provision of professional representation at expropriation hearings
- Management and coordination of project teams

2010 – 2011                      Senior Economic Development Officer – Economic Development Department,  
Town of Oakville

- Liaison between Town of Oakville and business community
- Project Lead/Coordinator of Oakville's Digital Hub Project
- Assist Oakville businesses with navigation through planning process
- Liaison between Planning Services Department and Economic Development Department

2004 – 2010                      Development Planner – Planning Services Department, Town of Oakville

- Responsible for reviewing a wide range of development applications including Official Plan and Zoning By-law Amendments, Draft Plans of Condominium and Subdivision and Site Plan applications
- Presenting development applications to Town of Oakville Council and various Committees
- Represent Town of Oakville at Ontario Municipal Board Hearings
- Evaluation of minor variance applications and preparation of recommendation reports to Committee of Adjustment