



RESEARCH PAPER 6

# Regarding the 2015 Draft Pickering Airport Site Zoning Regulation (PASZR)

August 2015

# Contents

- 1 Background / 3
- 2 And Missing From This Picture? / 4
- 3 Questions Abound / 7

*Figure*  
2015 draft PASZR / 6

# 1

## Background

On June 11, 2013, the Government of Canada announced a new plan for the Federal Lands – those 18,600 acres of mostly farmland that had been expropriated in 1972 for an international airport that was never built. The Lands had remained in the hands of Transport Canada for the next four decades and had continued to be farmed.

The new plan involved the setting aside of a smaller portion of land (8,700 acres) for a future airport, the transfer of 5,000 acres to Parks Canada for the creation of the Rouge National Urban Park, and the earmarking of the remaining lands (4,900 acres) for economic development.

The announcement triggered a string of consultations, described in the *Canada Gazette* as follows:

On June 11, 2013, following the Government’s announcement, the Assistant Deputy Minister, Programs, Transport Canada, hosted a roundtable discussion with Government of Ontario officials on the future of the Pickering Lands. Transport Canada and provincial officials agreed to form a working group to continue to dialogue on matters such as transportation and infrastructure planning.

A second roundtable discussion with the regional and local municipalities took place on June 12, 2013. The municipalities were interested in the proposed Regulations and learning more about the impacts on their land use and development plans.

Two public information sessions were hosted by Transport Canada, together with Parks Canada, on June 24 and 27, 2013, to communicate Government of Canada decisions to the public and gather feedback on the future of the Pickering Lands. Issues identified in the course of the engagement activity focused on the loss of prime agricultural land, a potential decline in the quality of life for area residents, and the need for general aviation infrastructure.

Transport Canada held briefings with the Province of Ontario and the affected regions and municipalities on the proposed Order and proposed Regulations. Transport Canada officials met with the following parties:

- on November 25, 2013, with the provincial Ministry of Municipal Affairs and Housing;
- on November 27, 2013, with York Region, the City of Markham, and the Town of Whitchurch-Stouffville; and
- on November 28, 2013, with the Region of Durham, the City of Pickering, the Township of Scugog, the Town of Whitby, the Town of Ajax, and the Township of Uxbridge.

The regions and municipalities were asked to comment on Transport Canada’s objectives regarding the process to declare a smaller airport site and enact new Regulations. While some of the municipalities had concerns about the future construction of an airport, none of the municipalities expressed any concerns with the objectives of the two regulatory proposals.

Transport Canada also engaged Aboriginal groups that may have an interest in the objectives of the proposed Order and proposed Regulations. On November 13, 2013, Transport Canada met with the Mississaugas of Scugog Island First Nation, Hiawatha First Nation, Chippewas of

Georgina Island First Nation, Curve Lake First Nation, and Alderville First Nation. Concerns were raised about environmental issues associated with the future construction of an airport. The groups were informed that when a decision is made to build the airport, the proper environmental assessment and other required studies will be triggered.<sup>1</sup>

## 2 And Missing From This Picture?

A PASZR is all about federal public servants providing provincial and municipal planning department public servants with **extremely explicit “where” and “what” information on how to protect**, in all future decisions, **the site for a Pickering airport**. The planning departments are required to “ensure that development on surrounding lands remains compatible with the safe and viable operation of a future airport and aircraft.”<sup>2</sup> Over more than two years, the bureaucrats have held numerous behind-closed-door “briefings” and “roundtables” on how to protect the Pickering airport site.

On the other hand, **virtually no effort has been made** to date by bureaucrats or by politicians-in-the-know to widely disseminate equally detailed information, through public information meetings and media advertising, **to educate local citizens on how a Pickering airport would affect their daily lives, their environment, and their enjoyment of their property**. Why not? Transport Canada has indicated in the above-cited Consultation section of **the Regulatory Impact Analysis Statement that the general public has widespread concerns about the future of the Lands. This being the case, the general public deserves to be properly informed and to be given detailed answers to the questions and concerns that have been raised**.<sup>3</sup>

The draft PASZR map has been labelled a “sketch” but the exhaustively detailed regulations precisely define geographical areas – including runways, other aircraft surfaces, and a wildlife hazard zone. Provincial and municipal planning departments will be duty-bound to follow these regulations in all future land-use planning decisions – the same decisions that will clearly impact the lives of all local citizens, and especially those living within the defined zones in the PASZR.

So exactly when do the bureaucrats and the politicians-in-the-know plan to thoroughly inform local residents of how the PASZR, and the potential future airport whose site the PASZR has been developed to protect, would fundamentally change their lives? Example areas of concern:

1. Wildlife Hazard Zone (for a detailed discussion of this topic, see Research Paper 5).
2. Aircraft Pollution Health Impacts (for one recent health study, see: [http://www.thestar.com/news/the\\_world\\_daily/2014/05/los\\_angeles\\_airport\\_traffic\\_may\\_be\\_creating\\_more\\_pollution\\_than\\_cars\\_\\_study.html](http://www.thestar.com/news/the_world_daily/2014/05/los_angeles_airport_traffic_may_be_creating_more_pollution_than_cars__study.html)).
3. Noise Pollution

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1, 2. Transport Canada’s Regulatory Impact Analysis Statement: <http://www.gazette.gc.ca/rp-pr/p1/2015/2015-07-18/html/reg1-eng.php>

3. And questions weren’t raised only at the two information sessions mentioned in the Analysis Statement, but also in the online consultation conducted by Transport Canada in July, 2013, the results of which have never been made public.

The issue of noise pollution has attracted our particular attention because it has been entirely ignored in the published PASZR documents, even though Transport Canada’s website offers the following specifics and assurances:

#### **Noise Exposure Forecast and Related Programs<sup>4</sup>**

Transport Canada helps aviation planners and those responsible for development of lands adjacent to airports to implement smart zoning practices and properly manage land-use in the vicinity of airports.

Transport Canada uses a Noise Exposure Forecast (NEF) system to provide a measurement of the actual and forecasted aircraft noise in the vicinity of airports. This system factors in the subjective reactions of the human ear to specific aircraft noise stimulus: loudness, frequency, duration, time of occurrence, tone, etc.

This metric allows us to predict a community’s response to aircraft noise. If the NEF level is greater than 35, complaints are likely to be high. Anything above 25 is likely to produce some level of annoyance. Land planners can use this system to ensure that land use in the vicinity of an airport is compatible with that airport.

Through the system, municipalities and local governments receive a basis for zoning and residents receive details of what may be expected in certain areas [emphasis added]. The system prevents future complications.

Transport Canada recommends that where the NEF exceeds 30, new residential development should not proceed. If it does, regardless of this caution, a detailed noise analysis should be conducted and noise reduction practices should be implemented. In this scenario, it is the developer’s duty to inform all prospective residents of possible irritants.

In summary, and primarily to encourage responsible land-use planning in the vicinity of airports, Transport Canada uses two models to estimate noise annoyance to those living near an airport:

1. NEF (Noise Exposure Forecast), a forecast for a period of 5-10 years into the future, and
2. NEP (Noise Exposure Projection), a forecast for more than 10 years into the future.

And Transport Canada produces airport NEF noise contour maps to:

- Provide local governments with a basis for zoning, and
- Inform the public of noise-sensitive areas in the vicinity of airports.<sup>5</sup>

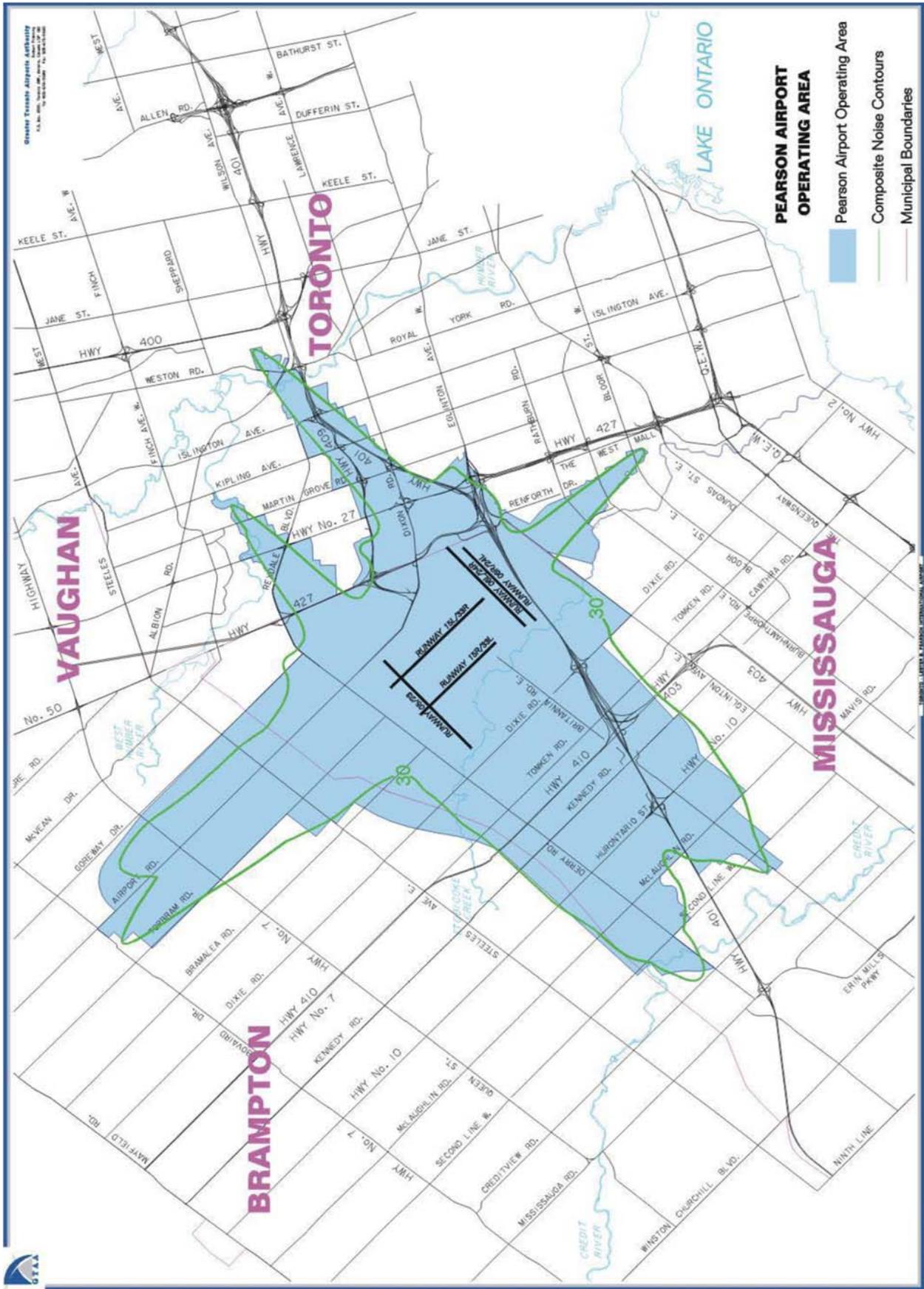
For existing airports, emphasis appears to be on the noise contour known as NEF 30, within which there are repeated noise complaints from the general public and aircraft noise interferes with speech. Residential development there is not recommended. **Figure 1** (next page) shows the extent of the NEF 30 contour around Toronto Pearson International. Toronto Pearson also has several real-time noise monitors. Aircraft noise within the approach surfaces (which extend 15 km from the runways) frequently exceeds 70 decibels – vacuum cleaner noise levels.

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4. <https://www.tc.gc.ca/eng/civilaviation/standards/aerodromeairnav-standards-noise-nef-924.htm>

5. Summary of “Aviation: Land Use in the Vicinity of Airports”. (Part IV: Aircraft Noise), Transport Canada, 2005, p. 26

Fig. 1: Toronto Pearson Operating Area (approx. NEF 30 noise contour), within which no residential development is recommended



For new airports, Transport Canada recommends that no new noise-sensitive land uses – including residential uses, schools, day care centres, nursing homes, and hospitals – be permitted even within the broader 25 NEF/NEP zone.<sup>6</sup>

One implication of the 2015 PASZR is clear: There would be noise impacts from a Pickering airport on the daily lives of rural and urban residents living in large areas of northern Pickering, Ajax, Whitby, and Markham, as well as in south-western Uxbridge and eastern Whitchurch-Stouffville.

### 3 Questions Abound

#### **Why has Transport Canada not accompanied the PASZR with noise forecast maps?**

Noise contour maps were included in the information package released to the general public in 1972, shortly after the original Pickering airport announcement, so why no maps now?

Transport Canada's declared policy is to provide two inputs (a PASZR and an NEF map) to local planning departments to help them make wise zoning decisions. But in the present case, Transport Canada is inviting comments from the public (presumably including local planning departments), on only one of the two inputs – the PASZR – a document that, let's face it, is largely a recitation of lot locations and road allowances, which together delineate (a) the site set aside for a possible future airport and (b) the area around it that will require restrictions on building heights and on activities that might interfere with aviation communications. While restrictions on activities attractive to wildlife and hazardous to aviation safety do get a mention, **why is there no reference to noise areas?** Noise areas require zoning decisions. Noise is a critical issue for the public, and awareness of potential noise areas is critical for planning departments to have.

**Would Transport Canada claim that the PASZR map provided for public comment is merely a “proposed airport layout sketch”, and that no noise contour map can be produced until the entire regulatory process is completed?** This is a specious argument. Like everything else on the "sketch", "proposed" NEF contours for the "proposed" airport layout could be sketched in too, thereby ensuring that all areas potentially subject to restrictions are identified for the public – and ensuring informed and useful public comment. **Or is Transport Canada not interested in receiving informed comment from the public?**

**Could it be that local planning departments are secretly given NEF maps? Will they then base their planning decisions on information unavailable to affected citizens and businesses? How will they explain the secrecy?** Transport Canada can't be eager to inform citizens that they might be affected by aircraft noise at some time in the future. But this is no excuse for secrecy. The public deserves to know what its public servants are planning on issues that might directly impact their daily lives.

As stated in Transport Canada's policy, noise contour maps are not only produced as input to local planning departments. Unlike the PASZR, they are intended (underlined on p. 3) to specifically inform the general public about noise-sensitive areas surrounding an airport. **A PASZR without a companion noise contour document is only half the story and only half useful. Worse, it makes nonsense of the public comment process.**