

Report To:	Chair and Members of the Planning and Public Works Committee
From:	Mark G. Meneray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	May 22, 2013
Report No. - Re:	LPS40-13 – James Dick Construction Ltd. Hidden Quarry Proposal - Township of Guelph/Eramosa (File: ZBA 09/12)

RECOMMENDATION

1. THAT Regional Council endorse the Letter of Objection to the Ministry of Natural Resources with respect to the *Aggregate Resources Act* Application for the proposed James Dick Construction Ltd. Hidden Quarry provided as Attachment #1 to Report No. LPS40-13.
2. THAT the Regional Clerk forward a copy of Report No. LPS40-13 to the Ministry of Natural Resources, Township of Guelph/Eramosa, County of Wellington, Town of Milton, Town of Halton Hills, and the Grand River Conservation Authority for their information.

REPORT

Purpose

The purpose of Report LPS40-13 is to update Regional Council on the James Dick Construction Ltd. Hidden Quarry proposal in the Township of Guelph/Eramosa, in the County of Wellington.

This report will provide Regional Council with the background information on the proposed quarry; the status of the *Aggregate Resources Act (ARA)* Application currently before the Ministry of Natural Resources; the status of the *Planning Act* application to the Township of Guelph/Eramosa (Zoning By-law Amendment Application); Regional staff's involvement in the process to date; and the next steps in the review process.

Background

The proposed James Dick Construction Ltd. Hidden Quarry operation is located on the north side of Highway 7, approximately 7.5 km west of Acton, and is located just 35 metres north of the municipal boundary of the Town of Milton. The subject lands are located within the Township of Guelph/Eramosa (the Township), in the County of Wellington (the County), and comprise 39.4 ha of land. These lands are primarily covered by a coniferous forest plantation, and it would appear that two former wayside gravel pits exist on these lands. A single detached dwelling is also

located on these lands with access to Highway 7. The lands generally slope from north to south and are bisected by a tributary of the Blue Springs Creek Wetland Complex.

James Dick Construction Ltd. applied to the Ministry of Natural Resources (the Ministry) through the *ARA* for a Category 2, Class 'A', Quarry Licence where 700,000 tonnes of aggregate will be extracted from 24.8 ha of the site annually. Extraction from the site is proposed to occur in three phases, consisting of two lifts, and will quarry the aggregate both above and below the water table. Dewatering of the quarry is not proposed as part of this operation, with the extraction of aggregate below the water table occurring via underwater blasting and drag line removal. A corresponding *Planning Act* application (Zoning By-law Amendment) has also been submitted to the Township to permit the proposed quarry; no Official Plan Amendments associated with the quarry proposal are required – the Township does not have an Official Plan; and the County's Official Plan recognizes mineral aggregate reserves but contains no detailed policies on extraction.

On March 25, 2013, Regional staff attended a Public Meeting held under the authority of the *Planning Act* and *ARA* to consider the above noted Hidden Quarry proposal. Subsequent to this meeting, Regional staff received copies of the technical studies from the proponent that were submitted to the Township and the Ministry in support of the Zoning By-law Amendment application.

The *ARA* public notification and consultation process was initiated on March 6, 2013. It is a limited process (45 days) which concluded on April 22, 2013. In order to meet the commenting deadline, the Director of Planning Services & Chief Planning Official submitted a letter to the Ministry outlining the Region's objection to the application on the basis that it is premature to deal with *ARA* matters while technical information and planning matters remain outstanding (Attachment #1). In the letter, Regional staff also advised the Ministry and the proponent that the Region's Development Application Review fee of \$18,714.19, as established through By-Law No. 134-12, was still outstanding and required as part of the review process.

In considering the proposed quarry and Halton Region's well-established technical review process for proposed aggregate operations (i.e. JART), Regional staff have recommended to the Township and the County that some form of a Technical Review Committee should be established to provide advice on matters related to this proposal. This process would assist all affected parties in coordinating the various technical concerns and formulating a position on this proposed quarry.

Regional staff is organizing a meeting between staff from the Town of Milton, the Town of Halton Hills, the Grand River Conservation Authority, the County of Wellington and the Township to coordinate the review of this proposed quarry from a Halton Region perspective. It is anticipated that this informal working group will meet to discuss issues of mutual concern in lieu of a formal Technical Review Committee being established.

Regional staff will be posting the technical background reports and materials associated with the proposed quarry on the Region's website to provide the Region's residents access to the information as the application review process goes forward.

Conclusion

To date, Regional staff have circulated the technical studies and reports to various departments within the Region for review and comment. A formal response from these departments is still outstanding. A significant amount of work on these applications is still required prior to a final position being provided to the Ministry and the Township. It is important to note that an *ARA* licence for this quarry has not been issued to date and, under the *ARA*, cannot be issued until the appropriate planning approvals are in place. Planning approvals through the Township, in the form of a Zoning By-law Amendment, remain outstanding.

Although the status of a JART-type process has not been determined, Regional staff will continue to work with the various internal departments, agencies, Township, County of Wellington, and James Dick Construction Ltd. to address all planning and technical concerns related to this proposed quarry with a view to protect the interests of Halton Region.

FINANCIAL/PROGRAM IMPLICATIONS

Review of the Hidden Quarry application continues to be undertaken using existing staff resources. Regional staff will continue to pursue the payment of the Regional review fee that remains outstanding.

RELATIONSHIP TO HALTON REGION'S 2011-2014 ACTION PLAN

There is no direct relationship to the Region's 2011-2014 Action Plan.

Respectfully submitted,



Ron Glenn, MCIP, RPP
Director, Planning Services and Chief Planning
Official



Mark G. Meneray
Commissioner, Legislative & Planning Services
and Corporate Counsel

Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

Ron Glenn	Tel. # 7966
James Stiver	Tel. # 7181
Brian Hudson	Tel. # 7209

Attachments: Attachment #1 –Objection Letter to the Ministry of Natural Resources
Attachment #2 - Location Map



April 19, 2013

Mr. Stephen May
Aggregate Resource Inspector
Ministry of Natural Resources
Regional Operations Division
Southern Region
Guelph District
1 Stone Road West
Guelph ON N1G 4Y2

Legislative & Planning Services
Planning Services
1151 Bronte Road
Oakville ON L6M 3L1
Fax: 905-825-8822

and

James Dick Construction Limited
Box 470
Bolton ON L7E 5T4
Attn: Greg Sweetnam, Vice President

Dear Sirs:

RE: Notice of Objection
Application under the *Aggregate Resource Act* by James Dick Construction Limited for a Class 'A' Category 2 Licence – Aggregate Operation for a 24.8 hectares Quarry on the lands legally described as West Half Lot 1, Concession 6, former geographic area of the Township of Eramosa – Township of Guelph/Eramosa, County of Wellington

Please be advised that Halton Region objects to the above-noted application for the following reasons:

1. The *Aggregate Resource Act (ARA)* application is premature while Halton Region's review is still ongoing and technical information and planning matters remain outstanding. Issues which remain to be resolved include concerns regarding impact on hydrogeology, transportation, noise, and natural environment.
2. The approval of the *ARA* application requires necessary planning approvals with the Township of Guelph/Eramosa which remains outstanding and, therefore, Halton Region is not able to take a position on this planning application at this time.
3. The required Development Application Review fee for the review of applications requiring *Planning Act* Approval in Bordering Municipalities, established through By-law No. 134-12, has not been received by Halton Region

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Due to above issues, the *Aggregate Resource Act* application should not be approved until the review process is completed.

Should you have any questions or require additional information, please contact Brian Hudson, Senior Planner, at Ext. 7209 or brian.hudson@halton.ca.

Yours truly,

Original signed by

Ron Glenn, MCIP, RPP
Director of Planning Services and Chief Planning Official

c: Janice Sheppard, CAO, Township of Guelph/Eramosa
Meaghen Reid, Clerk, Township of Guelph/Eramosa
John Linhardt, Director of Planning, Development and Sustainability, Town of Halton Hills
Barb Koopmans, Acting Director of Planning and Development, Town of Milton
Nancy Davy, Director of Resource Management, Grand River Conservation Authority
Gary Carr, Regional Chair, Halton Region
Mark Meneray, Commissioner of Legislative and Planning Services and Corporate Counsel
James Stiver, Manager of Community Planning, Halton Region
Brian Hudson, Senior Planner, Region of Halton
Mike Davis, Planner, Cuesta Planning Consultants

