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Opening shots fired in quarry hearing battle

Phil Gravelle (<https://www.wellingtonadvertiser.com/author/phil-gravelle/>) | May 22, 2019 @ 1:03 pm | [News](#)

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BRUCEDALE – After more than six years of heated debate and scientific study, the hearing on whether to allow a new quarry near Highway 7 just east of Rockwood started on Tuesday, with an opening skirmish on whether to allow testimony from three expert witnesses for James Dick Construction (JDCL).



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The company's controversial "hidden quarry" proposal has generated strong opposition from the Concerned Residents Coalition (CRC), and resulted in a series of studies that will be evaluated by the Local Planning Appeals Tribunal (LPAT).

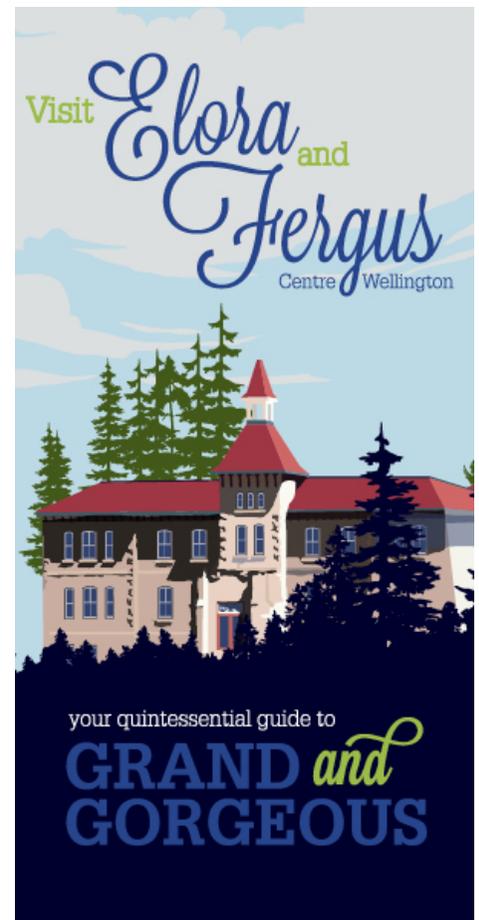
The hearing will continue almost daily, for up to eight weeks, at the Guelph-Eramosa council chamber on Wellington Road 124.

LPAT, the provincial review authority that has replaced the Ontario Municipal Board (OMB), will decide on rezoning and official plan applications by JDCL.

The company plans to present up to 18 witnesses. Halton Hills and the CRC will each present seven witnesses, all of which may be cross-examined.

Lawyers Chris Barnett, representing the CRC, and David Germain, representing Halton Hills, started on May 21 with motions asking hearing chair Scott Tousaw to prohibit three JDCL witnesses from testifying.

They argued the pit proponent had not followed LPAT rules that require disclosure of details about the planned testimony, including witnesses' opinions and reasoning in analyzing data in crucial areas such as hydrogeology.



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“What we have here is a document book, not a witness statement,” said Barnett, who successfully fought JDCL on behalf of the Town of Caledon in an OMB case that killed the Rockfort Quarry on Winston Churchill Blvd. in 2010.

JDCL lawyer David White argued the rules allow the proponent to rely on the lengthy reports, already written by the witnesses and made public, as the pre-hearing disclosure. He said if JDCL is not allowed to present its hydrogeology witness, it entirely changes how the hearing proceeds.

White also protested the lengthy list of issues that opponents previously succeeded in having LPAT recognize as worthy of consideration, each one with dozens of potential questions to be addressed.

“They’re throwing as much mud at the wall as possible, to see how much will stick,” White said, adding opponents are trying to force the company to do extra, unnecessary work.

“They have had months, and often years with the information available to them,” he added.

Barnett argued it is JDCL that is trying to gain a “tactical advantage”. He said with 1,500 pages of hydrogeological reporting,

opponents do not know what sections the author will stress when testifying.

“It’s made our job more difficult, and shifts a huge amount of work and cost from JDCL to us,” Barnett said.

After hearing the arguments, Toucan reserved his decision until at least Wednesday morning (after press time).

During a break in the hearing, CRC president Doug Tripp said the JDCL strategy is prejudicial to CRC’s participation in the hearing.

“We are vulnerable,” he said. “It is intended to exhaust our resources, in my opinion.” He said fighting the pit for more than six years “has taken a toll on us financially and emotionally, but most of the leadership team has stayed together, and the support of the community has been sustained.”

The quarry application process began in December of 2012 when JDCL applied to rezone a 24.8-hectare (61.3 acre) property at the northern corner of Highway 7 and 6th Line from agriculture and hazard land to extractive industrial.

In October 2016 the OMB hearing was put on hold when vice chair Steve Stefanko realized the zoning amendment was filed

for a bylaw that no longer existed.

In the summer of 2016 Guelph-Eramosa repealed and replaced its entire comprehensive zoning bylaw, making the 2012 JDCL quarry rezoning application inaccurate.

JDCL immediately filed another amendment application for both a Guelph-Eramosa zoning bylaw amendment and a Wellington County Official Plan amendment.

When no decision was made within the designated timeframe by the township or county, JDCL once again appealed the non-decision. Since then, the OMB has been replaced by the LPAT, but the quarry case will be heard under OMB rules.

Township councillors recently rejected the proposed rezoning by a vote of 4-1. The township will make its position clear at the hearing, but will not call witnesses to fight the application.



Phil Gravelle

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