



LPAT Day 24 – July 2, 2019

Day 24 is done. And so is the last day of testimony. Stay tuned for final arguments!

IMPORTANT HOUSEKEEPING UPDATES:

1. **Next Monday, July 8, at 10 am the lawyers will present their final arguments.**
2. **These daily jottings are all posted at www.hiddenquarry.ca/omb**

Session Content (This is not a detailed report – just a very simplistic record of activity because of the complexity of the issues, technical analyses and regulatory requirements. Any inaccuracies or opinions are Linda Sword's, not CRC's!! These daily journals are all on the CRC website www.hiddenquarry.ca/OMB)

CRC's last witness was **Planner Mark Dorfman**. A planning assessment requires the expert to address all policy documents relevant to development including (please take a deep breath!): Aggregate Resources Act; Planning Act; Public Policy Statement; Wellington Official Plan; Halton Region Official Plan; GET Bylaws; Greenbelt Plan; Clean Water Act; Tier 3 water budget and Risk Assessment Reports (quality and quantity); Species at Risk Act; Ontario Water Resources Act; Environmental Protection Act; Provincial Water Quality Objectives; Integrated Watershed Management: Grand River Source Protection Plan and more...

The important thing to understand is that the LPAT Adjudicator also has to take all these rules and regulations, policies and priorities into account. All the evidence we have heard from all the experts will be weighed and measured according to the subsections of the subsections of these policies and then judged in the balance of their relative hierarchies and intentions. It was the task of CRC's Planner to observe the nature of the community into which an aggregate operation would be introduced, to understand the nature of the operation, to take into account the concerns of the technical experts, to know the historical context of all the government plans over decades involving this site and this area, to project these intents into the future and to state an opinion on whether or not approving the Hidden Quarry would be a good planning decision. There is no doubt that Mr. Tousaw listened intently, and with his own thorough knowledge, to his planning peer as he detailed the policy context and his conclusions.

What we all know in our hearts is that a quarry has no place in this human or natural environment. What Mr. Dorfman was able to do was to tell the Tribunal who we are and in what direction our small universe is growing. His opinion, which he provided to the adjudicator, was written as follows:

"In my opinion, the imposition of sand, gravel and rock extraction and the establishment of two lakes over the period of the planning horizon (at least 20 years) are not compatible within the character of this area. The area is urban, (on the west), rural industrial (on the east and south) and agricultural (everywhere) in this context. The significant natural features and functions upstream from the proposed operation and immediately to the south in Milton are intended to be conserved and are connected to the tributary and valley on the subject property and to the north and north east of the property. South of Highway 7, the area is within the Protected Countryside and natural heritage System in the Greenbelt Plan.

The Township has planned for population and economic growth in the area and although there may be aggregate resources below the surface, this is not a prerequisite to extract and create two lakes in the planning period.

There are hydrology and hydrogeological deficiencies in the proposal as assessed by the other experts. The cultural heritage characteristics in the local area have been overlooked by the applicant.

On balance, in my opinion, this is not good planning notwithstanding that there are proposed mitigation and monitoring measures proposed by the applicant.

In my opinion, this proposed development prejudices the existing and future character of the community and is not beneficial in maintaining a sense of place. The natural resources, particularly the surface and groundwater regimes will need a quantum of mitigation and monitoring over time which leads to uncertainty whether they can be protected in the long term.

On balance, this proposed development is not in the public interest."

It is important to know that this is the opinion of a man who has decades of planning experience, who has worked with aggregate companies and with communities and governments, and who has often been in a situation where he has recommended mitigation. For these reasons, his opinion carries some weight and his stature must be recognized by LPAT and JDCL. It is also of note that he was involved in aggregate policy development in Caledon at the time of JDCL's Rockfort application, which was ultimately turned down.

In cross-examination David White tried unsuccessfully to get Mr. Dorfman to cede his opinion given the agencies which had 'signed off' on the applications. Mr. White also objected to the terms "sense of place" and "character" and wondered if there would be anywhere an aggregate application would be accepted if this was a determining factor. Mr. White also thought that the quarry would be compatible with the neighbouring rural employment lands – but Mr. Dorfman reminded him of the diverse characteristics of the surrounding area – agriculture, urban, natural features, etc...he also pointed out that the employment lands are "dry" use only (because of the sensitive and high water recharge function of this area). Another point that Mr. Dorfman was able to make again was that all the mitigation and monitoring point to uncertainty.

What's next? Next Monday and Tuesday, July 8 and 9, we will hear the final arguments of the lawyers which will tie all the evidence into the shape they believe will assist the Adjudicator in seeing the outstanding reasons to approve or disapprove the applications.