



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Bonnette and Members of Council

FROM: Greg Macdonald – Senior Planner – Development Review

DATE: March 18, 2022

REPORT NO.: PD-2022-0021

SUBJECT: Recommendation Report regarding the Aggregate Resources Act (ARA) License application for the Milton Quarry East Extension (Esquesing)

RECOMMENDATION:

THAT Report No. PD-2022-0021, dated March 18, 2022, with respect to a “Recommendation Report regarding the Aggregate Resources Act (ARA) License application for the Milton Quarry East Extension (Esquesing)”, be received;

AND FURTHER THAT Town Staff be directed to respond to the Ministry of Northern Development, Mines, Natural Resources and Forestry and to Dufferin Aggregates advising that the Town of Halton Hills objects to the application for a license under the Aggregate Resources Act for the proposed Milton Quarry East Extension on the basis of the following;

- a) the review of the ARA License and Official Plan Amendment applications has not been completed by Town staff and the Joint Agency Review Team (JART); and
- b) it is considered premature to deal with the ARA License application while review of the Official Plan Amendment application is still on-going and planning matters remain outstanding;

AND FURTHER THAT this position be maintained until such time that a complete analysis of the proposed Milton Quarry East Extension by the Town of Halton Hills staff can be presented to Council for a decision;

AND FURTHER THAT the Town Clerk be directed to forward a copy of this report and Council Resolution to the Region of Halton, Town of Milton, Niagara Escarpment Commission, Conservation Halton and to Dufferin Aggregates via their Agent.

KEY POINTS:

The following are key points for consideration with respect to this report:

- Dufferin Aggregates has made applications under the *Planning Act*, *Niagara Escarpment Planning and Development Act* and the *Aggregate Resources Act (ARA)* proposing a southerly expansion for the Milton Quarry.
- A Joint Agency Review Team (JART) consisting of Town of Halton Hills, Region of Halton, Town of Milton, Niagara Escarpment Commission (NEC) and Conservation Halton staff has been established to review the quarry expansion proposal.
- Agencies and members of the public have until May 9, 2022, to provide comments on and/or submit an objection to the Ministry of Northern Development, Mines, Natural Resources and Forestry regarding the issuance of an ARA license.
- As the detailed review of the submitted applications is still ongoing, the Town of Halton Hills should object to the issuance of the ARA License.
- More detailed information will be presented to Council at the time of the statutory Public Meeting required to be held under the *Planning Act*.

BACKGROUND AND DISCUSSION:

1.0 Description of the Proposal

Dufferin Aggregates is proposing to expand its Milton Quarry operation to the south and east of its existing quarry site. While the existing quarry is predominantly located within the Town of Milton, the Milton Quarry East Extension will cross the municipal boundary into the Town of Halton Hills. The intended quarry extension would include the lands municipally known as 10305 to 10379 & 10479 Nassagaweya Esquensing Townline (Esquensing); see **SCHEDULE 1 – LOCATION MAP**. Approximately 30.2 hectares are proposed to be licensed under the expansion, of which 15.9 hectares would see extraction occurring. The proposed expansion would continue to utilize the Dufferin Aggregates infrastructure and haul routes established for the existing quarry, which are located off Dublin Line; see **SCHEDULE 2 – PROPOSED ARA SITE PLAN**.

2.0 Application History

On December 17, 2021, Dufferin Aggregates simultaneously submitted the following applications seeking to obtain the necessary permissions to allow for the proposed Milton Quarry East Expansion:

- an amendment to the Niagara Escarpment Plan and a Niagara Escarpment Development Permit to the Niagara Escarpment Commission (NEC);
- a Regional Official Plan Amendment to the Region of Halton;
- a local Official Plan Amendment to the Town of Halton Hills; and,
- *Aggregate Resources Act* (ARA) License application to the Ministry of Northern Development, Mines, Natural Resources and Forestry.

The Town of Halton Hills Official Plan Amendment application was deemed complete on January 18, 2022, and notices of a received application have been mailed to all properties within 200 m of the subject lands. A range of planning, environmental and engineering related technical studies were provided by the Applicant as part of the Official Plan Amendment submission; see **SCHEDULE 3 – SUBMISSION MATERIALS**.

The Town of Halton Hills Official Plan Amendment seeks to redesignate the portion of the subject lands proposed to be licensed for quarrying activities from “Escarpment Rural Area” to “Mineral Resource Extraction Area”. The proposed amendment to the Region of Halton Official Plan is similar with respect to the existing and proposed land use designations. It should be noted that no decision can be made on the Town and Region *Planning Act* applications until the Niagara Escarpment Commission has made a decision in regard to the proposed Niagara Escarpment Plan Amendment. The Niagara Escarpment Plan Amendment process has not yet commenced as of the date of this staff report but a decision from the NEC on whether to commence the review is expected at their April 21, 2022, meeting.

3.0 Joint Agency Review Team (JART)

Due to the complexity of aggregate proposals, applications for new or expanded quarries within the Region of Halton rely on a Joint Agency Review Team (JART) approach. This approach has been in place since 2001, with recent updates to the Halton Consolidated Streamlined Mineral Aggregate Review Protocol (“JART Protocol”) approved by Regional Council in February 2020; see **SCHEDULE 4 – JART Protocol Summary**.

In addition to the Town of Halton Hills, the JART partners for this application include the Region of Halton (whom also provide the primary administrative support to JART), Town of Milton, Conservation Halton, and the Niagara Escarpment Commission. A review of the Dufferin Milton Quarry East Expansion proposal has already begun through the JART process.

The JART will provide coordinated technical comments that will inform decision-making for each of the participating parties. JART is not a decision-making body itself, nor does it make recommendations on whether the proposal should be approved. It is instead a review process and team that ensures the agencies participating are working together from the same information and analyzing the proposal through all applicable planning policies, guidelines, and by-laws. The information produced through the JART process is used to evaluate the *Planning Act* applications, NEC applications and the *Aggregate Resources Act* license application and objection process.

Public input related to the proposal is welcomed and encouraged at any time during the JART process and will be shared with technical consultants and the proponent for consideration in their respective reviews. As part of its mandate, the JART will receive and consider public input to explore the range of technical issues and impacts related to the proposal. Any public input received will be catalogued, summarized, and

consolidated with materials received through statutory public consultation into a complete record of public comment to place before Council.

Another important opportunity for public input is through the statutory Public Meeting required by the *Planning Act* for the proposed Official Plan Amendments. Per the JART Protocol, staff are exploring opportunities to combine the Region of Halton and Town of Halton Hills Public Meetings. The timing of the Public Meeting has not yet been determined but would occur after a first round of technical review has been completed.

Eventually, Council will receive the JART final report, along with a recommendation report from Town staff, to inform decision-making on the Town of Halton Hills Official Plan Amendment application submitted by Dufferin Aggregates. The timing of this report is dependent on the nature of the issues being explored and the timing of responses from the proponent related to technical questions from the JART.

A group of peer-review consultants has also been retained to provide technical expertise in reviewing reports and studies related to land use planning, natural heritage, cultural heritage, archaeology, transportation, hydrogeology, karst topography, surface water, financial impact, blasting, air quality and noise and vibration. The Niagara Escarpment Commission will provide staff expertise to JART on matters of interest to that agency.

4.0 ARA License

In addition to the required Official Plan Amendments and amendment to the Niagara Escarpment Plan (and Niagara Escarpment Development Permit), the proposed expansion to the existing quarry needs an Aggregate Resources Act (ARA) license from the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry. The ARA license was submitted to the Ministry on December 17, 2021, and deemed complete by the Ministry on January 28, 2022. On March 10, 2022, Dufferin Aggregates initiated the public and agency consultation component of the ARA license process, which includes posting of information on the Environmental Registry; sign posting requirements; a circulation to nearby property owners; and hosting of a public meeting. This virtual public meeting will be held on April 7, 2022 (Halton Hills staff will be in attendance).

Members of the public and agencies have 60 days from March 10, 2022 (ie. until May 9, 2022), to respond to the license application and issue any objections. The Applicant will then have 2 years to address any concerns raised before the permit can be issued. Note that members of the public can also raise concerns through the related *Planning Act* processes, including attending the future statutory Public Meeting.

It is staff's position that the Town of Halton Hills should object to the license application because the review of the related Official Plan Amendments and all the accompanying technical studies is still ongoing by JART. It would be premature for the license to be issued when Amendments to the Niagara Escarpment Plan, Region of Halton Official Plan and Town of Halton Hills Official Plan are required to permit mineral resource

extraction. As such, this report is recommending that Council direct Town staff to respond to the Ministry of Northern Development, Mines, Natural Resources and Forestry with an objection to the issuance of a license under the ARA for the proposed Milton Quarry East Extension until the JART review has been completed and decisions have been made on the accompanying land use applications by the appropriate approval authorities.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to preserve, protect and enhance our natural environment for the health benefits and enjoyment it provides to present and future generations.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

However, as noted earlier in this report, members of the public have been circulated the Notice of Received Application for the Town's Official Plan Amendment and a sign has been posted on the lands. Similar notification has also been undertaken by the Region of Halton. Members of the public also have an opportunity to participate through the ARA license public consultation period (including attending the April 7, 2022, public meeting).

INTERNAL CONSULTATION:

Planning and Development Department staff consulted with representatives of JART. Recreation & Parks and Transportation & Public Works staff are also included as part of the technical review of the related Town Official Plan Amendment application.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Jeff Markowiak, Director of Development Review

John Linhardt, Commissioner of Planning and Development

Chris Mills, Chief Administrative Office