



TOWN OF
HALTON HILLS
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REPORT

TO: Mayor Lawlor and Members of Council

FROM: Bill Andrews, Commissioner of Transportation & Public Works

DATE: May 2, 2023

REPORT NO.: TPW-2023-012

SUBJECT: Proposed Amendments to Site Alteration By-law No. 2017-0040

RECOMMENDATION:

THAT Report No. TPW-203-012 dated May 2, 2023 regarding proposed amendments to the Site Alteration By-law No. 2017-0040 be received;

AND FURTHER THAT Council approve the proposed amendments to Site Alteration By-law No. 2017-0040 as outlined in this report;

AND FUTHER THAT Council approve the amending By-law attached as Appendix B.

KEY POINTS:

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

- The current Site Alteration By-law was passed by Council in 2017.
- Since that time, changes to legislation such as the *Municipal Act, 2001* and the *Environmental Protection Act (O.Reg.406/19)* have impacted some sections contained within the current Site Alteration By-law, including expanding municipal authority.
- The proposed changes to the Site Alteration By-law 2017-0040 are outlined in this report and include housekeeping amendments, additional definitions and clarification in sections to reflect current legislation.

BACKGROUND AND DISCUSSION:

On August 28, 2017, Council for the Town of Halton Hills approved Report No. P&I-2017-0054 in which certain recommendations were made relating to the Site Alteration

By-law. Since this time, staff are recommending further changes to better align the by-law with current legislation. The existing by-law is attached as Appendix A. The new amending by-law outlining the recommended changes is attached as Appendix B.

Staff are recommending further changes to the existing by-law as follows:

Part I - Definitions

The following definitions were added:

Environmental Protection Act or “EPA” means the Environmental Protection Act, R.S.O. 1990, c. E. 19 and Regulations, as amended.

Excess Soil, (as defined in O.Reg. 406/19: ONSITE AND EXCESS SOIL MANAGEMENT) means soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area for the project.

The definition for Qualified Person was amended to read:

Qualified Person means a licensed professional as set out in sections 5 or 6 of O. Reg. 153/04 made under the EPA and subject to the requirements in sections 6.1 and 7 of the regulation.

Part II – Application

Section 2.1

This section was amended by adding wording to section 2.1 to read:

This By-law applies to the entire Town, including those areas which are subject to regulations made under section 28(1) of the Conservation Authorities Act, R.S.O. 1990, c27, as amended.

Section 3

This section outlines various instances where the By-law would not apply. Sub-section (d) stated the by-law did not apply to “any area of the Town which is the subject of a regulation made under section 28 of the Conservation Authorities Act respecting site alteration. The Municipal Act, 2001 previously had Section 142.8 which stated municipal by-laws cease to have effect “if a regulation is made under section 28 of the Conservation Authorities Act respecting the placing or dumping of fill, removal of topsoil or alteration of grade of land in any area of the municipality, a by-law passed under this section is of no effect in respect of that area”. As section 142.8 has now been removed from the Municipal Act, section 3(d) of the Site Alteration by-law is no longer needed.

Part III – General Provisions

The title of this section was amended to read: **General Prohibitions and Provisions.**

Section 4

In order to meet new Provincial Legislation O.Reg. 406/19, three new sub-sections were added, which in turn re-numbered all sub-sections. The new sections are as follows:

- 2) No person shall undertake the transportation, hauling or depositing of fill in a manner contrary to the requirements of O.Reg. 406/19: *On-Site and Excess Soil Management* or applicable Ministry of the Environment rules, standards, policies and guidelines.
- 3) No person shall deposit waste or undertake the depositing of waste except at a waste disposal site authorized under the EPA.
- 4) No person shall remove topsoil for sale or exchange without first having obtained a permit.

Section 4.7

Sub-sections b and c were added to clarify staff processes when applications are received by staff. The entire section 4.7 (now 4.10) was renumbered to incorporate the two new sub-sections as follows:

- b) in the case where the work is associated with a permit under the Ontario Building Code or own Pool Enclosure By-law 29-0028/ as amended, rural and non-rural lands and does not exceed 5,000 m³, to the Director.
- c) in the case where the work is associated with an application made under the Planning Act for a site plan, condominium and/or plan of subdivision, to the Director.

The proposed amendments take into consideration changes to Provincial Legislation and clarify the Town's role in Site Alteration.

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.

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.

INTERNAL CONSULTATION:

This report has been discussed internally within the Transportation & Public Works Department, Town Clerk and Town Legal Counsel.

FINANCIAL IMPLICATIONS:

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

Reviewed and approved by,

Chris Mills, Chief Administrative Officer