



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Greg Macdonald, Senior Planner – Development Review

DATE: March 3, 2025

REPORT NO.: PD-2025-011

SUBJECT: Recommendation Report for a proposed Official Plan Amendment to permit an expansion to the Milton Quarry (Milton Quarry East Extension) (Esquesing)

RECOMMENDATION:

THAT Report No. PD-2025-011, dated March 3, 2025, regarding a “Recommendation Report for a proposed Official Plan Amendment to permit an expansion to the Milton Quarry (Milton Quarry East Extension)(Esquesing)”, be received;

AND FURTHER THAT Town of Halton Hills Official Plan Amendment No. 61, which amends the Town of Halton Hills Official Plan and the former Region of Halton Official Plan, for the lands municipally known as 10305 to 10379 & 10479 Nassagaweya Esquesing Townline (Esquesing), as generally shown in SCHEDULE 3 – OFFICIAL PLAN AMENDMENT, be adopted as an exempt Local Official Plan Amendment, on the basis that the application is consistent with the Provincial Planning Statement 2024, conforms or does not conflict with all applicable Provincial plans, conforms with the intent of the Region of Halton Official Plan and the Town of Halton Hills Official Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in Report No. PD-2025-011, dated March 3, 2025;

AND FURTHER THAT the Commissioner of Planning and Development be authorized to withdraw the Town of Halton Hills’ letter of objection to the Aggregates Resources Act (ARA) license.

KEY POINTS:

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

- Dufferin Aggregates made applications in December 2021 under the *Planning Act*, *Niagara Escarpment Planning and Development Act* and the *Aggregate Resources Act (ARA)* proposing an expansion to the Milton Quarry onto lands

located in Halton Hills. These applications included a Region of Halton Official Plan Amendment (File No. RQ66A) and Town of Halton Hills Official Plan Amendment (File No. D09OPA21.005).

- Pursuant to Bill 23, *More Homes Built Faster Act, 2022*, and Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, the Town of Halton Hills now has responsibility for the Region of Halton Official Plan. As such, this Recommendation Report considers the proposed Amendments to both the Town and former Regional Official Plans.
- 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 was established to review the quarry expansion proposal and the various technical submissions predominantly pertaining to natural heritage, hydrogeology, transportation, noise, vibration and blasting.
- The Statutory Public Meeting for the Town of Halton Hills Official Plan Amendment application was held on February 13, 2023. The Statutory Public Meeting for the Region of Halton Official Plan Amendment application was held on May 17, 2023 (at Regional Council). One member of the public spoke at Halton Hills Council and four members of the public spoke at Regional Council (see public consultation section of this report for more information).
- In July 2023 a Technical Summary Report was released by the JART (JART Report) that noted that the majority of the technical comments and concerns identified as part of the review process had been addressed, subject to resolution of some outstanding minor technical matters. Dufferin Aggregates responded to the JART Report in August and December 2023, providing the necessary information to satisfy the remaining technical matters and agreed to update three existing agreements pertaining to the Milton Quarry (Adaptive Management Plan, Land Conveyance agreement, Water Management System agreement) and execute a fourth new agreement (Haul Route Agreement).
- Based on the above, in November 2024 the Niagara Escarpment Commission (NEC) endorsed a staff report recommending approval of an Amendment to the Niagara Escarpment Plan (NEPA) to permit the quarry expansion. The Minister of Natural Resources issued the final decision to approve the NEPA on January 28, 2025. Subsequently, the NEC issued its Notice of Decision to approve the NEC Development Permit (subject to conditions) on January 30, 2025; no appeals were received.
- The final steps for Dufferin Aggregates to commence aggregate operations in the expanded quarry is for the ROPA and OPA to be approved by the Town; the ARA license to be issued by the Ministry of Natural Resources; and for the applicable legal agreements to be finalized.
- Considering the above and the analysis contained in this report, this report recommends approval of the Region of Halton and Town of Halton Hills Official Plan Amendment applications and the adoption of Official Plan Amendment 61.

BACKGROUND AND DISCUSSION:

1.0 Location and Site Characteristics:

The Milton Quarry is located partially in the Town of Milton and partially in the Town of Halton Hills, generally situated east of 6th Line Nassagaweya, north of Campbellville Road, west of Dublin Line and south of 15 Side Road. The existing Milton Quarry commenced operations in 1962, with the most recent expansion occurring in 2007, which included lands within the Town of Halton Hills. With regards to the size of the existing quarry, it consists of:

- Original 1962 Quarry: 467.6 ha of licensed area of which 381.5 ha are/were for excavation; and
- 2007 Expansion: 84.5 ha of licensed area of which 70.6 ha are/were for excavation.

The entire land holdings of Dufferin Aggregates are almost 800 hectares, but as noted above, only approximately 450 hectares has been used for extraction activities. The Applicant has indicated that under current extraction rates quarrying activities within the existing quarry will soon be completed.

Dufferin Aggregates acquired approximately 60 hectares of additional lands in Halton Hills, east of the current Milton Quarry, which they have proposed to expand the quarry operations onto. The portion proposed to be licensed for extraction activities (approximately 30.2 ha) predominantly consists of a meadow landscape, which was historically farmed, and a small area of successional forest. The balance of the lands contain significant woodlands and wetland features which will remain in their natural state. Figure 1 below illustrates the lands associated with the Milton Quarry and proposed expansion.

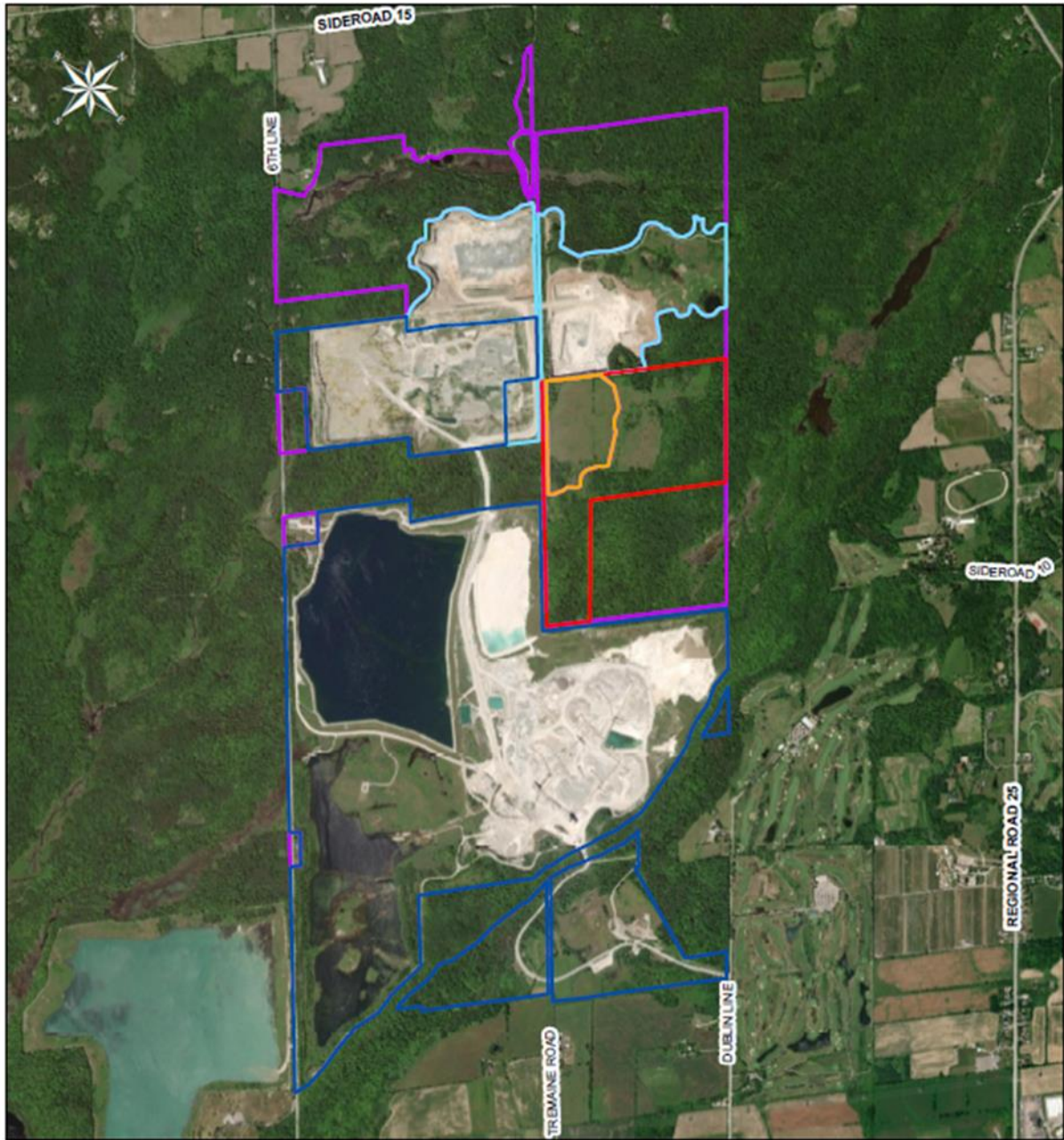


Figure 1 – Overview of Milton Quarry

2.0 Description of the Quarry Expansion Proposal

Dufferin Aggregates is proposing to expand its Milton Quarry operation to the south and east of the existing quarry site. The proposed expansion is solely located in the Town of Halton Hills and includes the lands municipally known as 10305 to 10379 & 10479 Nassagaweya Esquesing Townline (Esquesing); see **SCHEDULE 1 – LOCATION MAP**. Approximately 30.2 hectares are proposed to be licensed under the expansion, of which 15.8 hectares would see extraction occurring; the portion of lands that would be licensed but not extracted are proposed to be utilized for the water resource management system and rehabilitation (reforestation). The expansion would continue to utilize the Dufferin Aggregates infrastructure and haul routes established for the existing quarry, including Dublin Line and Regional roads in the Town of Milton to access Highway 401; see **SCHEDULE 2 – PROPOSED ARA SITE PLAN**. No existing wetland or significant woodland features are included in the areas to be extracted.

The Applicant has indicated that the proposed quarry expansion would be the last for the Milton Quarry as all other lands owned by Dufferin have either finished being extracted or have substantive natural heritage features (wetlands and/or woodlands) that would preclude future excavation. Dufferin suggests that extraction of the proposed quarry expansion would be completed over a period of approximately 3 to 7 years depending on the rate of extraction. Once quarrying activities cease on the proposed expansion, should it be approved, no further quarrying would occur at the Milton Quarry. The rehabilitation plan for the expansion area consists of similar measures to that approved for the existing quarry, which includes lakes (as groundwater re-fills a portion of the quarry), artificial islands, shoals, new wetlands, rehabilitation to existing wetlands, and reforestation on the portion of the subject lands not proposed to be excavated but that is currently a cultural meadow landscape. Much of the rehabilitated quarry will be dedicated to Conservation Halton in the future to ensure continued habitat protection and for maintenance of ground and surface water recharge features.

3.0. Development Applications for the Proposed Quarry Expansion

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 (File No. RQ66A), and;
- a local Official Plan Amendment to the Town of Halton Hills (File No. D09OPA21.005).

A range of planning, environmental and engineering related technical studies were provided by the Applicant as part of the application filings. Since the initial submission, these studies have had subsequent resubmissions in order to address comments from JART (see Section 4.0 for information about JART).

The Niagara Escarpment Plan Amendment (NEPA) application predominantly sought to redesignate the portion of the subject lands from “Escarpment Rural Area” to “Mineral Resource Extraction Area” under the Niagara Escarpment Plan (NEP). The Minister of Natural Resources issued the final decision to approve the NEPA on January 28, 2025, which allowed the Niagara Escarpment Commission (NEC) to issue its Notice of Decision to approve the NEC Development Permit (subject to conditions) on January 30, 2025. Further details regarding the NEPA and Development Permit are provided in Section 6 c) of this Report.

Consistent with the NEPA application, the proposed Town of Halton Hills Official Plan Amendment (OPA) 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” (a small portion of the subject lands would also be redesignated from “Escarpment Natural Area” to “Mineral Resource Extraction Area” to address a mapping inconsistency with the Niagara Escarpment Plan). The proposed amendment to the Region of Halton Official Plan (ROPA) is similar with respect to the existing and proposed land use designations. Both Official Plan Amendments (which are now proposed to be approved via one consolidated Amendment) would also address other land use schedules and appendices on which mineral resource extraction activities are included. It is also noted that Bill 23, *More Homes Built Faster Act, 2022*, and Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, came into effect after the OPA and ROPA were filed and had the effect of removing the land use planning authority of the Region of Halton, thus making the Town of Halton Hills responsible for the administration of the Region of Halton Official Plan. Therefore, the authority to approve both the OPA and ROPA now rests with Council for the Town of Halton Hills.

For Council’s benefit, the Region of Halton and Town of Halton Hills Official Plans are required to conform with the Niagara Escarpment Plan. Therefore, a decision on the ROPA and OPA could not have been considered until the Minister’s decision on the NEPA was issued and the NEC Development Permit granted.

4.0 Joint Agency Review Team (JART) Background

Due to the complexity of aggregate proposals and need to obtain concurrent approvals from multiple agencies, 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. The review of the Dufferin Milton Quarry East Expansion proposal was undertaken through the JART process. In addition to the Town of Halton Hills, the JART partners for this application included the Region of Halton, Town of Milton, Conservation Halton, and the Niagara Escarpment Commission. Along with in-house staff from the JART members, peer review consultants were retained to aid in the review.

The JART provided coordinated technical comments that informed the 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 vis a vis 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 results in a JART Report that summarizes the technical findings by the team. Section 7 of this report provides further details on the JART review.

Public input related to the proposal was also welcomed and encouraged during the JART process. Comments received from the public as part of the review of the applications were shared with technical consultants and the proponent for consideration as part of the review. See the Public Comments section of this report for more information as to public comments received and responses.

5.0 ARA License

In addition to the Niagara Escarpment Plan Amendment, Niagara Escarpment Development Permit and Regional and Town Official Plan Amendments, the proposed quarry expansion requires an *Aggregate Resources Act* (ARA) license from the Ontario Ministry of Natural Resources. The ARA license application was submitted to the Ministry on December 17, 2021. On March 10, 2022, Dufferin Aggregates initiated the required 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. The virtual public meeting was held on April 7, 2022 (which Halton Hills staff attended); no members of the public spoke at the meeting.

As a result of the Applicant's submission of an ARA license application, Planning staff brought forward a report to Council on April 11, 2022 (Report PD-2022-0021) recommending that the Town object to the license application because the review of the related Official Plan Amendment and all the accompanying technical studies was still ongoing. It was considered premature for the license to be issued prior to decisions being made on the various amendments to the Niagara Escarpment Plan, Region of Halton Official Plan and Town of Halton Hills Official Plan to permit mineral resource extraction on the subject lands. Council supported the recommendation and an objection letter was forwarded to the Ministry on April 25, 2022. Similar objection letters were also forwarded to the Ministry from the Niagara Escarpment Commission, Region of Halton, Conservation Halton, and the Town of Milton.

As mentioned above, the Niagara Escarpment Plan Amendment (NEPA) has since been approved, leading the NEC to rescind its objection to the ARA license. The Region of Halton and Town of Milton also rescinded their objections to the ARA license once Dufferin Aggregates had satisfied the JART that all technical comments had been addressed. Conservation Halton have indicated they are prepared to also rescind their objections once the OPA and ROPA applications are approved, and the necessary

agreements are in place. One of the recommendations of this report is that staff be similarly directed by Council to rescind the Town's objection to the ARA license.

Once all the objections have been rescinded the Minister of Natural Resources (MNR) will be in a position to issue the ARA license, which is the last step before Dufferin can commence aggregate operations in the expanded quarry lands. It should be noted that the Site Plan that forms part of the ARA license will contain all of the conditions related to quarry operations, environmental protection and post-quarrying activity remediation requirements.

6.0 Planning Context and Policy Framework:

The purpose of this section is to evaluate the proposed Official Plan Amendment applications against the relevant Provincial, Regional and Town policy framework to determine conformity with the applicable policies and guidelines.

a) Provincial Planning Statement 2024

The 2024 Provincial Planning Statement provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide, except where the PPS or another provincial plan provides otherwise. Provincial plans, including the Niagara Escarpment Plan (NEP), are to be read in conjunction with the PPS. Where the policies of the NEP address the same, similar, related, or overlapping matters as the policies of the PPS, applying the more specific policies of the NEP satisfies the more general requirements of the PPS. In this regard, the PPS contains a number of policies pertaining to the protection of the natural environment and water resources. The NEP contains a similar policy framework that requires the same, or stronger, level of protection for the natural environment, which the NEC evaluated thoroughly as part of their recommendation to approve the NEPA (see NEP discussion further below).

Section 2.6.1, pertaining to Rural Lands in Municipalities, permits the management or use of resources on rural land (this would include mineral resource extraction). Furthermore, Section 2.6.3 states that "Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure." In this regard, no expansion of infrastructure is proposed (no new roads or haul routes are required).

Section 3.5.1 stipulates that Major Facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. Mineral resource aggregate operations are considered a Major Facility under the PPS. The Dufferin Milton Quarry, including the Expansion lands, are isolated from residential development and other sensitive uses with the closest residence being located 1.1 km away. The proposed expansion is also located immediately adjacent to the current operating quarry. Dufferin provided technical studies related to air quality and noise

assessments; in both instances, peer reviews though JART resulted in changes to the reports but concluded that air quality and noise associated with the proposed expansion will be able to meet provincial guidelines.

Sections 4.5.1 and 4.5.2 state that mineral aggregate resources shall be protected for long-term use and that as much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible. The PPS also explicitly states that the demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere. The policy also states that extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. In this regard, based on the technical review of the proposal, staff are satisfied that such impacts would be minimized.

Finally, Section 4.5.3 states that progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. In this regard, both the existing Dufferin Quarry and the proposed expansion are subject to an expansive rehabilitation plan that protects and enhances the natural environment and provides opportunities for public access and recreation via having the lands come into public ownership (Conservation Halton) as part of the Niagara Escarpment Parks and Open Space System.

Note that Section 6.2.2 of the PPS speaks to requirements for engagement with indigenous communities. This matter is discussed in more detail in Section 9.0 of this report.

Given the above, staff is of the opinion that the proposed Regional and Town Official Plan Amendments are consistent with the policies of the 2024 PPS.

b) Greenbelt Plan

The lands proposed for the quarry expansion fall within Greenbelt Plan Area. Similar to the PPS, the Greenbelt Plan Area also includes the Niagara Escarpment Plan (NEP) Area. The NEP takes precedence over the policies of the Greenbelt Plan except for Section 1.2.1 (Vision); and Section 3.3 (the Open Space and Trails Policies). The Greenbelt Plan also contains several policies pertaining to the protection of the natural environment and addressing mineral aggregate extraction activities within the Greenbelt. However, the NEP contains a similar policy framework that requires the same, or stronger, level of policies to protect the natural environment and to address mineral resource extraction, which the NEC evaluated thoroughly as part of their recommendation to approve the NEPA (see NEP discussion further below). Therefore, the following section will focus on how the proposed Milton Quarry East Extension (MQEE) meets the policies of the Greenbelt Plan that are not reflected within the NEP.

Section 1.2.1 of the Greenbelt Plan outlines the Plan's Vision, which states that the Greenbelt is a broad band of permanently protected land which:

- Protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- Gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in southcentral Ontario will be organized;
- Provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation and resource uses; and
- Builds resilience to and mitigates climate change.

The proposed expansion to the Milton Quarry meets the Vision of the Greenbelt Plan in that it does not further fragment the agricultural land base, has demonstrated that the proposal will protect natural heritage and water resource systems, and provides for economic activities without impacting other uses.

The Parkland, Open Space and Trails policies of the Greenbelt Plan are intended to ensure that there are opportunities for recreation, tourism and appreciation of cultural and natural heritage. Policy 3.3.2 encourages the development of a system of publicly accessible parkland, open space and trails. Dufferin has committed, as part of its proposal, that the property will be turned over to Conservation Halton, post extraction, for inclusion in the Niagara Escarpment Parks and Open Space System. Once ownership has been transferred, Halton Hills and NEC staff will work with Conservation Halton on the development of a master or management plan for the lands which would include opportunities for public access and trails.

Based on the above, staff is of the opinion that the proposed Regional and Town Official Plan Amendments conform with the Greenbelt Plan.

c) Niagara Escarpment Plan (NEP)

As a Provincial land use plan, the Niagara Escarpment Plan guides land use planning decisions within the Plan area and takes precedence over the Provincial Policy Statement and the Greenbelt Plan to the extent of any conflict. Municipal Official Plans must conform with the Niagara Escarpment Plan and no development approvals can be given, including a license issued under the Aggregate Resources Act, until the Niagara Escarpment Commission has issued a Development Permit.

Under the Niagara Escarpment Plan (NEP), the property is designated Escarpment Rural Area (ERA). To allow for the Quarry extension, and the amount of aggregate proposed to be extracted, the lands must be designated as Mineral Resource Extraction Area (MREA). The MREA designation permits mineral aggregate operations licensed pursuant to the Aggregate Resources Act (Policy 1.9.3.4) and allows pits and quarries to produce more than 20,000 tonnes annually (Policy 1.9.3.2). The NEP does allow for consideration of lands to be re-designated from ERA to MREA, subject to satisfying all relevant Part 1 policies and Development Criteria policies in Part 2.

As discussed earlier in this report, the Niagara Escarpment Commission (NEC) was a member of JART and participated in reviewing all of the required technical and planning related submission material. Once JART was satisfied that there were no major outstanding technical concerns with the proposal, NEC staff brought forward a Report recommending approval of the proposed NEPA to the NEC in late 2024.

The NEC staff recommendation report contains an exhaustive review of all applicable policies of the NEP that relate to the criteria used to evaluate Niagara Escarpment Plan Amendments to redesignate lands to the Mineral Resource Extraction Area designation; see **SCHEDULE 6 – NEC STAFF REPORT**. This policy analysis also includes a detailed review of policies pertaining to the natural environment including:

- Development affecting water resources
- Development affecting natural heritage
- Habitat of endangered and threatened species
- Wetlands
- Fish habitat
- Significant Woodlands, Significant Wildlife Habitat and ANSIs (Areas of Natural or Scientific Interest)
- Connectivity
- Agricultural protection

The conclusion of the NEC is that “the proposed redesignation of the subject lands to MREA, and the site-specific policy amendments meet the applicable policies of the Niagara Escarpment Plan”. NEC staff were also satisfied that: i) the environmental impacts of the proposed quarry expansion had been thoroughly studied; ii) progressive rehabilitation of the site will be undertaken to a state of equal or greater ecological value; iii) the lands, once extraction activities cease, would be redesignated to a land use designation for natural heritage protection; and iv) the lands are planned to be integrated into the Niagara Escarpment Parks and Open Space System.

In November 2024 the Niagara Escarpment Commission (NEC) endorsed the staff report recommending approval of the NEPA. The Minister of Natural Resources subsequently issued his final decision to approve the NEPA on January 28, 2025 (**see SCHEDULE 4 – NIAGARA ESCARPMENT PLAN AMENDMENT**) and the NEC then issued its Notice of Decision to approve the NEC Development Permit (subject to conditions) on January 30, 2025. As a result, the subject lands are now designated as Mineral Resource Extraction Area (MREA) under the Niagara Escarpment Plan.

Given the foregoing, Town staff are satisfied that the proposed OPA and ROPA applications conform with the Niagara Escarpment Plan and seek to implement the permissions contained within the NEP.

d) Region of Halton Official Plan (ROP)

Under the Halton Region Official Plan the subject lands are designated primarily as Escarpment Rural Area and as such, an amendment is required to permit the quarry

expansion. Section 110 of the Regional Plan provides the primary direction regarding Mineral Resource Extraction Areas and proposals to establish a new or expanded quarry. This Section has various policies addressing:

- Where new/expanded quarries should be located (110.7.1);
- Requiring extraction to be conducted in a manner minimizing environmental impacts (110.2) and protecting surface and ground water (110.3);
- Applying a systems-based approach in the assessment of expanded aggregate operations (i.e. a focus on no negative impact and on the expanded mineral aggregate operation to consider a “net environmental gain”)(110.7.2);
- Requiring a rehabilitation plan that ensures enhancement to the key features and ecological functions of the Regional Natural Heritage System (110.7.2b) and d); and,
- Criteria to evaluate the expansion of aggregate operations (110.8) relating to natural heritage protection, agricultural protection, transportation impacts, rehabilitation, etc.

JART reviewed the submission materials filed in support of the ROPA, which indicate that natural features will be protected during extraction and enhanced during rehabilitation. This includes buffer setbacks from Key Features during extraction and enlargement of woodlands and vegetative plantings during rehabilitation. The existing water management system is proposed to be extended. The water management system is necessary due to quarrying activity below the water table and includes a series of pumps to recharge the groundwater, protect wells and ensure water supply to wetlands to maintain ecological functions in the vicinity of the subject lands with a sustainable water supply in the long-term. A similar water management system is also currently in place at the Acton Quarry. Enhancement of an existing provincially significant wetland is proposed through plantings of vegetation and installation of habitat features. The long-term rehabilitation plan would enhance the Regional Natural Heritage System.

On Map 1E of the ROP the lands are identified as falling under the Agricultural System Outside Prime Agricultural Areas¹. However, the subject lands are surrounded by wooded areas and the existing quarry resulting in them being fragmented from the broader agricultural system in the vicinity. Also, the lands are not considered as a Prime Agricultural Area, in part due to its poorer soil classification. As such, the redesignation of these lands for mineral aggregate extraction will not have an adverse impact on the broader Agricultural System.

Section 110 of the Regional Plan also requires that impacts on social and human health are considered and minimized. Noise, blasting and air quality studies were submitted by the Applicant, which were reviewed and supported by the peer reviewer consultants retained by JART, subject to the Applicant committing to the additional mitigation and

¹ Under the ROP the term Agricultural System refers to two components: lands designated Agricultural Area and those that are part of the Regional Natural Heritage System outside of key features. The goal of the Agricultural System is to maintain a permanently secure, economically viable agricultural industry and preserve the open-space character of non-urbanized areas.

monitoring measures. Regional staff are also satisfied that traffic concerns have been addressed by Dufferin Aggregates to satisfy Section 173(22) of the Regional Official Plan.

Section 110(8.2) discourages the use of adaptive management plans or similar measures that will require continuous or perpetual active on-site management post rehabilitation. The water management system at Milton Quarry, including retention ponds and precise management of water releases into Sixteen Mile Creek, is an existing condition that was agreed upon and implemented as part of the 2007 approval of the northern extension. Although the Regional Official Plan discourages perpetual pumping, the ecological enhancement of improved habitat for the endangered Jefferson salamander, and other species, is a benefit that would not be possible through passive management. In addition, the risk of public financial liability during and after extraction is mitigated by Dufferin Aggregates' agreements with Conservation Halton and Halton Region to provide funds and supports for the long-term operation of the system.

Many of the other policy tests in Section 110 of the ROP for evaluating quarry expansions (outlined above) closely mirror policy tests within the Town of Halton Hills Official Plan. Therefore, to avoid duplication of analysis, please see the below section analyzing the Town of Halton Hills Official Plan.

Overall, the proposed quarry expansion, operation and rehabilitation conforms to the Regional Official Plan. It is also noted that the proposed ROPA implements the decision by the Minister of Natural Resources to redesignate the subject lands as a "Mineral Resource Extraction Area" in the Niagara Escarpment Plan.

e) Town of Halton Hills Official Plan

The subject lands are predominantly designated as "Escarpment Rural Area" in the Town of Halton Hills Official Plan. Under the Town's Plan the Escarpment Rural Area designation does not permit mineral aggregate uses; however, Section B4.2.3.1(d) states that one of the objectives of the "Escarpment Rural Area" is to:

"provide for the designation of new Mineral Resource Extraction Areas which can be accommodated in accordance with the policies of this Plan and by amendment to the Niagara Escarpment Plan, the Region of Halton Official Plan and this Plan."

Therefore, the Applicant has applied to redesignate the portion of the property planned for extraction uses to "Mineral Resource Extraction Area". The objectives for the "Mineral Resource Extraction Area" designation (Section E6.1) are to:

- a) recognize existing pits and quarries and protect them from activities that would preclude or hinder their continued use or expansion;
- b) protect known aggregate deposits and areas of high potential mineral aggregate resources for potential future extraction;
- c) ensure that new pits and quarries will not have a negative impact on significant natural heritage features and related ecological functions in keeping with the principle of net environmental gain;

- d) ensure that the haul routes used are appropriate;
- a) ensure that extractive activities are carried out in a manner that minimizes environmental and social impacts;
- e) ensure that aggregate extraction operations are designed to minimize visual impacts on the open space character of the rural landscape; and,
- f) ensure the progressive rehabilitation of pits and quarries to an appropriate after use.

The subject lands do not fall within the Prime Agricultural Area; therefore, policies addressing mineral aggregate operations in prime agricultural areas (Section E6.4.3.3) do not apply.

Section E6.4.3 of the Plan sets out the policies and requirements applicable to proposed new mineral aggregate operations or expansions to existing operations. Section E6.4.3.4 outlines Application Submission Requirements, for any quarry proposal. The submission requirements identify the need for studies to address any possible impacts to: the natural heritage or ecological functions in the area, abutting lands or nearby communities, agricultural resources, groundwater and surface water, cultural resources or geologic formations. Additionally, studies must address the suitability of the transportation network and existing or proposed haul routes, noise, odour, dust and vibration, rehabilitation plans and visual impacts. It should also be noted that, as per Section E6.4.3.5, where the Official Plan identifies that mineral aggregate extraction should not have a negative impact on a natural heritage feature or related ecological function, in accordance with the principle of net environmental gain, the Town can consider compensation and enhancement initiated by proponent to satisfy the policy.

The JART Report (see SCHEDULE 5 – JART REPORT) provides detailed information summarizing the review of the submitted studies by JART members and the peer review consultants; the comments, feedback and concerns of the JART; responses to those comments from Dufferin; and finally, how those comments were ultimately addressed to satisfy JART that there were no further outstanding technical concerns. Based on the conclusions of the JART report, staff from the various participating agencies, including the Town, are of the view that the proposed quarry expansion satisfies the objectives of the Mineral Resource Extraction Area designation, as:

- the proposal should not have a negative impact on significant natural heritage features in the area and is anticipated to realize a net environmental gain both during extraction due to reforestation and wetland enhancements and post extraction due to the substantive rehabilitation plan;
- the expanded quarry will continue to use the existing haul route which predominantly utilizes roadways in Milton to access Hwy 401 (this has been solidified as part of the new haul route agreement with the Town of Halton Hills);
- the quarry expansion will not result in any increase to the number of trucks coming to or from the site beyond what currently occurs today;

- air quality, noise and blasting impacts will be appropriately mitigated, thereby minimizing environmental and social impacts, meeting Provincial guidelines and standards;
- the expansion will not be visible from adjacent property or roads, and as such, has no noticeable and/or discernable impacts on the open space character of the adjacent rural landscape; and,
- an appropriate rehabilitation plan has been proposed that provides a range of natural features and habitats to be owned by Conservation Halton following extraction.

As per Section E6.4.4, when evaluating an Official Plan Amendment to allow for a new or expanded mineral aggregate operation, the applicant shall demonstrate that:

- a) the quality of sensitive groundwater and sensitive surface water features in the area will be protected, improved or restored taking into account any mitigative measures initiated by the proponent prior to and/or during extraction and the proposed rehabilitation plan, in accordance with the recommendations of appropriate studies;
- b) the quantity of water available for other uses in the area and as base flow for sensitive surface water features will be protected, improved or restored taking into account any mitigative measures that are initiated by the proponent prior to and/or during extraction and the proposed rehabilitation plan, in accordance with the recommendations of appropriate studies;
- c) there is no negative impact on significant natural heritage features or related ecological functions in accordance with the principle of net environmental gain taking into account any compensation and enhancements that are recommended in an EIS and initiated by the proponent prior to and/or during extraction and the proposed progressive and final rehabilitation of the site;
- d) as much of the site as possible will be rehabilitated by establishing or restoring natural self-sustaining vegetation; and,
- e) other environmental and social impacts such as noise, dust, odour and visual impacts are minimized.

Based upon the JART technical review, Town staff are also satisfied that the proposed Official Plan Amendment satisfies the policies of Section E6.4.4, as follows:

- the water system (both ground and surface water) is being protected and adequate flows of water to support downstream systems, ground water supplies and wetland features are secured;
- No existing natural heritage features are being removed and appropriate setbacks are provided to significant woodlands and wetland features;
- The expanded quarry improves local wetland features both during and post-extraction time periods and the proposed quarry rehabilitation plan provides improved natural heritage features than what currently exists on the property;

- Expected impacts from noise, dust and odour from extraction activities and blasting are limited due to the distance to the nearest sensitive land use² and due to required mitigation measures to be secured through the ARA process.

Therefore, staff are satisfied that the proposed quarry expansion, operation and rehabilitation conforms to the Town of Halton Hills Official Plan. It is also noted that the proposed OPA would implement the decision by the Minister of Natural Resources to redesignate the subject lands as a “Mineral Resource Extraction Area” in the Niagara Escarpment Plan.

f) Town of Halton Hills Zoning By-law

Halton Hills Comprehensive Zoning By-law 2010-0050 is not applicable to the quarry proposal as the subject lands are located within the Niagara Escarpment Plan (NEP) Area and are instead subject to Development Control by the Niagara Escarpment Commission. As a result, the quarry expansion is required to obtain a Development Permit to be issued by the NEC.

As noted earlier in this report, the NEC issued the Development Permit for the quarry expansion on January 30, 2025, subject to issuance of the final ARA license from the Ministry of Natural Resources.

7.0 Department and Agency Comments

As discussed, the Town of Halton Hills was a member of the Joint Agency Review Team (JART). The technical studies and reports submitted in support of the quarry expansion were circulated to internal Town Departments and the various other agencies that formed part of the JART (Halton Region, Conservation Halton, Niagara Escarpment Commission and the Town of Milton). Comments from Town of Halton Hills staff formed part of the feedback to the JART, which was subsequently provided to Dufferin. The JART is now satisfied that all comments and concerns raised as part of the technical review process have been satisfied by the Applicant. A summary of the JART review process is outlined below.

Technical Review of the Applications by JART

As part of the complete application package in late 2021, the Applicant submitted the following planning and technical related reports in support of the Official Plan Amendments:

- Addendum to Updated Adaptive Environmental Management and Protection Plan
- Agricultural Impact Assessment
- Air Quality Assessment
- Archaeological Assessment
- Blast Impact Assessment
- Cultural Heritage Impact Assessment

² The quarry expansion is located further from the closest dwelling than the existing quarry.

- Ecological Enhancement Plan and Rehabilitation Plan
- Fiscal Impact Study
- Geology and Water Resources Assessment Report
- Natural Environment Technical Report and Environment Impact Assessment
- Noise Impact Assessment
- Planning Justification Report and Aggregate Resources Act Summary Statement
- Progressive and Final Rehabilitation Monitoring Study
- Public Consultation Strategy
- Traffic Impact Study and Haul Route Assessment
- Visual Impact Assessment
- *Aggregate Resources Act* Site Plans and associated notes

As mentioned above, in addition to in-house staff from the JART members, peer review consultants were retained to aid in the review that had expertise in Agricultural Impact Assessments, Air Quality, Archaeology and Cultural Heritage, Blasting, Financial Impacts, Hydrogeology, Karst Topography, Natural Heritage, Noise, Surface Water Assessment, and Transportation.

The review of the technical reports submitted in support of the applications was undertaken by JART in an iterative manner – the JART members and the peer review consultants would review the submission materials, share comments and concerns with each of the other members, and summarize and provide the comments to the Applicant. The Applicant then updated the applicable report(s) and prepared specific responses to the received comments. This process continued through 2022 and 2023 until the JART was satisfied that all technical comments and concerns had been satisfactorily addressed. Technical requirements needing to be implemented following approval of the planning applications are included within the ARA Site Plan for final implementation. All submission materials and the JART responses were published on the Region of Halton's project specific website.

In 2023 a final JART Report was prepared (see **SCHEDULE 5 – JART REPORT**) that provides a summary of the planning and technical aspects of the proposed quarry expansion and of the findings by the JART, including how Dufferin has addressed the JART comments. It is noted that Section 4.1 of the JART Report also identifies 7 outstanding comments still needing further technical responses to be deemed fully addressed. It was the position of JART at the time that these items could be addressed after the publishing of the JART report, but before final recommendations would be presented to Council, and or to the NEC as part of the NEPA recommendation. In late 2023 Dufferin provided technical responses to these final outstanding matters, including an updated Air Quality Impact Assessment which addressed JART comments and demonstrated that Provincial emissions guidelines can be met by the proposal. The ARA Site Plan was updated to include notes addressing noise and updated monitoring and mitigation measures were added to the Adaptive Management Plan and were also captured on the ARA Site Plan. JART and the peer reviewers were satisfied that the noise and Adaptive Management Plan concerns were addressed. Therefore, the JART

is now satisfied that all technical comments and concerns about the proposed quarry expansion have been addressed.

8.0 Public Comments

The proposed Town of Halton Hills Official Plan Amendment was presented to Council and the Public by way of Report No. PD-2023-0007 through a Statutory Public Meeting on February 13, 2023. A similar Statutory Public Meeting for the proposed Region of Halton Official Plan Amendment was presented to Regional Council and the Public on May 17, 2023. One non-profit residents group spoke at both the Regional and Town of Halton Hills' Statutory Public Meeting. In addition, three other area residents spoke at the Region's Public Meeting (one of which also provided written correspondence to the Town of Halton Hills).

The Region of Halton received two pieces of written correspondence as a result of the Notice of Received Applications mailouts. The Town of Halton Hills received seven (7) pieces of written correspondence (one from the same resident who also wrote to the Region of Halton). A summary and response of the public comments is provided below:

a) Impacts from Blasting

Representatives of five (5) residents who live in general proximity to the Milton Quarry expressed concerns that current and/or proposed blasting activities have created or will create impacts on their properties with respect to either direct damage to property and/or nuisance impacts (noise, vibration, dust, etc.).

- *Staff Response*

JART retained a peer review consultant to review the blasting submissions. The consultant is satisfied that the information provided by the Applicant demonstrates the proposed operation is designed in accordance with Provincial standards. The ARA Site Plan, which is enforced by the MNR, also provides for mitigation measures for blasting, monitoring of any blasting, and a process should any blasting occur outside of approved parameters.

It is noted that the proposed quarry expansion takes place further from all existing residential properties than the existing active portion of the quarry; therefore, it is expected that any perceived impacts from blasting such as noise, vibration, dust, etc. would be less than currently being experienced. Dufferin Aggregates also has an existing landowner complaint process in order to address existing quarry impacts. However, enforcement of aggregate based complaints falls to the Provincial Government through the Natural Resources Information Support Centre and residents can contact the MNR through that process to place specific complaints.

b) Impacts to Drinking Water (both private wells and municipal drinking supply)

Concerns were raised that the proposed expansion to the Milton Quarry could impact the quality and/or quantity of private wells, and the ground water based drinking water system in place for portions of the Town of Milton.

- *Staff Response*

Through the JART review the impact to ground water in general, and to well water supplies in the surrounding area, was thoroughly reviewed by technical staff at the Region of Halton and through a peer review process. The results of the review indicate that the extension of the Milton Quarry would not result in impacts on drinking water supply or quality. The Region of Halton (who is responsible for drinking water) also noted that the Milton Quarry is not within the modelled Wellhead Protection Areas for the Kelso wellfield (which services Milton) and therefore is not considered to be connected, or a threat, to the municipal groundwater supply.

c) Viability of the Proposed Water Management System

Concerns were raised by a non-profit environmental organization (POWER) regarding the viability and sustainability of the proposed water management system which relies on a series of pumps and reservoirs to maintain groundwater supply.

- *Staff Response*

The proposed expansion to the Milton Quarry is proposed to be integrated into the existing water management system and Adaptive Management Plan (AMP) that is already in place and has been operating at the Milton Quarry since 2007. The purpose of the system is to protect surrounding water resources, including water dependent ecological features. The water management system for the MQEE would be added to the existing system using the same techniques for mitigation as currently in effect. The water management system for the MQEE has also been designed to discharge to two of the surrounding wetlands to enhance the water regime and ecological conditions. Through the technical review of the Applications, JART determined that the existing water management system is a more viable way to manage surface and ground water. Extreme technical challenges would occur if a different methodology was required, and it was determined that alternative water management systems would not improve nearby wetlands, nor would it be possible to achieve the same level of rehabilitation and variety of wildlife habitats during the post active quarrying time period. The Region of Halton and Conservation Halton are satisfied with this approach and legal agreements to maintain the system are in place. Management of the system will eventually be the responsibility of Conservation Halton.

d) General Environmental Impacts

Some members of the public noted concerns about possible environmental impacts (i.e., impacts to forests, wetlands, wildlife habitat, etc.) resulting from the proposed expansion.

- *Staff Response*

JART reviewed the proposed quarry expansion, and the Environmental Impact Assessment report submitted in support of the Applications. Environmental planning and ecology staff from both the Region of Halton and Conservation Halton were part of

this review. Independent peer review consultants were also retained (North South Environmental) to review general ecology and natural heritage matters and a further specialist in fisheries and aquatic habitat (Matrix Solutions) was also retained. The iterative approach to reviewing the applications resulted in the final ARA Site Plan providing all required natural heritage protection, setbacks and buffers from wetlands, including wetland enhancement to provide improved habitat for Jefferson Salamanders, and significant woodlands. Portions of the subject land would also be planted to expand the spatial extent of the existing woodland features. The experts were also in agreement that the post-quarrying rehabilitation plan would result in improvements to the natural environment in that a range of new wildlife habitats would be introduced. The land will also come into public ownership for long-term stewardship purposes, with opportunities for public access via trails and other recreational opportunities.

9.0 Indigenous Consultation

Indigenous consultation occurred in several ways as part of the proposed quarry expansion. The Region of Halton circulated both the Mississaugas of the Credit First Nation and Six Nations of the Grand River on the initial public circulation of the Notice of Received Applications. No comments were received back by the Region.

Separately, both the NEC and Dufferin Aggregates also consulted with the Mississaugas of the Credit First Nation (MCFN); no response or comments were received from MCFN. At the outset of consultation, the NEC was advised by the Indigenous Relations Advisor in MNR that MCFN was the only First Nation that would require notice and consultation in relation to the NEPA application. However, in early 2023, MNR realized that changes to the accepted traditional territory of the Six Nations of the Grand River (SNGR) meant that this First Nation, as well as the Haudenosaunee Confederacy Chiefs Council (HCCC), should also be engaged. As such, MNR directed Dufferin to engage directly with representatives of these First Nations.

In December 2023 SNGR identified concerns with the proposal directly to the MNR, including general opposition to any further aggregate development within the Greenbelt as a whole. SNGR sought funding to conduct an independent peer review of Dufferin's technical reports and findings. Dufferin provided financial support for the peer review and SNGR contracted Shared Value Solutions to conduct the technical review. Shared Value Solutions identified several technical concerns and provided a table of 78 comments, issues, questions and recommendations for Dufferin to address. Dufferin provided a fulsome response addressing the concerns raised by Shared Value Solutions. Following the report MNR and NEC staff reached out to SNGR several times to determine if there were any remaining concerns. At the time, SNGR did not indicate any further concerns specific to the Milton Quarry expansion but continued to express their general position with respect to aggregate development in the Greenbelt.

On July 19th and September 24, 2024, joint letters from MNR District/Region staff and the NEC were sent to SNGR confirming that the Ministry and NEC were of the view that all concerns raised by SNGR had been sufficiently addressed and that the project could proceed with the decision-making processes associated with the various applications,

on the basis that the requirements of the duty to consult Indigenous communities had been fulfilled. This also satisfies Section 6.2.2 of the PPS.

10.0 Next Steps and Status of Legal Agreements

Should the Official Plan Amendment be approved and come into force and effect there are a number of future actions that would still take place with regards to the expansion of the Milton Quarry, including:

a) Finalization of Legal Agreements:

- There will be an update to the existing Adaptive Management Plan (AMP) and associated agreement — Halton Region, Conservation Halton and Dufferin Aggregates are signatories to this agreement governing monitoring during operation and mitigation measures to be used while extraction is occurring to mitigate impacts upon the environment. It is anticipated this agreement will be finalized this year and this would also allow CH to remove its objection to the ARA license.
- The existing Land Conveyance agreement between Conservation Halton and Dufferin Aggregates governing Conservation Halton taking control of the quarry lands will be updated to include the proposed expansion lands into the existing agreement, upon completion of rehabilitation.
- An update to the existing Water Management System agreement between Conservation Halton and Dufferin Aggregates governing Conservation Halton taking control of the water management system for the existing and expanded quarry upon completion of rehabilitation.
- A Haul Route Agreement has already been finalized between the Town of Halton Hills and Dufferin Aggregates that will govern quarry traffic on Halton Hills roadways to ensure trucks take direct routes to the highway and to the regional arterial road network, which includes the monitoring of trucks to ensure the agreement is being adhered to. This agreement is similar to the one in place for the Dufferin Acton Quarry.

b) Issuance of the ARA License:

As noted earlier in this report, the NEC, Town of Milton and the Region of Halton have already rescinded their objection letters to the ARA license issuance. If Council approves this report's recommendations, the Town will withdraw its objection. Conservation Halton have indicated they are prepared to rescind their objections once the OPA and ROPA applications are approved and the necessary agreements are in place.

This will allow the MNR to issue the ARA license and satisfy the conditions of approval of the NEC Development Permit. Quarrying activities could then commence subject to the restrictions set forth in the license and in accordance with the ARA Site Plan.

c) Post Quarrying Rehabilitation:

Once quarrying activities cease (between 3-7 years from now depending on the rate of excavation), Dufferin would commence the rehabilitation program, including restoration plantings, allowing the new lake feature to fill, etc. Various legal agreements pertaining to the transfer of land and of the operation of the water management system would also be executed. Eventually, once rehabilitation was finalized and land ownership transferred, the ARA license would be rescinded. Conservation Halton would work with the NEC, Town of Halton Hills and Region of Halton on long term property management plans or master plans to govern the final use of the lands, public access, trail development, recreational opportunities, etc. Finally, the NEC and the Town of Halton Hills, through a subsequent planning process, would change the land use designations of the subject lands to an appropriate planning designation to recognize their long-term environmental protection (i.e., they would be redesignated again from the Mineral Resources Extraction Area designation likely to the Escarpment Natural Area designation).

STRATEGIC PLAN ALIGNMENT:

This report identifies a thriving economy as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report impacts and/or helps address climate change and the Town's Net Zero target through climate mitigation.

As discussed in this staff report, the expansion of the Milton Quarry is expected to result in various initiatives that serve to protect and enhance the natural environment via woodland and wetland restoration during extraction, as well as a substantive post extraction rehabilitation plan that will also bring the land into public ownership. This assists with climate change mitigation.

PUBLIC ENGAGEMENT:

Public Engagement has been conducted as follows: A Statutory Public Meeting was held on February 13, 2023. This meeting fulfilled the requirements for public participation under the Planning Act, and provided Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter.

Additional public engagement occurred via the Region of Halton through a separate Statutory Public Meeting, through the NEC as part of the NEPA process, and through the ARA License Application process, which included a separate public meeting.

INTERNAL CONSULTATION:

Planning staff, through the JART, have consulted with the appropriate Town Departments, the Region of Halton, Conservation Halton, the Town of Milton and the Niagara Escarpment Commission in preparation of this report.

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 & Development

Chris Mills, Chief Administrative Officer