



MEMORANDUM

TO: Chair and Members of the Planning, Public Works and Transportation Committee

FROM: Jeff Markowiak, Director of Development Review

DATE: February 5, 2020

MEMORANDUM NO.: MEM-PD-2020-0001

RE: Halton Consolidated Streamlined Mineral Aggregate Review Protocol 2020 Update

PURPOSE OF THE MEMORANDUM:

The purpose of this memo is to inform Council of the recent updates made to the Halton Consolidated Streamlined Mineral Aggregate Review Protocol, which is used to guide the review of applications relating to mineral aggregate operations in Halton. The updated Protocol was presented to Regional Council via Report LPS11-20 at their February 12, 2020, meeting.

BACKGROUND:

In 2001 Halton Region Council approved a document entitled the “Halton Consolidated Streamlined Aggregate Review Protocol”. The Protocol served to establish the concept of a Joint Agency Review Team (JART) to review mineral aggregate extraction applications filed within the Region of Halton. Updates to the Protocol occurred in 2004 and 2007. Agencies involved in the creation of the Protocol and who also participate in a JART review include:

- Region of Halton;
- any of the four local municipalities (Burlington, Halton Hills, Milton, Oakville) potentially impacted by the aggregate proposal;
- Conservation Authorities;
- Niagara Escarpment Commission (NEC); and
- relevant Provincial Ministries, at their discretion (eg. MNRF, OMAFRA, MTO).

The Protocol applies to applications for new or expanding mineral aggregate sites in Halton, submitted under the *Aggregate Resources Act (ARA)*, *Planning Act* and, where applicable, *Niagara Escarpment Planning and Development Act (NEPDA)*. The objective of the protocol and JART process is to serve as a tool to:

- outline and clarify the stages of review undertaken through the JART process;
- facilitate information and expertise sharing amongst review agencies and staff;
- direct the aggregate industry in providing all required information in a coordinated and comprehensive manner needed to consider aggregate and/or aggregate related applications;
- co-ordinate and streamline all applicable agency staff actions including processing, circulating and commenting on aggregate applications;
- facilitate effective review and comment by the public by providing information early in the process and responding to questions and issues;
- support decision-making by Municipal Councils, the Local Planning Appeal Tribunal (LPAT), Joint Board (JB) and Cabinet; and
- reduce the length of time, duplication of effort and resources required to consider proposals for new or expanding pits and quarries.

The Protocol is meant to be adaptable and flexible rather than prescriptive. The processing of each application will vary depending on the type and scale of the application under consideration, as well as its location and predicted impact. Every JART established for past applications has occurred in accordance with the Protocol and has produced a report summarizing the background work, analysis and finding of JART from a technical perspective.

For Council's benefit, the JART itself does not make recommendations on whether or not aggregate applications should be approved. The municipalities and agencies with decision-making authority review the merits of the application on an independent basis, taking into account the JART's comments, along with public comments, prior to making their decision or taking a position. Each agency makes a recommendation to its Council or Board according to the specific mandates, policies and applicable legislation for making a decision.

COMMENTS:

Recent aggregate proposals in the Region of Halton (Milton and Burlington) have brought to light the need to update the Protocol, which was last updated in 2007. The need for the update is predicated on recent reforms to the land use planning regime in Ontario, feedback received and lessons learned through the use of the JART Protocol to date, and other administrative issues due to the passage of time. The changes recommended to the Protocol and presented to Region of Halton Council on February 12th include:

- under circumstances where concurrent *Planning Act* applications are not required to be filed for some aggregate proposals (ie. Reid Road Reservoir Quarry in Milton), changes have been made to encourage applicants to participate in consultation and technical review, and to clarify that Councils and boards may still receive reports outlining next steps and strategies related to proposals (in the absence of a *Planning Act* application). The information produced through the JART process would be used to provide comments

through the Ministry of Natural Resources and Forestry's (MNR) *Aggregate Resources Act* (ARA) review process.

- ensuring materials submitted in support of an aggregate application is fully usable as an electronic document that has enabled the search function and can be printed.
- recognizing the change from the Ontario Municipal Board (OMB) to the Local Planning Appeal Tribunal (LPAT).
- adding terms of reference preparation requirements, to align with the 2014 *Aggregate Resources Reference Manual*.
- formalizing determination of complete application requirements to align with the 2006 Bill 51 *Planning Act* amendments.
- removing a requirement for an early stage municipality/agency led meeting, noting that the *Aggregate Resources Act* consultation process already requires such a meeting that is coordinated by the proponent.
- updating the names of individual steps within the JART workflow to more accurately reflect the intent of the applicable task.
- clarifying the role of the Niagara Escarpment Commission (NEC) and reordering steps to accommodate applications for Niagara Escarpment Plan Amendments and Development Permits within the overall JART workflow.
- enhancing provisions related to the general JART intent, team structure, collaborative and consolidated approach to the review and the work products generated from the review.
- amending language to clarify responsibilities of each participating agency at each stage of the JART workflow.

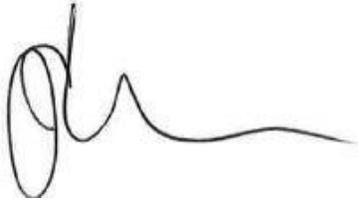
A copy of the updated Protocol is attached to this report as SCHEDULE 1. The updates, as outlined above, were made in consultation with staff from the four local municipalities, Conservation Authorities and NEC.

The updated Protocol will help clarify the JART process and the resources required to consider proposals for new or expanding mineral aggregate extraction operations. The updates should help minimize duplication of efforts among reviewing agencies and help ensure a consistent and thorough agency response across technical disciplines.

CONCLUSION:

It is recommended that this memorandum regarding recent updates made to the Halton Consolidated Streamlined Mineral Aggregate Review (JART) Protocol be received for information.

Reviewed and approved by,

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John Linhardt, Commissioner of Planning and Development

A handwritten signature in black ink, appearing to be 'Brent Marshall', written in a cursive style.

Brent Marshall, Chief Administrative Officer