



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Commissioner, Development Services
Date:	April 11, 2022
Report No:	DS-025-22
Subject:	Information Report: Update on Proposed Milton Quarry East Extension (Dufferin Aggregates) Applications.
Recommendation:	<p>THAT Report DS-025-22 regarding an application for a Class A, Below Water Quarry License to extend the Milton Quarry by Dufferin Aggregates be received for information;</p> <p>AND THAT staff be directed to continue to evaluate the application through the Joint Agency Review Team (JART) process along with staff from Halton Region, the Town of Halton Hills, the Niagara Escarpment Commission and Conservation Halton;</p> <p>AND THAT staff report back to Council upon the completion of the JART process outlining the results of that review and any recommendations for further action;</p> <p>AND THAT staff be directed to file a letter with the Ministry of Northern Development, Mines, Natural Resources and Forestry and the Applicant by the May 9, 2022 due date, advising that the Town objects to the application at the present time in accordance with the issues outlined in this report.</p>

EXECUTIVE SUMMARY

The purpose of this report is to provide Town of Milton Council with an update on the proposed extension to the Milton Quarry. The Milton Quarry East Extension will require approvals under the Aggregate Resources Act, the Niagara Escarpment Planning and Development Act, and the Planning Act. A Regional Official Plan Amendment and a Town of Halton Hills Official Plan Amendment are required to permit the quarry extension. The proposed extension will not require any approvals from the Town of Milton as the extension area is entirely within the jurisdiction of the Town of Halton Hills; however, the Town of Milton will be fully participating in the review of the proposal and commenting on the applications as it relates to groundwater and water management, noise, blasting, traffic and air quality impacts on nearby Town residents.



EXECUTIVE SUMMARY

On December 20, 2021, Halton Region received an application from Dufferin Aggregates to amend the Regional Official Plan to expand the Milton Quarry by extending the license and extraction areas to the east of the existing quarry lands. The application to amend the Regional Official Plan was deemed complete on January 18, 2022, and is being processed in accordance with Planning Act requirements.

On December 20, 2021, the Town of Halton Hills received an application from Dufferin Aggregates to amend the local Official Plan to expand the Milton Quarry by extending the license and extraction areas to the east of the existing quarry lands. The application to amend the Halton Hills Official Plan was deemed complete on January 18, 2022, and is being processed in accordance with Planning Act requirements.

The applicant has submitted a Niagara Escarpment Plan Amendment to designate the Milton Quarry East Extension and Milton Quarry Extension setback to Mineral Resource Extraction Area. The Niagara Escarpment Plan Amendment also includes a site specific policy for the existing Milton Quarry and Milton Quarry Extension to allow the existing operation to be used for processing material from the Milton Quarry East Extension. Additionally, a Niagara Escarpment Development permit pursuant to the Niagara Escarpment Planning and Development Act has been submitted and will be processed accordingly.

A Joint Agency Review Team (“JART”) comprised of staff from Halton Region, the Town of Halton Hills, the Town of Milton, the Niagara Escarpment Commission and Conservation Halton, has been initiated for reviewing all technical studies and information related to the proposed extension. The JART review will result in a technical report for consideration of member’s respective agencies at a later date. Public input will be requested, received and considered by the JART as part of its mandate to explore the range of technical issues and impacts related to the proposal.

REPORT

Background

Owner: Dufferin Aggregates

Applicant: MHBC Planning

Site Description and Proposal:

Dufferin Aggregates, a division of CRH Canada Group Inc., operates the Milton Quarry located on Part of Lots 8 to 14, Concession 7, Town of Milton (former geographic Township of Nassagaweya), and Part of Lots 8 to 10, 13 and 14, Concession 1, Town of Halton Hills (former geographic Township of Esquesing), Halton Region. The proposed extension is located at Parts 11 and 12, Concession 1, Town of Halton Hills (former geographic Township of Esquesing) (see Figure 1 - Location Map).



Background

Dufferin's Milton Quarry has been in operation since 1962 and consists of two (2) licenses under the Aggregate Resources Act. Aggregate reserves at the Milton Quarry operation will be depleted by 2024 based on current extraction levels. As such, Dufferin is applying for an extension to the existing Milton Quarry. The proposed license area is 30.2 hectares, with a proposed extraction area of 15.9 hectares. The extension represents a 4% increase to the overall extraction area of the Milton Quarry operation.

The plans and documents, which have been submitted together with the applications and are currently under review by Halton Region, the Town of Halton Hills, the Town of Milton, the Niagara Escarpment Commission and Conservation Halton are listed below:

- Milton Quarry East Extension Noise Impact Study
- Milton Quarry East Extension Agricultural Impact Assessment
- Dufferin Milton Quarry East Extension Air Quality Assessment
- Stage 1 and 2 Archaeological Assessment
- Stage 3 Archaeological Assessment
- Blast Impact Analysis
- Cultural Heritage Impact Assessment Report
- Milton Quarry East Extension Fiscal Impact Study
- Geology and Water Resources Assessment Report
- Addendum to Updated Adaptive Environmental Management and Protection Plan
- Level 1 and 2 Natural Environment Technical Report and Environmental Impact Assessment
- Ecological Enhancement Plan and Rehabilitation Plan Report
- Traffic Impact Study/Haul Route Assessment
- Visual Impact Assessment
- Progressive and Final Rehabilitation and Monitoring Study
- Planning Justification Report and Aggregate Resources Act Summary Statement
- Public Consultation Strategy
- Aggregate Resources Act Site Plans

Discussion

As previously noted, on January 18, 2022, the Region's Chief Planning Official deemed the application to amend the Regional Official Plan complete. The Town of Halton Hills concurrently deemed the application to amend the Local Official Plan complete. Notice of Complete Application was provided in accordance with subsection 22(6.4) of the Planning Act during the weeks of January 24 and 31, 2022, by ordinary mail to every owner of land within 200 metres of the subject lands and advertisements in the Independent Free Press (Georgetown), Burlington Post, Milton Canadian Champion and Oakville Beaver.

Discussion

The Joint Agency Review Team approach to reviewing aggregate extraction proposals 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. A one-page summary of the JART Protocol is attached to this report as Appendix A.

The JART will provide coordinated technical comments that will inform decision-making of the parties. The JART is not a decision making body, nor does it make recommendations on whether or not 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 for both Planning Act applications, and the Aggregate Resources Act license application and objection process, and needs to respond to any proponent efforts to resolve objections raised through the review.

Regional Council and Halton Hills Council will receive the JART’s final report, along with a recommendation report from their respective staff, to inform decision-making on the Regional Official Plan Amendment application, and the Halton Hills Official Plan Amendment Application. It is important to note that the Niagara Escarpment Commission will have to make a decision on the applications under the Niagara Escarpment Planning and Development Act prior to Halton Region, the Town of Halton Hills, or the Ministry of Northern Development, Mines, Natural Resources and Forestry making a decision on their respective applications.

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.

A virtual Public Information Centre held by the applicant and their consultants will take place on April 7, 2022. The JART, including Town Staff, will attend to hear the presentation as well as questions and comments raised by the public.

The public will also be given the opportunity to participate through the statutory public meeting required by the Planning Act for both the Regional Official Plan Amendment and Local Official Plan Amendment. Per the JART Protocol, Regional and Town of Halton Hills staff are exploring opportunities to consolidate public meetings, either as joint events or in close proximity to each other on the calendar. The timing of statutory public meetings has not yet been determined, but will occur after a first round of technical review has been completed.



Discussion

Appendix B to this report describes the relationship between the application processes, the JART review process, and opportunities for public engagement anticipated during the review of the Dufferin Aggregates application.

The Town received notice of the proposed Aggregate Resources Act Application which was initiated on March 10, 2022. A 60-day review period is in place with a date of May 9, 2022 for the last day for written objections/comments on the license application to be provided to the Applicant and the Integrated Operations Section of the Ministry of Northern Development, Mines, Natural Resources and Forestry.

Due to the complexity of the supporting documentation and the brevity of the commenting period, staff has not had sufficient time to complete a thorough review of the applications, and the review remains ongoing. Although the applications submitted are not under the jurisdiction of the Town of Milton, staff continue to review the proposed extension as it relates to impacts on ground and surface water resources, noise, vibration, land use compatibility and truck traffic. Based on the limitations arising from the initial commenting period, staff recommends that the Town file a formal objection to the application. Once a thorough evaluation has been completed, that objection may be revised, depending upon the outcome of the continued review through the JART.

Financial Impact

None arising from this Report.

Respectfully submitted,

Jill Hogan, MCIP, RPP
Commissioner, Development Services

For questions, please contact: Mollie Kuchma, MSc, MPA, MCIP, RPP Ext. 2312
Senior Planner, Development Review

Attachments

Figure 1 - Location Map
Appendix A - The JART Protocol
Appendix B - Milton Quarry East Application Review Process

CAO Approval
Andrew M. Siltala
Chief Administrative Officer



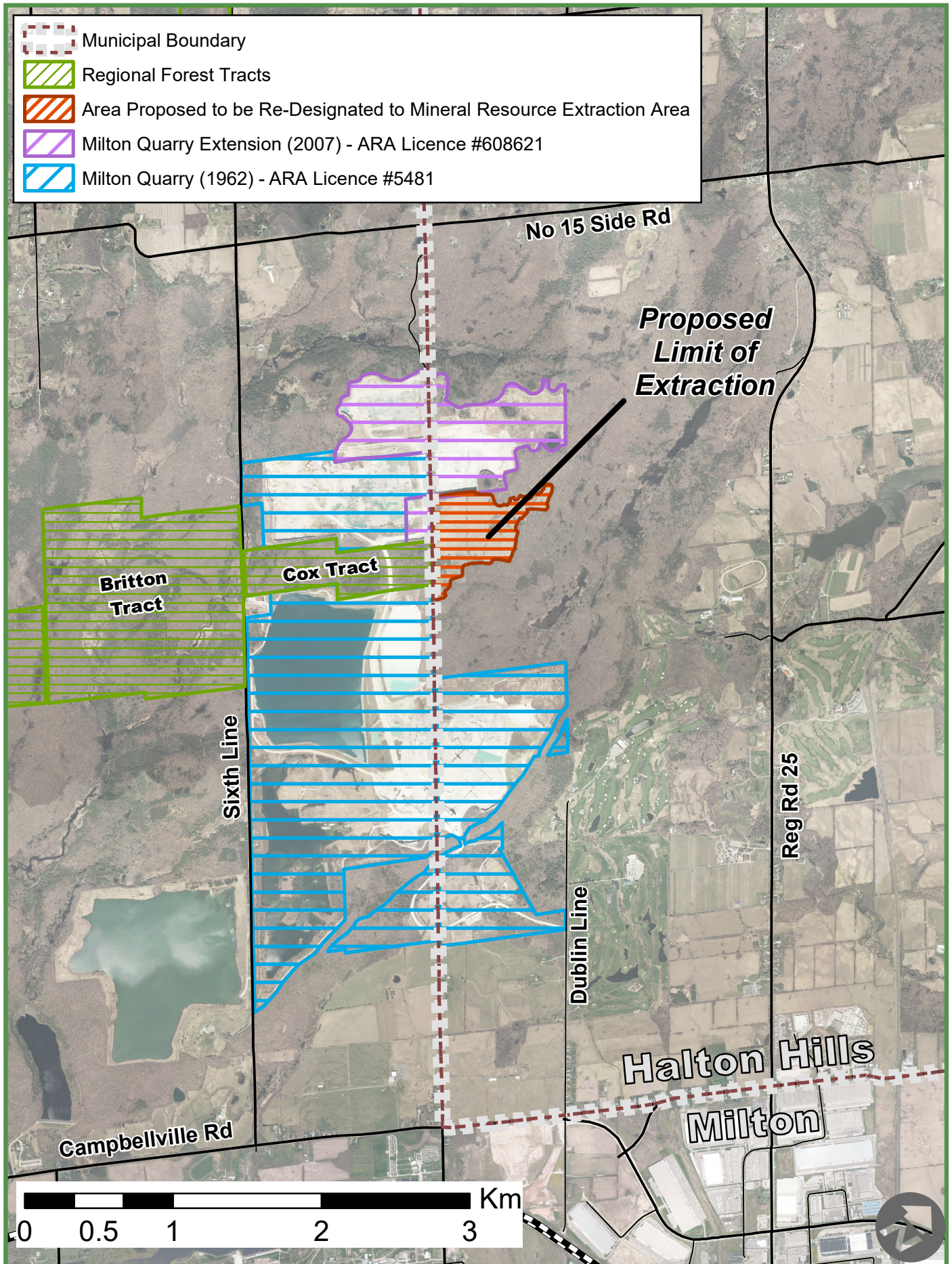
The Corporation of the Town of Milton

Report #:
DS-025-22
Page 6 of 6

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

Figure 1
DS-025-22



JART Protocol

Halton Region has a Joint Agency Review Team (JART) Protocol for reviewing and commenting on technical documents prepared in support of new aggregate applications or applications to expand existing aggregate operations. The JART Protocol covers review requirements under three Provincial Acts.

- *Planning Act, R.S.O. 1990, c. P.13*
- *Aggregate Resources Act, R.S.O. 1990, c. A.8*
- *Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2*

A JART provides streamlined comments to both the aggregate applicant and the Ministry of Northern Development, Mines, Natural Resources and Forestry. JARTs engage in iterative processes to identify technical issues and concerns with aggregate proposals and discuss approaches appropriate for consideration. The JART findings help inform decisions of Municipal Councils and Conservation Authority boards in Halton, as well as the Niagara Escarpment Commission (if applicable) on aggregate applications.



Composition

The JART is composed of a Chair, agency-appointed staff and experts from:

- Halton Region;
- the applicable Local Municipalities;
- the applicable conservation authorities; and
- the Niagara Escarpment Commission (if applicable).

The Ministry of Northern Development, Mines, Natural Resources and Forestry, Ministry of the Environment, Conservation and Parks, and other pertinent ministries are invited to participate.



Benefits

The JART Protocol has been in place since 2001 with updates recently approved by Regional Council in 2020. The Protocol allows public agencies reviewing a proposal to:

- minimize effort duplication among reviewing agencies;
- ensure a consistent, thorough, and integrated multi-disciplinary approach;
- coordinate document circulation, processing, meetings and comments; and
- facilitate effective public reviews of submissions.



Conceptual Major Stages



Public input into the JART process is welcome at any time, with information provided to be shared with consultants and the applicant. Members of the public can also appear as delegations before Council when key staff reports are on the agenda.

To learn more about the JART protocol, please visit halton.ca.



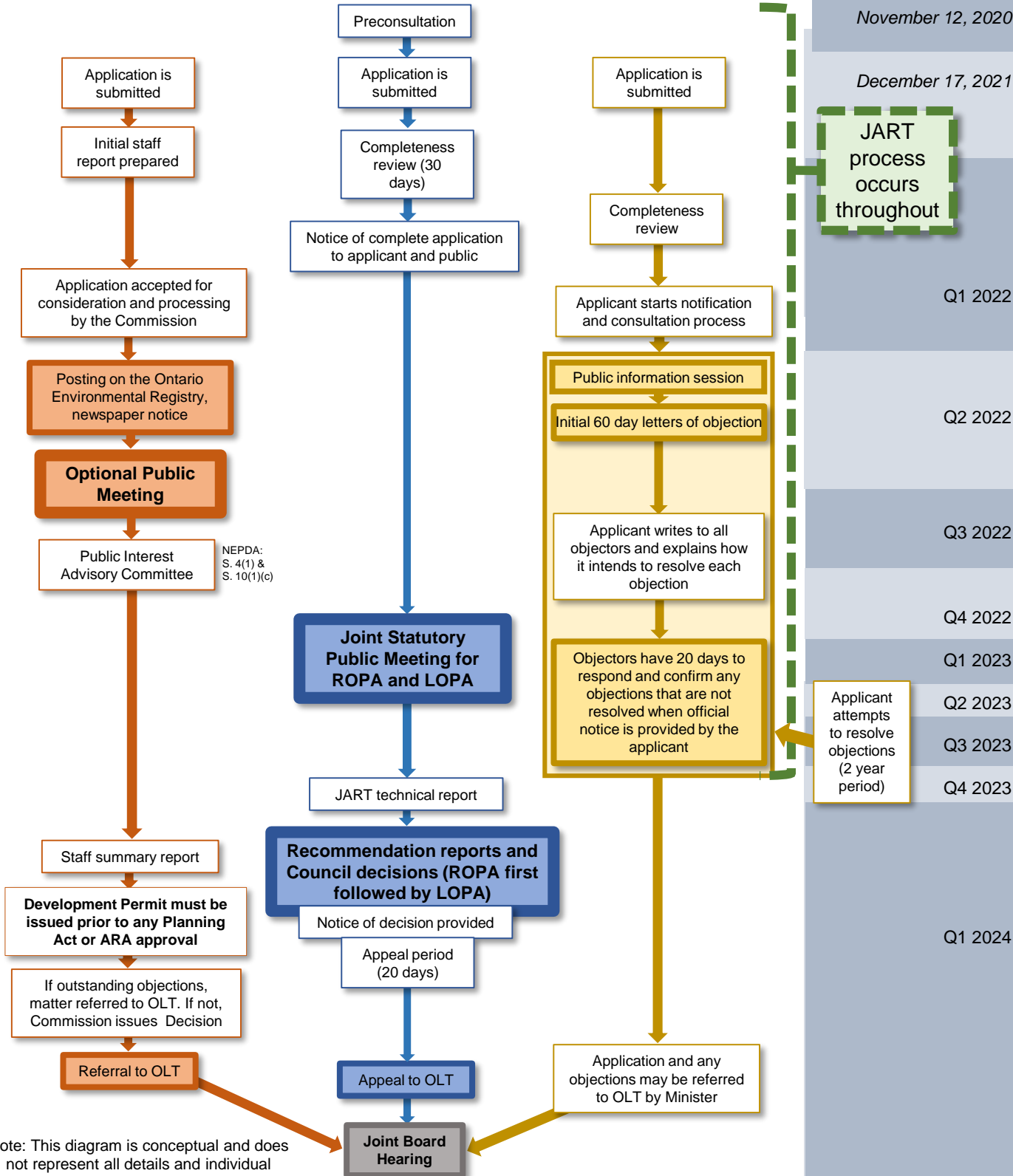
MILTON QUARRY EAST APPLICATION PROCESSES

Niagara Escarpment Planning and Development Act (NEPDA)
Niagara Escarpment Commission (NEC): Approval authority for Plan Amendment and Development Permit

Planning Act
Region of Halton: Approval authority for ROPA
Town of Halton Hills: Approval authority for LOPA

Aggregate Resources Act (ARA)
Ministry of Northern Development, Mines, Natural Resources and Forestry: Approval authority for ARA license

Public input is welcome at any time



Note: This diagram is conceptual and does not represent all details and individual workflow steps. The timing of future events is based on estimates and may change.