



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: September 10, 2018

Report No: PD-050-18

Subject: Application for a Licence – James Dick Construction Limited – 9210 Twiss Road, Milton

Recommendation: **THAT PD-050-18 regarding an application for a Category 1 & 2, Class A Licence for a new pit and quarry by James Dick Construction Limited be received for information;**

AND THAT staff be directed to continue to evaluate the application through the Joint Agency Review Team (JART) process along with staff from the Region of Halton and Conservation Halton;

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;

AND THAT staff be directed to file a letter with the Ministry of Natural Resources and Forestry and the Applicant by the September 17, 2018 due date, advising that the Town objects to the application at the present time in accordance with the issues outlined in this report.

REPORT

Background

The Town of Milton has received a Notice of Application for a Licence pursuant to the Aggregate Resources Act to the Ministry of Natural Resources and Forestry on behalf of James Dick Construction Limited. The application is for a Category 1 & 2, Class A Licence for a pit and quarry below the water table proposed to be located on lands known municipally as 9210 Twiss Road and legally described as Part of Lot 7, Concession 2, geographic township of Nassagaweya. This property is the location of the former Springbank Sand and Gravel site.

The application proposes a new pit and quarry to be located within an area of the site previously disturbed through prior extraction activities. The overall licenced area is

approximately 29.4 hectares (72.6 acres); however, the extraction area is proposed to be 25.7 hectares (63.5 acres). The maximum annual tonnage is proposed to be 990,000 tonnes per year.

The area of the property proposed for extraction is zoned Extractive Industrial (MX) in accordance with Zoning By-law 144-2003, as amended. This zone permits both extractive uses and an aggregate recycling facility. An extractive use is defined as a “pit or excavation, made for the removal of consolidated and unconsolidated soil, earth, clay, marl, sand, gravel, or rock for commercial purposes and shall include facilities for the crushing, washing and screening of such materials”. An aggregate recycling facility is defined as “a premises used for the recycling of used aggregate materials such as concrete and asphalt into a usable product but does not include the operation of an asphalt or concrete batching plant”.

The Zoning By-law does not contain specific provisions to regulate land uses within the Extractive Industrial Zone but rather defers to the site plans approved under the Aggregate Resources Act by the Ministry of Natural Resources and Forestry. While portions of the property are located within the Greenlands A (GA) and Greenlands B (GB) Zones, the extraction operation as currently proposed will not encroach into these areas.

Discussion

Based upon the information provided, it does not appear that an amendment to the Town’s Zoning By-law is required to permit the proposed extraction operation. As such, the Town’s role relative to this application is that of a review agency, responding to the circulation of the application as required by the Ministry of Natural Resources and Forestry. In accordance with the Ministry’s application process for a new aggregate licence, through the mandated consultation process, circulated agencies and the public are provided with an opportunity to provide a written notice of objection together with reasons for that objection to both the Ministry and the applicant. The last day to file a letter of objection is September 17, 2018.

If objections to the application are received, the applicant is required to endeavor to resolve them with the objectors. If, however, the objections cannot be resolved, the applicant is required to submit a list of the unresolved objections, documentation of its attempts to resolve the objections, recommendations for resolving the objections and a notice that a response is required within 20 days. Objectors are then provided with a further opportunity to respond to the applicant and the Ministry, providing their recommendations for resolution of all outstanding issues. A flow chart illustrating the Ministry’s application process is attached as Appendix 1 to this report.

Due to the brevity of the commenting period and the complexity of the supporting documentation, staff has not had sufficient time to complete a thorough review of the



applications. More significantly, the review of many of the reports and studies requires very specialized expertise. As such, in conjunction with the Region of Halton and Conservation Halton, a joint agency review team (JART) is being established in order to ensure that this application is reviewed in a comprehensive and co-ordinated manner.

As outlined in the protocol, the role of the JART “is to steer and manage the entire technical review process i.e. co-ordinate all government technical review efforts, reduce duplication, respond to the public and government decision-makers on issues and concerns, and promote better government decision-making. The primary functions of the JART are to review, analyze and comment on the completeness of the proponent’s technical submissions in support of their application”.

It is significant to note that, while many of the issues potentially arising from the application including but not limited to environmental impacts, impacts on ground and surface water resources, noise, vibration, land use compatibility and truck traffic may have negative impacts, primary responsibility for these matters falls within the mandates of other agencies. As such, it is critical that the application be reviewed comprehensively through the JART process so that all issues can be assessed in a co-ordinated manner.

Based upon 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 review.

Financial Impact

Planning staff will participate in the JART process and Engineering staff are reviewing the transportation impact study submitted in support of the application. Staff does not recommend that the Town independently contract peer review resources to review the balance of the studies as responsibility for the issues arising fall within the mandates of other agencies. Further, it is anticipated that the potential costs associated with the completion of these reviews could exceed \$100,000, particularly if the application is appealed and the Town is required to defend its position.

Respectfully submitted,

Barbara Koopmans, BES, MCIP, RPP, CMO
Commissioner, Planning and Development

For questions, please
contact:

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Attachments

Appendix 1: Application Process: New Aggregate Licence (Private Land), Categories 1 to 8
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CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer

Application Process: New Aggregate Licence (Private Land), Categories 1 to 8

