



**NELSON
AGGREGATE
CO.**

December 14, 2011

Mark Christie
Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay Street
Floor 2
Toronto Ontario
M5G 2E5

RECEIVED
MUNICIPAL SERVICES OFFICE
DEC 15 2011
CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Christie,

**Re: Approval of an Official Plan Amendment - Planning Act s17(34)&s21 –
Region of Halton, ROPA 38 – Ministry Reference Number: 24-OP-0027-038, EBR
Registry Number: 010-8914**

Nelson Aggregate Co. hereby appeals Amendment No. 38 to the Region of Halton Official Plan (ROPA 38), as approved by the Province with modifications on November 24, 2011 in its entirety. This appeal is based on the reasons outlined in the Ontario Stone, Sand and Gravel Association's (OSSGA) appeal letter dated December 12th, 2011.

Overall, ROPA 38 is being appealed since it:

- Does not conform to the Niagara Escarpment Plan;
- Is not consistent with the Provincial Policy Statement;
- Includes policies for mineral aggregate resources that are more restrictive than the Greenbelt Plan;
- Does not include clear and reasonable policies to evaluate and make available the resource; and
- The majority of the identified aggregate resource area is also mapped as Regional Natural Heritage System and / or Prime Agricultural Areas. The goals, objectives and policies for these designations do not adequately contemplate the need to make available aggregate resources within these designations, in accordance with Provincial Plans.

Attached is a copy of the OSSGA letter which sets out the detailed reasons for our appeal and these reasons form part of our appeal.

HEAD OFFICE

P.O. Box 1070, Burlington, Ontario, L7R 4L8
Telephone: 905-335-5250 1-800-263-6320 Fax: 905-332-4484



In addition, we request that the deferral AMD25-D4 as set out in the Halton ROP 2006 Section 277 (Significant Woodland) and as shown on its Map 1 (Regional Structure), continue to be reflected in ROPA 38. This deferral was approved by the Ontario Municipal Board (OMB).

We also object to the inappropriate designation of natural heritage features on Part Lots 16, 17, and 18 Concession II NDS as shown on Map 1 (Regional Structure) and Map 1F (Key Features within the Greenbelt and Regional Natural Heritage Systems).

Enclosed is a certified cheque in the amount of \$125.00 made payable to the Minister of Finance.

Yours truly,

Original signed by

Norman Elmhirst, P. Eng.
President

cc. Gord Miller, Environmental Commissioner of Ontario (encl)
1075 Bay Street
Suite 605
Toronto, Ontario
M5S 2B1



December 12, 2011

Mark Christie
Manager
Municipal Services Office - Central Ontario
777 Bay Street
Floor 2
Toronto Ontario
M5G 2E5

Dear Mr. Christie,

**Re: Approval of an Official Plan Amendment - Planning Act s17(34)&s21 –
Region of Halton, ROPA 38 – Ministry Reference Number: 24-OP-0027-038, EBR
Registry Number: 010-8914**

OSSGA hereby appeals Amendment No. 38 to the Region of Halton Official Plan (ROPA 38), as approved by the Province with modifications on November 24, 2011 in its entirety. Enclosed is a certified cheque in the amount of \$125.00 made payable to the Minister of Finance.

Who we are

OSSGA is a non-profit industry association representing over 250 producers of sand, gravel, and crushed stone and suppliers of valuable industry products and services. Collectively, our members supply the majority of the approximately 166 million tonnes of aggregate consumed annually in Ontario. OSSGA members supply essential building materials to all levels of government for their infrastructure needs. OSSGA works in partnership with government agencies at all levels to promote the wise management of Ontario's aggregate resources in a manner that is conducive to conserving the natural and social environment while maintaining a healthy and competitive aggregate industry.

Comments

As part of the recent approval of ROPA 38, there were 616 amendments and 165 Provincial modifications. OSSGA is committed to further scope its appeal once it has an opportunity to review a consolidated version of the Region of Halton Official Plan, incorporating ROPA 38 as modified by the Province. This document would allow for a comprehensive review of the amendment and assist in understanding the interrelationship between the various sections of the Official Plan. Overall, ROPA 38 is being appealed since it:

- Does not conform to the Niagara Escarpment Plan;
- Is not consistent with the Provincial Policy Statement;
- Includes policies for mineral aggregate resources that are more restrictive than the Greenbelt Plan;
- Does not include clear and reasonable policies to evaluate and make available the resource; and
- The majority of the identified aggregate resource area is also mapped as Regional Natural Heritage System and / or Prime Agricultural Areas. The goals, objectives and policies for these designations do not adequately contemplate the need to make available aggregate resources within these designations, in accordance with Provincial Plans.

The following is a preliminary list of sections of ROPA 38 that are being appealed and the rationale. OSSGA reserves the right to modify this list based on a comprehensive review of the Region of Halton Official Plan, incorporating ROPA 38 as modified by the Province.

| Section # | Rationale |
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| 25, 33, 141 (5) | The proposed principles of sustainable development do not properly balance environmental, economic and social considerations. |
| 26, 27, 29, | Mineral aggregate operations are part of the rural countryside and should be recognized. |
| 36, 37(1), 50, 54, 63.1, 107 – 112, 180, 182, 183(1) d, | ROPA 38 is not consistent with the mineral aggregate policies of the Provincial Policy Statement and the Greenbelt Plan. |
| 51 (5), 99 (2) 99.2, 139.1, 139.2, | These sections of the Official Plan should also reference Section 110(6.1). |
| 57 | The majority of the identified aggregate resource areas are mapped as part of the Regional Natural Heritage System. |
| 61 | New development should not be required to be consistent with the goals and objectives of the Official Plan. By definition in the Regional Plan goals and objectives will not always be achievable. |
| 64, | The Regional Plan is not permitted to more restrictive than the aggregate policies in the Greenbelt Plan. The Regional Plan contains policies that are more restrictive towards the preservation of natural heritage and agricultural resources and this conflicts with the Provincial direction to make available as much aggregate as is realistically possible. |
| 71 | Mineral aggregate resources areas (not just licensed areas) should be designated similar to other rural resources (e.g. Regional Natural Heritage System and Prime Agricultural Areas). |
| 91 | It is an objective of the Agricultural Rural Area to provide for the designation of new or expanded mineral aggregate operations. The |

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| | goal for this designation should recognize “other rural resource industries” |
| 101 | New or expanded mineral aggregate operations are not sensitive land uses and should not be required to comply with Minimum Distance Separation formulae from adjacent agricultural uses. |
| 107(3.1), | The Objective should be to minimize impacts to the Regional Natural Heritage System taking into account the overlap with identified aggregate resource areas. |
| 109(4) | Existing mineral aggregate operations are protected by the PPS for their ability to expand. Utilizing existing infrastructure can minimize impacts to surrounding land uses and should be permitted in accordance with the Provincial Policy Statement. |
| 110 (3) | Should be modified to clarify that mitigation measures can be relied upon. |
| 110 (3.1) | The policies and criteria to evaluate an aggregate operation should be identified in the Official Plan and should be based on provincial guidelines and standards where they exist. The Province includes prescribed study requirements and / or conditions to address items such as water, natural environment, blasting, noise, air, and cultural heritage. |
| 110 (6.1) | Should be modified to clearly state that new or expanded mineral aggregate operations are permitted prime agricultural areas in accordance with the Provincial Policy Statement. |
| 110 (7.1.a) | Should be modified to clarify that mineral aggregate operations are only prohibited in the Escarpment Natural and Escarpment Protection Areas. It is an objective of the Escarpment Rural Area to provide for new mineral aggregate operations. |
| 110 (7.2) | As a result of Section 110(7.3), Section 110 (7.2) only applies to the Greenbelt Protected Countryside. Section 110 (7.2) is more restrictive than mineral aggregate policies of the Greenbelt Plan. |
| 110 (7.3) | The Regional Plan designates significant woodlands as small as 0.5 ha. Policies should be added to the Regional Plan confirming that replacement of features can be considered in assessing no negative impact. Otherwise woodlands as small as 0.5 ha could sterilize access to a protected aggregate resource area. |
| 110 (7.4) | These policies are not consistent with the mineral aggregate policies of the Greenbelt Plan. |
| 110 (7.5) | It is unclear in what circumstance that Region is requiring consideration of “net environmental gain” and whether this type of mitigation contributes towards Section 110 (7.2) and 110 (7.4). Section 110 (7.3) should also be referenced. Other policies of the Regional Plan promote tree planting in agricultural areas. |
| 110 (7.6) | The official plan should identify which studies are required for mineral aggregate operations. |
| 110 (8) a) and b) , 111 (3) deleted | A policy should be added requiring the Region to make available as much of the mineral aggregate as is realistically possible when considering an aggregate application. |
| 110(8)c) | Adverse effects are not the appropriate test for all of the items that must |

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| | be considered in 110(8) c) of the Official Plan. The test of the Provincial Policy Statement is to minimize environmental and social impacts. |
| 110 (8) c) i) | This Section should also reference Sections 110 (7.3) and (7.4). Despite this, as currently written 110 (7.2), (7.3) and (7.4) are more restrictive than the Greenbelt Plan and the Provincial Policy Statement and should be revised. |
| 110 (8) c) iv) | This section should reference "significant cultural heritage resources". |
| 110 (8) c) vii) | This study requirement is unclear. |
| 110 (8) c) viii) | This section should clarify that Provincial Regulations shall be relied upon to assess impacts. |
| 110 (8) c) ix) | Section 110 (7.4) is more restrictive than the Greenbelt Plan. |
| 110 (8) c.1 | This assessment should be limited to other aggregate operations within the area of influence of the proposed mineral aggregate operation. |
| 110 (8) e) | This should be deleted. Mineral aggregate operations are governed by the Aggregate Resources Act and Niagara Escarpment Planning Development Act, where applicable. |
| 110 (8.1) a | Progressive and final rehabilitation are not limited to a time frame. |
| 110 (8.1) b | Progressive rehabilitation in a below water quarry is generally limited to side sloping and final rehabilitation of the quarry floor cannot occur until extraction and associated uses are complete. |
| 110 (8.2) | Should be deleted. There may be circumstances where long term management is required to protect off-site features. |
| 110 (9.1) | Any relevant policy considerations of the Aggregate Resources Reference Manual should be incorporated into the Official Plan, by amendment. |
| 110 (11) | A transportation study should not have to consider and evaluate alternative modes of transportation. Most of the aggregate extracted in Halton is used within 30 km of the source and requires delivery by truck to get to the aggregate resources to the job site. |
| 111 (2) – deleted | The existing objective should not have been deleted. |
| 112 (1) | This section should state that these areas should be made available for aggregate extraction subject to satisfying the applicable policies of the Plan. |
| All Sections of the "Regional Natural Heritage System"- Section 113 – 132 | Further clarification is required to determine which natural heritage system policies apply to mineral aggregate applications and the appropriateness of these policies taking in consideration the Provincial Policy Statement and the Greenbelt Plan. |
| 139.10 | Identified mineral resource area areas should also be protected for future extraction use subject to the applicable policies of the Plan. |
| 143 (1.1) | Applicable policies and tests should be incorporated by Official Plan Amendment. |
| 143 (2.1) | Provincial Regulations and MOE should govern air quality. Applicable |

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| | policies and tests should be incorporated by Official Plan Amendment. |
| 143 (10) | Guidelines should be based on Provincial Regulations for noise, air and vibration. Applicable policies and tests should be incorporated by Official Plan Amendment. |
| 144 (3) | This section is not consistent with the Provincial Policy Statement. |
| 144 (5) | Applicable policies and tests should be incorporated by Official Plan Amendment. |
| 145 (9) | Applicable policies and tests should be incorporated by Official Plan Amendment. |
| 145 (23) | The policy and test should not reference that development should be "in accordance" with Regional guidelines. Applicable policies should be incorporated by Official Plan Amendment. |
| 169 | Similar to agricultural, mineral aggregate operations should be encouraged as an important part of the economic base. |
| 187 (10) – last paragraph | Shall be in accordance with guidelines and protocols that are not part of the Official Plan is not an appropriate test. Applicable policies and tests should be incorporated by Official Plan Amendment. |
| 212.2 | This is not an appropriate definition for Adaptive Management Plans. |
| 227 | The test of no negative impact should not apply to all features within the Regional Natural Heritage System. |
| 230 | Environmentally Sensitive Areas should be identified in the Official Plan and new ESAs should be established by Official Plan Amendment. |
| 253.4 | Section 115.2(1) has been appealed. |
| 260.1 | The test of negative impact should not apply to all features within the Regional Natural Heritage System. |
| 277 | The definition results in almost all woodlands in the Region being considered significant regardless of the features and functions of the woodland. This definition does not include exceptions to significant woodlands based on provincial guidance. |
| 288.1 | The extent and the application of vegetation protection zones to new or expanded mineral aggregate operations are unclear. |
| 289.1 | Any applicable policies and tests should be incorporated by Official Plan Amendment. |
| 295 | This definition should include additional exemptions and exclude plantations. |
| Map 1 Regional Structure, Map 1E Prime Agricultural Areas, and Map 1G Key Features within the Greenbelt and Regional | The extent of area designated as Regional Natural Heritage System and Prime Agricultural Area and the policy framework to permit new or expanded mineral aggregate operations within these designations. |



ONTARIO STONE, SAND
& GRAVEL ASSOCIATION

Essential materials for building a strong Ontario

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| Natural Heritage System. | |
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If you have any questions please don't hesitate to contact me.

Sincerely,

ONTARIO STONE, SAND and GRAVEL ASSOCIATION

Original signed by

Michael Scott
Policy & Legislation Manager