

SUBJECT: TEC comments on Official Plan Review: Rural, Natural Heritage and Sustainability Policy Directions

TO: Committee of the Whole and City Council

FROM: Tyandaga Environmental Coalition Inc. (TEC)

DATE: 14-December-2016

**The Tyandaga Environmental Coalition Inc. (TEC)** has reviewed Report PB-83-16 and has many questions/comments related to some areas of the document which we understand will become part of the Official Plan. The information below is just a portion of what we present, at this time, given the indepth review that is required.

Regarding the section, "Mineral Aggregate Resources" (page 7), we believe that what is presented can and should be tested with current "real cases". A real case which TEC has, over the past few months, presented to the City Council is Forterra Brick North Aldershot quarry operations and the development of the new East Cell.

Forterra Brick is a company substantially owned by American private equity company, Lone Star, that recently (November 2016) disposed of its brick business through a 50/50 joint venture with Boral Ltd (Australian headquartered company with businesses in North America) and Forterra Ltd. TEC and many Burlington residents have expressed concern over Forterra's North Aldershot operations, the planned development of the East Cell and its impact on the neighbourhood and the environment for years to come.

We are asking the City to explain how the draft official plan documents would be applied to and acted upon in the case of the Forterra operations - current and planned development. Our questions/comments are presented below.

## **STRATEGIC PLAN - (Page 4)**

1. **A Healthy and Greener City - The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles. The city supports Halton Region's rural strategy, including support for growing food locally.**
  - Please explain how the City of Burlington are leaders in the stewardship of the environment when the City allows the clear cutting of approximately 40 acres of woodlands with approximately 9,000 trees to go ahead uncontested?
  - Please explain how the city are leaders when the City lags in progressive Tree Preservation and Air quality local by-laws as enforced in Oakville and Mississauga?
2. **A Healthier Environment - Better environmental outcomes that will help to combat climate change, improve quality of life and economic competitiveness, and foster civic pride.**

Trees are essential for a "Health Environment" - "One acre of forest absorbs six tons of carbon dioxide and puts out four tons of oxygen." Trees, shrubs and turf also filter air by removing dust and absorbing other pollutants like carbon monoxide, sulfur dioxide and nitrogen dioxide. After trees

intercept unhealthy particles, rain washes them to the ground.” How does the city feel about the deforestation of 40 acres of health trees – 40 times 18 = 720 people?

**3. A City that Grows - The City of Burlington’s rural areas will be economically and socially active, producing agricultural products and providing rural recreational activities for the city. Initiate and develop a strategy for Burlington’s rural areas.**

- It is very important to support the rural areas in Burlington and to have their produce readily available to the residents across the City. Currently the only outlet for the farmers is the parking lot in Burlington Mall. And this is only available for a few months in the summer/fall. If we are serious about this initiative we need a year round top class ‘market centre’ that is readily accessible to all by public transportation

## **MINERAL AGGREGATE RESOURCES (Page 7)**

**1. Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified**

- What resources are included in the list for Burlington? How are these aggregate resources protected? What transparency is there for citizens to know about what is being protected and why?
- What is meant by “long term”?
- Please provide the provincial information that is available regarding the deposits of mineral aggregate resources and the information that substantiates these resources being there? Why would there not be provincial information available? What will the City do to ensure the Province will make it available?

**2. As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.**

- How much mineral aggregate resources are available? How is that measured?
- Please define “as close to markets as possible”? What factors enter into this ‘closeness’ decision – traffic conditions, road conditions, schools present, etc.
- The ‘close to market’ is very desirable from an aggregate’s perspective since it greatly reduces cost – is this the major consideration?

**3. Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required in applications for new or expanded mineral aggregate applications.**

- If the supply / demand analysis is not required for new and existing aggregate applications when is it required?

- How does the City, Region and province develop and justify by-law and license approvals/reviews/updates for extraction with an aggregate company demonstrating the need for supply/demand in “close to markets”? How is the community engaged in this process? Is the demand consideration just ‘local’ demand or does it include provincial or even country-wide demands?
- What policies does the City apply to enact by-laws with regard to the planning and permitting for the development of mixed use lands for residential, business and educational and faith-based institutions nearby heavy industrial developments such as Forterra Brick operations?
- How can a company like Forterra which is supposedly licensed for aggregate operations be zoned and assessed as RT (Residential full Taxable) and IT (Large Industrial full Taxable).
- Why is the residential tax information transparent and available to those who request this information yet for Large Industrial operations it is not?

**4. Mineral aggregate resource extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.**

- Please provide the details of how this would apply to this real case that is presented.
- As far as we know there is only one MOEE Air Quality Measuring Station in Burlington (near Brant Hospital). Do you think that this is adequate based on the heavy industries and active aggregate extraction in the area?
- What role does the City play in working residents to ensure data on toxins is readily available, up to date and complete. What role does the City play in ensuring its residents are protected.
- What role does the City play to ensure that watercourses remain safe and protected for residents and all flora/fauna that need it. What monitoring is done by the City, what information is made transparent to the residents.

**5. Conservation of aggregate resources shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.**

- How is conservation defined? How are aggregate recycling facilities licensed and monitored. Please explain how this might apply to the Forterra “real case” presented. How are they licensed. Where within the City might they be able to operate? Under what conditions can their license be extended?

**6. Progressive and final rehabilitation shall be required as aggregate extraction is completed 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.**

- Please cite all the quarry developments within the Burlington/Halton region that have been rehabilitated back to agricultural lands and the timeframe in which this occurred.
- How are aggregate companies held accountable by the City/Region to ensure an appropriate rehabilitation occurs before the aggregate company ‘leaves the area’.

- What type of government escrowed fund is developed to ensure aggregate owners contribute to the rehabilitation? How much has the City/Region contributed to the rehabilitation or aggregate lands over the last 20 years?

**7. In prime agricultural areas, on prime agricultural land aggregate extraction may be permitted provided that the site will be rehabilitated back to an agricultural condition."**

- Aldershot and North Aldershot were once prime agricultural areas in the Burlington area. We can now see what has evolved over the past 50-75 years. Essentially these agricultural lands that have become waste management sites, intensified residential areas, commercial business, major freeways and quarry operations that have operated for decades under laws that enable them to 'postpone' rehabilitation. Where is the "agricultural condition"?
- Are the community gardens that pop up in certain areas across the City considered part of the "rehabilitation back to an agricultural condition"?

## **CULTURAL HERITAGE AND ARCHAEOLOGY (page 7)**

**1. Significant built heritage resources and significant cultural heritage landscapes shall be conserved.**

- How would the City ensure that Forterra conducts an archaeological assessment and that the development of any quarry lands respects the potential findings and engages First Nations peoples in the plans? The area of Aldershot has evidence of indigenous people habitation.

## **SUSTAINABILITY (page 7)**

**1. Planning authorities shall protect, improve or restore the quality and quantity of water**

**Development shall be directed away from areas of natural hazard where there is an unacceptable risk to public health or safety or property damage, and not create new or aggravate existing hazards**

- what is the City's plan for pricing water for quarry operations. How will the City ensure that the prices charged for water taking for the purposes of quarry operators such as Forterra are substantially more than \$3.71 for every million litres of water (as cited recently in the case of Nestle's).
  - How will the City ensure that the Forterra quarry operation does not go beyond any water tables
  - What is the City's plan to protect, improve or restore the quality and quantity of water while reducing the consumption of bottled water / plastic water bottles?
- 2. "...The City's current Official Plan includes mapping and policies to protect natural heritage features such as woodlands. The policy directions proposed below incorporate the broader Natural Heritage System approach in conformity with the Halton Official Plan and Provincial plans and policies. The Natural Heritage System is a City-wide system establishing common policies applying across the Urban and Rural Areas and North Aldershot plus policies specific to each of those areas..**
1. Please explain how Forterra quarry fits into the Natural Heritage System for Burlington, North Aldershot and Tyandaga?

**ENVIRONMENTAL IMPACT ASSESSMENT – (page 35 & 36)**

1. ...”The preparation of an Environmental Impact Assessment (EIA) provides the basis for determining whether a development will have negative impacts on a natural feature or its ecological functions. The City’s current Official Plan requires the proponent of a development affecting lands designated as significant natural features, or affecting adjacent lands, to submit an Environmental Evaluation, a study similar to an EIA. Single detached dwellings and agricultural-related uses such as barns are exempt from this requirement. An Environmental Evaluation also may be required:
- for development on other lands where the City has determined that there is the potential to adversely affect the environment;
  - How will the City ensure that Forterra Brick conducts an environmental Impact Assessment?

**DIRECTION E: MINERAL AGGREGATES (Page 40)**

Establish a policy framework to ensure that the City’s interests are satisfactorily addressed in applications for new or expanded aggregate operations and during and after extraction operations and also adopt policies and mapping to protect known mineral aggregate resource deposits and existing mineral aggregate operations to comply with provincial requirements:

- i) Designate existing Mineral Resource Extraction operations and incorporate mapping identifying high potential Mineral Aggregate Resource Areas.
- ii) Include policies to protect Mineral Resource Extraction operations from incompatible land uses and protect aggregate resources from development that would preclude their future use.
- iii) Incorporate policies respecting permitted uses in Mineral Resource Extraction Areas, including facilities for processing or recycling of mineral aggregate resources and derived products such as asphalt or concrete.
- iv) Enhance policies respecting applications for new or expanded Mineral Aggregate operations: requiring an amendment to the Official Plan; setting out the considerations and expectations to be addressed in reviewing such applications; and establishing that such applications will not be considered in certain areas such as Escarpment Protection and Natural Areas, Provincially Significant Wetlands, Habitat of threatened and endangered species, significant woodlands, and settlement areas.
- v) Update policies requiring progressive and timely final rehabilitation of Mineral Aggregate Operations to form part of the Natural Heritage System or the Agricultural Area as appropriate.

## ISSUE

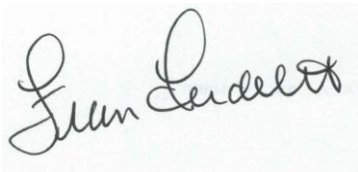
Mineral aggregate operations are important to Ontario's economy, providing as raw materials used in the development of infrastructure and in the construction of the buildings that we live and work in. While mineral aggregate operations often are described as interim use, they may remain active for decades. They result in

permanent changes in the landscape and can have long term impacts. The development and operation of pits and quarries can have significant impacts on surface and ground water resources, natural heritage, agriculture, cultural heritage and archaeological resources, transportation, air quality (noise and dust) and the overall character of the surrounding area.

The City suggests they have no current control over the operation of quarries / pits and the policing of these operations – ensuring that they abide by the rules of noise, dust, chemicals, etc. – is the responsibility of the appropriate ministries (MOEE / MNRF). Oakville, on the other hand, having enacted 2 by-laws with respect to tree removal and air quality have a great deal of authority to ensure quarry operators comply and will TIMELY respond to any neighborhood complaint

In the case of Burlington, the complaint will need to be registered with the MOEE / MNRF, agencies that are understaffed and cannot always respond in a timely manner. How can this process be made more efficient within the City of Burlington in protecting/supporting its residents?

Thank you for your consideration.



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