



SUBJECT: Comments to Niagara Escarpment Commission (NEC) and Environmental Registry of Ontario (ERO) for the Burlington Nelson Quarry Extension

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-22-21

Wards Affected: 3

File Numbers: 505-04/20

Date to Committee: April 6, 2021

Date to Council: April 20, 2021

Recommendation:

Endorse Director of Community Planning comments, as contained within Appendix 'A' of community planning department report PL-22-21 ('City of Burlington – Correspondence re: Burlington Nelson Quarry Extension'); and

Direct the Director of Community Planning to forward 'City of Burlington – Correspondence re: Burlington Nelson Quarry Extension' by courier and email to the Niagara Escarpment Commission (NEC) prior to the comment deadline; and

Direct the Director of Community Planning to submit 'City of Burlington – Correspondence re: Burlington Nelson Quarry Extension' to the Environmental Registry of Ontario (ERO) in response to ERO No. 019-3215 prior to the comment deadline; and

Direct the City Clerk to forward Council's Resolution, subject to the endorsement of community planning report PL-22-21, to the Niagara Escarpment Commission (NEC); and

Direct the City Clerk to forward community planning department report PL-22-21 to the Joint Agency Review Team.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
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Background and Discussion:

1.0 Niagara Escarpment Plan Amendment (NEPA) Application Process

A Niagara Escarpment Plan Amendment (NEPA) Application (PH 219 20) has been received by the Niagara Escarpment Commission (NEC) as it relates to the proposed expansion of the existing Burlington Nelson Quarry. The application contemplates a re-designation of approximately 78.30 hectares (193.50 acres) of land from 'Escarpment Rural Area' to 'Mineral Resource Extraction Area'.

The purpose of the application is to affect a special policy to the current extraction site that would permit the continuation of aggregate processing operations in conjunction with the proposed expansion, and to facilitate the continued use of the existing aggregate processing and maintenance facilities on the existing site for the processing of material extracted from the proposed expansion lands.

The applicants have applied for an annual tonnage condition of 2,000,000 tonnes for the expanded portion of the quarry, as has been included in a separate circulation of a Ministry of Natural Resources and Forestry *Aggregate Resources Act (ARA)* License Application.

The NEPA Application was submitted concurrent with applications to amend the Region of Halton Official Plan and the City of Burlington Official Plan.

2.0 Environmental Registry of Ontario (ERO)(ERO No. 019-3215)

On February 24, 2021, a request for comments was posted to the Environmental Registry of Ontario (ERO), pursuant to the *Niagara Escarpment Planning and Development Act*, which initiates a statutory 60-day period within which comments related to the NEPA Application are to be received and provided to the Niagara Escarpment Commission via mail or email. Instructions as to the manner in which comments are to be provided, including staff contact details, are available on the NEC website (www.escarpment.org). Comments are also being accepted through the online portal available on the Environmental Registry of Ontario website (www.ero.ontario.ca). The deadline for the receipt of comments is April 26, 2021.

Notification of receipt of the Niagara Escarpment Plan Amendment Application was provided via publication in the Burlington Post and Milton Canadian Champion newspapers with information about the nature of the application and contact details for the submission of comments. Notification signs have been installed on the subject property(ies) advising of the receipt of the application.

A Public Meeting may be held, pursuant to the *Niagara Escarpment Planning and Development Act*, however, no details about a future public meeting have been determined.

3.0 City of Burlington Correspondence

The application for a Niagara Escarpment Plan Amendment was submitted concurrent with applications pursuant to the *Aggregate Resources Act (ARA)* and *Planning Act*, notably, an application to amend the City of Burlington Official Plan.

A Joint Agency Review Team (JART) was established in 2020 to provide a framework for the coordination and review of the various applications by the applicable approval authority(ies). The JART is in the process of reviewing the technical specializations presented by the applications and providing responses to the applicant on these topic areas. The Region of Halton is providing a coordinating role and administering JART in the review of the applications.

In its initial review of the applications, City of Burlington staff has identified several areas concerning the proposal where either there has not been sufficient information or data provided; where analyses are not sufficiently coordinated with other key areas of review; or, where methodological bases of the information presented in the submitted plans, studies/reports remains undetermined or is inconsistent. Appendix 'A' - 'City of Burlington – Correspondence re: Burlington Nelson Quarry Extension' provides a preliminary summary of these comments.

The JART has provided an introductory set of technical comments for review and response by the applicant and anticipate a second submission in the near future.

The Niagara Escarpment Commission (NEC) is an active member of the JART and has provided technical advice and expertise in the review of the applications related to the proposed expansion of the Burlington Nelson Quarry.

Comments accepted as part of the NEPA review process will also be forwarded to the applicant for review and the responses may contribute to the preparation of an NEC Summary Report later in the process.

Financial Matters:

Not applicable.

4.0 Total Financial Impact

Not applicable.

5.0 Source of Funding

Not applicable.

6.0 Other Resource Impacts

Not applicable.

Climate Implications

Community Planning Department staff are reviewing the technical submission, giving consideration to the impact of the proposed development on climate change and the manner in which the application responds to applicable provincial and municipal (Region and City) policy.

JART continues to evaluate the proposed development in the context of the information provided, including reviewing the totality of potential impacts; including, implications to climate change.

Engagement Matters:

The City of Burlington Community Planning Department staff updated the Development Projects webpage for the Burlington Nelson Quarry Extension (burlington.ca/nelsonquarry) to include links to the online portal of Environmental Registry of Ontario (ERO) (including deadline for the receipt of comments) and the Niagara Escarpment Commission website; specifically, the information page related to the submission of the Niagara Escarpment Plan Amendment Application (PH 219 20) for the Burlington Nelson Quarry.

Conclusion:

Community Planning Department staff will continue a detailed review of the applications through the Joint Agency Review Team (JART) and provide updates to Council as to the status of the review and response(s) to items noted in the City's correspondence to the Niagara Escarpment Commission.

In the interim, Community Planning Department staff seek Council direction and endorsement of the draft response, as part of the ongoing reporting of City comments in relation to the proposed development.

Respectfully submitted,

Gordon Dickson, MCIP, RPP
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Appendices:

- A. City of Burlington – Correspondence re: Burlington Nelson Quarry Extension

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.