



**SUBJECT:** Burlington Nelson Quarry Public Meeting and Information Report for an Official Plan Amendment

**TO:** Community Planning, Regulation & Mobility Cttee.

**FROM:** Community Planning Department

Report Number: PL-51-23

Wards Affected: 3

Date to Committee: September 18, 2023

Date to Council: September 26, 2023

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### **Recommendation:**

Receive and file community planning department report PL-51-23 regarding an application for an Official Plan Amendment as it relates to the proposed extension to the Burlington Nelson Quarry.

### **PURPOSE:**

The purpose of this report is to provide background information to the public and Council concerning an application for Official Plan Amendment to the City of Burlington Official Plan to facilitate the extension of the existing Burlington Nelson Quarry.

### **Vision to Focus Alignment:**

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus.

- Increase economic prosperity and community responsive city growth.
  - Building more citizen engagement, community health and culture.
  - Support sustainable infrastructure and a resilient environment.
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**Executive Summary:**

<b>RECOMMENDATION:</b>		Receive and File Report	<b>Ward:</b>	3
<b>Application Details</b>	<b>APPLICANT:</b>	Nelson Aggregate Co.		
	<b>OWNER:</b>	546958 Ontario Limited and Bestway TV and Appliances Limited		
	<b>FILE NUMBERS:</b>	505-04/20		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment		
	<b>PROPOSED USE:</b>	To facilitate the extension of an existing aggregate operation (i.e. Burlington Nelson Quarry) and to permit the extraction of aggregate materials on the subject lands		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>			
	<b>MUNICIPAL ADDRESS:</b>	5235 Cedar Springs Road & 2226, 2232, 2244, 2280, 2292, 2300, 2316, 2330, 2416, 2430, 2433, 2473 and 2479 No. 2 Side Road		
	<b>PROPERTY AREA:</b>	78.30 hectares (193.48 acres)		
	<b>EXISTING USE:</b>	Burlington Springs Golf & Country Club (west); agricultural and residential land uses (south)		
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b>	'Escarpment Rural Area'		
	<b>2020 OFFICIAL PLAN Existing:</b>	'Escarpment Rural Area.'		
	<b>OFFICIAL PLAN Proposed:</b>	'Mineral Resource Extraction Area'		
	<b>ZONING Existing:</b>	NEC Development Control Area		
	<b>ZONING Proposed:</b>	NEC Development Control Area		
<b>Processing Details</b>	<b>APPLICATION MADE AND COMPLETE AS OF:</b>	May 14, 2020.		
	<b>STATUTORY DEADLINE:</b>	November 17, 2020. Paused on March 17, 2020 pursuant to Bill 189; ending June 22, 2020. Complete application confirmed on July 20, 2020.		

	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	February 18, 2020
	<b>PUBLIC COMMENTS:</b>	As of the drafting of this report, the City has received a total of 2343 written comments from members of the public which includes 830 written comments provided directly on the City's Official Plan Amendment application. Notices were sent in August of 2020 to 165 addresses within 120 metres of the subject properties.

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## Background and Discussion:

### General

The City of Burlington Community Planning Department received an application for an Official Plan Amendment ("OPA") on May 14, 2020. The application was deemed complete pursuant to the *Planning Act* on July 20, 2020, with the issuance of a Letter of Acknowledgement to the proponent. The purpose of the application is to redesignate lands adjacent to an existing aggregate operation to facilitate a phased expansion to the existing quarry ('Burlington Nelson Quarry').

On February 24, 2020, Council approved the following staff direction:

*Direct the Director of City Building to report back to the Planning and Development Committee on the land use development application and review process related to the proposed Nelson Quarry expansion, including but not limited to the following by April 2020:*

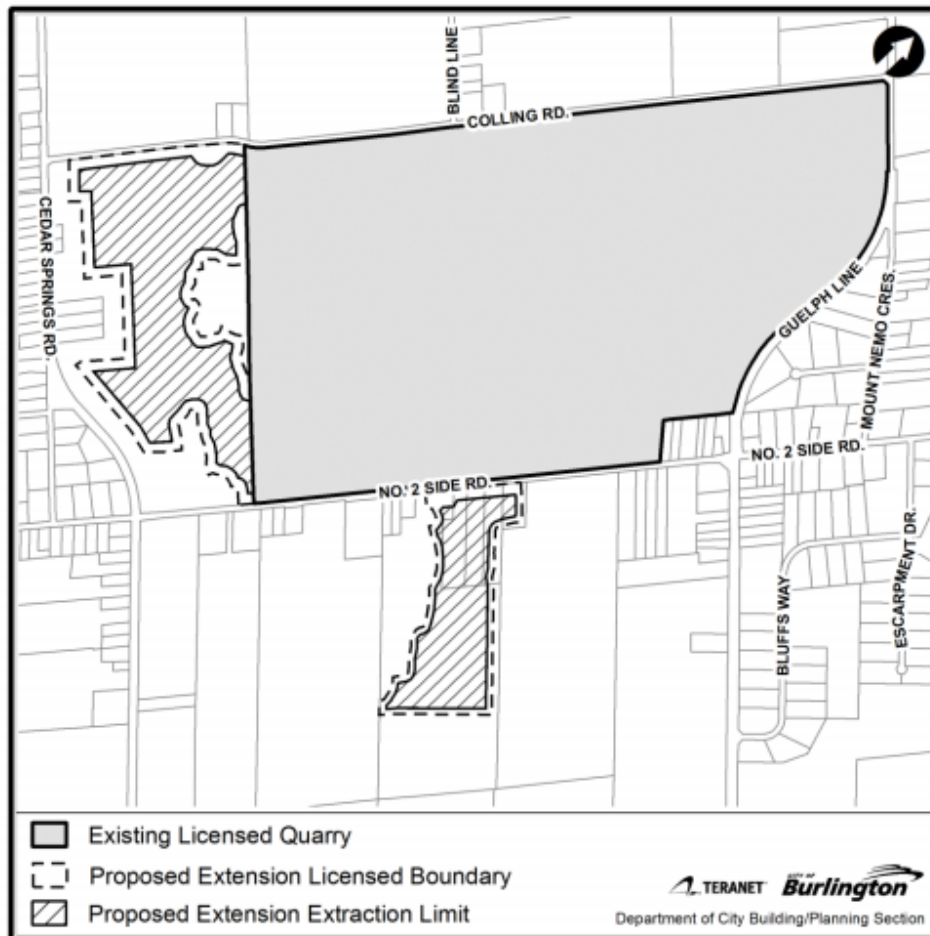
- *summary of the process including decision points;*
- *anticipated timeline for process steps;*
- *roles and responsibilities of review agencies;*
- *a summary of process and outcomes of the previous proposal for expansion; and*
- *a summary of any new provincial legislation related to aggregate resources.*

On October 6, 2020 Community Planning Staff responded to the above direction with Community Planning Report [PL-52-20](#). This report provided a detailed summary of the submitted application at the time, a review of the process and critical decision points, an

overview of the Region of Halton Joint Agency Review Team (JART) process, and a brief review of the previous Nelson Aggregates Quarry expansion application.

### Description of Subject Properties and Surrounding Land Uses

The existing Burlington Quarry (ARA Licence #5499 & #5657) is operated by Nelson Aggregates Co. ("Nelson") on approximately 218.3 ha of lands located west of Guelph Line and bound to the north by Colling Road and to the South by No. 2 Side Road. Approximately 210.0 ha of these lands are utilized for aggregate extraction. The application is proposing to expand the aggregate extraction use westward on land contiguous with the original site which currently contains a golf course use (Burlington Springs Golf Course). The proposed westward extension is on lands approximately 60.0 ha in size of which approximately 35.7 ha of land is proposed to be utilized for aggregate extraction. The proposed southward extension is proposed on lands south of No. 2 Sideroad on lands which contain agricultural and residential uses. The proposed south extension is on lands approximately 18.3 ha in size of which approximately 14.5 ha of lands are proposed to be utilized for aggregate extraction. See location sketch below.



## Description of Applications

Through Community Planning Report [PL-52-20](#) Council was provided with a description of the applications Nelson Aggregate Co. are seeking approval for in order to facilitate the proposed expansion to their existing operations as stated below:

1. Niagara Escarpment Plan Amendment (NEPA) and Development Permit;
2. Regional Official Plan Amendment (ROPA) to re-designate the proposed expansion land to permit mineral aggregate extraction;
3. City of Burlington Official Plan Amendment to re-designate the proposed expansion land to permit mineral aggregate extraction; and
4. Ministry of Natural Resources and Forestry issuance of an Aggregate License for the expansion area and for the existing operation (related to the rehabilitation of those lands).

The Niagara Escarpment Commission (NEC) directed the initiation of the amendment process through a staff recommendation provided to the Commission on August 20, 2020. Subsequently, the NEC posted a request for comments on the Environmental Registry of Ontario (ERO) for the proposed NEPA (PH 219 20) on February 24, 2021. Per the requirements of the Niagara Escarpment Planning and Development Act (NEPDA) this initiated a 60-day statutory period where comments could be submitted to the NEC via mail or email. City of Burlington staff provided comment to ERO posting ([No. 019-3215](#)) on April 6, 2021. These comments raised a number of concerns with the proposed amendment and technical submission which was detailed to Burlington Council through Community Planning Report [PL-22-21](#) provided to CPRM on April 6, 2021.

An application seeking to amend the Region of Halton Official Plan (ROP) was submitted by the applicant on May 14, 2020, and was deemed complete by the Region on July 20, 2020. The Region of Halton hosted a virtual Public Information Session (PIS) on December 10, 2020, as part of the public consultation program recommended by the Region in the active review of the Aggregate Resources Act (ARA) License Application. The virtual PIS was coordinated in addition to the public consultation described in the applicant's Notice of Public Information Session (Form 2), as circulated pursuant to the *Aggregate Resources Act (ARA)*. Notice of the Virtual Public Information Session (PIS), including a link to additional information on the Region of Halton website, was posted on the City of Burlington Current Development Projects webpage. The Region of Halton hosted a Statutory Public Meeting under the *Planning Act* on September 15, 2021. On June 14, 2023, the Region released the completed JART Report which provided a technical review of the studies and site plans submitted in support of the application to expand the Nelson Aggregate Co. extraction operation.

The application seeking to amend the City of Burlington Official Plan (1997) to facilitate the aggregate extraction expansion was received May 14, 2020. On July 20, 2020, the application was deemed complete. Public notice of the complete application was provided pursuant to the relevant provisions of the *Planning Act* and City of Burlington Official Plan policy.

A new application for an *Aggregate Resources Act* (ARA) License (Category 2 – Class A – Quarry Below Water) was also submitted with respect to the proposed quarry extension (west and south) and is required to permit the use of the proposed and existing sites as a single operation. On October 29, 2020, the applicant provided a notice through the Burlington Post and through mailings to agencies and residents that described the initiation of a 45-day commenting period on the proposed license application that could be provided through the ERO ([No. 019-2698](#)). City of Burlington Staff provided council with the letter of objection to be submitted through Community Planning Report [PL-57-20](#) provided to Burlington CPRM December 8, 2020.

Finally, the City of Burlington Community Planning Department was circulated an application for an *Aggregate Resources Act* Site Plan Amendment on November 4, 2021, as it relates to lands currently under license, pursuant to the *Aggregate Resources Act* (being, License Nos. 5499 and 5657), and lands contemplated for expansion to the existing quarry and operations. The application was filed by the applicant (Nelson Aggregate Co.) with the then Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) (now MNRF), and as a component of that process, the City of Burlington was circulated as a commenting agency. On January 18, 2022, a request for comments was posted to the ERO ([No. 019-4921](#)) pursuant to the *Aggregate Resources Act* regarding an amendment to the current site plan related to the Burlington Nelson Quarry to integrate the existing quarry with the proposed quarry extension. Community Planning provided comment on the site plan amendment application and provided an update report and a copy of the comments to Burlington Council through Community Planning Report [PL-22-22](#) on February 15, 2022.

### **Appeal of Applications to Ontario Land Tribunal (OLT)**

On August 3, 2022, City of Burlington Community Planning Staff received a notice of appeal to the City of Burlington Official Plan Amendment application (505-04/20) for non-decision on the aggregate expansion application. A similar appeal was filed with the Region of Halton on the associated Regional Official Plan Amendment application. Both applications were referred to the OLT by the end of August 2022. Originally, an OLT case management conference (CMC) was scheduled for February 23, 2023; this was subsequently postponed to June 29, 2023.

On December 8, 2022, the Ministry of Northern Development, Mines, Natural Resources and Forestry (now MNRF) referred the ARA Licence application to the OLT. As provided in the referral letter, MNRF does not anticipate being a party to the appeal proceedings.

At the April 27, 2023, meeting of the Niagara Escarpment Commission (NEC) the Commission decided to refer NEPA PH 219 20 to the OLT and to refuse Development Permit Application (DPA) H/E/2020-2021/108. The noted DPA refusal was subsequently appealed by the applicant and will likely be consolidated with the other appeals at the OLT.

The City of Burlington Official Plan Amendment application remains in litigation; the next OLT CMC is scheduled for October 11, 2023.

### **Joint Agency Review Team (JART) Report**

The JART Report for the Nelson Aggregate Co. expansion application was completed in June 2023. It was officially released by the Chair agency of the Burlington Quarry JART, the Region of Halton, at Regional Council on June 14, 2023, through report LPS28-23. The JART report contains a technical analysis of the applicant's submission materials up to, and including information received on June 27, 2022. The report is available for review through the Region of Halton's JART website for the [Burlington Quarry \(Nelson Aggregate\) Extension](#) and has been appended to this report (see: Appendix C).

The report contains inputs from all partner agencies throughout the process which can be viewed through the comment tracking tables appended to the report. The completed JART report is available to be utilized by the various agencies, as applicable, to inform individual land use planning analyses. It is also published as a public report available for review and consideration by members of the public and public groups. The report itself makes no specific recommendations but does provide a detailed review of technical and threshold issues that remain outstanding through the various submissions and revisions provided by the applicant. It is noted that the following summaries represent the views and opinions of the peer reviewers retained for the JART review process and have been extracted from the body of the published JART Report. Additional context and analysis on the various peer review disciplines can be obtained by reading the complete report.

#### Agricultural Impact

The application will remove agricultural lands from production in a Prime Agricultural Area resulting in a loss of good agricultural land. The approach taken with respect to alternative locations does not consider a broader range of alternative locations, from a soil capability perspective, or a cost-benefit analysis, for example, at various scales from the Province through to the sub-tier municipal level, and subsequently to the neighbours around the proposed expansion area.

#### Air Quality

Updated analysis from Nelson is required to demonstrate that compliance with Provincial air quality criteria can be met. The peer reviewer notes that this updated analysis will likely confirm compliance, provided the correct data inputs are made and appropriate updates made to the Site Plan and notes (if required).

#### Archaeology and Cultural Heritage

With respect to the proposed removal of the smaller outbuilding at 2280 No. 2 Side Road, and the stone Ontario Gothic Revival Cottage (golf club house) at 5235 Cedar



Springs Road. In both cases, insufficient evidence has been provided to clearly demonstrate a lack of cultural heritage value or interest. Based on the available information, both of these structures appear to have likely cultural heritage value or interest. Avoidance would mitigate this concern.

#### Hydrologic And Hydrogeologic Modelling

The analysis of water and natural environment impacts is highly dependent on predictions generated by a computer groundwater/surface water model. The model is driven by assumptions, as opposed to data generated in the field. JART's peer reviewers have a number of concerns with the validity of the model's predictions.

The cumulative effect of these issues calls into question the model's ability to predict impacts with sufficient accuracy to warrant approval of the proposed quarry expansion. Potential impacts not thoroughly assessed include impacts to wetlands, changes to streamflow in the Medad Valley and impacts to wells along Cedar Springs Road, including the availability of additional drawdown deeper in the aquifer to mitigate any impacts.

The conclusion that none of the wetlands in the immediate vicinity of the quarry receive significant groundwater inflows is contingent on the assumption that the wetlands are hydraulically isolated from the bedrock groundwater system which has not been conclusively proven.

#### Impacts to the Medad Valley

The proposed west extension is predicted to cause reductions in flow in the Medad Valley, which is an important natural heritage feature. JART's peer reviewers believe that there is a high degree of uncertainty in these predicted changes and that the actual changes to the water budget for this feature may be significant.

#### Private Wells

The submitted groundwater model predicts minor impacts to private wells downgradient from the site. In order to mitigate these impacts, an infiltration pond is proposed. There has been no data or testing to confirm that the infiltration pond will function as proposed. If there are serious impacts to private wells, it has been proposed to deepen those wells to obtain additional water. However, JART's peer reviewers point out that deeper rock formations in the area likely do not contain sufficient water flow for this to work, and questions remain regarding potentially poor groundwater quality from deeper wells.

#### Karst Hydrogeology

The Halton Till does not have a uniform hydraulic conductivity, is not an aquitard, and has not been appropriately characterized with regard to wetland hydrology and model layer input.



Groundwater flows to the Medad Valley have not been adequately characterized. These flows involve flow through discrete karst conduits (not an equivalent porous medium) and impacts to the valley and its wetlands have not been adequately defined.

#### Golf Course Ponds and Fish

The application proposes to remove several human-made irrigation ponds and channels from the area of the west extension. These ponds are known to contain fish. While the Department of Fisheries has not raised concerns with their removal, the application has not provided policy justification for doing so. The provided analyses have also failed to survey these ponds for salamanders, including Jefferson salamanders. Considering these issues, removal of the ponds in question has not been justified. Should the ponds and connecting channels be removed, a plan for the relocation and salvage of fish populations and other wildlife should be provided.

The application proposes to pump water from the proposed quarry to continue to provide flow to offsite watercourses, which will lose groundwater contributions as a result of the quarry. This will effectively convert groundwater flow to surface water flow. This may not be effective in preserving fish habitat.

The applicant needs to integrate surface and groundwater studies with fish habitat descriptions. Specific information on the downstream reaches of Willoughby Creek, including locations of groundwater upwellings (and their significance to fisheries), species composition, species at risk occurrences, distribution, relative abundance, and life history of the fish would be useful to understand the effects of the groundwater drawdown with respect to fish populations. Identification of critical or sensitive habitat with respect to groundwater upwellings and seepages would also be useful in future monitoring programs.

#### Perpetual Pumping

The application proposes to pump water perpetually in order to maintain the rehabilitated quarry in a dewatered state. This would also maintain the existing flows within the Willoughby Creek and West Arm tributaries. This is a departure from the approved rehabilitation plan for the existing quarry which would stop perpetual pumping and allow the quarry to slowly fill over time. The applicant has not provided sufficient technical justification that perpetual pumping will result in net socio-economic or environmental benefits.

#### Natural Heritage – Terrestrial

The uncertainty in groundwater impacts leads to uncertainty in impacts on water dependent natural heritage features, including wetlands and fish habitat. There is also a lack of baseline data in certain areas.

The proposed west extension will break the connectivity between a series of woodlands that constitute part of the Regional natural heritage system (NHS). The applicant

proposes to maintain partial connections to off-site woodlands, but the effectiveness of these connections in maintaining the functions of the woodlands is questionable. The linkage function of the “non-significant” woodlands on the golf course, which are included within Halton’s NHS, has not been adequately analyzed, particularly the function of the woodlands to support connection between regionally significant features on and off-site.

Though the revised Rehabilitation Plan shows a connection between the retained significant woodlands and the landscape to the south, this connection will be removed during extraction south of the woodland, so the connectivity of the landscape potentially will be impaired for many years (the timing has not been provided). The proposed restoration of the connection is narrow and mainly consists of steep slopes. The connection of the retained significant woodland to features within the NHS on the north side of Colling Road is severed. Impacts of fragmentation within the retained significant woodland have been incompletely analyzed.

Surveys for Blanding’s Turtle were conducted in 2021. However, these surveys were conducted only along the proposed west extension. There is potential habitat in the proposed south extension. Snake surveys continue to be recommended, based on MNRF Guelph District protocols for surveying Milksnake, which are recommended for snake species that are not at risk. Concerns remain that salamander trapping was not conducted in the golf course ponds.

The ponds should be trapped, as the JART reviewer’s latest observations indicated that they are similar to other human-made ponds that have been observed by NSE staff to support Jefferson Salamander and/or other Ambystomatid salamanders. Searches should be conducted for turtle nesting habitat within the study area.

The location of Snapping Turtle, which is a Species at Risk with a status of Special Concern, should be shown in the supporting report, as habitat for Special Concern species is considered a criterion for Significant Wildlife Habitat.

A restoration area for Jefferson Salamander has been proposed south of the south extension. Details regarding this restoration area are minimal within the submission materials. There appears to be no technical support for the feasibility of restoring this area for Jefferson Salamander, since no background studies have been conducted to determine if salamanders move in this direction, or whether suitable habitat could be restored in this location. In addition, the restoration will be within the 120 metre zone of influence of the proposed quarry, where impacts could be more significant, so the JART peer reviewer questions whether this is an appropriate place for restoration of salamander habitat. Concerns remain that such a restoration area could become an ecological sink for Jefferson Salamander.

#### Progressive and Final Rehabilitation

Monitoring of biota should be conducted. Presence/absence and abundance of wetland-dependent wildlife integrates numerous variables related to wetland function. The baseline should include findings from amphibian surveys conducted between 2000 and 2011, since these encompass a range of amphibian species that have not been evident in more recent surveys.

Baseline information regarding seepage dependent terrestrial and aquatic habitat in the upstream reach of Willoughby Creek should be obtained and should be included as part of future monitoring.

Pumping in perpetuity remains a primary consideration for long-term rehabilitation, which requires a robust policy justification or more thorough exploration of alternatives to potentially avoid the uncertainty related to this type of mitigation.

Lastly, the Progressive and Final Rehabilitation Study should be revised to reflect the current AMP and Site Plan and the outstanding comments noted above should be addressed in the Progressive and Final Rehabilitation Plan.

#### Surface Water Assessment

The surface water assessment has been conducted in two forms supported by monitoring data, an event based hydrologic model for flooding (regulatory focus) and an integrated surface water – ground water model, to support impact assessment to natural features (water balance). The results of these model exercises have not been cross-checked which is considered a deficiency when interpreting the results. Furthermore, there are several impact management recommendations which are contingent on future monitoring data collection which will be used to set feature-based threshold conditions. These thresholds will then guide the point at which mitigation is required along with the degree of mitigation, which in most cases relates to the need for artificial pumping of storm/groundwater to affected features including area wetlands and watercourses. In the absence of these data at the present time, many of the recommendations and their quantum can only be considered speculative until such time as detailed information is available to corroborate the recommendations, as part of the Adaptive Management Plan.

The assessment places considerable reliance on a replica infiltration pond to offset the loss of recharge associated with the existing golf course ponds, as part of the western extraction. While it is acknowledged that this is several years away (Phases 3 through 6), detailed data collection and associated interpretation is vital in the intervening years to ensure that the database of flow records and water levels is sufficiently robust to support the implementation of the replica pond and also to determine that it will be effective in mitigating predicted impacts. Furthermore, it is unclear as to why the proposed replica infiltration pond is not shown on the Red-lined Site Plan; it is suggested that this be addressed accordingly.

#### Traffic Impact Assessment

The addendum letter clarification promised by Paradigm should address potential mitigation measures to consider. Points of clarification are requested on the site plan and associated notes with respect to sightline distances along No. 2 Side Road and the appropriate design and construction of the proposed haul truck crossings on No. 2 Side Road.

#### Visual Impact Assessment

There remains a need for details on how the mitigation measures will be implemented that are to be addressed through a landscape plan and a vegetation protection plan. In addition, while formally part of the amended site plan application for the existing quarry, the proposed new entrance to the existing quarry on the north side of No. 2 Side Road is related to the proposed expansion and should be incorporated in these landscape and vegetation protection plans.

#### Adaptive Management Plan

Multiple points in the draft AMP call for triggers for intervention based upon post-approvals monitoring. Development of triggers based on a precautionary approach is a preferred approach. There are multiple sources of existing data, including from the previous application, that can inform earlier development of such figures.

Specific information on the downstream reaches of Willoughby Creek, including locations of groundwater upwellings (and their significance to fisheries), species composition, distribution, relative abundance, and life history of the fish would be useful to understand the effects of the groundwater drawdown with respect to fish populations. Identification of critical or sensitive habitats in respect to groundwater upwellings and seepages would also be useful in future monitoring programs.

Groundwater quality thresholds should be identified to protect groundwater quality in nearby wells.

Within the AMP, identified groundwater and surface water monitoring locations and their respective threshold levels should be established, reviewed, and approved by relevant agencies prior to issuance of an ARA licence.

Details are required with respect to climatic conditions and on-site climate data and how these will be used in establishing groundwater and surface water threshold levels and impacts from the proposed quarry operations.

#### **Strategy/process/risk**

The application is now in litigation at the Ontario Land Tribunal (OLT). The next case management conference (CMC) is scheduled for October 11, 2023. As there are other approvals required under a variety of statutes the hearing regarding the City of Burlington Official Plan Amendment application will proceed as a consolidated hearing under the *Ontario Land Tribunal Act*. The City is actively participating in matters before

the OLT; additional reporting to Council on litigative matters is anticipated before the next CMC.

### **Options Considered**

Not Applicable; information report.

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### **Financial Matters:**

In accordance with the Development Application Fee Schedule, all fees determined have been received.

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### **Climate Implications:**

The proposed Official Plan Amendment application for the expansion of the existing Nelson Aggregate Co. extraction use contains many considerations relevant to the process of our changing climate. The completed JART report contains an expansive technical analysis regarding disciplines directly related to impacts and the mitigation of climate change.

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### **Engagement Matters:**

#### **Pre-Consultation Meeting (November 2019)**

A Pre-Consultation Meeting is a requirement of the City of Burlington Official Plan prior to the submission and receipt of a complete development application. The intent of the Pre-Consultation Meeting is to identify technical information requirements needed to provide a fulsome review and consideration of an application upon receipt.

A Pre-Consultation Meeting was held on November 6, 2019. A list of required studies/plans/reports was prepared and circulated to the applicant following the meeting.

#### **Pre-Application Community Meeting**

The applicant hosted an Open House and Information Meeting on February 18, 2020, at the Burlington Springs Golf & Country Club (5235 Cedar Springs Road), prior to the submission of applications. Notifications were sent out to residents within 300 m of the subject lands resulting in approximately 235 notices being sent. Approximately 200 individuals were in attendance including city representatives and the representatives of the applicant.

The format of the Meeting included display panels illustrating the nature and extent of the proposed development, as well as a formal presentation by Nelson Aggregates Co. representatives. Community Planning Department staff provided a policy overview of

the proposed quarry expansion. An opportunity for residents' questions and feedback was provided as were email and phone contacts of the applicants for follow-up questions. Information pertaining to future planned Open Houses and tours of the existing operations (and proposed expansion) was included on the Notice of Pre-Application Consultation Meeting.

## **Public Comments**

Comments from the public have been accepted by the Community Planning Department since the application was deemed complete on July 20, 2020. To-date 2343 comments were received from the public on this application. It is noted that many of those comments were addressed to other agencies and pertained to the other concurrent applications. Many of those comments directed at other agencies were provided through a form letter. Approximately 830 comments were provided to the Community Planning Department that were specific to the City of Burlington Official Plan Amendment application. All comments have been provided in Appendix B to this report.

The majority of these public comments expressed opposition to the proposed aggregate extraction expansion application for reasons that Community Planning Staff have summarized into theme areas. These theme areas included, but are not limited to:

- Impact to a protected UNESCO heritage site.
- Negative impact to the environment including natural heritage, the habitat of protected species, tree canopy cover, aquatic habitat and water resources, air quality, and biodiversity.
- Incompatibility with measures and best practices aimed at addressing climate change.
- Adverse or negative impacts to the surrounding water supply (groundwater quality/quantity) including sources of drinking water.
- Increase in traffic along No. 2 sideroad and Guelph Line including volume of existing and future aggregate trucks and the danger posed to vehicular and cycling traffic utilizing those networks.
- Inappropriate rehabilitation plans that propose uses incompatible with the rural landscape, that will place undue financial hardship on the City for future maintenance and operation, that do not propose to restore the area to its previous environmental or agricultural state, and the potential for "dirty soil" to be imported from off-site areas.
- Loss of active prime agricultural lands contributing to increasing levels of local and regional food insecurity.
- Increase in sources of dust and vibration from on-going and future blasting, and the associated threat posed to human health and property.
- Increase in noise from additional truck traffic, blasting, and material processing. Included in this are concerns related to impact to certain terrestrial species and their habitats, and well as personal enjoyment of private property.

- General concerns related to the decrease in property values associated with the expansion of the use, traffic, dust, noise, and flyrock.
- Visual impact on the escarpment environment including the physical quarrying area as well as the light pollution generated from the on-going operations.
- The potential for damage to the adjacent pipelines and the environmental, social, and economic impacts associated with such an event.
- The economic and recreational loss on the rural community due to the closure of Burlington Springs Golf Course.
- Threats to human health and property due to flyrock as a result of blasting activities.

Of these concerns negative impacts to the natural environment, negative impacts to the water supply and water resource system, increase in traffic, inappropriate rehabilitation planning, loss of agricultural lands, and increase in dust and vibration emerged as the pre-eminent issues in the public comments received.

City of Burlington Community Planning Staff are also in receipt of public comments supporting the proposed aggregate extraction expansion. The comments focus on the following issues in supporting the application:

- The historical operation of the current Nelson Aggregate Co. site is known to the surrounding area and pre-dates some of the individual land uses in the immediate area.
- The site is able to supply aggregate material close to market and thus results in a reduction to overall air pollution and impacts to transportation infrastructure. These products will support growth in the Region and City.
- The existing site and the proposed expansions will be screened from immediate view.
- Support for the proposed after-use as a park.
- The impacts of the existing operation on natural heritage, water resources, and sources of drinking water have been well monitored and are considered to be negligible.

Community Planning Staff have continued to accept written public comment on the proposed Official Plan Amendment application since the application date; all comments are reviewed and considered in the review of the application.

Through the other previously noted planning processes carried out by Regional and Provincial agency there have been a number of other public engagement opportunities including, but not limited to:

- Statutory Public meeting held by the Region of Halton September 15, 2021.
- Aggregate Resource Act (ARA) licence Environmental Registry Posting and the associated response to objector process. ([ERO No. 019-2698](#));



- Aggregate Resource Act (ARA) Site Plan Amendment Application Environmental Registry Posting. ([ERO No. 019-4921](#))
  - Niagara Escarpment Plan Amendment (NEPA) Environmental Registry Posting. ([ERO No. 019-3215](#))
  - Niagara Escarpment Development Permit Application request for comments (H/E/2020-2021/108)
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## **Conclusion:**

This report provides a description of the development applications, a summary review of the completed JART report and a summary of public comments that have been received to date. The application alongside the NEC, Region, and ARA licence applications remain in litigation.

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Respectfully submitted,

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## **Appendices:**

- A. Location Sketch
- B. Complete Record of Comments (can be accessed at [events.burlington.ca](https://events.burlington.ca))
- C. JART Report with comment tables (can be accessed at [events.burlington.ca](https://events.burlington.ca))

## **Notifications:**

Brian Zeman, President  
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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.