



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 15, 2015
SUBJECT/REPORT NO:	Council Correspondence from Trent Lakes and Halton Hills – Aggregate Operations and the Planning Process (PED15130) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Joanne Hickey-Evans (905) 546-2424 Ext. 1282 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a)(i) That City Council support the request of the Municipality of Trent Lakes requesting the Province to fund Ontario Municipal Board (OMB) hearings, in cases where a municipality has denied planning applications for a new or expanded mineral aggregate operation if the operation does not conform to the Greenbelt Plan or is not consistent with the Provincial Policy Statement (PPS) (2014). This funding will allow municipalities to defend their position at the OMB without putting the OMB costs on the tax levy;
- (ii) That the City Clerk be requested to forward this resolution to Kathleen Wynne, Premier of Ontario, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Bill Mauro, the Minister of Natural Resources and Forestry and the Municipality of Trent Lakes;
- (b)(i) That City Council support the request of the Town of Halton Hills to amend the *Aggregate Resources Act* and the PPS (2014) to require proponents of a new or expanded mineral aggregate operation to demonstrate there is a need of the supply of aggregate resources;

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- (ii) That the City Clerk be requested to forward this resolution to Kathleen Wynne, Premier of Ontario, the Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, the Honourable Bill Mauro, the Minister of Natural Resources and Forestry and the Town of Halton Hills;
- (c) That the item respecting Council Correspondence from Trent Lakes and Halton Hills – Aggregate Operations and the Planning Process be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

Two letters of correspondence were received by City Council; one, from the Town of Halton Hills and the other letter from the Municipality of Trent Lakes respecting the land use planning process for mineral aggregate resource developments. Both letters were forwarded to the Planning and Economic Development Department for a response.

The Municipality of Trent Lakes requested support for a resolution to request the Province fund OMB hearings in cases where an appeal of planning applications for new or expanded aggregate operations are denied by a local Council and that decision is appealed to the OMB.

The Town of Halton Hills is requesting support to amend the PPS (2014) and the *Aggregate Resources Act* to require a proponent for aggregate extraction to demonstrate there is a need for the supply that is being extracted.

Staff can support the requests by both municipalities. OMB hearings are complicated and expensive and this cost should not be borne by the tax levy. Council, in the staff report on the requested changes to the PPS (2005) requested to require a demand and supply analysis for the aggregate supply which would be subject of the application.

Based on the above, staff is recommending that City Council send a formal request to the Province to request funding for aggregate related OMB hearings as well as changes to the PPS 2014 and *Aggregate Resources Act* to require a demand and supply analysis for new or expanded aggregate operations.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A
Staffing: N/A
Legal: N/A

HISTORICAL BACKGROUND

Two letters of correspondence from the Town of Halton Hills and the Municipality of Trent Lakes were received by City Council respecting the land use planning process for mineral aggregate resource developments. Each letter requested support from the City of Hamilton on different aspects of the planning process related to aggregate operations.

1.0 Municipality of Trent Lakes (March 21, 2013)

The local Council in the Township of Galway-Cavendish and Harvey passed a resolution requesting the Province to:

- a. Provide funding for Ontario Municipal Board (OMB) appeals related to Official Plan Amendments that conform to the *Planning Act* and Provincial Policy Statement but not supported by Municipal Council; and,
- b. Provides funding to any municipality where there has been an appeal to Council's decision to allow the municipality to defend its position.

2.0 Town of Halton Hills (May 5, 2015)

The Town of Halton Hills is requesting an amendment to the PPS and the *Aggregate Resources Act* to require that proponents for aggregate extraction to demonstrate there is a need for the supply that is being extracted.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

City Council forwarded the correspondence from the Town of Halton Hills and the Municipality of Trent Lakes to the General Manager of Planning and Economic Development Department for a staff report.

1.0 Municipality of Trent Lakes (March 21, 2013)

Trent Lakes has requested the Province fund OMB appeals in circumstances where the municipality has denied an application for an aggregate operation on the basis it does not comply with the PPS and that application has been appealed to the OMB.

Municipalities are required to evaluate aggregate developments against provincial policy. The PPS and the Greenbelt Plan, where it applies, are the two principle planning documents that are used to assess applications for new or expanded aggregate operations. There are many policies that are part of these Provincial documents including impacts on natural heritage, water quality and quantity, and land use compatibility. OMB hearings for aggregate operations are both complicated and expensive; often requiring municipalities to hire experts in hydrogeology, natural heritage, land use planning to defend the municipality's planning position.

To date, neither the City of Hamilton nor its former municipalities have been in a position where an Official Plan Amendment and / or rezoning for new or expanded aggregate operations have been appealed to the OMB. Even though the City has not been in this position, staff concur with Trent Lakes request to ask the Provincial government for financial assistance in cases where the planning applications have been denied by the municipality on the basis of consistency and conformity with provincial documents and the proponent appeals that decision.

2.0 Town of Halton Hills (May 5, 2015)

The Town of Halton Hills is requesting an amendment to the PPS and the *Aggregate Resources Act* to require that proponents for aggregate extraction to demonstrate there is a need for the supply that is being extracted.

In December 2012, Planning Committee approved a series of recommendations and the accompanying staff report (PED12235) on comments on the PPS review.

In the report, staff indicated that:

“The most significant concern is with the proposed policies of Section 2.5 - Aggregate Resources, which warrant a more detailed discussion, and direction from Council.

Recommendation: To hold the proposed changes to Section 2.5 - Mineral Aggregate Resources of the draft PPS in abeyance, and to combine the PPS Policy review with the ongoing Aggregate Resources Act (ARA) review;

In the alternative, should the Province proceed with the review of this Section with the remainder of the PPS, the following issues need to be addressed:

1. The desire to have the resource as close to the market as possible must be balanced with the impacts of extraction on the environment and populated areas. In addition, many municipalities require other land uses (e.g. Commercial) to provide a need and impact assessments. Therefore, the policy that requires the resource to be close to local markets, and the policy that dismisses the need for demand and supply analysis should be deleted.”

No changes were made to the PPS (2005) as it relates to the supply and demand analysis.

Staff would support Town of Halton Hills request to demonstrate the need for a demand and supply analysis as part of amendment to planning documents and licences through the *Aggregate Resources Act* since the City of Hamilton has been on record making a similar request to the Province.

ALTERNATIVES FOR CONSIDERATION

Council does not act on either the Request from the Municipality of Trent Lakes or the Town of Halton Hills respecting new or expanding aggregate operations planning applications and funding for OMB appeals.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”	Correspondence from the Municipality of Trent Lakes
Appendix “B”	Correspondence from the Town of Halton Hills

JHE:th