

Theme: Rural Areas and Rural Lands

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement, 2014	<p>1.1.4.1 Healthy, integrated and viable <i>rural areas</i> should be supported by:</p> <ul style="list-style-type: none"> a) building upon rural character, and leveraging rural amenities and assets; f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; h) conserving biodiversity and considering the ecological benefits provided by nature; <p>1.1.5.2 On <i>rural lands</i> located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> a) the management or use of resources; c) limited residential development; e) cemeteries; and f) other rural land uses. 	<p>The PPS differentiates between Rural Areas, Rural Lands and Prime Agricultural Areas. Rural Areas are the lands outside of the urban boundary which incorporate Rural Lands (non-prime) and Prime Agricultural Lands. Different levels of protection apply depending on whether the lands are Prime or non-prime (Rural). A portion of the subject lands (east of Moxley Road) are considered Rural (non-prime).</p> <p>The policies identify that a variety of land uses shall be permitted on rural (non-prime) lands, including agriculture, rural residential, management or use of resources, and other rural uses. The proposed quarry extension is a permitted use, expanding the economic base and employment opportunities of the rural area. Appropriate studies have been completed to ensure that surrounding land uses and the natural environment are protected and any impacts are mitigated.</p>
Greenbelt Plan, 2017	<p>3.1.4 For lands falling within <i>rural lands</i> of the Protected Countryside, the following policies shall apply:</p> <ol style="list-style-type: none"> 1. <i>Rural lands</i> support and provide the primary locations for a range of recreational, tourism, institutional (including cemetery) and resource-based commercial / industrial uses. They also contain many historic highway commercial, non-farm residential and other uses which, in more recent times, would be generally directed to <i>settlement areas</i> but which are recognized as <i>existing uses</i> by this Plan and allowed to continue and expand subject to the policies of section 4.5. Notwithstanding this policy, official plans may be more restrictive than this Plan with respect to the types of uses permitted on <i>rural lands</i>, subject to the policies of section 5.3. 4. Other uses may be permitted subject to the policies of sections 4.1 to 4.6. Where non-agricultural uses are proposed, with the 	<p>The easterly portion of the subject lands are designated “Protected Countryside – Rural” and the westerly portion is designated “Protected Countryside – Prime Agricultural” in accordance with the City’s RHOP designations. Rural lands provide a greater range of uses than prime agricultural lands, and the plan acknowledges that non-agricultural uses, including mineral aggregate operations (section 4.3) may be permitted.</p> <p>It is staff’s opinion that the application has demonstrated conformity with policy 4.1.1.2. The use is appropriate for rural lands, which have been identified as a Stone Aggregate Resource Area in the City’s Rural Hamilton Official Plan (under appeal) and in the Hamilton-Wentworth Regional Official Plan. There is no servicing required for the use. Impacts on</p>

	<p>exception of a <i>mineral aggregate operation</i>, the completion of an <i>agricultural impact assessment</i> should be considered.</p> <p>4.1.1 For non-agricultural uses, the following policies apply:</p> <p>2. Proposals for non-agricultural uses must demonstrate that:</p> <ul style="list-style-type: none"> a) The use is appropriate for location on <i>rural lands</i>; b) The type of water and sewer servicing proposed is appropriate for the type of use; c) There are no <i>negative impacts</i> on <i>key natural heritage features</i> or <i>key hydrologic features</i> or their functions; and d) There are no <i>negative impacts</i> on the biodiversity or <i>connectivity</i> of the Natural Heritage System. 	<p>key natural heritage features and key hydrologic features have been examined, and appropriate mitigation has been recommended to ensure their functions will not be impacted.</p>
RHOP	<p>C.3.1.1 The following uses shall be permitted in all land use designations as set out in the policies below:</p> <ul style="list-style-type: none"> d) <i>Mineral aggregate resource</i> operations shall be permitted by amendment to this Plan provided the proposed mineral aggregate extraction use complies with Section D.6.0, Mineral Aggregate Resource Extraction Areas and Section C.2.6-Natural Heritage System - Mineral Aggregate Operations policies of this Plan. 	<p>The easterly portion of the subject lands are designated “Rural” in the RHOP. An Official Plan Amendment is required to permit the mineral aggregate use on the subject lands. Policies in section D.6 provide guidance on evaluating an amendment to the RHOP for a mineral aggregate use, discussed below in the Section on Mineral Aggregate Resources.</p>

Theme: Prime Agricultural Lands

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	<p>2.3.1 <i>Prime agricultural areas</i> shall be protected for long-term use for agriculture.</p> <p><i>Prime agricultural areas</i> are areas where <i>prime agricultural lands</i> predominate. <i>Specialty crop areas</i> shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the <i>prime agricultural area</i>, in this order of priority.</p> <p>2.3.3.1 In <i>prime agricultural areas</i>, permitted uses and activities are: <i>agricultural uses, agriculture-related uses and on-farm diversified uses.</i></p> <p>2.3.5.1 Planning authorities may only exclude land from <i>prime agricultural areas</i> for expansions of or identification of <i>settlement areas</i> in accordance with policy 1.1.3.8.</p> <p>2.3.6.1 Planning authorities may only permit non-agricultural uses in <i>prime agricultural areas</i> for:</p> <p>a) extraction of <i>minerals, petroleum resources and mineral aggregate resources</i>, in accordance with policies 2.4 and 2.5;</p>	<p>The lands to the west of Moxley Road are considered Prime Agricultural.</p> <p>Prime agricultural areas are afforded the highest degree of protection in planning policy. Lands cannot be redesignated from Prime Agriculture to another designation. However, policy 2.3.6.1 does allow for certain non-agricultural uses to be permitted in Prime Agricultural areas, including mineral aggregate extraction, subject to policies in section 2.5, discussed in the next section. It is noted that the policies do not allow for the re-designation of Prime Agricultural lands to a Mineral Aggregate designation. Rather, the policy direction requires that the mineral aggregate use be added to the Prime Agriculture designation so that the lands do not lose the Prime Agriculture designation. As such, this report is recommending that a Site Specific Policy be added to the portion of the subject lands designated Agriculture in the RHOP to permit the mineral aggregate use. The remainder of the lands (designated Rural) would be re-designated to Mineral Aggregate Resource Extraction Area.</p>
Greenbelt Plan	<p>3.1.3 For lands falling within <i>prime agricultural areas</i> of the Protected Countryside, the following policies shall apply:</p> <p>1. All types, sizes and intensities of <i>agricultural uses and normal farm practices</i> shall be promoted and protected and a full range of <i>agricultural uses, agriculture-related uses and on-farm diversified uses</i> are permitted based on provincial Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas. Proposed <i>agriculture-related uses and on-farm diversified uses</i> shall be compatible with and shall not hinder surrounding agricultural operations.</p> <p>3. Non-agricultural uses may be permitted subject to the policies of sections 4.2 to 4.6. These uses are generally discouraged in <i>prime agricultural areas</i> and may only be permitted after the</p>	<p>The westerly portion of the subject lands is designated “Protected Countryside – Prime Agricultural” in accordance with the City’s RHOP designations. Prime agricultural areas are to be protected for agricultural uses. However, Policy 3.1.3.3 permits certain non-agricultural uses, including mineral aggregate uses, subject to the policies of Section 4.3 (see section below) and the completion of an Agricultural Impact Assessment. However, in this regard, staff note that section 4.3.2 indicates that an Agricultural Impact Assessment is only required to support applications for new mineral aggregate operations (not expansions).</p> <p>Policy 3.1.3.5 speaks to the requirement to provide mitigation where agricultural and non-agricultural uses</p>

	<p>completion of an <i>agricultural impact assessment</i>.</p> <p>5. Where <i>agricultural uses</i> and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the <i>Agricultural System</i>, based on provincial guidance. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed.</p> <p>4.1.1 For non-agricultural uses, the following policies apply:</p> <p>1. Non-agricultural uses are not permitted in the <i>specialty crop areas</i> as shown on Schedule 2 and Schedule 3 of this Plan or within <i>prime agricultural areas</i> in the Protected Countryside, with the exception of those uses permitted under sections 4.2 to 4.6 of this Plan.</p>	<p>interface. The subject lands interface with agricultural operations to the south. The policy notes that provincial guidance on this requirement will be provided, but to date, this is not available. However, in this regard, staff note that the applicant has completed numerous technical studies which have identified requirements to mitigate impacts on adjacent properties relating to water supply, noise, air, vibration and visual impacts. Staff are satisfied that impacts on adjacent uses will be minimized.</p>
RHOP	<p>C.3.1.1 The following uses shall be permitted in all land use designations as set out in the policies below:</p> <p>d) <i>Mineral aggregate resource</i> operations shall be permitted by amendment to this Plan provided the proposed mineral aggregate extraction use complies with Section D.6.0, Mineral Aggregate Resource Extraction Areas and Section C.2.6 – Natural Heritage System – Mineral Aggregate Operations policies of this Plan.</p>	<p>An Official Plan Amendment is required to permit the mineral aggregate use on the subject lands. Policies in section D.6 provide guidance on evaluating an amendment to the RHOP for a mineral aggregate use, discussed below in the Section on Mineral Aggregate Resources.</p>

Theme: Mineral Aggregate Resources

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	<p>2.5.1 <i>Mineral aggregate resources</i> shall be protected for long-term use and, where provincial information is available, <i>deposits of mineral aggregate resources</i> shall be identified.</p> <p>2.5.2.1 As much of the <i>mineral aggregate resources</i> as is realistically possible shall be made available as close to markets as possible. Demonstration of need for <i>mineral aggregate resources</i>, including any type of supply / demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of <i>mineral aggregate resources</i> locally or elsewhere.</p> <p>2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.</p>	<p>Provincial planning policy affords a high degree of protection to mineral aggregate resources, and encourages mineral aggregate resources to be made available as close to market as possible. The submitted Planning Justification Report notes that the extracted material will be used in the local steel industry and for infrastructure projects in Hamilton and the Greater Toronto Area.</p> <p>The policies require that extraction be undertaken in a responsible manner, minimizing social, economic and environmental impacts. Lafarge has undertaken a significant number of studies to demonstrate that potential impacts from the quarry will be mitigated to the greatest extent possible. The studies reviewed hydrogeology, natural heritage, noise, air, blasting and cultural heritage impacts arising from the proposed extension, and identified requirements to mitigate any impacts. The above studies were peer reviewed and reviewed by CART members, and the recommendations from the studies are included as notes on the ARA Operational Plan.</p>
Greenbelt Plan	<p>4.3.2 For lands within the Protected Countryside, the following policies shall apply:</p> <ol style="list-style-type: none"> 1. Non-renewable resources are those non-agriculture-based natural resources that have a finite supply, including mineral aggregate resources. Aggregates, in particular, provide significant building materials for our communities and <i>infrastructure</i>, and the availability of aggregates close to market is important for both economic and environmental reasons. 2. Activities related to the use of non-renewable resources are permitted in the Protected Countryside, subject to all other applicable legislation, regulations and official plan policies and by-laws. The availability of mineral aggregate resources for 	<p>Mineral aggregate resource extraction is subject to the policies of section 4.3 (Non-Renewable Resources). The Greenbelt Plan permits mineral aggregate extraction within the Protected Countryside, subject to compliance with all other policies and legislation.</p> <p>The subject lands are not located within the Greenbelt Natural Heritage System, and therefore the additional policies in section 4.3 relating specifically to lands within the Natural Heritage System do not apply to the subject applications.</p>

	<p>long-term use shall be determined in accordance with the PPS, except as provided below.</p>	
<p>RHOP</p>	<p>D.6.1 <i>Mineral Aggregate Resource</i> Areas where there is a high potential for resource extraction are identified as Potential <i>Mineral Aggregate Resource</i> Areas on (Appendix / Schedule C – Non Renewable Resources – deferred – until the deferral is resolved Map No. 5 of the Region of Hamilton-Wentworth Official Plan shall apply), to this Plan.</p> <p>D.6.12 Applications for new or expanded aggregate operations are subject to the requirements of the <u>Aggregate Resources Act</u>.</p> <p>D.6.13 The establishment of a new <i>mineral aggregate operation</i> or extensions to existing operations requiring license approval under the <u>Aggregate Resources Act</u> will require an amendment to this Plan and the Zoning By-law and the Niagara Escarpment Plan, where applicable.</p> <p>D.6.16 The City shall consider an amendment to this Plan to redesignate lands for a new <i>mineral aggregate operation</i> or the expansion to an existing operation when the applicant has submitted all site plans and studies required under the <u>Aggregate Resources Act</u> as well as the following:</p> <ul style="list-style-type: none"> a) All Environmental Impact Studies required by this Plan in accordance with Section F.3.2.1, Environmental Impact Statements and Section C.2.6, Natural Heritage System - Mineral Aggregate Operations. In the event of a conflict Section C.2.6 shall prevail; b) A hydrogeological study; c) A transportation and haul route study; and d) Noise, vibration, and air quality studies. <p>D.6.17 The City shall work with adjacent municipalities, agencies, the Province, the aggregate industry and other stakeholders to encourage the best design and operational practices in licensed aggregate extraction operations.</p>	<p>The subject lands are identified as Potential Stone Aggregates on Appendix “C” to the RHOP. However, this Appendix remains under appeal, and until the appeal is resolved, Map No. 5 of the Region of Hamilton-Wentworth Official Plan continues to apply. In this regard, the subject lands are identified as Stone Aggregates area on Map No. 5 to the Region of Hamilton-Wentworth Official Plan.</p> <p>Section D.6 of the RHOP identifies the requirements that must accompany an application for the extension of an existing mineral aggregate operation, including an environmental impact study, hydrogeological study, transportation study and noise, vibration and air quality studies. As previously noted, the applicant has submitted all of the above studies for review by staff and CART (and peer review where required).</p> <p>Throughout the review of the applications, the City has worked with the Province, other agencies and the applicant to determine the best operational practices for the proposed extension, with all recommendations being reflected on the ARA Operational Site Plan.</p>

	<p>D.6.20 The City shall coordinate with the Province, the Niagara Escarpment Commission and Conservation Authorities, to ensure that all appropriate conditions resulting from the review of studies required under the <u>Aggregate Resources Act</u> are imposed and enforced as:</p> <p>a) Conditions of the license or notes on the Site Plan in accordance with the <u>Aggregate Resources Act</u>;</p>	
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Theme: Rehabilitation

Plan	Policy References	Rationale for Compliance
<p>Provincial Policy Statement</p>	<p>2.5.3.1 Progressive and final rehabilitation shall be required 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. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.</p> <p>2.5.3.2 <i>Comprehensive rehabilitation</i> planning is encouraged where there is a concentration of mineral aggregate operations.</p> <p>2.5.4.1 In <i>prime agricultural areas</i>, on <i>prime agricultural land</i>, extraction of <i>mineral aggregate resources</i> is permitted as an interim use provided that the site will be rehabilitated back to an <i>agricultural condition</i>. Complete rehabilitation to an <i>agricultural condition</i> is not required if:</p> <ul style="list-style-type: none"> a) outside of a <i>specialty crop area</i>, there is a substantial quantity of <i>mineral aggregate resources</i> below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as <i>designated growth areas</i>, and resources on <i>prime agricultural lands</i> where rehabilitation is feasible. Where no other alternatives are found, <i>prime agricultural lands</i> shall be protected in this order of priority: <i>specialty crop areas</i>, Canada Land Inventory Class 1, 2 and 3 lands; and d) agricultural rehabilitation in remaining areas is maximized. 	<p>The site is proposed to be rehabilitated to a lake and associated natural features upon completion of extraction. Progressive rehabilitation of the site will occur. Lake filling cannot commence until all of the aggregate is extracted from the South Quarry Extension. To maximize progressive rehabilitation of the site over the life time of the operation, the rehabilitation plan includes the requirement to progressively rehabilitate the final quarry face once extraction limits are reached. Further, comprehensive rehabilitation planning will occur through an amendment to the ARA Site Plan for the existing Dundas South Quarry.</p> <p>Additional considerations apply to rehabilitation of mineral aggregate operations in Prime Agricultural Areas. The policies promote rehabilitation of Prime Agricultural lands back to an agricultural use. However, subject to certain criteria outlined in policy 2.5.4.1, complete agricultural rehabilitation is not required if significant extraction below the water table is required, other alternatives have been considered, and agricultural rehabilitation is maximized where possible.</p> <p>In the case of the South Quarry Extension, sixty percent of the extraction area west of Moxley Road (Prime Agriculture) will be below the water table. As a result, agricultural rehabilitation is not proposed. The site is proposed to be rehabilitated to a lake with associated natural features, which is consistent with the approved rehabilitation plan for the North Quarry, and will be combined with an amended rehabilitation plan for the existing South Quarry (lake and associated features).</p> <p>Further to policy 2.5.4.1(c), the applicant has reviewed alternative locations for the proposed quarry extension. The applicant reviewed alternative locations in</p>

		<p>proximity to the existing South Quarry and existing processing plant south of Highway 5. Limiting the search for alternative sites to those in proximity to the existing quarry operations is justified and acceptable given the benefits in using existing haul routes, processing area and other infrastructure. The applicant notes in the Planning Justification Report that lands to the north of the quarry are prime agricultural Class 1 lands. Expansion east of the quarry would result in extraction closer to a greater concentration of dwellings along Ofield Road. Finally, lands south of the existing quarry have already been extracted and are now the Lafarge Processing Plant. As such, staff are satisfied that alternative locations were examined and not deemed to be preferred alternatives.</p> <p>Finally, in relation to 2.5.4.1(d), as noted above, the majority of the extraction will take place below the water table. The perimeter surrounding the extraction site will not be extracted below the water table. However, agricultural rehabilitation in this area is not feasible due to the shape of the lands (15 to 30 m width) and location surrounding the lake. There is a greater benefit to rehabilitating these lands to natural features which will promote connectivity and biodiversity for the lake feature. Staff are satisfied that the intent of Policy 2.5.4.1 has been met.</p>
Greenbelt Plan	<p>4.3.2.5 New and existing <i>mineral aggregate operations</i> and wayside pits and quarries within the Protected Countryside shall ensure that:</p> <ul style="list-style-type: none"> a) The rehabilitated area will be maximized and disturbed area minimized on an ongoing basis during the life cycle of an operation; b) Progressive and final rehabilitation efforts will contribute to the goals of the Greenbelt Plan; c) Any excess disturbed area above the maximum allowable disturbed area, as determined by the Ministry of Natural Resources and Forestry, will be rehabilitated. For new 	<p>In response to policy 4.3.2.5, it is noted that the rehabilitation plan has been reviewed by the MNRF and determined to be in compliance with provincial policy related to total disturbed area and the Provincial Standards under the <i>Aggregate Resources Act</i>. As previously noted, the proposed end land use is a lake, as rehabilitation to an agricultural standard is not possible or desirable due to the extensive below water table extraction which will occur. The proposed lake and associated natural features (wetlands, woodlands, grasslands and other vegetated area) will contribute to the ecological function of the area, and has been planned in consideration of the surrounding area,</p>

	<p>operations, the total disturbed area shall not exceed an established maximum allowable disturbed area; and</p> <p>d) The applicant demonstrates that the quantity and quality of groundwater and surface water will be maintained as per Provincial Standards under the <i>Aggregate Resources Act</i>.</p>	<p>including future rehabilitation plans of adjacent aggregate operations.</p>
RHOP	<p>D.6.21 Rehabilitation of all <i>mineral aggregate operations</i>, including <i>wayside pits and quarries</i> shall be undertaken in accordance with the site plans approved under the <u>Aggregate Resources Act</u> and be compatible with and have minimal impact upon the surrounding natural and visual environment and <i>existing</i> uses.</p> <p>D.6.23 In the Agriculture designation, on <i>prime agricultural land</i>, extraction of <i>mineral aggregate resources</i> is permitted as an interim use provided the rehabilitation of the site will be carried out to substantially the same area and average soil quality for agriculture.</p> <p>On <i>prime agricultural lands</i>, complete agricultural rehabilitation is not required if:</p> <p>a) A substantial quantity of <i>mineral aggregate resources</i> below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;</p> <p>b) Alternative locations have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources identified in <i>designated growth areas</i>, and resources on <i>prime agricultural land</i> where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: Specialty Crop Areas, and Canada Land Inventory Class 1, 2 and 3 lands; and</p> <p>c) Agricultural rehabilitation in remaining areas is maximized.</p> <p>D.6.24 Applications for Official Plan or Zoning By-law amendments for establishment or expansion of a <i>mineral aggregate operation</i></p>	<p>A portion of the subject lands are designated Agriculture, which represents prime agricultural lands. Please refer to the discussion above under the Provincial Policy Statement, policy 2.5.4.1, regarding consideration of Rehabilitation in Prime Agricultural lands.</p> <p>In response to policy D.6.24, it is noted that the policies require that rehabilitation will be carried out to a state of equal or greater ecological value and that the long term integrity of the entire site shall be maintained or restored. The health and diversity of key natural heritage or hydrologic features shall be maintained or restored / improved, and remaining aquatic features after extraction shall be enhanced. In this regard, it is noted that the rehabilitation plan includes consideration of compensation for the three small wetlands which currently exist on the subject lands and the Eastern Meadowlark habitat present on site through the creation of wetland and grassland habitat. In the long term, the application will result in an overall net gain of 5 ha of additional wetlands on site compared to current conditions. The end use aquatic feature will provide for fish habitat, wetlands and intermittent streams and seepage areas.</p>

within the Protected Countryside shall be accompanied by information which demonstrates that rehabilitation will be carried out as follows:

- a) The *disturbed area* of a site shall be rehabilitated to a state of equal or greater *ecological value*, and the long-term ecological integrity of the entire site will be maintained or restored, and to the extent possible improved;
- b) If there are *key natural heritage features* or *key hydrologic features* or if such features existed on the site at the time of application:
 - i) The health, diversity and size of these *key natural heritage features* and *key hydrologic features* will be maintained or restored and, to the extent possible, improved so as to promote a net gain of ecological health; and
 - ii) Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; and
- c) Aquatic areas remaining after extraction are to be rehabilitated to enhance aquatic areas which shall be representative of the natural ecosystem suitable for the eco-district, so that the combined terrestrial and aquatic rehabilitation in remaining areas shall meet the intent of Section D.6.24 b).

Theme: Natural Heritage

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	2.1.1 Natural features and areas shall be protected for the long term.	The applicant submitted a Natural Environment Technical Report, Level 1, prepared by Golder Associates, in support of the proposed quarry extension.
	2.1.2 The diversity and connectivity of natural features in an area, and the long-term <i>ecological function</i> and biodiversity of <i>natural heritage systems</i> , should be maintained, restored or, where possible, improved, recognizing linkages between and among <i>natural heritage features and areas, surface water features and ground water features</i> .	
	2.1.4 <i>Development and site alteration</i> shall not be permitted in: a) <i>significant wetlands</i> in Ecoregions 5E, 6E and 7E1; and b) <i>significant coastal wetlands</i> .	As per policy 2.1.7, the subject lands do contain approximately 8.9 ha of habitat of Eastern Meadowlark, which is a threatened species. The policy does not allow development in this habitat, except in accordance with provincial and federal requirements. In this regard, the applicant has consulted with the Ministry of Natural Resources and Fisheries, and confirmed that the habitat may be removed, provided that suitable replacement habitat is created off-site, in accordance with the <i>Endangered Species Act</i> . The applicant has initiated a Notice of Activity with the MNR to initiate this process. Suitable notes have been placed on the Operational Plan in this regard.
	2.1.5 <i>Development and site alteration</i> shall not be permitted in: a) <i>significant wetlands</i> in the Canadian Shield north of Ecoregions 5E, 6E and 7E1; b) <i>significant woodlands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; c) <i>significant valleylands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1; d) <i>significant wildlife habitat</i> ; e) <i>significant areas of natural and scientific interest</i> ; and f) <i>coastal wetlands</i> in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b) unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or their <i>ecological functions</i> .	
	2.1.6 <i>Development and site alteration</i> shall not be permitted in <i>fish habitat</i> except in accordance with <i>provincial and federal requirements</i> .	
	2.1.7 <i>Development and site alteration</i> shall not be permitted in <i>habitat of endangered species and threatened species</i> , except in accordance with <i>provincial and federal requirements</i> .	
	2.1.8 <i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage features and areas</i> identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the <i>ecological</i>	

	<p><i>function of the adjacent lands</i> has been evaluated and it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i>.</p>	
<p>Greenbelt Plan</p>	<p>3.2.5 For lands within a <i>key natural heritage feature</i> or a <i>key hydrologic feature</i> in the Protected Countryside, the following policies shall apply:</p> <ol style="list-style-type: none"> 1. <i>Development</i> or <i>site alteration</i> is not permitted in <i>key hydrologic features</i> and <i>key natural heritage features</i> within the Natural Heritage System, including any associated <i>vegetation protection zone</i>, with the exception of: <ol style="list-style-type: none"> a) Forest, fish and wildlife management; b) Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered; or c) <i>Infrastructure</i>, aggregate, recreational, shoreline and <i>existing uses</i>, as described by and subject to the policies of section 4. 2. Beyond the Natural Heritage System within the Protected Countryside, <i>key hydrologic features</i> are defined by and subject to the policies of section 3.2.5. 3. Beyond the Natural Heritage System within the Protected Countryside, <i>key natural heritage features</i> are not subject to the policies of section 3.2.5, but are to be defined pursuant to, and subject to the policies of, the PPS. 	<p>The subject lands are not located within the Greenbelt Natural Heritage System, as defined. While the subject lands do contain a key natural heritage feature (habitat of endangered species and threatened species) and a key hydrologic feature (wetland – not provincially significant), the policies of section 3.2.5 indicate that aggregate operations shall be governed by section 4 (Natural Resources) regarding key hydrologic features in the Protected Countryside, or the policies of the PPS regarding key natural heritage features in the Protected Countryside. In this regard, see discussion under the Mineral Aggregate Resources and Rehabilitation themes, and the PPS above.</p>

RHOP	<p>C.2.6.1 Tables C.2.6-1 and C.2.6-2 in conjunction with Sections C.2.6.1 to C.2.6.5 shall apply to a new <i>mineral aggregate operation</i>, an expansion to an existing <i>mineral aggregate operation</i>, a new roadside pit and quarry located in the Greenbelt Plan Protected Countryside, both inside and outside the Greenbelt Natural Heritage System, or outside the Greenbelt Plan Protected Countryside.</p> <p>C.2.6.2 Tables C.2.6-1 and C.2.6-2 cross reference the type of <i>mineral aggregate operation</i> use, with natural heritage features, areas and systems. The policies applicable to each use and feature, area or system combination are identified by a capital letter (A, B, C or D).</p> <p>C.2.6.5 An expansion to an existing <i>mineral aggregate operation</i> within the Greenbelt Plan Natural Heritage System and a new <i>mineral aggregate operation</i> or the expansion to an existing <i>mineral aggregate operation</i> outside the Greenbelt Plan Natural Heritage System, listed in Table C.2.6-2:</p> <ul style="list-style-type: none"> a) shall not be permitted in the natural features and areas listed in Table C.2.6-2 and identified by the letter C. b) shall not be permitted in the natural features and areas listed in Table C.2.6-2 and identified by the letter D, unless it has been demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural features or their ecological functions. c) shall not be permitted in adjacent lands to the natural features and areas listed in Table C.2.6-2 identified by the letters C and D, unless it has been demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural features or their ecological functions. d) shall demonstrate through an Environmental Impact Statement how the diversity and connectivity of natural features in an area, and the long term ecological function and biodiversity of the natural heritage system should be maintained, restored or, where possible, improved 	<p>Section C.2.6 identifies restrictions on the location of new or expanding mineral aggregate operations depending on the type of feature(s) on or in the vicinity of the subject lands. In the case of the subject applications, Table C.2.6.2 is applicable as the applications are for an extension to an existing quarry, outside of the Greenbelt Natural Heritage System. The table indicates that an expansion to an existing operation is not permitted within significant habitat of threatened or endangered species or within significant wetlands (both denoted by 'C' in the table). With regard to the subject lands, it is noted that there are no significant wetlands present on the lands. However, significant habitat of threatened or endangered species has been identified on the lands (Barn Swallow and Eastern Meadowlark, both threatened). In this regard, the table above refers to Policies C.2.6.5 and C.2.3.4.</p> <p>Policy C.2.3.4 confirms that development is not permitted in significant habitat of threatened or endangered species, except in accordance with applicable provincial and federal regulations. In this regard, the applicant has consulted with the Ministry of Natural Resources and Fisheries, and confirmed that the habitat may be removed, provided that suitable replacement habitat is created off-site, in accordance with the <i>Endangered Species Act</i>. The applicant has initiated a Notice of Activity with the MNRF to initiate this process. Suitable notes have been placed on the Operational Plan in this regard.</p>
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recognizing the linkages between and among natural heritage features and areas, surface water features and ground water features.

C.2.3.4 New *development* or *site alteration* shall not be permitted within provincially significant wetlands, *significant coastal wetlands*, or *significant habitat of threatened or endangered species*, except in accordance with applicable provincial and federal regulations with respect to *significant habitat of threatened or endangered species*.

Theme: Water Resources

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	<p>2.2.1 Planning authorities shall protect, improve or restore the <i>quality and quantity of water</i> by:</p> <ul style="list-style-type: none"> a) using the <i>watershed</i> as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; b) minimizing potential <i>negative impacts</i>, including cross-jurisdictional and cross-<i>watershed</i> impacts; c) identifying water resource systems consisting of <i>ground water features, hydrologic functions, natural heritage features and areas, and surface water features</i> including shoreline areas, which are necessary for the ecological and hydrological integrity of the <i>watershed</i>; d) maintaining linkages and related functions among <i>ground water features, hydrologic functions, natural heritage features and areas, and surface water features</i> including shoreline areas; e) implementing necessary restrictions on <i>development and site alteration</i> to: <ul style="list-style-type: none"> 1. protect all municipal drinking water supplies and <i>designated vulnerable areas</i>; and 2. protect, improve or restore <i>vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions</i>; <p>2.2.2 <i>Development and site alteration</i> shall be restricted in or near <i>sensitive surface water features and sensitive ground water features</i> such that these features and their related <i>hydrologic functions</i> will be protected, improved or restored.</p> <p>Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore <i>sensitive</i></p>	<p>The applicant has submitted a Level 1 & 2 Hydrogeology and Hydrology Technical Report, prepared by Golder Associates, which has been peer reviewed by Dillon Consulting and reviewed by members of CART. The Golder report reviewed the proposed quarry extension for impacts on groundwater, including neighbouring wells, and surface water. In addition, the City of Hamilton retained the consulting firm Earthfx to conduct further analysis of the groundwater modelling and potential ground and surface water impacts on the local water supply, including the Greensville Well. The Earthfx study assessed quarry expansion using the advanced and updated Greensville Tier 3 (GT3) model originally developed for the Tier 3 Water Budget Assessment for the Greensville municipal well. The fully integrated surface water / groundwater model provided the City and partner CART agencies with a highly advanced database and quantitative modelling analysis tool.</p> <p>At a high level, the studies have concluded that impacts to ground and surface water in the region can be mitigated, and notes have been included on the Operational Plan in this regard. Impacts to neighbouring wells are not expected to be greater than impacts from the existing quarries, but should they occur, Lafarge has a complaint protocol in place to respond to the issue. The complaint protocol has been expanded / enhanced based on the findings of the Earthfx report.</p>

		<i>surface water features, sensitive ground water features, and their hydrologic functions.</i>	
Greenbelt Plan	3.2.3	<p>The following Water Resource System policies apply throughout the Protected Countryside:</p> <ol style="list-style-type: none"> 1. All planning authorities shall provide for a comprehensive, integrated and long-term approach for the protection, improvement or restoration of the quality and quantity of water. Such an approach shall consider all hydrologic features, areas and functions and include a systems approach to the inter-relationships between and/or among <i>key hydrologic features</i> and <i>key hydrologic areas</i>. 2. Watersheds are the most meaningful scale for hydrological planning. Municipalities, partnering with conservation authorities as appropriate, shall ensure that <i>watershed planning</i> is undertaken to support a comprehensive, integrated and long-term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed. 	<p>Please refer to discussion above regarding the Level 1 & 2 Hydrogeology and Hydrology Technical Report, prepared by Golder Associates, which was submitted by the proponent and peer reviewed by Dillon Consulting and reviewed by members of CART, and the additional modelling review conducted by Earthfx on behalf of the City.</p> <p>At a high level, the studies have concluded that impacts to ground and surface water in the region can be mitigated, and notes have been included on the Operational Plan in this regard.</p> <p>The City and Conservation Authority have worked co-operatively to review the applications at the watershed level.</p>
RHOP	C.2.12.3 C.5.1.1	<p>Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved, or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve, or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.</p> <p>No draft, conditional, or final approval of <i>development</i> proposals shall be granted by the City for any <i>development</i> in the <i>rural area</i> that could impact existing <i>private services</i> or involves proposed <i>private services</i> until the <i>development</i> proposal has complied with the all of the following:</p> <ol style="list-style-type: none"> a) Prior to or at the time of application for a proposal that could impact existing <i>private services</i> or involves proposed <i>private services</i>, <i>development</i> proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be complete to 	<p>Please refer to discussion above regarding the Level 1 & 2 Hydrogeology and Hydrology Technical Report, prepared by Golder Associates, which was submitted by the proponent and peer reviewed by Dillon Consulting and reviewed by members of CART, and the additional modelling review conducted by Earthfx on behalf of the City.</p> <p>At a high level, the studies have concluded that impacts to ground and surface water in the region can be mitigated, and notes have been included on the Operational Plan in this regard.</p>

	<p>the satisfaction of the City. Where sufficient information is not available to enable a full assessment of on-site and off-site water supply and/or sewage disposal impacts or if the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study report completed in accordance with Section F.3.2.2 – Hydrogeological Studies of this Plan and Hydrogeological Study Guidelines as may be approved or amended from time to time.</p> <p>b) Any information submitted or study required in Policy C.5.1.1a) shall be completed to the satisfaction of the City in accordance with Section F.3.2.2 of this Plan and Hydrogeological Study Guidelines as may be amended from time to time. The City may request or conduct a peer review of the study or servicing information, which shall be completed by an agency or professional consultant acceptable to the City and retained by the City at the applicant's expense.</p>	
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Theme: Land Use Compatibility (Noise, Air, Blasting)

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	<p>1.1.1. Healthy liveable and safe communities are sustained by:</p> <p>(c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.</p> <p>1.2.6.1 <i>Major facilities and sensitive land uses</i> should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate <i>adverse effects</i> from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of <i>major facilities</i>.</p>	<p>The applicant has completed Noise, Air Quality, and Blasting Impact studies to identify mitigation requirements for the protections of adjacent uses. These studies have been peer reviewed, and all recommendations from the studies are implemented through the ARA License on the Operational Plan. These studies demonstrate that the proposed quarry extension will not cause environmental or public health or safety concerns.</p>
Greenbelt Plan	N/A	
RHOP	<p>B.3.6.3.19 The City shall ensure that all <i>development or redevelopment</i> with the potential to create conflicts between <i>sensitive land uses</i> and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines. The City may require proponents of such proposals to submit studies prior to or at the time of application submission, including the following: <i>noise feasibility study; detailed noise study; air quality study; odour, dust and light assessment; and any other information and materials identified in Section F.1.9 – Complete Application Requirements and Formal Consultation.</i></p>	<p>As noted above, the applicant has completed Noise, Air Quality, and Blasting Impact studies to identify mitigation requirements for the protections of adjacent uses. These studies have been peer reviewed, and all recommendations from the studies are implemented through the ARA License on the Operational Plan.</p>

Theme: Cultural Heritage

Plan	Policy References	Rationale for Compliance
Provincial Policy Statement	<p>2.6.1 <i>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</i></p> <p>2.6.2 <i>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</i></p> <p>2.6.3 Planning authorities shall not permit <i>development and site alteration on adjacent lands to protected heritage property</i> except where the proposed <i>development and site alteration</i> has been evaluated and it has been demonstrated that the <i>heritage attributes</i> of the <i>protected heritage property</i> will be conserved.</p>	<p>The applicant has submitted a Cultural Heritage Impact Assessment (CHIA), prepared by MHBC Consulting, to examine the built heritage in and around the subject lands. Recommendations resulting from the CHIA, which has been accepted by staff and the Hamilton Municipal Heritage Committee, include: the retention of a heritage dwelling at 565 Moxley Road, which has been placed on the City’s heritage Register; berming and edge treatment of the Glenwood Cemetery; and, commemorative display plaques. All required notes have been placed on the ARA Operational Plan.</p> <p>The applicant has completed Archaeological Assessments of the subject lands. The assessments were completed over time for different portions of the subject site and collectively complete an assessment of the entirety of the subject lands. The assessments have received clearance from the Ministry of Tourism, Culture and Sport, and signed off by City staff.</p>
Greenbelt Plan	<p>4.4 For lands within the Protected Countryside, the following policies shall apply:</p> <p>1. <i>Cultural heritage resources shall be conserved</i> in order to foster a sense of place and benefit communities.</p>	<p>As noted above, the applicant has completed a Cultural Heritage Impact Assessment and Archaeological Assessments of the subject lands which have been reviewed and accepted by the Ministry and staff.</p>
RHOP	<p>B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:</p> <p>a) Protect and <i>conserve</i> the tangible <i>cultural heritage resources</i> of the City, including <i>archaeological resources, built heritage resources, and cultural heritage landscapes</i> for present and future generations.</p> <p>d) Avoid harmful disruption or disturbance of known archaeological sites or <i>areas of archaeological potential</i>.</p> <p>e) Encourage the ongoing care of individual <i>cultural heritage</i></p>	<p>As noted above, the applicant has completed a Cultural Heritage Impact Assessment (CHIA) which has been reviewed and accepted by staff and the Hamilton Municipal Heritage Committee. Further, Archaeological Assessments of the subject lands which have been reviewed and accepted by staff and received clearance from the Ministry of Tourism and Culture.</p> <p>With regard to policies D.6.30 and D.6.31 and rehabilitation of the site in relation to cultural heritage resources, it is recognized that the applicant has agreed to preserve the heritage home and surrounding</p>

	<p><i>resources</i> and the properties on which they are situated together with associated features and structures by property owners, and provide guidance on sound conservation practices.</p> <p>g) Ensure the conservation and protection of <i>cultural heritage resources</i> in planning and development matters subject to the Planning Act either through appropriate planning and design measures or as conditions of development approvals.</p> <p>D.6.29 The development of Mineral Aggregate Resource Extraction Areas shall not adversely impact <i>significant cultural heritage resources</i> either directly or indirectly unless suitably <i>conserved</i> or mitigated by the proponent to the satisfaction of the City and in accordance with studies required under the <u>Aggregate Resources Act</u>. (OPA(R)-5)</p> <p>D.6.30 The rehabilitation of areas impacted by mineral aggregate resource extraction operations shall reflect and <i>conserve</i> elements of the pre-extraction character of the <i>significant cultural heritage resources</i> where possible. (OPA(R)-5)</p> <p>D.6.31 Where possible, public or private rehabilitation of lands impacted by <i>mineral aggregate resource</i> extraction shall reflect and represent the pre-extraction land uses and character of the <i>significant cultural heritage resources</i>. The reflection and representation of these <i>significant</i> cultural heritage elements shall not preclude the rehabilitation of natural heritage features and ecological function, but shall ensure that the cultural history of the lands is appropriately represented in the rehabilitated site. (OPA(R)-5)</p>	<p>property at 565 Moxley Road. The home will be mothballed during extraction, and incorporated into the final rehabilitation plan in a sensitive manner. Further, commemorative plaques will recognize the heritage landscape of the area for the long term.</p>
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