

Date: May 11, 2011

File: C06W12.002

PLANNING, DESIGN & DEVELOPMENT COMMITTEE

Subject: **RECOMMENDATION REPORT**

DATE: June 13, 2011

Proposed Norval Quarry Re-Zoning Application and Aggregate Resource License Application On-going Review
(City File: C06W12.002)
Ward 6

Contact: David Waters, Manager, Land Use Policy (905-874-2074)

Overview:

- This report provides an update on the rezoning application submitted in early December 2008 by Brampton Brick that proposes the development of a shale quarry, and the associated Aggregate Resource Act (ARA) license application, including a summary of the peer review findings that assessed the technical reports submitted by Brampton Brick.
- Brampton Brick appealed the rezoning application under the Planning Act to the Ontario Municipal Board (OMB) in January 2011. The City has retained the services of Davis LLP to assist with the processing and forthcoming OMB hearing associated with this proposal.
- The City has also retained the services of Hardy Stevenson and Associates to undertake a social impact assessment study in order to better understand perceived impacts to the community.
- Staff recommendations are provided respecting next steps in the City's consideration of this application, including holding a public meeting.

RECOMMENDATIONS:

1. **THAT** the report from David Waters, Manager, Land Use Policy, dated May 11, 2011 to the Planning, Design & Development Committee meeting of June 13, 2011, re: **Recommendation Report, Proposed Norval Quarry Rezoning Application & Aggregate Resource License Application On-going Review, Ward 6** (File: C06W12.002) and attachments be received;
2. **THAT** staff be directed to schedule a public meeting with local area residents and stakeholders to present the results of the peer reviews and the Brampton Brick proposal and receive feedback and comments;

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3. **THAT** staff be directed to release the peer review reports to make them available for public comment in advance of the public meeting;
4. **THAT** staff report back to Council with the results of the public meeting, and;
5. **THAT** the City Clerk forward a copy of this staff report and Council resolution to the Ministry of Natural Resources, Region of Halton, Town of Halton Hills, Region of Peel, Credit Valley Conservation Area and Brampton Brick, and those area residents/stakeholders who have expressed an interest in the proposed quarry who contacted the City of Brampton.

BACKGROUND:

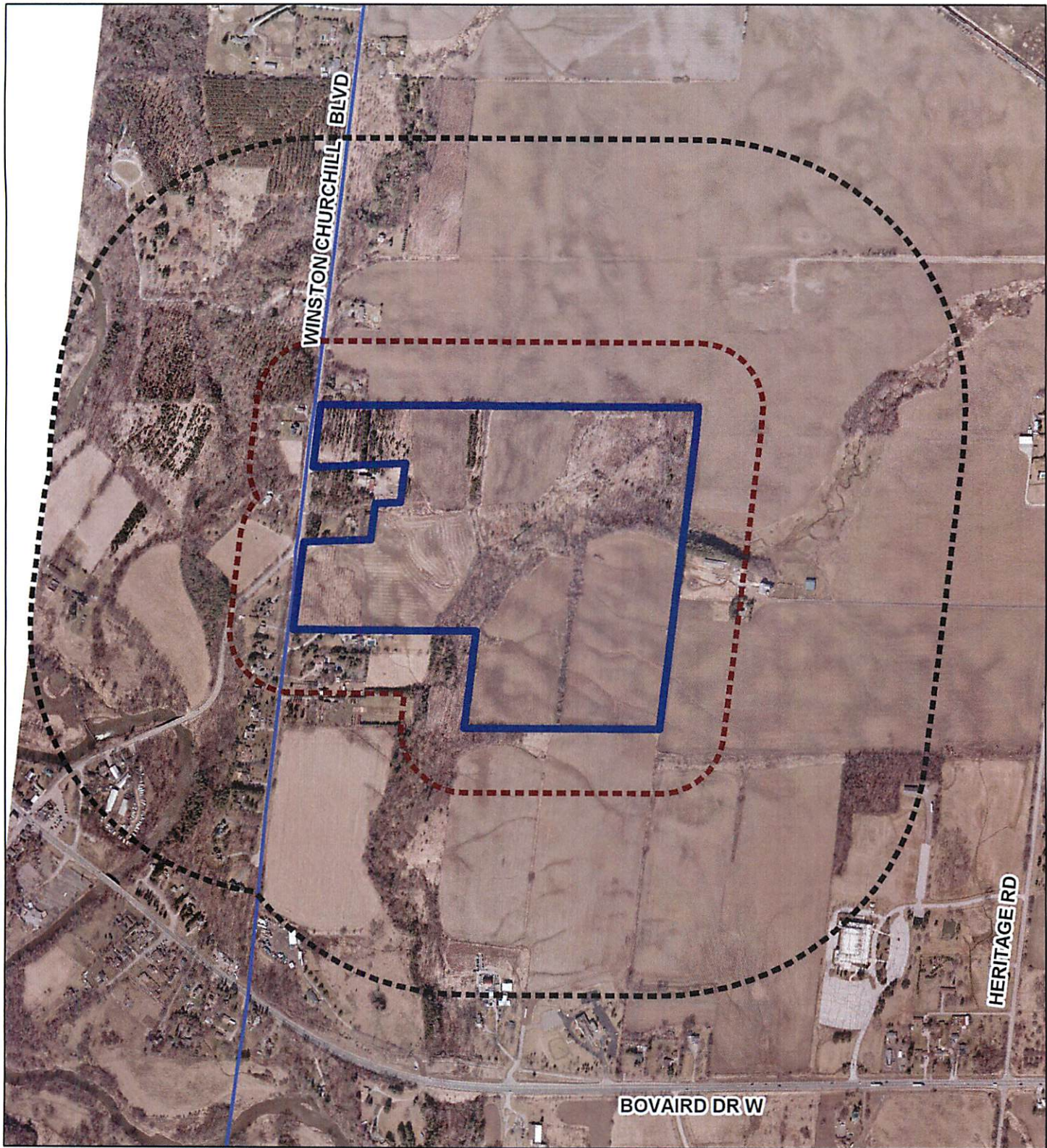
Brampton Brick (The Applicant) submitted a planning application in December 2008 to rezone 34.9 hectares (97 acres) on the east side of Winston Churchill Boulevard, north of Old Pine Crest Road (see Figure 1 for a location map of the subject lands, Figure 2 for current OP designations and Figure 3 for current zoning designations).

In January 2011, Brampton Brick appealed this matter to the Ontario Municipal Board (OMB) for a decision on the re-zoning. No pre-hearing details are available from the OMB however, a case number: (PL110063) has been assigned.

In addition to the City's project team that includes staff and Mark Dorfman (the external aggregate advisor), Chris Barnett and Laura Bisset (Davis LLP) have been retained as external counsel for this file. To help assess the impacts to the community from the proposed quarry operation, the City has retained Hardy Stevenson and Associates to undertake an independent social impact assessment study (SIA) on behalf of the City. Residents and community stakeholders may be contacted to provide their perspectives on how the proposed quarry may impact them. The results of the SIA will be reported to Planning Committee and will be used to inform the City's review of the proposal.

City staff is currently undertaking a comprehensive review of the proposed quarry in accordance with the legislation at the Provincial, Regional and City policy level.

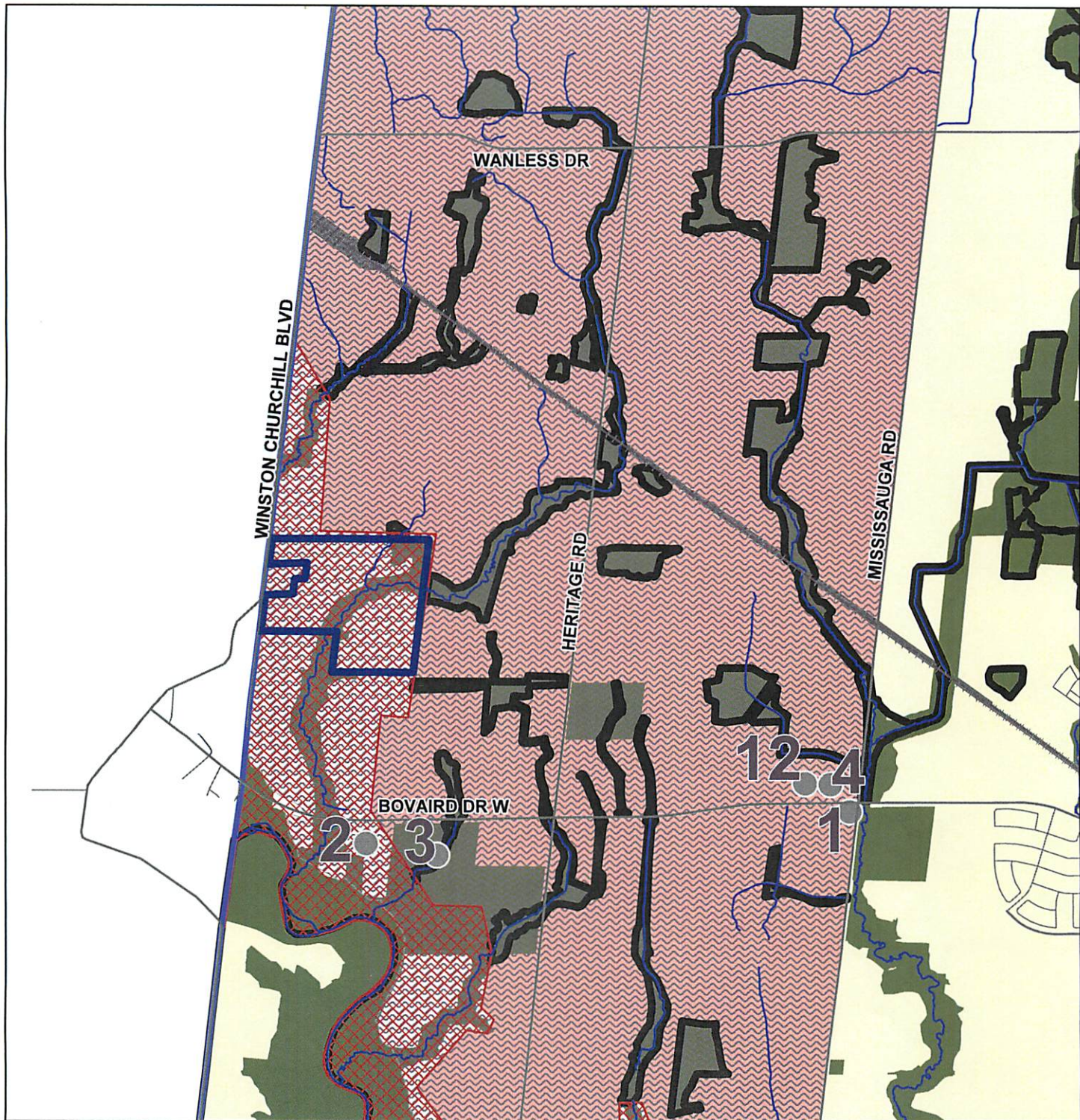
The subject lands are designated Protected Countryside and Natural Heritage within the Greenbelt Plan and therefore, are subject to Greenbelt policies. The application is also subject to the policies contained in the Provincial Policy Statement, the Planning Act, the Aggregate Resources Act (and Provincial Standards 244/97), as well as the Regional and Local Official Plans. The approval of mineral extraction operations is subject to re-zoning (City of Brampton) and licensing process under the Aggregate Resources Act (Ministry of Natural Resources). This process includes rigorous evaluation and assessment, including multi-agency plan review. The applications are also subject to the Northwest Brampton Policy Area policies in the Brampton Official Plan (Section 4.15).



- SUBJECT LANDS
- 500 METRE BUFFER FROM SITE
- 120 METRE BUFFER FROM SITE
- CITY LIMIT

AERIAL PHOTO DATE: MARCH 2010



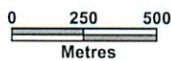


EXTRACT FROM SCHEDULE A (GENERAL LAND USE DESIGNATIONS) OF THE CITY OF BRAMPTON OFFICIAL PLAN

- SUBJECT LANDS
- APPEALED TO THE OMB
- N-W BRAMPTON URBAN DEVELOPMENT AREA
- OPENSOURCE
- CORRIDOR PROTECTION AREA
- PROVINCIAL GREENBELT AREA/PROTECTED COUNTRYSIDE
- RESIDENTIAL
- MAJOR WATERCOURSE
- 1 SPECIAL LAND USE POLICY AREA
SEE SECTION 4.13

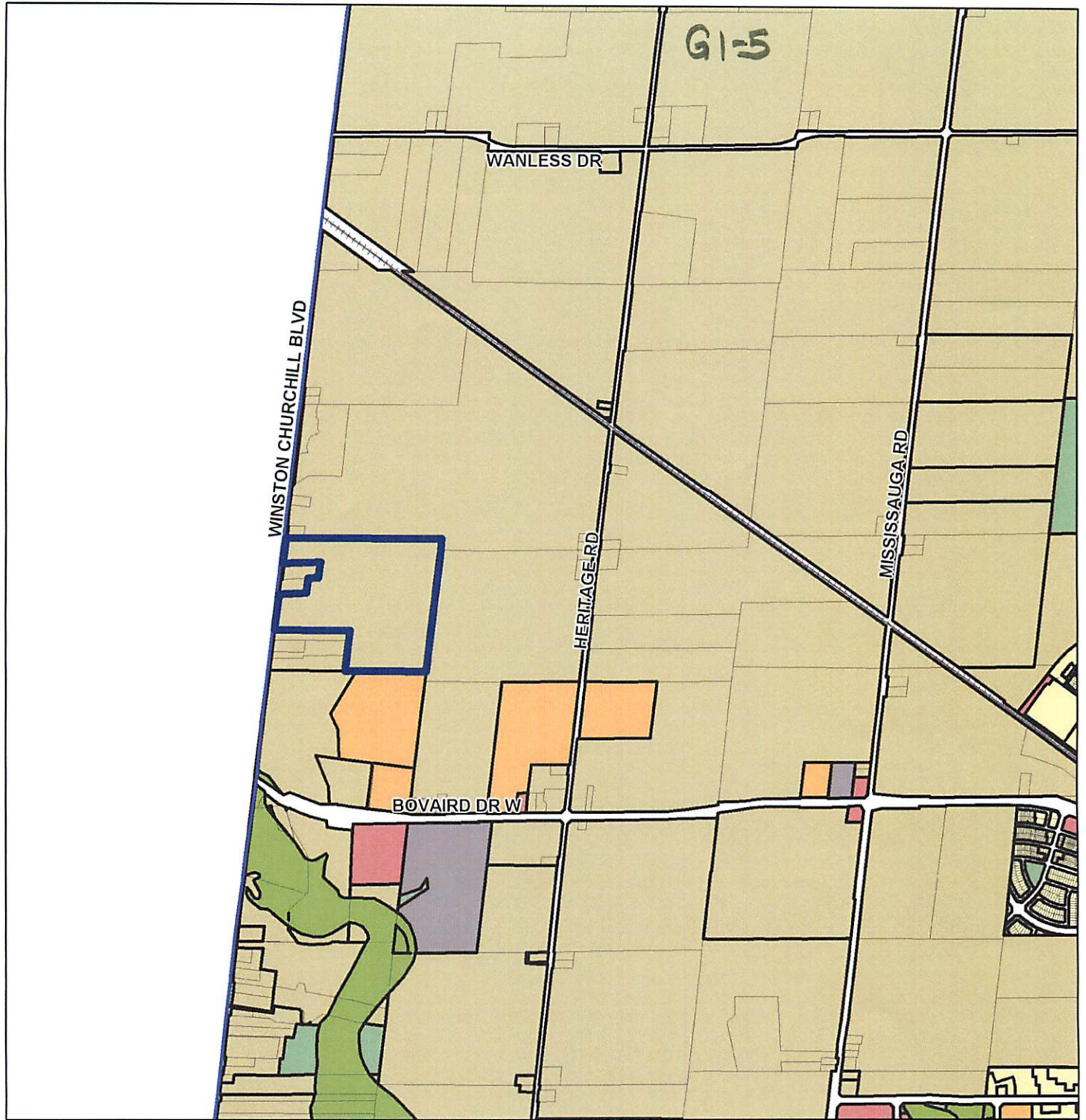













FIGURE 2
OFFICIAL PLAN DESIGNATIONS
 LONG ENVIRONMENTAL CONSULTANTS INC.
 Brampton Brick



Drawn By: MA
 Date: 2011 05 18

CITY FILE: C06W12.002



	SUBJECT LANDS		INDUSTRIAL		RESIDENTIAL		CITY LIMIT
	ZONING BOUNDARY		FLOODPLAIN		OPEN SPACE		RAILWAY
	AGRICULTURAL		COMMERCIAL		INSTITUTIONAL		



Aggregate extraction is permitted within the Greenbelt Plan, as per the “non-agricultural policies.” However, certain tests must be met, namely that no new aggregate operations are permitted in specific key natural heritage features and key hydrologic features, which include: significant wetlands, habitats of endangered and threatened species and significant woodlands. The connectivity of key natural and hydrological features is emphasized in the legislation. The onus is on the Applicant to demonstrate that all issues are addressed, including that the quantity and quality of groundwater and surface water will be maintained. Rehabilitation is also a significant consideration to guide decision-making.

The purposes of this report are to:

- Provide an update on the status of Brampton Brick’s appeal to the Ontario Municipal Board;
- Provide an overview of the findings from the City’s peer reviews on the technical reports submitted by Brampton Brick and identify impacts to Brampton, and release the peer reviews to the public;
- Outline the key Provincial, Regional and City policy framework within which the proposed Quarry must be evaluated, and;
- Provide a recommendation regarding the next steps in the reviewing of the proposal, including public consultation.

CURRENT SITUATION

The Proposal

The existing land use around the proposed shale quarry is predominantly rural and agricultural, with a small community of estate residential dwellings to the south of the subject site, on Old Pine Crest Road. Appendix A illustrates existing conditions and Appendix B shows the proposed operational plan and the excavation area of 9.35 hectares (about 27% of the subject site).

With the aid of the peer review results, the City has conducted a thorough review of Brampton Brick’s 2008 Planning Report and 2010 Site Plan Report. The latter report contained technical reports and site plan drawings that explained the intended operations, monitoring and rehabilitation plans. The technical reports contained in both reports provided detail on specific technical disciplines such as, natural heritage, hydrogeology, visual impact, noise, traffic, soils, cultural heritage and archaeology.

The detailed review found inconsistent approaches and assumptions in several of the technical reports prepared by Brampton Brick’s experts, and led to the conclusion that these technical reports are incomplete and not acceptable. A

summary of findings from the City's peer reviewers who examined the technical reports are available in Appendix D. These findings and the implications to the City are discussed in greater detail herein.

The findings of the peer reviewers will be considered in the policy context that the application is subject to. Specifically, the Provincial Policy Statement, the Aggregate Resources Act, the Greenbelt Plan, the Region of Peel Official Plan, the City of Brampton Official Plan and City's Comprehensive Zoning By-law.

In addition, the City has retained Hardy Stevenson and Associates to undertake a social impact assessment to assess potential impacts to the community as a result of the quarry operation. As part of the social impact study, Hardy Stevenson will be interviewing residents and community stakeholders on their impressions. Hardy Stevenson will also review the results of Brampton Brick's socio-economic impact assessment (conducted by DPRA), when they become available. The results of the Hardy Stevenson social impact assessment are not expected until later this year and will be communicated in a further report to Planning, Design and Development Committee.

Status of the Rezoning Application

In November 2008, Brampton Brick submitted a planning application to the City of Brampton to rezone lands on the subject site in order to permit the extraction of shale and related uses. As per the requirements of the Planning Act, the City deemed the application complete on January 6, 2009. The applicant was advised that a complete application submission does not constitute City support of the application, and that additional documentation may be required as the application is processed.

In January 2011, the Applicant appealed the application for a zoning amendment, pursuant to section 34(11) the Planning Act, to the Ontario Municipal Board (OMB). To date, no pre-hearing conference has been scheduled. Following the appeal, City staff continued to review the rezoning application, and completed the peer reviews of the submitted technical material, as summarized in this report to Planning, Design and Development Committee.

In support of the rezoning application, the applicant submitted ten technical studies to the City to address planning, soils and agriculture, natural environment, noise control, cultural heritage, archaeology, hydrogeology and hydrology, air quality, transportation and visual assessment. The ARA materials, received at the end of August 2010, essentially updated the technical reports provided as part of the planning application, with the exception of the 2008 Transportation and Traffic report.

The City has now completed a comprehensive review of the proposed quarry, with the aid of peer reviewers to assist in the technical interpretation that identifies significant gaps in the proposal. A summary of the findings from the peer reviews is available in Appendix D. Copies of the peer review reports are available at the Planning Department.

In March 2011, the City retained Hardy Stevenson and Associates to undertake an independent social impact assessment study (SIA) on behalf of the City. Residents and community stakeholders may be contacted to provide their perspectives on how the proposed quarry may impact them. The results of the SIA will be reported to Planning Committee and will be used to inform the City's review of the proposal. The City has also retained external Counsel from Davis LLP to assist with any legal questions that may arise on the Application and the forthcoming OMB Hearing. The peer reviewers who were retained to review the technical reports may be retained in the future, should more detail be necessary at the time of the OMB Hearing.

The typical planning process would require a mandatory public meeting on the proposal to seek comments from the public before preparing a Recommendation Report. However, as there is an active OMB appeal, the matter is no longer determined by the City as the OMB has jurisdiction. A statutory public meeting is no longer mandatory. Nevertheless, staff recommends that the City hold a public meeting to present information on the appeal, present findings for the peer reviews and seek public input before staff makes a final recommendation.

The ARA Licence Application

The applicant submitted the application for an Aggregate Licence to the MNR on August 12, 2010. The ARA Licence application package was deemed complete by MNR on Sept 2, 2010. Copies of the ARA technical reports were received by the City on September 21, 2010 and are available to the public for review. Planning staff understand that the MNR is presently reviewing the materials provided by Brampton Brick.

The processing of a re-zoning application can be ongoing while a licence application under the Aggregate Resources Act is being reviewed. Without the zoning in force, a license cannot be issued by the MNR. If the applicant is unable to complete the application process within the required two-year period, then the ARA application is deemed withdrawn by the MNR. Aggregate proponents initially submit applications for re-zoning under the Planning Act, followed by the ARA licence application under the Aggregate Resources Act.

In accordance with the ARA, the Applicant is required to undertake a mandatory 45-day notification and consultation period. Members of the public/agencies, including the City of Brampton, submitted written objections to the MNR and Brampton Brick within the 45-day notification period, which concluded on Dec 20, 2010. Brampton

Brick then has up to two years (including the 45 day public notification period) to attempt a resolution to the concerns received during the public notification period.

Based on discussions with MNR representatives, Planning Staff understand that objection letters are currently under review. If outstanding issues remain, the applicant may ask the Minister of Natural Resources to refer the application to the Ontario Municipal Board (OMB) for a decision. Brampton Brick has appealed the rezoning application to the OMB in January 2011. If no decision has been rendered on the planning application at the time of the MNR referral to the OMB, or the municipality does not agree to the rezoning, Brampton Brick may seek to have both matters heard together. A decision, therefore, would be made by the OMB concerning the rezoning application and the ARA licence application.

City staff filed an objection to the ARA application since the subject site is not zoned for the proposed quarry use and because of the outstanding concerns related to land use planning, transportation, natural environment, hydrogeology, surficial soil, visual, noise, archaeology, cultural heritage and social impact. Although the peer reviews are now complete, the findings from this exercise have brought to light additional questions. The City is now waiting on the results of a social impact assessment study to better understand impacts to the community. A Recommendation Report will be prepared for City Council when these results are available.

Peer Review Findings

The major findings from the peer reviewers are summarized in Appendix D. It should be noted that the City's peer reviews are not draft or preliminary. They are intended to provide the Applicant and their consultants with an objective review of the work undertaken to date and the conclusions of the applicant's consultant.

The applicant may proceed to revise the individual reports and studies with new information and analysis and clarify assumptions and conclusions. The applicant may submit revised consultant reports and may revise the planning and ARA applications. The applicant has the opportunity to meet with the Brampton peer reviewers during this revision stage.

Depending upon the response from the applicant, the City's peer review team will discuss the peer review findings and the applicant's responses with the applicant's consultants and the agencies that have an interest in these applications. These discussions occur after Council receives the Planning staff report.

It is evident in reviewing the findings from the peer reviewers that the technical studies were composed without much interaction among the various disciplines. This was most pronounced between hydrogeology and the natural environment reports. Due, in part, to the lack of interrelationship between these two reports, the peer reviewers (Genivar and EcoPlans) conclude that the technical reports are incomplete and unacceptable. Each study author presents an independent

assessment, with assumptions that were in some cases, inconsistent and contradicted one another. For example, in the noise study, residences to the east of the proposed quarry are identified as rural, and residences to the west are identified as urban. This is especially concerning because there are different reception point criteria (lower for rural areas).

All lands in North West Brampton are forecasted to be urbanized by 2031, apart from those lands designated in the Greenbelt Area. Furthermore, functional connectivity, linkages and interrelationships between water and natural features is a key consideration in Greenbelt policies that apply to the Application however these aspects are not well represented in the technical reports. Whereas more detail is anticipated during the Detailed Design phase of operation, it is appropriate to contribute further detail in the technical reports given the significance of the valley feature, potential sensitivity of local hydrology and sensitivity of the main vegetation communities (slopes, drainage and valley slopes).

A number of the peer reviewers also raised concerns related to the Applicant's proposed monitoring, mitigation and rehabilitation efforts and the state of the lands post-quarry operation, if the proposed quarry were to be approved. Nearly all the peer reviewers conclude that there is no process to identify any unacceptable impacts that if found, will initiate contingency measures. For the most part, there is no mechanism proposed to ensure appropriate targets are met. Some key impacts have been missed entirely. For example, with relation to noise, sound levels are considered only in the immediate vicinity of residential dwellings. There was no consideration of some properties close to the proposed quarry operation, specifically, in the rear lots of the east side of Old Pine Crest Road. In several instances, the mitigation and rehabilitation are actually discussed together. To expand, there is a suggestion that vegetation planting is considered part of the rehabilitation efforts, when this is more a mitigation measure.

In reviewing the technical reports, it is unclear what the end use of the post-quarry site will be a water-filled lake, agricultural land or open space. Brampton Brick's site plan implies that the long term plan for the final rehabilitation of the site is to return lands for agricultural purposes in 30-years. Further, the timeframe for rehabilitation is not well understood.

In the soil report, the applicant maintains that the soils will be returned to agricultural use, however, the time over which the site will be stripped, mined and rehabilitated (and return groundwater levels to a pre-mining condition) has potential to be extensive (possibly longer than the normal planning timeframe of 20-30 years). There is also no clear indication of what kind of fill will be used, and how clean it will be. More detail would also be helpful to better understand the interim conditions during the period of "lake filling."

It appears that there is generally a lack of assessment on potential impacts to natural features. Most concerning is the lack of detail on the impacts for surface

water during mitigation (the proposed lake filling). Additional analysis would be required to understand the on-site and off-site wetlands, the groundwater drawdown to the west of the main tributary, if any water loss from the main tributary is anticipated, both, during and post rehabilitation, potential on-site surface water temperature change and the operational water budget and need for mitigation during the lake filling stage. Additionally, there is concern about potential unacceptable impacts to groundwater levels in the bedrock, which may be anticipated in the northeast and east of the proposed quarry.

Haul route traffic appears to be underestimated in the Site Plan Report. The Site Plan report estimates approximately three trucks per hour. However, based on the information contained in the body of the site plan report, if the 200,000 tonne annual limit and use of haul truck, 250 days per year, for 8 hour days is considered, then there will be an average of 5 trucks per hour, and definitely more during peak periods. In nearly all the technical reports, there was no consideration for the off-site haul route, related to impacts from transportation on the natural environment, cultural environment, air quality, and other disciplines. Additionally, the Halton Peel Boundary Area Transportation Study (HPBATS) transportation network recommendations are not addressed in the Applicant's transportation assessment.

With regard to the visual impacts that may result from the proposed quarry, there is considerable concern that the report is too subjective and does not objectively assess where the quarry, operations, acoustic berms and stockpiles may be visible from. The Visual Impact Assessment report provided by the Applicant suggests that the proposed quarry will be naturally separated from existing and future land uses through buffering with berms and trees to act as screens. It is likely that these aspects may be visible from the north and east as the surroundings lands urbanize. Furthermore, the mitigation measures proposed, specifically the acoustic berm and sound attenuation wall are themselves visual impacts and represent only long term mitigation strategies. The proposed Vegetation plan that proposes planting trees to screen operations, does not consider the time required for these trees to grow and be effective as screen mitigation. It appears, thus, that there are no short term visual mitigation options proposed.

Public Consultation

Planning staff continues to keep the public, area residents and stakeholders from the Norval Pit-Stop Group, the North West Brampton Landowners Group, the Applicant and others apprised of key developments and information concerning the proposal. Stakeholder updates and relevant information are posted regularly on the City's project website.

At the December 15, 2010 meeting of Planning, Design and Development Committee, Brampton residents expressed concern about the adequacy of Brampton Brick's public notification in the Brampton Booster newspaper and not in the Brampton Guardian Community Newspaper. In accordance with Council

direction, Planning staff requested that the Ministry of Natural Resources expedite a review of the applicant's required notification under the Aggregate Resources Act. Following their review, an Aggregate Advisor at the Ministry of Natural Resources determined the Notice by Brampton Brick was served under proper notification. As such, no extension to the objection period was considered.

MNR staff estimate that over 1,200 objection letters were received by the December 20, 2010 objection period deadline. However, the actual number of valid objection letters has yet to be released by the Ministry.

In addition to the ARA objection period, interested persons also had the opportunity to submit comments on the Brampton Brick Application to the Environmental Bill of Rights (EBR) Registry by February 2, 2011 (extended from January 24, 2011). Comments posted on the EBR Registry and objections submitted as part of the Aggregate Resources Act (ARA) 45-day public notification period are different processes. Comments on the EBR Registry are directed to MNR only, as Brampton Brick is not involved in this process. However, all EBR Registry comments received during the comment period are being considered as part of the decision-making process by the Ministry of Natural Resources. In addition to the City, several affected public agencies submitted EBR comments including; the Region of Peel, Credit Valley Conservation Authority, the Region of Halton and Town of Halton Hills.

Whereas Brampton Brick is required to respond and attempt resolution to valid objection letters that were filed during the objection period, the EBR differs in that comments are directed to the MNR to consider in their decision making over the licence application. Brampton Brick is not directly involved or required to respond to the comments posted on the EBR.

NEXT STEPS

- Schedule a public meeting concerning Brampton Brick's rezoning application to provide an opportunity to seek input from the public and present findings from the peer reviews;
- Finalize the review of the re-zoning application based on the results of the peer reviews and public input, and;
- Report back to Council with a Recommendation Report on Brampton Brick's re-zoning application before the end of 2011.

CONCLUSION

Brampton Brick has submitted a rezoning application to the City of Brampton and an ARA license application to the MNR to permit the operation of a shale quarry. A license will only be issued if the zoning to permit the quarry is in force.

Planning staff has comprehensively reviewed the Applicant's application and noted considerable gaps. The information presented by the Applicant was oversimplified, with several assumptions, lack of detail on monitoring, mitigation and subsequent rehabilitation. A social impact assessment is presently underway to assist the City to understand impacts to the community. Details on the OMB appeal hearing are also forthcoming.

Based on the results of the peer reviews and the public input following the public meeting, staff will report to Planning, Design and Development Committee with a Recommendation Report.

Respectfully Submitted:

Original Signed By

Original Signed By



Adrian Smith, MCIP, RPP
Director, Planning Policy and Growth
Management



John B. Corbett, MCIP, RPP
Commissioner, Planning, Design
and Development

Authored by: Natasha D'Souza/David Waters

Attachments:

- Appendix A Existing Conditions
- Appendix B Operational Plan
- Appendix C Final Rehabilitation Plan
- Appendix D Summary of Peer Review Findings
- Appendix E Tentative Timeline
- Appendix F Peer Review Reports

BRAMPTON
BRICK
Limited
 AN INCORPORATED BRICK MANUFACTURING COMPANY LIMITED

NORVAL QUARRY

PART OF WEST HALLS LOT 13
 CONCESSION 6 S.W. 15
 GEOGRAPHIC TOWNSHIP OF CHEHALCOQUIRY
 CITY OF BRAMPTON
 REGION OF PEEL

3 of 6
OPERATIONAL
PLAN

- LEGEND**
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AMENDMENT No. _____

DATE: _____

PREPARED BY: _____

REVISIONS:

NO.	DATE	DESCRIPTION

LONGVIEW/UNIVERSAL CONSULTANTS INC.
 100 WESTERN AVENUE, SUITE 200
 TORONTO, ONT. M6H 2V2
 TEL: (416) 763-1234
 FAX: (416) 763-1235
 WWW: WWW.LONGVIEW-UNIVERSAL.COM

NOTES

1. THIS PLAN IS A PRELIMINARY OPERATIONAL PLAN AND IS SUBJECT TO APPROVAL BY THE REGION OF PEEL AND THE CITY OF BRAMPTON.

2. THE PLAN SHOWS THE PROPOSED EXCAVATION STAGES AND DIVERSIONS. THE EXCAVATION STAGES ARE TO BE COMPLETED IN THE ORDER SHOWN ON THE PLAN.

3. THE DIVERSIONS ARE TO BE COMPLETED IN THE ORDER SHOWN ON THE PLAN.

4. THE EXCAVATION STAGES AND DIVERSIONS ARE TO BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE REGION OF PEEL AND THE CITY OF BRAMPTON.

5. THE EXCAVATION STAGES AND DIVERSIONS ARE TO BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE REGION OF PEEL AND THE CITY OF BRAMPTON.

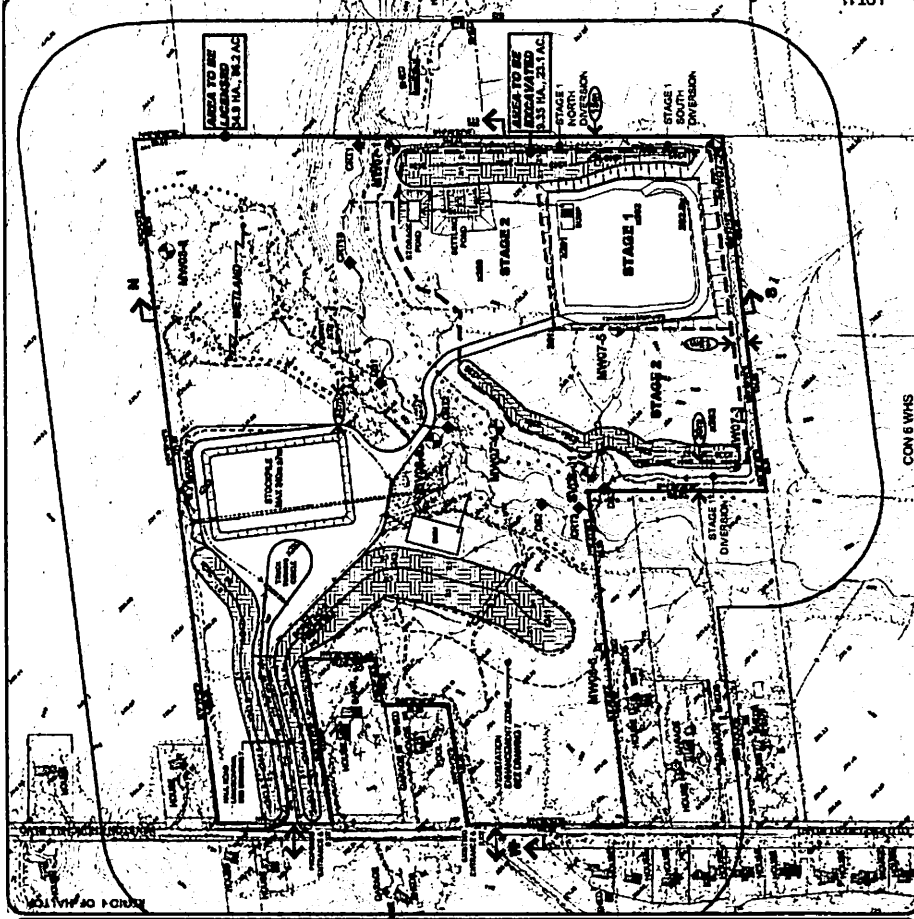
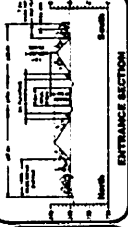
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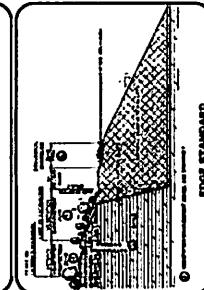
APPENDIX B - OPERATIONAL PLAN

BRAMPTON
BRICK
Limited

NORVAL QUARRY
PART OF WEST HALF LOT 12
CONCESSION 8 WALL
CITY OF BRAMPTON
REGION OF PEEL

5 of 7
FINAL
REHABILITATION
PLAN

- LEGEND**
- PROPOSED 1:2% SLOPE
 - PROPOSED 3% SLOPE
 - PROPOSED 5% SLOPE
 - PROPOSED 10% SLOPE
 - PROPOSED 15% SLOPE
 - PROPOSED 20% SLOPE
 - PROPOSED 25% SLOPE
 - PROPOSED 30% SLOPE
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 - PROPOSED 190% SLOPE
 - PROPOSED 195% SLOPE
 - PROPOSED 200% SLOPE



APP
W
PP

AMENDMENT No. _____

DATE: _____

DESIGNER: _____

CLIENT: _____

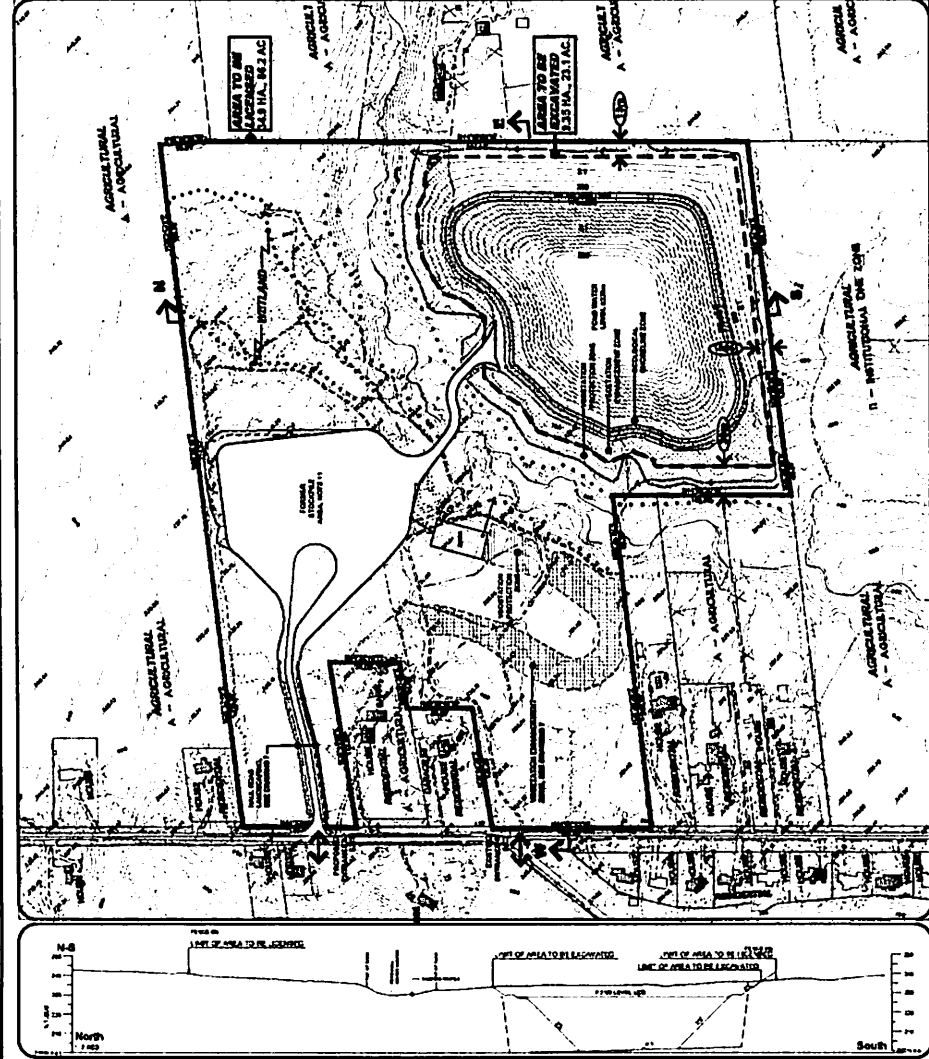
SCALE: _____

PROJECT NO.: _____

LONG ENVIRONMENTAL CONSULTANTS INC.
1000 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO M1S 1T5

NOTE:

1. THIS PLAN AND ALL ATTACHED SCHEDULES ARE THE PROPERTY OF LONG ENVIRONMENTAL CONSULTANTS INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF LONG ENVIRONMENTAL CONSULTANTS INC.
2. THIS PLAN AND ALL ATTACHED SCHEDULES ARE SUBJECT TO THE CITY OF BRAMPTON ZONING BY-LAW AND THE REGION OF PEEL ZONING BY-LAW.
3. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS ZONED FOR THE PROPOSED USE AND THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM THE CITY OF BRAMPTON AND THE REGION OF PEEL.
4. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS FREE OF ALL LIENS, ENCUMBRANCES, AND OTHER INTERESTS THAT MAY AFFECT THE PROPOSED USE.
5. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS FREE OF ALL DEFAMATIONS, DEFICIENCIES, AND OTHER DEFECTS THAT MAY AFFECT THE PROPOSED USE.
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20. THE CLIENT HAS REPRESENTED THAT THE PROPERTY IS FREE OF ALL DEFAMATIONS, DEFICIENCIES, AND OTHER DEFECTS THAT MAY AFFECT THE PROPOSED USE.



APPENDIX C - FINAL REHABILITATION PLAN

Appendix D

Summary of peer review findings

Peer review report	Main findings
Hydrogeology	<ul style="list-style-type: none"> • The report is incomplete. Key components of evaluation are missing (i.e. trigger mechanisms, contingencies, water budget for proposed rehabilitation). • The information presented suggests that the model does not adequately simulate existing conditions. As a result, the predicted quarry effects on water resources are questionable. • The concerns about the assumptions of the numerical groundwater model could have significant implications on the Main Tributary and suggests water table drawdown can extend below the Main Tributary to the western portion of the site. • Potential effects to the Main Tributary upstream of the proposed quarry site are not quantified. • Predicted impacts to some off-site wells could be unacceptable. • Information on the predicted concentrations of salts (chloride and sodium) and changes from baseline conditions within local surface water features should be provided. This information should also be considered as part of the Natural Environment Assessment. • The Report excludes surface water flow monitoring during "extended dry periods". Characterization of the lowest flow conditions within local surface water courses is critical to the prediction of impact(s) associated with the proposed quarry. • An impact assessment to potential changes to the temperature of surface water should be provided. • Contingencies are not provided for unacceptable effects to surface water quantity or quality, or effects to the natural environment as a result of effects to groundwater quantity or quality. • Unacceptable impacts to groundwater levels in the bedrock are predicted in the northeast/east of the proposed quarry. • More detail is necessary to understand the operational plan for surface water mitigation during rehabilitation (i.e. lake filling stage). • Need stronger linkage with Natural Environment Study.
Natural Environment	<ul style="list-style-type: none"> • Overall, insufficient detail and analysis to support conclusions. Conclusions regarding the potential for impacts to significant natural heritage features/functions are not fully substantiated for most legislation (Greenbelt Plan, PPS, ESA or Fisheries Act) based on the information, analysis and mitigation presented. • Poorly defined study parameters. • Over-arching concern regarding the general lack of detail in feature descriptions and analysis and associated

<ul style="list-style-type: none"> • over-simplifications that lead to various un-substantiated conclusions. • Weak and non-integrated information on water interrelationships (and lack of any mention of Key Hydrologic Features). • One of the primary impacts of below-water aggregate extraction is drawdown of the surrounding water table, which could in turn impact natural features that are dependent on water (specifically wetlands and watercourses, and potentially the Fresh-Moist Black Walnut Lowland Deciduous Forest). Without a thorough discussion and understanding of the inter-relationships between the natural features and water, potential impacts cannot be properly identified or addressed. • Did not discuss any functional connectivity/connectivity with Key Natural Heritage Features. On-site linkage functions (e.g., along the main valley) are not thoroughly discussed and in some cases are not even mentioned (e.g., hedgerows, which might contain Butternut). • The impact assessment is incomplete and does not appear to have been founded on a comprehensive understanding of functional inter-relationships between water and natural features. • Disjointed/inadequate mitigation/contingencies proposed. • No assessment of any potential implications of the rehabilitation plan on natural features or identification of any potential for residual effects following rehabilitation, or during 'lake filling'. • mitigation approach is not likely to fully protect fish and fish habitat in the Main Tributary. • No clear identification of residual impacts to natural features from operation and their acceptability. 	
<p>Transportation</p> <ul style="list-style-type: none"> • The described hours of operation and trip generation estimates do not match the information presented in the Transportation assessment. The Site Plan report suggests about 3 trucks an hour with use the selected haul route, whereas considering the 200,000 tonne annual limit there could be significantly more trucks per hour, particularly during peaks periods. • The traffic impacts associated with potential backfill activities are not discussed in the Site Plan Report or the Transportation Assessment Report. • The traffic impacts attributed to the quarry have not been disaggregated from the impacts of background traffic and the impacts on the network without the assumed road improvements have not been assessed. • There is no detail provided on how the haul route was selected. With no comparative assessment of the possible routes, the haul route could be selected arbitrarily with no consideration of the stakeholders or the impacts. • Eight specific analysis gaps have been identified, which limits the evaluation of potential impacts. • The report does not address the findings of the Halton Peel Boundary Area Transportation Study. If the assumed Winston Churchill Blvd improvements or any other road network improvements are not implemented or, are delayed, related traffic operations and safety issues could be significantly worse than reported. • No actual sightline measurements or minimum requirements are discussed in the report. • Some intersections along the proposed haul route do not show a satisfactory level of service. • Haul route enforcement is not discussed. • Damage from heavy truck traffic could go unchecked resulting in significant structural damage to the road way. • Assessment of background traffic growth does not represent an accurate assessment of future background operating conditions. Background traffic growth assessed does not account for any specific development in the 	

<p>Visual</p>	<p>study area.</p> <ul style="list-style-type: none"> • Not evident what criteria were used to selected the location of cross sections/concerns about the methodology (different from standards prepared and used in Ontario) because it is too subjective and does not objectively assess where the quarry, operations, acoustic berms and stockpiles may be visible from. • Visual impact of stockpile has not been adequately addressed. • Potential visibility of the pit, the plant and the stockpile from the north and east, as the lands urbanize has not been evaluated. • Did not evaluate visual impact of the acoustic berm and sound attenuation wall and mitigation measures. • Acoustic berms can create a significant visual impact. • The visual impacts to the vicinity of the homes has not been addressed. • Loss of long scenic views as a consequence of berms and fencing is not addressed. • The Vegetation Management Plan proposes planting trees to screen operations. However, the trees will require time to grow in order to be an effective screening mitigation. • Some key sightlines have not been evaluated. • Visual impacts of truck traffic, headlights and the required road improvements not addressed.
<p>Soil</p>	<ul style="list-style-type: none"> • The DHB Soil report suggests that the rehabilitation of lands is not required if mined below the water table. However, a section on rehabilitation is provided and policies such as Protect Countryside (non-agricultural uses) in the Greenbelt Plan require rehabilitation. • The DHB study should have considered micro-drainage in order to provide a complete picture. Topsoil and subsoil volumes are not linked to the operational site plan to be considered in the progressive rehabilitation. • The terms of reference have been interpreted to be relatively narrow and different from the broader analysis on policy found within the report. Resulting information is insufficient to meet the requirements of legislation and planning policy. • Soil quality before excavation has not been compared to soil quality after rehabilitation. The effects of mining below the water table are not described as they relate to soil. Alternatives have not been addressed. Baseline conditions for dry bulk density have not been described. Probability of soil compaction or the actual time when soil may be drier has not been presented within the report. • The report does not describe the relationship between the amount of materials available and their use in berms, which is shown as part of the operational plan. Methods to stabilize the berms and effects on soil quality of the operational plan plantings and the subsequent revival and reuse of the soils in the final rehabilitation of the site are not described. • Several instances where links among the reports completed by different disciplines are not provided.
<p>Noise</p>	<ul style="list-style-type: none"> • Sound levels may exceed required criteria, on occasion, but there is no mechanism proposed to ensure that the sound levels are met on an ongoing basis. • The report does not adequately address sound levels outside upstairs windows and the berm heights may not be tall enough to fully protect them. MOE requires that the plane of any window must be considered as a point of reception, the Noise report calculates receptor sound levels and berm heights on a point of reception 1.5m above the ground. • Sound levels for residential properties closer to the quarry operation were not considered (rear lots of the east

	<p>side of Old Pine Crest Rd are missed).</p> <ul style="list-style-type: none"> Noise study identifies the residences in the east as rural, and the west as urban. No evidence is provided to support this classification. Different reception point criteria apply (lower for rural). Note: North West Brampton will build out to urban by 2031. Inconsistent values are assigned for calculations to determine sound levels. Potential that sound levels at some residences exceed criteria. Calculations have also been rounded down, instead of rounded up. No mention of back up beepers in the study, whereas backup beepers are often a source of complaint. Clarification is needed for the number of trucks required. A nearby Place of Worship was not considered. No way of determining if the calculations have been completed with the applicable model. The Noise study should consider managing the noise of haul trucks operating within the quarry and on public roads.
<p>Cultural Heritage</p>	<ul style="list-style-type: none"> Does not include sufficient offsite technical study area information to conclude that an acceptable level of assessment was completed. No inclusion of the 120/300m study area in either, the 2008 or 2010 reports, although other technical reports were using these zones as part of the area evaluated and no discussion of the off-site haul route(s), which is not acceptable for this level of assessment. Haul route and off-site cultural heritage resources were not considered. Report does not provide linkages to the Visual Study and the Haul route transportation study. Lack of direct consultation with Brampton Heritage.
<p>Air Quality</p>	<ul style="list-style-type: none"> The requirement for watering to reduce dust has not been included in the water balance for this site. There is concern that the screening out of meteorological anomalies was not conducted correctly. There is concern over use of an area source for emissions in the proposed quarry because it considers a wider area that may dilute emissions whereas they could be more localized at the active quarry face and along the haul route within the extraction area itself. The report does not account for site and haul route separately, which may cause underestimate of predicted impacts. There is no reference to a Best Management Practices Plan for fugitive dust. Onsite impacts such as dust deposition, were not included in the assessment and therefore, this information was not available for technical studies in other fields, including natural environment.
<p>Archaeology</p>	<ul style="list-style-type: none"> No concerns



BRAMPTON
Flower City

G1-21
Planning, Design and Development

Appendix E Tentative Timeline

Norval Quarry C06W 12.002

Proposed Timeline for Planning Application

- June 2011 – Recommendation report to PDD on findings from peer reviews. Seek direction on next steps/and schedule public meeting in Fall 2011
- October 2011 – hold public meeting to seek input from residents and stakeholders
- Early 2012 - Recommendation report on the planning application

June 2011

G1-22

Appendix F Peer Review Reports
(Copies available from the
Planning, Design and Development Department)