

For Information

DATE: October 31, 2011

REPORT TITLE: **UPDATE ON BRAMPTON BRICK'S NORVAL QUARRY PROPOSAL IN THE CITY OF BRAMPTON, WARD 6**

FROM: Dan Labrecque, Commissioner of Public Works

OBJECTIVE

To provide an update on the status of the Norval Quarry proposal and the approach being undertaken by Regional staff and the City of Brampton.

REPORT HIGHLIGHTS

- Brampton Brick Limited has filed a rezoning application with the City of Brampton, as well as a licence application to the Ministry of Natural Resources under the *Aggregate Resources Act* to support the use of the subject lands as a shale quarry.
- The rezoning application was appealed to the Ontario Municipal Board in January 2011. No proceedings have been scheduled to date.
- The City of Brampton has made public its peer review studies of the technical reports submitted by the applicant and held a public meeting on October 17, 2011.
- Regional staff is undertaking its review of the technical submissions and peer review studies and has retained the services of Mr. Stephen Garrod for legal advice and Mr. Mirek Sharp (North-South Environmental) on matters related to the natural environment.
- Regional staff is scoping its review to appropriate matters of Regional interest to add value where Regional leadership is warranted.

DISCUSSION**1. Background**

Brampton Brick Limited (BBL) is proposing the development of a shale quarry (Norval Quarry) and related uses on a 34.9 hectare (86 acre) site located in the area of Old Pine Crest Road and Winston Churchill Boulevard, in the vicinity of Norval. See Appendix I for a location map.

The Region has not taken a formal position on the proposal at this time because the proponents' studies are being reviewed by staff and are also under peer review.

BBL has made two applications to support the proposed quarry, including a:

October 31, 2011

UPDATE ON BRAMPTON BRICK'S NORVAL QUARRY PROPOSAL IN THE CITY OF BRAMPTON, WARD 6

a) Rezoning Application

BBL submitted a rezoning application to the City of Brampton on December 9, 2008. Staff provided details on this rezoning application to Regional Council at its meeting held on April 23, 2009 in a report dated March 19, 2009 (Resolution 2009-433). The applicant has appealed Brampton's non-decision on the rezoning application to the Ontario Municipal Board. No pre-hearing conferences have been scheduled to date.

b) Aggregate Resources Act Application

In August 2010, BBL submitted an application to the Ministry of Natural Resources for a Licence under the *Aggregate Resources Act* (ARA). In November 2010, staff filed a Letter of Objection to Ministry of Natural Resources on Brampton Brick's *Aggregate Resources Act* Licence application. This was reported to Regional Council at its meeting held on January 27, 2011 in a report dated January 4, 2011 (Resolution 2011-62).

Peel's objection letter is based on conformity of the proposal to the Regional Official Plan, consistency with the Provincial Policy Statement, and its impact on the following: hydrogeology; natural environmental features and functions; transportation and traffic; and financial securities and costs. The City of Brampton's Letter of Objection is also based on similar concerns.

2. City of Brampton Peer Review Studies

In support of its applications, BBL has prepared a series of technical reports. In July 2011, the City of Brampton made public a series of peer review reports to allow the public an opportunity to review the materials and provide comments in advance of a public meeting the City held on October 17, 2011. The City initiated and funded peer review studies address matters related to hydrogeology, the natural environment, transportation, visual impact, soils, noise, cultural heritage, air quality, and archaeology. Based on comments made at the recent public meeting, Brampton staff intends to take a Recommendation Report on the rezoning application to its Council in the first quarter of 2012.

3. Role of the Region of Peel

The Region of Peel is a commenting agency on rezoning application. On the ARA application, as noted above, Peel is an objector on a technical basis to ensure that key regional issues are addressed to our satisfaction. Staff is currently undertaking its review of the technical studies, peer review information, and applicable planning policies.

In undertaking this review, staff is being guided by the Provincial Policy Statement, the Provincial Greenbelt Plan, and the Region of Peel Official Plan. Specific policies within the Region of Peel Official Plan reinforce the roles and responsibilities of the Region and Area Municipalities by providing Regional leadership where value is added and by clearly assigning certain roles to the Area Municipalities.

To date, consistent with Regional roles and responsibilities, staff is focusing its planning and technical review on five main issues:

October 31, 2011

UPDATE ON BRAMPTON BRICK'S NORVAL QUARRY PROPOSAL IN THE CITY OF BRAMPTON, WARD 6.

- Conformity with the Provincial Policy Statement, the Provincial Greenbelt Plan, and the Region of Peel Official Plan – to ensure that the relevant planning policies are fully considered;
- Hydrogeology and related engineering design issues – to ensure the protection of groundwater and surface water, including natural features and functions and drinking water supplies;
- Natural Environment features and functions – to ensure the protection of natural components of the Regional Greenlands System;
- Transportation and Traffic issues – to ensure impacts on road safety and the Regional road network are appropriately considered, including full cost recovery from the applicant of any upgrades and/or increased costs should the quarry be approved.
- Enforcement, Financial Securities and Cost implications to the Region – to ensure that issues of enforcement are appropriately addressed and that the taxpayers of the Region of Peel do not bear the burden of short term or long term costs or risks associated with any of the above issues relating to the proposed quarry.

Mr. Stephen Garrod has been retained provide to represent the Region at the OMB. To assist in its review of matters related to the natural environmental, staff has retained the services of North-South Environmental (principally Mr. Mirek Sharp). Mr. Sharp has completed an initial review of the technical submissions related to the natural environment.

The review of the other matters of Regional interest has been led by in-house staff. Staff will be providing formal comments directly to the applicant and remains open to working with the applicant to resolve matters of regional interest. In addition, formal staff comments will be posted on the Region's website to make them open and transparent to the public.

The City of Brampton has requested the other member municipalities that comprise the Brampton and Agency Aggregate Review Team (being Peel Region, Halton, Region and the Town of Halton Hills) to make a financial contribution towards continuing towards peer review fees. Staff has had a preliminary discussion with the City of Brampton regarding this request and will advise Council as to the outcome of these discussions.

CONCLUSION

Staff will continue to work closely with the City of Brampton and other plan review agencies to provide input on the Norval Quarry proposal. Staff will continue to inform Regional Council of the status of the rezoning and ARA licence applications of Brampton Brick at key milestones and in advance of Ontario Municipal Board proceedings, which remain unscheduled to date.

October 31, 2011

**UPDATE ON BRAMPTON BRICK'S NORVAL QUARRY PROPOSAL IN THE CITY OF
BRAMPTON, WARD 6.**



Dan Labrecque
Commissioner of Public Works

Approved for Submission:



D. Szwarc, Chief Administrative Officer

*For further information regarding this report, please contact Andrea Warren at extension 4355 or
via email at 4355*

T.S.

Authored By: Andrea Warren

c. Legislative Services

DS-11-10:

PW-A1-5

APPENDIX I
October 31, 2011
Update on Brampton Brick's Norval Quarry Proposal in the City of
Brampton, Ward 6

