



TOWN HALL

6311 Old Church Road, Caledon, ON L7C 1J6

905.584.2272 | 1.888.CALEDON | FAX 905.584.4325 | www.caledon.ca

## Frequently Asked Questions and Answers

**Q1. Briefly describe the two application processes necessary to permit a new aggregate operation.**

**A1.** The two processes include: (1) the licence application under the *Aggregate Resources Act* ("ARA"); and, (2) the applications for the Official Plan Amendment and rezoning under the *Planning Act*. An application for the ARA licence is made to the Ministry of Natural Resources ("MNR"), while the *Planning Act* process for this subject property is made through application to the Town of Caledon. These acts identify the steps needed to be taken for both processes.

The ARA requires a public information session, open house or community meeting to be held within the required 45 day notice period. The *Planning Act* process requires a statutory Public Information Meeting ("PIM"). For more information on either Act or upcoming public meetings, a link can be found on the webpage or contact the Town of Caledon.

**Q2. How are mineral aggregates managed in Ontario?**

**A2.** At the Provincial level, the management of Ontario's aggregate resources is the responsibility of the Ministry of Natural Resources as guided by the *Aggregate Resources Act* ("ARA"), R.S.O. 1990. A license under the ARA is required to operate an aggregate pit in Ontario.

The *Planning Act* requires that municipalities shall be consistent with matters of Provincial interest including the conservation and management of natural resources such as mineral resources. The Provincial Policy Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The most recent PPS came into effect on March 1, 2005 and applies to all applications, matters or proceedings commenced on or after this date. Section 2.5 specifically advises planners on mineral aggregate resources in the province. According to these policies, mineral aggregate resources shall be protected for long-term uses and as much as is realistically possible, mineral aggregate resources shall be made available close to the places of demand (markets). Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere. Extraction shall be undertaken in a manner which minimizes social and environmental impacts.

**Q3. How are mineral aggregates dealt with in Caledon?**

**A3.** The role of the Town in the hierarchy of Provincial, Regional and local aggregate resource planning is to establish comprehensive mineral aggregate resource policies in its Official Plan. These policies must have regard to provincial policies and take into account local considerations. The policies must conform or not conflict with any applicable Provincial Plans and the Region of Peel Official Plan. The Region of Peel's Official Plan, adopted in 1996, required the Town along with the Region to undertake a Caledon Community Resource Study ("CCRS"). The CCRS was intended to examine the state of aggregate resources in the Town and to recommend new policy directions for aggregate resources. The final report, Phase 3 of the CCRS, was completed in 1999. This report made recommendations for a new policy framework that would improve management of

aggregate resources in the Town and balance the protection and use of mineral aggregate resources with other goals of the Town as expressed in its Official Plan.

The CCRS process involved extensive public consultation through a Community Advisory Group comprised of resident groups; the aggregate industry; Town, Regional and Provincial staff; and, Regional and Town politicians. Town Planning Department staff evaluated the recommendations of the CCRS Phase 3 Report, strengthened and clarified the recommendations prior to preparing Official Plan Amendment No. 161 ("OPA 161"). Adopted by Caledon Council in 2000, OPA 161 was appealed to the Ontario Municipal Board ("OMB") by thirteen objectors. Following a number of settlement discussions, a revised OPA 161 was presented to Town Council and the OMB. Caledon's aggregate resource policies refine the extent of the aggregate resources areas as identified by the Regional High Potential Mineral Aggregate Resource Areas ("HPMARA") for protection at the local level and allow mineral aggregate resources to be made available for extraction where this use can be balanced and integrated with the ecosystem, social and economic goals of the Town. A copy of the Mineral Resource policies (Section 5.11) is available online, on the Town of Caledon's website.

**Q4. How are *Planning Act* applications to permit an aggregate operation reviewed by the Town?**

**A4.** Once an application for a pit or quarry is received, Town staff determines if it is complete based on a number of criteria. Upon being deemed complete, the application and associated drawings and/or reports are circulated to internal departments and external agencies for comments.

Credit Valley Conservation ("CVC") reviews the environmental reports to determine conformity to CVC policies and conformity to the Town's Official Plan policies. Similarly, the Region of Peel reviews the application to address matters of provincial interest. The Traffic Impact Assessment is reviewed by the Region to determine impacts on regional roads.

The Town's Public Works and Engineering Department reviews the aggregate applications with regards to the Town's infrastructure. The Archaeological Assessment and Cultural Heritage Resource Assessment reports that may be submitted in support of the application are under review by the Town's Heritage Resource Officer.

If circumstances warrant, particularly where the Town does not have in-house expertise, the Town reserves the right to retain a consultant to conduct a peer review of the supporting reports that are submitted by the applicant. As per the Town's Peer Review policies, the applicant is expected to provide funds to be used by the Town in retaining a suitable consultant for the peer review of the required technical reports that are submitted in support of the application.

**Q5. Who is TOARC?**

**A5.** The *Aggregate Resources Act*, also gave the Minister the power to create the Aggregate Resources Trust ("ART") and appoint a trustee to look after its affairs. The Ontario Aggregate Resources Corporation ("TOARC"), incorporated in 1997, manages the Trust. The trust deals with the following:

- rehabilitation of land where final rehabilitation was not completed before the license or permit was revoked;

- research on aggregate resources management, payments to the Crown and to other levels of government in accordance to the regulations under the *Aggregate Resources Act*,
- the education and training of persons engaged or interested in the management of the aggregate resources in Ontario, the operation of pits or quarries, or the rehabilitation of land from which aggregates has been excavated; and,
- the gathering, publishing and distribution of information relating to the management of aggregate resources in Ontario, the controls and regulations of aggregate operations and the rehabilitation of land from which aggregates has been excavated.

TOARC is governed by a multi-stakeholder board of directors with representatives from the industry as well as environmental groups and municipalities.

**Q6. How are residents notified of an application?**

**A6.** According to the *Planning Act*, the legislation which provides guidance on planning in Ontario, the signage to notify the public of proposed land use changes must be installed 20 days prior to the statutory public information meeting. However, the Town's application process requires the signage to be installed prior to the application being circulated to internal departments and external agencies. The *Planning Act* also states that a notice of the public meeting will be mailed to residents within 120 metres (393 feet) of the property boundaries. Information about the Public Information Meeting (PIM) is also available on-line and appears in the local newspapers prior to the PIM.

**Q7. If the applicant wishes to excavate below the water table, what would they need to do?**

**A7.** Should an applicant wish to go below the water table, an Official Plan Amendment application is required. The applicant is expected to demonstrate that it has completed thorough investigation into the potential impacts of the extraction process on the water table and ground water supply.

**Q8. Who determines the hours of operation?**

**A8.** The hours of operation is regulated under the *Aggregate Resources Act*, R.S.O. 1990. Since this is not determined by the *Planning Act*, the Town does not review or determine hours of operation. However, if there are concerns, there may be an opportunity to negotiate the hours of operation to limit any impacts to nearby residents.

**Q9. Is information about the owner and management known or shown on the application?**

**A9.** Yes, the application contains information about the names of the owner(s) of the property, individual with signing authority for the owners and/or the agent acting for the applicant.

**Q10. What is the toll aggregate producers pay per tonne for removal of material which is given to municipalities?**

**A10.** At the September 12, 2006 Council Meeting, Council received Corporate Services/Treasurer/Director of Corporate Services Report 2006-21 re: *Aggregate Resources Act* License Fees. Council resolved to request that the Province review the adequacy of the existing fee structure of 4 cents per tonne currently paid to lower tier municipalities under the *Aggregate*

*Resources Act*. A smaller portion is also paid to upper tier municipalities, such as the Region of Peel. As noted in the motion, the Town has been the recipient of the aggregate levy for 15 years. During this time, the levy remitted to the Town has been exclusively used for road projects. However, the cost of aggregates, fuel and other costs to build or maintain roads has risen during this time and therefore the value of the levy has depreciated in its purchasing power for these road projects. Council also resolved that the Province increase the Town portion of the levy from 4 cents per tonne to 8 cents per tonne beginning in January 2007. In October 2006, a regulation was filed by the Province that the levy for a lower tier municipality is to be increased to 6 cents per tonne (upper tier is 1.5 cents per tonne) beginning January 1, 2007. The Town is waiting for confirmation of this change.

**Q11. Does the assessment change when the pit starts operation?**

A11. Once a pit begins operating, it is the Municipal Property Assessment Corporation (also known as MPAC) which reassesses the property and places it in the appropriate assessment category for tax purposes.

**Q12. Who monitors the aggregate operation?**

A12. Management of Ontario's aggregate resources is the responsibility of the Ministry of Natural Resources ("MNR") as guided by the *Aggregate Resources Act*, R.S.O. 1990. MNR's core business includes standards and policy development, technical approvals and ensuring compliance with standards. Aggregate producers assume responsibility and accountability for compliance reporting, financial management and operations (TOARC, 2004; see Question 3). The municipality is responsible for monitoring the operation to ensure compliance with the zoning by-law and other by-laws including property standards.