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**Subject:** Statutory Public Meeting for a Regional Official Plan Amendment Application - Proposed Law Quarry Expansion, Township of Wainfleet

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, February 7, 2024

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## Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the Township of Wainfleet and the Niagara Peninsula Conservation Authority.

## Key Facts

- The purpose of this report is to provide information for a Regional Official Plan Amendment (ROPA) application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the Planning Act.
- The purpose of the statutory meeting is to receive comments from the public with respect to the ROPA application submitted by Waterford Sand and Gravel Ltd. for a proposed expansion of the Law Quarry in the Township of Wainfleet. A Location Map is included as Appendix 1.
- In addition to the ROPA, applications have also been submitted to amend the Township of Wainfleet Official Plan and Zoning By-Law. These applications are being reviewed concurrently.
- Staff are not making a recommendation, and no decision or approvals are sought from Council at this time.
- This Statutory Public Meeting was advertised by posting notices on the subject lands, mailing notice to residents within 120 metres of the subject lands, and e-mailing notice to agencies and utilities. In addition, notice was also posted on the Region's website and social media pages.
- The Township of Wainfleet will hold a separate Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment applications.

## **Financial Considerations**

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., aggregate advisor and peer reviews).

## **Analysis**

### **Background**

An application for a Regional Official Plan Amendment (ROPA) to permit the expansion of the Law Quarry operation was received on June 22, 2022. The application was deemed complete on July 22, 2022. To date no comments from the public have been received on the application.

### **Regional Official Plan Policies**

The Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. As noted above the ROPA application was deemed complete on July 22, 2022, and is therefore being processed under the 2014 ROP. A Draft Regional Official Plan amendment is included as

**Appendix 2.**

### **Site Location**

The subject lands are located within the Township of Wainfleet and described as Part of Lots 6 & 7, Concession 2, Part of Road Allowance between Lots 5 & 6, Concession 2 (Geographic Township of Wainfleet), and Township of Wainfleet in the Regional Municipality of Niagara.

These lands are bound by the existing Law Quarry operation (Aggregate Resources Act Licence #4464 & 607541) to east, Provincial Highway 3 to the south, Graybiel Road to

the West, and the Wainfleet Bog to the north. A Location Map is included as **Appendix 1**.

### **JART Process**

To coordinate the technical review of the applications, a Joint Agency Review Team (JART) was formed. The JART consists of planning staff from the Region, the Township, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries are being engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- coordinate the review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by planning staff at the Region and the Township as the technical basis to develop their respective recommendation reports.

### **Material Submitted in Support of the Applications**

In support of the ROPA application the following technical studies have been submitted:

- Planning Justification Report and ARA Summary Statement
- Consultation Summary and Strategy
- Agricultural Impact Assessment
- Archaeological Assessments
- Acoustic (Noise) Assessment Report
- Blasting (Vibration) Impact Assessment
- Air Quality Impact Assessment
- Financial Impact Assessment & Economic Benefits Analysis

- Level 1 & 2 Water Resources Study
- Natural Environment Level 1 & 2 Report
- Visual Impact Assessment
- Traffic Impact Study
- Cultural Heritage Evaluation Report

The Region, on behalf of the Joint Agency Review Team (JART) has retained an Aggregate Advisor and consulting teams to assist with the review and peer review of many of the individual technical studies.

In addition, the Aggregate Resources Act (ARA) Site Plan drawings are being reviewed as part of the ROPA process. The ARA Site Plans outline the proposed operating conditions of the quarry and are the primary tool used by the Province for enforcement. All of the proposed mitigation measures for each of the individual technical studies are noted and included as part of the Site Plans.

An index of all technical material that have been submitted to date is included as **Appendix 3**, and can be accessed on the [Region's website](https://www.niagararegion.ca/official-plan/amendments.aspx):  
(<https://www.niagararegion.ca/official-plan/amendments.aspx>)

### **Associated Applications**

A separate Statutory Public Meeting regarding the Local Official Plan Amendment and Zoning By-law Amendment will be held by the Township of Wainfleet at a later date. Separate notice of this meeting will be distributed by the Township.

In addition, the applicant has also filed an application to the Ministry of Natural Resources and Forestry for a licence under the Aggregate Resources Act. The Aggregate Resources Act application process includes a separate public consultation and notification process. Any comments submitted to Niagara Region or Township of Wainfleet regarding the Planning Act applications should also be submitted in response to the Aggregate Resources Act notices.

### **Next Steps**

The review of the application and supporting technical information is ongoing. Regional staff, supported by other members of the JART, the Aggregate Advisor, and Peer Reviewers are analyzing the applications and supporting studies relative to Regional and Provincial planning documents. All comments submitted on this application,

including those received through this Statutory Public Meeting will be responded to by staff through a future recommendations report.

### **Alternatives Reviewed**

The Planning Act (R.S.O. 1990) requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

As this report is for information, and the Public Meeting is a statutory requirement, there are no alternatives to review.

### **Relationship to Council Strategic Priorities**

This report is not linked to strategic priorities. The review of applications to amend the Regional Official Plan is a legislative process under the Planning Act (1990).

### **Other Pertinent Reports**

PDS 22-2022	Initiation Report for the Proposed Law Crushed Stone Quarry Regional Official Plan Amendment
CWCD 2022-253	Notice of ARA Public Open House – Proposed Law Quarry Expansion (Wainfleet)

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#### **Prepared by:**

Sean Norman, PMP, MCIP, RPP  
Senior Planner  
Growth Strategy and Economic  
Development

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#### **Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner  
Growth Strategy and Economic  
Development

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**Submitted by:**

Ron Tripp, P.Eng.

Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability.

**Appendices**

Appendix 1            Site Location Map

Appendix 2            Draft Regional Official Plan Amendment

Appendix 3            List of Technical Materials Submitted in Support of the Application