



DEVELOPMENT AND INFRASTRUCTURE DIVISION
Planning and Building Department

TO: Chair and Members of the Community Development Committee

SUBJECT: RESPONSE TO MINISTRY OF NATURAL RESOURCES REGARDING A LICENSE APPLICATION FOR A BEDROCK QUARRY – ST. MARY’S CEMENT – PROPOSED FLAMBOROUGH QUARRY

Report Number:	PB 52-09	Report Date:	April 30, 2009
Author(s):	Robin van de Lande	Date to Committee:	May 11, 2009
Telephone:	335-7600	Ext.	7457
Ward(s) Affected:	1 2 <input checked="" type="checkbox"/> 3 4 5 <input checked="" type="checkbox"/>	Date to Council:	May 25, 2009
	All	File Number(s):	585-01

APPROVALS: _____ Department Head _____ General Manager _____ City Manager

To be completed by the Clerks Department

Committee Disposition & Comments	
01- Approved 02 – Not Approved 03 – As Amended 04 – Referred 05 – Deferred 06 – Received & Filed 07 – Withdrawn	
Council Disposition & Comments	
01- Approved 02 – Not Approved 03 – As Amended 04 – Referred 05 – Deferred 06 – Received & Filed 07 – Withdrawn	

1.0 RECOMMENDATION:

THAT the Director of Planning and Building advise the Minister of Natural Resources, St. Marys Cement Inc. (Canada) and the City of Hamilton that the City of Burlington objects to the application for a licence under the Aggregate Resources Act (ARA) for the proposed St. Marys Cement Inc. (Canada) Flamborough quarry owing to the fact that the Combined Agency Review Team process and the Haul Route Environmental Assessment are not complete.

2.0 PURPOSE:

The purpose of this report is to provide an update to Community Development Committee and Council on the progress of the Flamborough quarry application potentially affecting the City of Burlington and to recommend that the City to object to the Aggregate Resource Act License application for a dolostone quarry by St Marys Cement Inc. pending completion of the Haul Route Environmental Assessment and the Combined Agency Review Team final report.

3.0 BACKGROUND AND RELATIONSHIP TO STRATEGIC PLAN:

Background

In late 2004 the City of Hamilton received an application to amend the Official Plan and Zoning By-law of the former Town of Flamborough. The proposed quarry is roughly one kilometre from Burlington, northwest of Kilbride. In response to a previous council's staff direction (CD-122-04), City staff joined with the City of Hamilton, Region of Halton, Town of Milton, Conservation Halton and the province in forming a Combined Area Review Team (CART) to review the application. The CART is modelled on the Halton Region JART model whereby the agencies coordinate the technical review of the application.

Council previously directed staff to communicate with the City of Hamilton, Lowndes Holdings Corporation and the Ministry of Natural Resources to request participatory status in the planning and application process for the Flamborough quarry. Council also requested that staff report back to them periodically at various milestones of the Lowndes Holdings Inc application process (CD-122-04).

In report PL-132/04 staff provided an update on the Flamborough quarry application and outlined the potential issues relating to the application. Since that time the proposed quarry lands have changed ownership (from Lowndes Holdings to St Marys Cement Inc.) and an Environmental Assessment for a haul route commenced.

Staff have been active in the CART and have observed and commented as necessary on the haul route Environmental Assessment.

Planning staff received the Aggregate Resource Act application for the quarry in Flamborough in March 2009. The aggregate license process requires comments within 45 days of the initiation of the application (the applicant provides notice of the application after it is deemed complete). This deadline for comment is May 21, 2009.

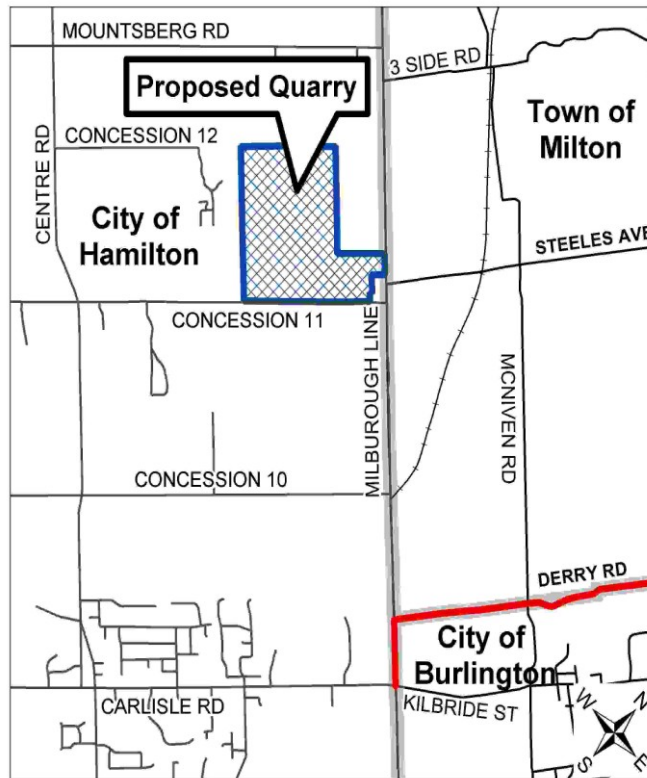


Figure 1 Location of the proposed quarry

4.0 DISCUSSION:

As outlined in CD-132-04 City staff communicated with the City of Hamilton, Lowndes Holdings Incorporated, Long Environmental Ltd. (agents for Lowndes Inc) and the Ministry of Natural Resources (Guelph District) to request status as stakeholders during the planning application and aggregate license review processes. Staff has been active in the CART and have observed and commented as necessary on the haul route Environmental Assessment.

Table 1 provides a brief summary of the application submitted in 2009 and the potential interests of the City.

TABLE 1: Summary of St Marys Cement Inc. (formerly Lowndes Holdings)	
Application and Issues	
Status of Application	<ul style="list-style-type: none"> • Application for OPA and Zoning received by Hamilton (September 2004) • Aggregate License application received March 2009. • 45 day notification period began on April 3, 2009 ending on May 21, 2009 • Haul Route EA underway.
Type	<ul style="list-style-type: none"> • Category 2 (quarry below water) class A license • Dolomite (Bedrock)
Location	<ul style="list-style-type: none"> • Corner of Milborough and 11th concession East in former Flamborough
Size	<ul style="list-style-type: none"> • 158 ha , extraction area is 66 ha up to 40 metres deep
How it is extracted	<ul style="list-style-type: none"> • Blasted in two or more stepped layers. Crushing and sorting operation on site.
Volumes Aggregate Proposed / Available	<ul style="list-style-type: none"> • 3 million tonnes per year. • Estimates of 80 million tonnes or more of aggregate available
Planning Process:	<ul style="list-style-type: none"> • This is outside of our Joint Agency Review Team agreement with Regional partners however a parallel Combined Agency Review Team has been established.
Ongoing concerns	<ul style="list-style-type: none"> • Burlington has a central interest in traffic (haul route), groundwater and ecological issues. <ul style="list-style-type: none"> ○ Updated technical reports related to planning, groundwater, natural environment, dust and other technical considerations report has been submitted (Mar 09) but not yet peer reviewed by CART
Natural Heritage Issues	<ul style="list-style-type: none"> • A list of significant features; ESA, PSW, Deer Wintering Yard, Fisheries, Headwaters exists on the property
Groundwater / Well issues	<ul style="list-style-type: none"> • Proposed quarry is within the wellhead area of Carlisle. • It is unclear whether wells in Burlington may be affected by the proposal. A peer review is underway.
Traffic	<ul style="list-style-type: none"> • The Haul Route EA is not complete however a potential haul route would see trucks traveling east and west on Derry Road and potentially south and north on Guelph Line.

The Haul Route EA and the CART process are intended to complete the review of this complex application. It is not possible therefore for the city of Burlington to evaluate the potential impact of the application on the City. It is recommended therefore that the City object to the ARA license application pending the results of the Haul Route EA and the CART final report.

5.0 FINANCIAL MATTERS:

none

6.0 ENVIRONMENTAL MATTERS:

The quarry application has environmental constraints such as ground water protection, fish and wildlife habitat protection, significant wetlands and mature woodlands.

Through the Combined Aggregate Review Team (CART) process the various environmental features are exhaustively documented and evaluated. The final CART report will will relate information on the range and importance of environmental features and functions in each application area and their importance to the City.

7.0 CONCLUSION:

City Planning Staff are recommending that the committee object to the Aggregate Resource Act Application pending completion of the Haul Route Environmental Assessment and the conclusion of the Combined Agency Review Team final report.

Respectfully submitted,

Robin van de Lande,
Senior Environmental Planner x7457

Copy filed: s:\inet\cdc

Staff / Others Consulted:

Name	Telephone
Bruce Krushelnicki	(905) 335-7600 ext. 7630
Paul Smithson	(905) 335-7600 ext. 7477

Notifications:

Special Instructions:

--