Council Direction:

Not Applicable.

Information:

In a letter dated September 28, 2007, Lafarge Canada Inc. provided notification that they had applied for a licence under the Aggregate Resources Act (ARA) for a Category 2, Class A, Quarry Below Water License for a 30.88 hectare quarry, which would be an extension to their existing North Quarry operation, as shown on Appendix “A” to Report PED07278(a).

At the November 14, 2007 Hamilton City Council meeting, Council approved the staff recommendation in Report PED07278 (included in Appendix “B” to Report PED07278(a)) with regards to the proposed Lafarge Dundas North Quarry Extension. The staff recommendation of Report PED07278 stated the following:

“That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it objects to the Licence Application under the Aggregate Resources Act, by Lafarge Canada Inc. - Dundas North Quarry Extension, proposed for Part of Lots 9 and 10, Concession IV, Geographical Twp. of West Flamborough, being part of municipal addresses 692 and 722, 5th Concession Road West, as shown on
Appendix “A” to Report PED07278, on the basis that consideration of the application is premature at this time as the proposed extractive land use is not a permitted use, and that the review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed by the City or relevant commenting agencies, or considered by Council, and that the following concerns identified to date have not been addressed:

(a) That it is premature for the Ministry of Natural Resources to finalize the Aggregate Licence requirements until the detailed site requirements, as identified through the review of the required Official Plan and Zoning By-law Amendments, have been provided by the City to be considered for incorporation as conditions to the Licence, if granted by the MNR.

(b) That the City and the City’s Combined Aggregate Review Team (CART) be permitted to complete its peer reviews of the various component studies submitted by the proponent and identify, if any, inadequacies, additional work, or site requirements for the proponent to undertake.

(c) That Hydrogeology, Aggregate Design and Operations, Rehabilitation, Noise, Vibration, Blasting, Dust, and impacts to the Natural Heritage, the Hayesland Alvar Environmental Significant Area, and Karst features have initially been identified as areas of concern to the City.

(d) That any other issues or concerns, identified through the review of the proposed Official Plan Amendment and Zoning By-law Amendment Applications by the City, be considered by the Ministry of Natural Resources in their review of the proposed Licence.

(e) That the proponent be requested to fund peer reviews for those component studies identified by staff and CART.

(f) That a copy of Report PED07278, being the City of Hamilton’s formal comments, be forwarded and filed with the Guelph District Office of the Ministry of Natural Resources and Lafarge Canada Inc. (c/o MHBC Planning), as required under the Aggregate Resources Act for a Licence.”

The above recommendation, which forms the City’s objection to the proposed quarry, was submitted to the MNR and Lafarge Canada Inc. in accordance with the ARA. The ARA further directs that, within two (2) years of the public notification, Lafarge must respond to all objections received and provide a Notice of Objector Response to all
objectors. This response must address all objections submitted by the objector and the actions taken by the proponent to address the objections.

The City of Hamilton received a Notice of Objector Response from Lafarge Canada Inc. dated August 14, 2009. In accordance with the ARA, the City had to respond to this letter within 20 days (by September 9, 2009) with recommendations that may resolve the objections. If the City did not respond, it would be deemed that there is no longer a valid objection.

The City prepared a response, attached as Appendix “B” to Report PED07278(a), and submitted it to the MNR and Lafarge Canada Inc. on September 3, 2009, by registered mail. The response states that the City’s objection remains outstanding. The response acknowledges that Lafarge has been working cooperatively with the City of Hamilton and the Combined Aggregate Review Team (CART) to attempt to address the issues raised above. The CART Peer Review Team has completed reviews of the hydrogeological, noise, blasting, and air quality studies. In addition, staff has reviewed and commented on the natural heritage issues. These responses have been forwarded to Lafarge for their review and response. Lafarge has provided responses to these peer reviews, but the City and the CART peer review team have not had adequate time to review the responses. In addition, the City has not completed its review of the related planning applications (Official Plan Amendment OPA-07-015 and Zoning By-law Amendment ZAC-07-054), as review of these applications is dependent on the outcome of the peer reviews discussed above.

Therefore, the City’s response states that the City maintains its objections to the Lafarge ARA application on the basis that it is premature, as the City has not completed its review of the planning applications, and the reviews of the component studies are ongoing, but have not yet been completed to the City’s satisfaction.

**Next Steps**

The MNR and Lafarge will receive the responses from objectors and identify whether or not outstanding objections remain. Based on the responses received, Lafarge will make a final submission to the MNR. Upon receiving Lafarge’s final submission, the MNR will make a recommendation on the application to the Minister of Natural Resources.

City staff and CART will continue to work with Lafarge toward a resolution of the outstanding issues identified in the peer reviews. The remaining issues primarily surround the Hydrogeological Study, and a meeting has been arranged between the Lafarge consultant and the CART peer reviewer to discuss these issues. In addition, resolution has not been reached regarding the presence of alvar on the lands, and one technical issue remains outstanding with regard to the noise study. CART has also requested more information be provided on the Rehabilitation Plan. CART will commence work on a final CART report, which will be presented to the Economic Development and Planning Committee in the near future. The CART report will provide an overview of the proposed quarry application, and the studies submitted in support of
the application. Given that CART is comprised of City of Hamilton staff, and staff from other agencies (Hamilton Conservation Authority, Conservation Halton, Ministry of Environment and MNR), the final CART report will not contain any recommendations on the proposal; rather, the report will highlight areas of consensus among the CART members regarding the issues surrounding the proposed quarry.

Following completion of the CART report, staff will prepare a report containing a recommendation on the ARA Application and the Planning Act applications for consideration by Committee and Council.

Tim McCabe
General Manager
Planning and Economic Development Department

:HT
Attachs. (2)
Appendix "A" to Report PED07278(a) (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: OPA-07-015/ZAC-07-054
Date: September 21, 2009

Appendix "A"

Subject Property: 692 and 722 Concession 5 West Proposed North Quarry Extension (Lands subject to proposed OPA-07-015 and ZAC-07-054)

Existing Lafarge Dundas North Quarry

Ward 14 Key Map

N.T.S.
September 3, 2009

Ministry of Natural Resources
Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Attention: Diane Schwier

Lafarge Canada Inc.
c/o MHBC Planning
13 Poyntz Street
Barrie, Ontario
L4M 3N6

Attention: Brian Zeman

Dear Madam / Sir:

RE: Lafarge Canada Inc. – Application for a Category 2, Class A Quarry
(Dundas North Quarry Extension)
Part Lots 9 & 10, Concession IV
Geographic Township of West Flamborough
City of Hamilton

On November 23, 2007, the City of Hamilton submitted an objection letter (attached as Appendix “A”) to the application for a licence under the Aggregate Resources Act (ARA) by Lafarge Canada Inc. for the proposed Dundas North Quarry Extension. This objection was submitted in accordance with the ARA, which requires all objectors to submit an objection in writing within the 45 day notification period for an ARA license application. The ARA further directs that, within two (2) years of the public notification, proponents must respond to all objections received and provide a Notice of Objector Response to all objectors. This response must address all objections submitted by the objector and the actions taken by the proponent to address the objections.

The City of Hamilton has received a Notice of Objector Response from Lafarge Canada Inc. dated August 14, 2009 (attached as Appendix “B”). In accordance with the ARA, the City must respond to this letter within 20 days (by September 9, 2009) with recommendations that may resolve the objections. If the City does not respond, it will be deemed that there is no longer a valid objection.
RE: Lafarge Canada Inc. – Application for a Category 2, Class A Quarry - (Dundas North Quarry Extension) - Part Lots 9 & 10, Concession IV - Geographic Township of West Flamborough – City of Hamilton

The City’s objections, raised in the November 23, 2007 objection letter, attached as Appendix “A”, are summarized below. The reply from Lafarge Canada Inc., in the Notice of Objector Response, attached as Appendix “B”, is summarized in italics following each of the City’s identified objections.

- The application is premature as the proposed extractive land use is not a permitted use and review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed. In addition, it would be premature for the Ministry of Natural Resources (MNR) to finalize the licence until detailed site requirements, identified through review of the application, have been provided by the City to the MNR to incorporate into the licence.

   **Lafarge Response:**
   *Lafarge submitted the ARA and Planning Act applications concurrently to allow for agency review of both applications. The reviews are being done concurrently and Lafarge understands that the correct zoning must be approved before an ARA licence can be issued for the site.*

- The City and Combined Aggregate Review Team (CART) have not yet completed peer reviews of the various component studies submitted by the proponent.

   **Lafarge Response:**
   *Lafarge has provided the City an opportunity to complete peer reviews relating to water resources, noise, blasting, air quality and the natural environment. These comments were submitted to Lafarge and a response has been provided to the City.*

- Hydrogeology, Aggregate Design and Operations, Rehabilitation, Noise, Vibration, Blasting, Dust and Natural Heritage impacts have been identified as areas of concern to the City.

   **Lafarge Response:**
   *During the review process, the City provided Lafarge more detailed comments related to the above noted issues. Lafarge has provided responses to address these comments.*

- Other issues or concerns may be identified in the City’s review of the planning applications.
RE: Lafarge Canada Inc. – Application for a Category 2, Class A Quarry - (Dundas North Quarry Extension) - Part Lots 9 & 10, Concession IV - Geographic Township of West Flamborough – City of Hamilton

Lafarge Response:
The ARA and Planning Act applications are being reviewed concurrently and MNR is participating as a part of the CART process. All comments raised during the ARA and Planning processes are being considered, and Lafarge understands that the correct zoning must be approved before an ARA licence can be issued for the subject site.

- The proponent was requested to provide funding for the peer reviews.

Lafarge Response:
Lafarge agreed to fund the peer review process and has entered into an agreement with the City of Hamilton.

While the City of Hamilton acknowledges the responses of Lafarge Canada Inc. above, the City's objections remain and have not been resolved to the City's satisfaction at the present time. Lafarge has been working cooperatively with the City of Hamilton and CART to attempt to address the issues raised above. The CART Peer Review Team has completed reviews of the hydrogeological, noise, blasting and air quality studies. In addition, staff have reviewed and commented on the natural heritage issues. These responses have been forwarded to Lafarge for their review and response. Lafarge has provided responses to these peer reviews, but the City and the CART Peer Review Team have not had adequate time to review the responses.

The City has not completed its review of the related planning applications (Official Plan Amendment and Zoning By-law Amendment), as review of these applications is dependent on the outcome of the peer reviews discussed above.

Therefore, the City maintains its objections to the Lafarge ARA application on the basis that it is premature, as the City has not completed its review of the planning applications, and the reviews of the component studies are ongoing but have not yet been completed to the City's satisfaction.

If you require further information on the above, please contact Heather Travis, Senior Planner at 905-546-2424 Ext. 4168 or heather.travis@hamilton.ca, or Michelle Sergi, Senior Project Manager at 905-546-2424 Ext. 1281 or michelle.sergi@hamilton.ca.

Yours truly,

Tim McCabe
General Manager
Planning and Economic Development Department
November 23, 2007

District Manager
Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Dear Sir/Madam:

Re: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. - Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) (Item 8.3)

Further to the information respecting the above-mentioned matter which was faxed to you on November 19, 2007, by Stan Holiday of our Planning Division, this is the formal confirmation of the City of Hamilton’s comments respecting the subject application.

At its meeting of November 14, 2007, Hamilton City Council approved the following:

That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it objects to the Licence Application under the Aggregate Resources Act, by Lafarge Canada Inc. -Dundas North Quarry Extension, proposed for Part of Lots 9 and 10, Concession IV, Geographical Twp. of West Flamborough, being part of municipal addresses 692 and 722, 5th Concession Road West, as shown on Appendix “A” to Report PED07278, on the basis that consideration of the application is premature at this time as the proposed extractive land use is not a permitted use, and that the review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed by the City or relevant commenting agencies, or considered by Council, and that the following concerns identified to date have not been addressed:

(a) That it is premature for the Ministry of Natural Resources to finalize the Aggregate Licence requirements until the detailed site requirements, as identified through the review of the required Official Plan and Zoning By-law Amendments, have been provided by the City to be considered for incorporation as conditions to the Licence, if granted by the MNR.
November 23, 2007

(b) That the City and the City's Combined Aggregate Review Team (CART) be permitted to complete its peer reviews of the various component studies submitted by the proponent and identify, if any, inadequacies, additional work or site requirements for the proponent to undertake.

(c) That Hydrogeology, Aggregate Design and Operations, Rehabilitation, Noise, Vibration, Blasting, Dust, and impacts to the Natural Heritage, the Hayesland Alvar Environmental Significant Area, and Karst features have initially been identified as areas of concern to the City.

(d) That any other issues or concerns identified through the review of the proposed Official Plan Amendment and Zoning By-law Amendment Applications by the City be considered by the Ministry of Natural Resources in their review of the proposed Licence.

(e) That the proponent be requested to fund peer reviews for those component studies identified by staff and CART.

(f) That a copy of Report PED07278, being the City of Hamilton's formal comments, be forwarded and filed with the Guelph District Office of the Ministry of Natural Resources and Lafarge Canada Inc. (c/o MHBC Planning), as required under the Aggregate Resources Act for a Licence.

A copy of the staff report is enclosed for your information.

Please advise if anything further is needed.

Yours truly

Alexandra Rawlings
Co-ordinator, Economic Development and Planning Committee
AR:sr
Enc

c.c. Brian Zeman, MHBC Planning, 13 Poyntz Street, Barrie, ON L4M 3N6
8.3

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

<table>
<thead>
<tr>
<th>Report to:</th>
<th>Chair and Members Economic Development and Planning Committee</th>
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<tr>
<td>Submitted by:</td>
<td>Tim McCabe General Manager Planning and Economic Development Department</td>
</tr>
<tr>
<td>Date:</td>
<td>October 17, 2007</td>
</tr>
<tr>
<td>Prepared by:</td>
<td>Stan Holiday (805) 546-2424, Ext. 4280</td>
</tr>
</tbody>
</table>

SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. - Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14)

**RECOMMENDATION:**

That the City of Hamilton advise the Ministry of Natural Resources (MNR) that it objects to the Licence Application under the Aggregate Resources Act, by Lafarge Canada Inc. -Dundas North Quarry Extension, proposed for Part of Lots 9 and 10, Concession IV, Geographical Twp. of West Flamborough, being part of municipal addresses 692 and 722, 5th Concession Road West, as shown on Appendix "A" to Report PED07278, on the basis that consideration of the application is premature at this time as the proposed extractive land use is not a permitted use, and that the review of the submitted Official Plan Amendment and Zoning By-law Amendment applications have not been completed by the City or relevant commenting agencies, or considered by Council, and that the following concerns identified to date have not been addressed:

(a) That it is premature for the Ministry of Natural Resources to finalize the Aggregate Licence requirements until the detailed site requirements, as identified through the review of the required Official Plan and Zoning By-law Amendments, have been provided by the City to be considered for incorporation as conditions to the Licence, if granted by the MNR.

(b) That the City and the City's Combined Aggregate Review Team (CART) be permitted to complete its peer reviews of the various component studies submitted by the proponent and identify, if any, inadequacies, additional work or site requirements for the proponent to undertake.
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 2 of 8

(c) That Hydrogeology, Aggregate Design and Operations, Rehabilitation, Noise, Vibration, Blasting, Dust, and impacts to the Natural Heritage, the Hayesland Alvar Environmental Significant Area, and Karst features have initially been identified as areas of concern to the City.

(d) That any other issues or concerns identified through the review of the proposed Official Plan Amendment and Zoning By-law Amendment Applications by the City be considered by the Ministry of Natural Resources in their review of the proposed Licence.

(e) That the proponent be requested to fund peer reviews for those component studies identified by staff and CART.

(f) That a copy of Report PED07278, being the City of Hamilton's formal comments, be forwarded and filed with the Guelph District Office of the Ministry of Natural Resources and Lafarge Canada Inc. (c/o MHBC Planning), as required under the Aggregate Resources Act for a Licence.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The City of Hamilton has until November 19, 2007, to file any comments on the Lafarge Canada Inc. proposed Licence under the Aggregate Resources Act for the proposed Lafarge Dundas - North Quarry Extension. The Aggregate Resources Act is a 45-day process, which allows for only a 45-day Notification and Consultation period. The proponent provided notification in a letter dated September 28, 2007 (see Appendix "B") to the City of Hamilton that they had initiated the process. Hence, there is a need for the Economic Development and Planning Committee and Council to deal with this matter prior to the November 19, 2007, deadline date.

The applicant, Lafarge Canada Inc., has applied to the Ministry of Natural Resources (MNR) for a Category 2, Class A, Quarry Below Water Licence to excavate aggregate from a proposed 30.88 ha (76.3 acres) quarry under the Aggregate Resources Act. The applicant also submitted in August 2007, applications to the City of Hamilton for an Official Plan Amendment under file OPA-07-015 to redesignate the same lands from “Agriculture” to “Extractive Industrial”, and a Zoning By-Law Amendment under file ZAC-
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 3 of 8

07-054, to rezone the subject lands from the “A” (Agricultural) Zone and “CM” (Conservation Management) Zone to the “EI” (Extractive Industrial) Zone. To date, these applications and supporting documentation have been circulated to departments and agencies for review/comment. The Planning Act process for development applications is a much longer and is a more consultative process with all stakeholders than the 45-day consultation process under the Aggregate Resources Act.

At the time of writing this report, Planning staff was working cooperatively with the proponent’s consultants to obtain peer review funding for the various component studies. A recommendation requesting a commitment from the proponent for peer review funding is also included (see Recommendation (e)).

The City of Hamilton Planning staff initiated a Combined Aggregate Review Team (CART) in October 2007, to coordinate valuable technical input from agencies and government stakeholders on both the Planning Act and Aggregate Resources Act applications. CART will also identify all areas that require any further study, analysis and peer review requirements during the processing of the development applications.

Therefore, prior to the MNR finalizing any details in the Aggregate Licence, it is recommended that the City object to the proposed Licence based on prematurity. It is also important to identify to the MNR and the proponent the particular concerns with the Licence Application. The initial areas of concern include: hydrogeology, aggregate design and operations, rehabilitation, noise, vibration, blasting, dust, and impacts to the natural heritage, the Hayesland Alvar Environmental Significant Area, Application and karst features. Further report(s) will be prepared for consideration by the Economic Development and Planning Committee and Council on the Aggregate Licence as part of the Planning Act applications processing and review.

BACKGROUND:

The applicant, Lafarge Canada Inc., has applied to the Ministry of Natural Resources for a Category 2, Class A, Quarry Below Water Licence to excavate aggregate from a proposed 30.88 ha (76.3 acres) quarry under the Aggregate Resources Act. This is a proposed extension to the existing Lafarge Canada Inc. - North Quarry for Part of Lots 9 and 10, Concession IV, Geographical Twp. of West Flamborough, being part of municipal addresses 692 and 722 5th Concession Road West (see Appendix “A”). The Aggregate Resources Act Notice indicates that the application is for a new quarry with unlimited tonne/annum. All supporting information to the City indicates the proposal as an extension to the existing quarry.

The subject lands are currently owned by two other property owners and were subject to consent applications FL/B-03:68 and FL/B-03:69, to facilitate the proposal. The conditions of the consents have been satisfied, however, the lands have not yet been legally transferred to Lafarge Canada Inc. Authorization to file for the Aggregate
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 4 of 8

Licence and Planning Act applications by Lafarge Canada Inc. has been obtained from the current property owners.

Official Plan Amendment and Zoning By-law Amendment Applications

The applicant also submitted applications in August 2007, to the City of Hamilton, for an Official Plan Amendment under file OPA-07-015 to redesignate the subject lands from “Agriculture” to “Extractive Industrial”, and a Zoning By-Law Amendment under file ZAC-07-054 to rezone the subject lands from “A” (Agricultural) Zone and “CM” (Conservation Management) Zone to “EI” (Extractive Industrial) Zone. These applications and the proponent’s supporting documentation have been circulated to departments and agencies for review.

Proponent’s Information

The following information is indicated in the proponent’s submission:

"Lafarge Canada Inc. acquired the Dundas Quarry in 1998 from Redland Quarries and it is the company’s flagship quarry site in southern Ontario. The quarry has been in operation since the early 1900’s and is a key supplier to the City of Hamilton and GTA construction industry and the City of Hamilton’s steel industry.

The Quarry supplies the Carneuse lime plant with metallurgical stone, which is used by the steel industry. The plant is located south of Highway 5 within the processing area for the Dundas Quarry. Metallurgical stone is a special type of aggregate that has specific chemical and physical properties. The metallurgical stone is processed at the lime plant to produce dolomitic lime and then is transported to the steel industry that uses dolomitic lime in the steel making process.

Reserves of metallurgical aggregate at the Dundas Quarry are being depleted and there is a need to access more metallurgical aggregate. New supply of the metallurgical aggregate is required to ensure that Lafarge is able to continue to supply the City of Hamilton’s steel industry."

Truck Traffic

The proponent indicates that the transportation system currently in place for the existing quarry will remain the same. The existing entrance/exit is onto Highway 5, a Provincial Highway that links to Highway 6, Highway 8, Highway 403 and Highway 401. The proponent indicates that there is no anticipated change in truck traffic volumes. The Ministry of Transportation has been circulated this application for comments and to date no response has been received by the City. The existing access is proposed to be used as the quarry uses a 3.2 km conveyor belt system to transport any rock extracted to the existing processing plant south of Highway 5.
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 5 of 8

The proponent’s supporting documentation for the proposed quarry extension has been posted on the City’s webpage and can be accessed by the following link:

http://www.myhamilton.ca/myhamilton/CityandGovernment/CityDepartments/PlanningEcDev/Development/Lafarge+Quarry+Extension.htm

ANALYSIS/RATIONALE:

In order that an appropriate analysis of the proposed quarry extension be completed, results of the circulation of the proposal to departments and agencies must be completed. Also, peer reviews are warranted for some of the proponent’s component studies. The initiation of the City of Hamilton’s Combined Aggregate Review Team (CART) has already occurred.

Peer Reviews

At the time of writing this report, Planning staff was working cooperatively with the proponents Planning Consultants, MHBC Planning, to obtain peer review funding for the various component studies. It is intended that the City’s Roster of Consultants with various expertise will be used to complete the required peer reviews. Work plans and cost estimates are being prepared for the peer review components including: Hydrogeology, Noise, Vibration, Blasting and Dust. Planning staff has also recommended that a peer review be completed for the Natural Heritage component. The proponent’s Planning Consultant has questioned this requirement as both Conservation Halton and the Hamilton Conservation Authority will be reviewing the proposed development applications because the existing quarry and proposed extension of the quarry borders both conservation watersheds. Should the review by City staff, the Conservation Agencies and CART identify issues, a peer review may be required of the Natural Heritage aspects of the proposal, along with any other component area. The proponent’s Environmental Impact Statement (EIS) must also be reviewed and approved by the Environmentally Significant Areas Impact Evaluation Group (EASIEG) as part of the development application review process. A recommendation requesting a commitment from the proponent for peer review funding has been included (see Recommendation (e)).

Combined Aggregate Review Team (CART)

The City of Hamilton Planning staff initiated a Combined Aggregate Review Team (CART) in October 2007, to coordinate valuable technical input from agencies and government stakeholders on both the Planning Act and Aggregate Resources Act applications. CART will also identify all areas that require any further study, analysis and peer review requirements during the processing of the development applications. The purpose of the CART Team is to forge consensus among member agencies where this proves to be possible. The information gained through CART is to assist in the
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 6 of 8

technical review of the applications. CART will include staff representation from the following agencies: Conservation Halton, Hamilton Conservation Authority, Ministry of Environment, Ministry of Natural Resources and relevant City of Hamilton Departments.

ALTERNATIVES FOR CONSIDERATION:

The City is not the approval authority for proposed Licences under the Aggregate Resources Act, but has a deadline of November 19, 2007, to submit any comments on the proposed Lafarge Canada Inc. - North Quarry Extension Aggregate Licence to the Ministry of Natural Resources and the applicant.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial - Not applicable.
Staffing - Not applicable.
Legal - Under the Aggregate Resources Act, deadlines for any input /comments on the proposed Aggregate Licence must be met.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement (2005)

The development applications for the proposal will be reviewed in context of the Provincial Policy Statement. In particular, reviewing how the proposed extension of the existing quarry meets the policy direction on matters of Provincial interest including: aggregate protection; public health and safety; and the quality of the natural environment.

Greenbelt Plan, 2005

The subject lands are subject to the Greenbelt Plan. The majority of the subject lands proposed for aggregate extraction is located within the Natural Heritage System within the “Protected Countryside” designation of the Greenbelt Plan. The Greenbelt Plan includes policies for new or expansion of an existing mineral aggregate operations and policies regarding protection of natural heritage features and hydrologic features. This evaluation has yet to be completed under the Planning Act applications filed with the City.

Hamilton Wentworth Official Plan

The Hamilton Wentworth Official Plan (HWOP) Map No. 5 designates the subject lands as "Mineral Aggregate Areas" (stone aggregates). Part C, Section 2.2 of the Plan,
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 7 of 8

contains policies regarding Mineral Aggregates. The Plan directs the Area Municipalities to provide policies in their Official Plans for the establishment of new, and the expansion of existing pits and quarries. Further, the Plan states that aggregate resource extraction operations will be monitored for the purpose of analyzing effects on the environment, transportation and road facilities and rehabilitation activities. Finally, any proposal to establish a new, or expand existing extractive operations, must include provisions to minimize negative impacts on surrounding areas. Where such operations abut Environmentally Significant Areas (ESA), the matter may be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). A portion of the subject lands have been mapped as part of the Hayesland Alvar (Hayesland Complex) Environmentally Significant Area (FLAM 32).

Rural Hamilton Official Plan

The Rural Hamilton Official Plan, while not yet approved by the Minister of Municipal Affairs and Housing, does include a number of policies with regard to new or expanded quarries. Consideration of how the current development applications submitted by the proponent addresses these Council adopted policies on mineral aggregates will be evaluated in the review of the proposal.

Flamborough Official Plan

The Flamborough Official Plan designates the subject lands as “Agricultural”. An Amendment to the Official Plan is required to redesignate the lands for “Extractive Industrial”. Appendix “J” to the Flamborough Official Plan identifies Mineral Aggregate Areas, including the subject lands.

Section B.7.4, Extractive Industrial, includes policies that when considering amendments to the Official Plan for new or expansion of existing quarries, that a number of matters be considered including (in part) compatibility with adjacent existing and planned uses; and potential impacts on the environment, including measures required to minimize any adverse impacts.

Flamborough Zoning By-law

The subject lands are zoned “A” Agricultural Zone and “CM” Conservation Management Zone.

RELEVANT CONSULTATION:

The corresponding Official Plan Amendment and Zoning By-law Amendment applications have been circulated to departments and agencies for comments. Staff is awaiting responses from those departments and agencies circulated under the Planning Act applications.
SUBJECT: Comments on Application for a Licence Under the Aggregate Resources Act by Lafarge Canada Inc. – Dundas North Quarry Extension, Being Part of 692 and 722 5th Concession Road West, (Flamborough) (PED07278) (Ward 14) - Page 8 of 8

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
Insufficient information is available at this time to determine.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Insufficient information is available at this time to determine.

Economic Well-Being is enhanced. ☐ Yes ☐ No
Insufficient information is available at this time to determine.

Does the option you are recommending create value across all three bottom lines?
☐ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes ☐ No

SH:
Attachs. (2)
September 28, 2007

Mr. Mike Stone
Ministry of Natural Resources
1 Stone Rd. W.
Guelph, Ontario N1G 4Y2

Mr. Stan Holiday, MCIP, RPP
City of Hamilton
City Centre
77 James Street North – Suite 400
Hamilton, Ontario, L8R 2K3

Mr. Paul Odoun
Ministry of the Environment
119 King St W - 12th Floor
Hamilton, Ontario, L8P 4K7

Mr. Ken Phillips
Conservation Halton
2396 Britannia Road West, RR 2
Oakville, Ontario, L6H 2X6

Mr. Steve Mizziga
Hamilton Conservation Authority
P.O. Box 7099
838 Mineral Springs Road
Ancaster, Ontario, L9G 3L3

Mr. Paul Lane, CET
Sun-Canadian Pipe Line Company
Limited
P.O. Box 470
Waterdown, Ontario, L0R 2H0

Dear Sir/Madam;

RE: LAFARGE CANADA INC.
AGGREGATE RESOURCES ACT CATEGORY 2 CLASS ‘A’
QUARRY BELOW WATER APPLICATION

Lafarge Canada Inc. is now initiating the formal public and agency notification for an application for a Licence in accordance with the Provincial Standards for a Category 2 Class ‘A’ Quarry below water under the Aggregate Resources Act. This application was submitted to MNR and deemed complete on August 24, 2007 (see enclosed letter).

The reports filed in support of the Aggregate Resources Act application were sent to the agencies on August 1, 2007 and the updated Site Plans were sent on August 29, 2007. Enclosed are copies of the technical reports and Site Plans for Hamilton Conservation Authority and the Sun-Canadian Pipe Line Company. The Aggregate Resources Act application contains the following technical reports:

- Aggregate Resources Act Site Plans, deemed complete by MNR on August 24, 2007,

• "Archaeology Assessment (Stages 1-2), North Quarry Extension", Archaeologix Inc., May 2007,

• "An Assessment of the Potential Noise from Aggregate Extraction & Processing at the Proposed North Quarry Extension", Aercoustics Engineering Ltd., May 2007, and


Also enclosed are copies of Form 1 (Landowner Notice) and Form 2 (Notice of Information Session) for this application. Forms 1 and 2, combined with the Aggregate Resources Act Site Plans deemed complete by MNR on August 24 and the above noted technical reports, form the complete application package.

An information session will be held on November 8, 2007 from 4:00pm to 7:00pm at the Former West Flamborough Town Hall, 283 Brock Rd, Greensville, Ontario. See the enclosed Form 2.

The last day on which written objections / comments to the licence application can be filed is November 19, 2007. Written notices of objection are to be served upon the Applicant (c/o MHBC Planning) and the District Manager of the Ministry of Natural Resources and must state the reasons for the objection. See the enclosed Form 1.

For your information, applications for Official Plan and Zoning By-law Amendments under the Planning Act were submitted to the City of Hamilton on August 1, 2007. The Aggregate Resources Act Licence cannot be issued until the proper designation and zoning are in place.

If you have any questions, please contact the undersigned at (705) 728-0045.

Yours truly,
MHBC Planning

Brian Zeman, BES, MCIP, RPP

cc. Sergio Carbone — Lafarge Canada Inc.
Norma Jamieson — Hamilton Conservation Authority
Jennifer Lawrance — Conservation Halton
Diane Schwier — Ministry of Natural Resources
David Webster — Ministry of Natural Resources
August 24, 2007

Lafarge Canada Inc.
7880 Keele Street
Concord, ON
L4K 4G7

Attention: Mr. Sergio Carbone

RE: Application for a Category 2 (quarry below water), Class A Aggregate Licence
Lafarge Canada Inc. – North Quarry Extension
Part Lots 9 & 10, Concession IV, Geographical Twp of W. Flamborough
City of Hamilton (Formerly Town of Flamborough)

Please be advised that this Ministry has reviewed the revised Operational Plan dated August 21, 2007. At this time, the Ministry of Natural Resources deems your application to be complete and approval to proceed to the 45-day Notification and Consultation stage is granted.

The District Planner, Mike Stone, (Ph: 519 826-4912) will coordinate the internal review for the Ministry of Natural Resources. Please provide Mike with a copy of Form 2 and a complete application package. A copy of the Hydrogeological Report and site plan should also be sent to the MNR Hydrogeologist (David Webster) in Peterborough (address: MNR, 4th floor, 300 Water St., Peterborough ON, K9J 8M5).

Prior to posting in the newspaper, please forward a copy of Form 1 and 2 with confirmation of the first and last day of the 45 day notification period. This Ministry would also appreciate receiving a copy of the tear sheet (Notice of Application in the newspaper) and also a photo of the sign posted on the property as they become available.

Should you require any further information concerning this matter please contact the undersigned at this office.

Yours truly,

Diane Schwier
Aggregates Technical Specialist
Guelph District Office
519 826-4930

cc: Brian Zeman, MHBC Planning
Aggregate Resources Act

Form 1 – Notice of Application for a Licence

Lafarge Canada Inc. (c/o MtIBC Planning)
13 Poyntz Street
Barrie, ON, L4M 3N8

7880 Keela Street
Concord, ON
3rd Floor
L4K 1G7

Hereby give notice that application has been made for a Category 2, Class A Quarry Below Water to excavate aggregate from a quarry of 30.9 hectares, located in:

Part of Lot 9 & 10, Concession IV
(Geographic Township of West Flamborough)
City of Hamilton.

Application is for: a new quarry.

Annual Tonnage Condition applied for is: unlimited tonnes / annum.

A detailed site plan and report(s) for the proposal may be examined at the local or regional municipal offices or at the district office of the Ministry of Natural Resources.

Any person(s) wishing to object to this application must send, in writing, their objection with reason(s) to the Applicant and to the district office of the Ministry of Natural Resources at the addresses below.

The Applicant: Lafarge Canada Inc. (c/o MtIBC Planning)
13 Poyntz Street
Barrie, ON, L4M 3N8

MNR: Ministry of Natural Resources, Guelph District
1 Stone Road West
Guelph, ON, N1G 4Y2

The last day on which objections may be filed with the Applicant and Ministry is: the 19th day of November, 2007.

Note: All information in respect to this application including written objections, the names and addresses of any objector(s) is available for public review for the purpose of this application under the Aggregate Resources Act. In submitting a written objection an objector consents under the Freedom of Information and Protection of Privacy Act to its disclosure for purposes of the application.
Notice of Objector Response
Aggregate Resources Act

Subject: Application for a Category 2 Licence under the Aggregate Resources Act
Lot Part Lots 9 & 10 Concession IV
City of Hamilton (former West Flamborough) Region of N/A

Objector: Name: City of Hamilton attn. Ms. Alexandra Rawlings Ph: (905) 546-2424
Address: City Centre, 77 James Street N
Hamilton, Ontario
L8R 2K3

Further to your letter of November 23, 2007 regarding this licence application under the Aggregate Resources Act, I / we, Lafarge Canada Inc., offer the following further information to address your objections/concerns:

Please see the attached letter

As per Section 4.3.3.2 of the Provincial Standards under the Act, please be advised that after review of this additional information you, the objector, have 20 days from receipt of this letter (i.e. September 9, 2009) to respond to the Ministry of Natural Resources and the applicant at the addresses shown below, with recommendations that may resolve the objections.

These recommendations must be delivered personally or by registered mail within the above-noted 20-day period to the Ministry of Natural Resources and Lafarge Canada Inc. (see addresses below) or it will be deemed that there is no longer a valid objection.

Yours truly,
Lafarge Canada Inc.

Sergio Carbone, H.BSc., BEd., C.E.T.
Land Manager, Central Ontario
Date: August 14, 2009

Ministry of Natural Resources
1 Stone Road West
Guelph, ON
N1G 4Y2
Attention: Diane Schwier

Lafarge Canada Inc. c/o MHBC Planning
13 Poyntz St
Barrie, ON
L4M 3N6
Attention: Brian Zeman
August 14, 2009

Ms. Alexandra Rawlings  
Co-ordinator, Economic Development and Planning Committee  
City of Hamilton  
Hamilton City Centre  
77 James Street North, Suite 400  
Hamilton, Ontario  
L8R 2K3

Dear Ms. Rawlings,

Re: Lafarge Canada Inc. - Application for a Category 2, Class A Quarry  
(Dundas North Quarry Extension)  
Part Lots 9 & 10, Concession IV  
Geographic Township of West Flamborough  
City of Hamilton

On behalf of Lafarge Canada Inc., I would like to thank you for the comments that the City of Hamilton submitted regarding our quarry application during the comment period under the Aggregate Resources Act (ARA).

The City submitted an objection letter dated November 23, 2007 indicating that the basis of the objection was that the ARA licence application was premature and not a permitted land use because the required planning amendments had not been obtained. Specific concerns relate to the following: the timing of the Aggregate Resources Act licence application as it relates to Planning Act approvals, completion of peer reviews by CART, hydrogeology, aggregate design & operations, rehabilitation, noise, vibration, blasting, dust, impacts to natural heritage features including, the Hayesland Alvar Environmental Significant Area, Karst features, other issues raised during the planning approval process and the funding of peer reviews by the proponent.

Since receipt of the objection letter, Lafarge has hosted site visits (May 5, 2008 and June 4, 2008) in order for the review agencies, including the City, to gain a better understanding of the application. Lafarge has also met with the City Staff on March 7, 2008 and September 19, 2008 to discuss the application, completed additional technical analysis and provided a response to all the comments raised during the agency review process.

The Aggregate Resources Act requires that Lafarge complete several tasks within two years of commencing the Aggregate Resources Act Consultation Period which started October 5, 2007. To comply with the ARA, Lafarge is required to provide a response to
the City's objection letter at this time. The City's reasons for objection are general in nature and during the peer review process, the City provided Lafarge with more specific comments. Lafarge has provided a response to all of peer review comments and understands that the City is in the process of reviewing this material. The following is a list of the general concerns identified in the City's objection letter, followed by our response.

1. **Timing of Aggregate Resources Act & Planning Act Applications**

   Lafarge submitted the Aggregate Resources Act & Planning Act applications concurrently to allow for agency review of both applications. The reviews are being done concurrently and we understand that the correct zoning must be approved before an ARA licence can be issued for the subject site.

2. **Completion of Peer Reviews**

   Lafarge has provided the City an opportunity to complete peer reviews relating to water resources, noise, blasting, air quality and the natural environment. These comments were submitted to Lafarge and a response has been provided to the City.

3. **Concerns related to Hydrogeology, Aggregate Design & Operations, Rehabilitation, Noise, Vibration, Blasting, Dust, Natural Heritage, Hayesland Alvar Environmental Significant Area, and Karst features**

   During the review process, the City provided Lafarge more detailed comments related to the above noted issues. Lafarge has provided the following responses to address these comments:

   - Response to MOE Preliminary Comments, November 13, 2008;
   - Air Quality Study, November 2008;
   - Response to Natural Heritage Subcommittee Comments, April 2, 2009;
   - Response to Air Quality Peer Review, May 27, 2009;
   - Response to Blasting Peer Review, June 18, 2009;
   - Response to Noise Peer Review, June 22, 2009;
   - Additional Response to Blasting Peer Review, July 13, 2009;
   - Response to MOE Surface Water Review, August 4, 2009; and
   - Response to Water Resources Peer Review, August 5, 2009

4. **ARA License should Address Issues Raised during the Planning Approval Process**

   The Aggregate Resources Act and Planning Act applications are being reviewed concurrently and MNR is participating as part of the CART process. All comments raised during the ARA and Planning processes are being considered and, as stated above, Lafarge understands that the correct zoning must be approved before an ARA licence can be issued for the subject site.
5. Peer Review Funding

As requested, Lafarge agreed to fund the peer review process and has entered into an agreement with the City of Hamilton.

I hope this letter assists in addressing the City's comments regarding the North Quarry extension application. If you have any questions please do not hesitate to contact the undersigned.

Yours truly,
Lafarge Canada Inc.

[Signature]

Sergio Carbone, H.BSc., BEd., C.E.T.
Land Manager, Central Ontario

cc. Heather Travis, MCIP, RPP – City of Hamilton
Diane Schwier, MNR
Brian Zeman, MHBC Planning