

Report ADDENDUM

PLANNING JUSTIFICATION REPORT AND ARA SUMMARY STATEMENT

Law Crushed Stone Quarry Extension
Township of Wainfleet

Date:

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Prepared for:

Waterford Sand and Gravel

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

7050 Weston Road, Suite 230

Woodbridge ON L4L 8G7

T: 905 761 5588 x214

F: 905 761 5589

Our File: 0956'C'

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1.0

INTRODUCTION

The following Planning Justification and Aggregate Resources Act Summary Statement Addendum Report has been written in response to comments received from the Niagara Region Joint Agency Review Team (JART). The comments were received on January 13, 2023, regarding an application for a Class A License under the Aggregate Resources Act (ARA), and amendments to the Region of Niagara Official Plan, Township of Wainfleet Official Plan, and the Township of Wainfleet Zoning by-law No.34-2014, to permit an extension to the existing Law Crushed Stone Quarry (“existing Law Quarry”).

2.0

SUMMARY OF APPLICATION CHANGES

Comments on the Aggregate Resources Act Licence Application and Planning Act Applications were circulated to the Applicant in January 2023. No comments were received by members of the Public. In order to respond to agency comments, extensive revisions and updates have been made to the proposed Law Quarry Extension Aggregate Resources Act Application and Site Plan. These updates and revisions are summarized below:

- An Application to purchase the Biederman Road Allowance was submitted to the Township of Wainfleet by Waterford Sand and Gravel in the Spring of 2023. Subsequently, a legal survey, Appraisal Report, and Offer to Purchase was also submitted to the Township. Discussions with the Township regarding the purchase of the Biederman Road Allowance are ongoing;

- Receptor 16, located adjacent to the northern Licence boundary, is now owned by the Licencee, Waterford Sand & Gravel. A revised Noise Assessment Report (Aercoustics, July 6, 2023), has been completed to update the required noise mitigation measures included on the Site Plan. The revised Site Plan (June 2023) includes the updated noise mitigation measures;
- An access road is no longer proposed across the northern portion of the Licence;
- In consultation with the Ministry of Citizenship and Multiculturalism, revised Archaeology Assessment Reports have been completed for the proposed Law Quarry Extension. New and revised Archaeological protection measures have been outlined and implemented on the ARA Site Plan;
- Consultation with the Ministry of the Environment, Conservation, and Parks has been undertaken with regard to Species at Risk Habitat protection for Whip-poor-will habitat and Spoon-Leaved Moss habitat within the proposed Licence Boundary. New notes have been added to the ARA Site Plan to ensure the protection of these species in accordance with the Endangered Species Act and corresponding regulations; and,
- The ARA Site Plan has been updated and revised to improve clarity and enforceability based on the comments provided by the Ministry of Natural Resources and Forestry.

3.0

PLANNING & POLICY ANALYSIS

3.1 PROVINCIAL POLICY STATEMENT (2020)

The following PPS policy analysis section has been revised and restructured to be consistent with the formatting of sections 5.2, 5.3 and 5.4 of the June 2022 Planning Justification Report.

The following table demonstrates how the proposed quarry extension is consistent with the policies of the PPS (2020).

Table 1: Revised Provincial Policy Statement (2020) Policy Analysis

Provincial Policy Statement (2020) Policies	Proposed Application
<p>Policy 1.1.5.2 On <i>rural lands</i> located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> a) The management or use of resources; b) Other rural land uses 	<p>The management or use of resources is identified as a permitted use on rural lands in municipalities.</p> <p>The Law Quarry Extension property is not considered a Prime Agricultural Area and is therefore located on Rural Lands.</p> <p>A Mineral Aggregate Operation is considered a <i>use of resources</i> and a <i>rural land use</i> subject to the policies of Section 2 and Section 3 of the PPS and other applicable Provincial Policies (e.g. Growth Plan, Greenbelt Plan).</p>
<p>Policy 1.1.5.5 Development shall be appropriate to the <i>infrastructure</i> which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this <i>infrastructure</i>.</p>	<p>The proposed quarry extension represents an efficient use of existing infrastructure by continuing to use Highway 3, a Provincial Highway, as the main haul route. No new haul routes or infrastructure are required to support the proposed quarry extension.</p>
<p>Policy 1.2.6.1 <i>Major facilities</i> and <i>sensitive land uses</i> shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential <i>adverse effects</i> from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic <i>viability</i> of <i>major facilities</i> in accordance with provincial guidelines, standards and procedures.</p>	<p>The proposed quarry extension is considered a <i>Major facility</i>. The completed technical studies, including noise, air quality, and blasting, have concluded that adverse effects to the adjacent sensitive land uses can be avoided and minimized through the implementation of recommended mitigation measures.</p> <p>The recommended mitigation measures are included on the ARA Site Plan and will be implemented by the quarry operator. The quarry will operate in accordance with all provincial legislation, regulation,</p>

	guidelines, standards, and procedures.
Policy 1.3.1 Planning authorities shall promote economic development and competitiveness by: b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.	The proposed quarry extension will continue to provide for a diversified economic base in the rural area of the Township of Wainfleet and Region of Niagara. In addition, the proposed quarry extension will support economic development by providing high-quality aggregate materials close-to-market to support ongoing and future construction and infrastructure projects.
Policy 1.6.7.2 Efficient use should be made of existing and planned <i>infrastructure</i> , including through the use of <i>transportation demand management</i> strategies, where feasible	The proposed quarry extension will continue to use Provincial Highway #3 as the primary haul route, no new infrastructure is required.
Policy 1.7.1 (a) promoting opportunities for economic development and community investment-readiness	The proposed quarry extension will provide a long-term, close-to-market supply of high-quality aggregate products to support economic development activities in the Township of Wainfleet and Region of Niagara
Policy 2.1.1 Natural features and areas shall be protected for the long term	The proposed quarry extension will not result in the loss of any significant natural heritage features or functions.
Policy 2.1.2 The diversity and connectivity of natural features in an area, and the long-term <i>ecological function</i> and biodiversity of <i>natural heritage systems</i> , should be maintained, restored or, where possible, improved, recognizing linkages between and among <i>natural heritage features and areas, surface water features and ground water features</i> .	The proposed quarry extension will protect the identified natural features over the long term and ensure no negative impacts to the adjacent significant natural heritage features. The proposed rehabilitation will restore and enhance the diversity and connectivity of natural features identified on-site and adjacent to the proposed License boundary. Through the implementation of the recommended mitigation measures in the Hydrogeology Report, surface

	water features and ground water features will be maintained.
<p>Policy 2.1.5 <i>Development and site alteration</i> shall not be permitted in</p> <ul style="list-style-type: none"> a) <i>Significant wetlands</i> in the Canadian Shield north of Ecoregion 5E, 6E and 7E b) <i>Significant woodlands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River) c) <i>Significant valleylands</i> in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River) d) <i>Significant wildlife habitat</i> e) <i>Significant areas of natural and scientific interest</i> f) <i>Coastal wetlands</i> in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b) <p>Unless it has been demonstrated that there will be no <i>negative impacts</i> on the natural features on their <i>ecological functions</i></p>	<p>Except for the Habitat of Endangered and Threatened Species, there are no significant Natural heritage features located within the proposed License Boundary. The Natural Environment Report demonstrates that, through the implementation of the recommended mitigation measures, there will be no negative impacts on adjacent significant woodlands, significant wetlands, and significant wildlife habitat or its ecological function.</p>
<p>Policy 2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.</p>	<p>No development is proposed within fish habitat.</p>
<p>Policy 2.1.7 <i>Development and site alteration</i> shall not be permitted <i>in habitat of endangered species and threatened species</i>, except in accordance with <i>provincial and federal requirements</i>.</p>	<p>Category 2 whip-poor-will habitat is located within the north portion of the proposed extraction area. Category 2 whip-poor-will habitat is considered habitat of endangered and threatened species (2.1.7). Spoon-Leaved-Moss is also located adjacent to the proposed limit of extraction. If required, the Licencee will obtain authorization under the ESA, prior to any disturbance occurring in this area. This requirement is included on the ARA Site Plan.</p>

<p>Policy 2.1.8 <i>Development and site alteration</i> shall not be permitted on <i>adjacent lands</i> to the <i>natural heritage features and areas</i> identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the <i>ecological function</i> of the <i>adjacent lands</i> has been evaluated and it has been demonstrated that there will be no <i>negative impacts</i> on the natural features or on their <i>ecological functions</i>.</p>	<p>Through the implementation of the recommended mitigation measures that have been incorporated onto the ARA Site Plan, the proposed quarry extension will not result in any negative impacts to the adjacent natural heritage features.</p>
<p>Policy 2.2.1 Planning authorities shall protect, improve or restore the <i>quality and quantity of water</i></p>	<p>As demonstrated in the completed Hydrogeological Assessment (WSP, 2022), the proposed quarry extension will not result in any water quality or quantity negative impacts. A mitigation and monitoring program will be in place throughout the quarry operation to ensure that the quality and quantity of water is protected and restored if impacted.</p>
<p>Policy 2.2.1. f) Implementing necessary restrictions on <i>development and site alteration</i> to:</p> <ol style="list-style-type: none"> 1. Protect all municipal drinking water supplies and <i>designated vulnerable areas</i> 	<p>There are no municipal drinking water sources or designated vulnerable areas in the vicinity of the proposed quarry</p>
<p>Policy 2.2.2 Development and <i>site alteration</i> shall be restricted in or near <i>sensitive surface water features and sensitive ground water features</i> such that these features and their related <i>hydrologic functions</i> will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore <i>sensitive surface water features, sensitive ground water features, and their hydrologic functions</i>.</p>	<p>Both of the existing quarry and proposed extension are situated within an area identified as a Highly Vulnerable Aquifer. The monitoring and mitigation measures recommended in the Hydrogeology Report and included on the Site Plan will ensure adequate protection of surface and ground water resources. A long-term monitoring plan is included on the site plan along with contingency measures.</p>
<p>Policy 2.3.1 Prime Agricultural areas shall be protected for long-term use for agriculture.</p>	<p>The proposed quarry extension is not located within a Prime Agricultural Area.</p>

<p>Policy 2.5.2.1 As much of the <i>mineral aggregate resources</i> as is realistically possible shall be made available as close to markets as possible.</p> <p>Demonstration of need for <i>mineral aggregate resources</i>, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of <i>mineral aggregate resources</i> locally or elsewhere.</p>	<p>The proposed quarry extension will make available a high-quality mineral aggregate resource that is close-to-market to serve the Niagara Region area.</p>
<p>Policy 2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts</p>	<p>The operation has been carefully designed to ensure that all potential impacts social, economic and environmental impacts are avoided and minimized.</p>
<p>Policy 2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.</p>	<p>Final rehabilitated use of the proposed quarry will be a lake with ecological habitat enhancements which are compatible with the surrounding lands and will increase long term biodiversity and connectivity in the area</p>
<p>Policy 2.5.3.2 <i>Comprehensive rehabilitation</i> planning is encouraged where there is a concentration of mineral aggregate operations.</p>	<p>The proposed quarry extension will be comprehensively rehabilitated to a lake and specialized habitats. The lake and shoreline will be connected with the existing quarry.</p>
<p>Policy 2.5.4.1 (a to d) In <i>prime agricultural areas, on prime agricultural land</i>, extraction of <i>mineral aggregate resources</i> is permitted as an interim use provided that the site will be rehabilitated back to an <i>agricultural condition</i>.</p> <p>Complete rehabilitation to an <i>agricultural condition</i> is not required if:</p> <ul style="list-style-type: none"> a) outside of a <i>specialty crop area</i>, there is a substantial quantity of <i>mineral aggregate resources</i> below the water table warranting extraction, or the depth of planned extraction in a quarry makes 	<p>The proposed quarry extension lands are not located in a Prime Agricultural Area as mapped by the Province, nor are they identified as "Good General Agriculture" (Regional designation that includes of Prime Agricultural Area) in the Region's Official Plan. Additionally, the subject lands contain a mix of class 3, 4, and 6 soils. Only Class 3 soil are considered <i>Prime Agricultural Lands</i>. The proposed quarry is not located in a Prime Agricultural Area</p>

<p>restoration of pre-extraction agricultural capability unfeasible;</p> <p>b) In a <i>specialty crop area</i>, there is a substantial quantity of <i>high quality mineral aggregate resources</i> below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;</p> <p>c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as <i>designated growth areas</i>, and resources on <i>prime agricultural lands</i> where rehabilitation is feasible. Where no other alternatives are found, <i>prime agricultural lands</i> shall be protected in this order of priority: <i>specialty crop areas</i>, Canada Land Inventory Class 1, 2 and 3 lands; and</p> <p>d) agricultural rehabilitation in remaining areas is maximized</p>	
<p>Policy 2.6.1 <i>Significant built heritage resources</i> and <i>significant cultural heritage landscapes</i> shall be conserved</p>	<p>The Cultural Heritage value of the structures located within the subject lands has also been evaluated. These structures are not designated as a heritage structure. If the structure is proposed to be removed in the future, than additional investigations will be required to determine if a Cultural Heritage Impact Assessment is required. These structures are located outside of the area proposed to be extraction and are located in an Archaeological Protection area. Therefore, the proposed quarry extension will have no direct impact</p>

	on any potential cultural heritage value of the structures.
<p>Policy 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</p> <p>Policy 2.6.3 Planning authorities shall not permit <i>development</i> and <i>site alteration</i> on <i>adjacent lands</i> to <i>protected heritage property</i> except where the proposed <i>development</i> and <i>site alteration</i> has been evaluated and it has been demonstrated that the <i>heritage attributes</i> of the <i>protected heritage property</i> will be <i>conserved</i>.</p> <p>Policy 2.6.3 Planning authorities shall not permit <i>development</i> and <i>site alteration</i> on <i>adjacent lands</i> to <i>protected heritage property</i> except where the proposed <i>development</i> and <i>site alteration</i> has been evaluated and it has been demonstrated that the <i>heritage attributes</i> of the <i>protected heritage property</i> will be <i>conserved</i>.</p>	<p>The Stage 1 and 2 Archeological Reports have identified archaeological resources on the subject lands (within the Licence) and adjacent lands.</p> <p>Prior to any site disturbance, all sites will be protected with a 70m buffer until such a time that the required Stage 3 and 4 Archaeological Assessments can be completed to the satisfaction of the Ministry of Multiculturalism.</p> <p>The Archaeological sites that have been identified adjacent to the Licence boundary will remain undisturbed and protected. This approach will ensure that archaeological resources shall be appropriately protected.</p>

In summary, for reasons set out in this Report, the proposed quarry extension is consistent with the Provincial Policy Statement (2020).

3.2 **GROWTH PLAN (AUGUST 2020 CONSOLIDATION)**

Section 2.2.9 (3) of the Growth Plan states that “*subject to the policies in section 4, development outside of settlement areas may be permitted on rural lands for: a) the management or use of resources*”.

Therefore, the “management or use of resources” is a permitted use on *rural lands*, subject to the other applicable polices of the Growth Plan and other Provincial and local planning policies.

The following table has been included to provide a more detailed commentary related to the protection of the water resource system as required by Growth Plan policy 4.2.8.2 (b) iii.

Table 2 : Revised Growth Plan for the Greater Golden Horseshoe (2020) Policy Analysis

Growth Plan Policies S. 4.2.8	Proposed Application
<p>Policy 4.2.8 2 (b) iii: <i>How the water resources system will be protected or enhanced.</i></p>	<p>As required by the Aggregate Resources Act, an Level 1 and 2 Water Study was completed (WSP March 2022) as well as a Maximum Predicted Water Table Report (WSP, March 2022).</p> <p>The existing Law Crushed Stone Quarry has been in operation since the 1920s and has not resulted in any unacceptable impacts to local groundwater and surface water features.</p> <p>For the proposed quarry extension, a measurable drawdown cone in the groundwater regime is predicted within the deeper bedrock aquifer. However, the potential impacts can be readily mitigated where there is potential for interference with private drinking water wells. The predicted drawdown will not negatively impact any surface water features.</p> <p>Potential hydrogeology impacts to the adjacent natural heritage features, including the Wainfleet Bog, have also been assessed and it has been determined that there is no hydraulic connection between the quarry and the bog deposits. There will be no ecological impact to the Biederman Drain or the Eagle Marsh Drain.</p> <p>The final rehabilitation of the proposed quarry extension will be to a large lake with a final water level of about 174.4masl. There will be no discharge from the quarry lake to surface water features and the</p>

	<p>groundwater flow is anticipated to return to baseline conditions.</p> <p>Therefore, through the implementation of the hydrogeology monitoring and mitigation measures included on the ARA Site Plan, the ground and surface water system will be protected.</p>
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CONCLUSIONS

Based on the revised and additional information included in this Report Addendum, there is no change in the conclusions outlined in the June 2022 Report.

These conclusions are as follows:

The proposed Law Quarry Extension will serve as an extension to the existing Law Crushed Stone Quarry and will replace the depleting reserves at the existing quarry and allow the Law Quarry to continue to supply high quality aggregate products to local and regional markets. No increase to the annual tonnage is proposed and the three licences will maintain the current 800,000 annual tonnage limit.

The Law Quarry Extension has been designed to minimize impacts on adjacent sensitive uses and to ensure that there will be no negative impacts to surface and ground water resources as well as natural heritage features.

The subject lands will be rehabilitated to a lake with island and ecological enhancements to aquatic and terrestrial habitats. The Rehabilitation Plan includes varying slope treatments to maximize the use of on-site materials and to create diverse habitats for wildlife. The Quarry Extension will be rehabilitated comprehensively with the existing quarry.

As demonstrated in this Report, the proposed Law Quarry Crushed Stone Extension is:

- Consistent with the Provincial Policy Statement 2020;
- Conforms with the policies of the Growth Plan 2020;
- Conforms to the Region of Niagara and Township of Wainfleet Official Plans; and,
- Includes all of the information required by the Aggregate Resources Act Provincial Standards (2020).

It is concluded that the proposed Law Crushed Stone Quarry Extension is desirable, appropriate, and represents good planning.

Respectfully submitted by,
MHBC



Caitlin Port, MES, MCIP, RPP

