

APPENDIX 2

Agency and Public Comments

Public Comments (four comments)

Public Comment #1

We are not opposed to the current extraction operations as permitted by the Niagara Escarpment Commission, provided they comply with all stated conditions of their permit and the site is completely re-habilitated in a timely manner.

However, we do not support the proposed redesignation of the subject lands from Escarpment Protection Area to Escarpment Rural Area (PH 226 22), or the likely second application to redesignate the Escarpment Rural to Mineral Resource Extraction Area for the following reasons:

1. It is my understanding that the Niagara Escarpment Commission has approved only one application redesignation of Escarpment Protection Area (16&17/S/86 McKean), and this application was granted over 35 years ago. The community in 2023 is more acutely aware of the environment and the protection it requires. Granting this approval could greatly undermine the NEC Natural and Protected Areas within the plan. This approval may set a negative precedence for lands within the Niagara Escarpment plan area.
2. The Niagara Escarpment Commission has an official plan review ever 10 years with the last in 2017. It is my understanding Brampton Brick Limited has never formally requested their lands (Part Lots 29 and 30, Concession 5 West of Centre Road, Town of Caledon) removed from their current designation.
3. Niagara Escarpment Commission initial staff report dated March 9, 2023 “Extraction is complete on the easternmost Phase 1 area, adjacent to Mississauga Road along its eastern boundary. While rehabilitation is largely complete in this phase.” Phase 1 is over 30 years old and Brampton Brick Limited has been asked to complete its rehabilitation numerous times since the end of extraction. If Brampton Brick proposes to expand operations to other areas of the site, the rehabilitation of Phase 1 should be complete, not merely ‘largely complete’
4. Development Permit Application /P/E/09-10/242 was refused by the commission in July, 2013. It is my understanding the primary reasons for refusal was excessive truck traffic over multiple years and not being able to control the quality of fill. This new proposal includes further excavation along the north face of Phase 1, extending quarrying activities instead of proceeding with the complete rehabilitation of the Phase 1 lands. Brampton Brick should be required to complete the previously

approved rehabilitation rather than resume quarrying activities in a partially rehabilitated area and should be permitted to place fill into the Phase 1 lands beyond what is required for the approved rehabilitation plan.

5. The “Visual Impact” of the proposed site is significant. The higher elevation of the new site will be visible from King Road from the east and west, as well Mississauga Road. The approved site 3 is not visible from any approaching roads. Credit View Public School has been changed to a cultural centre for Indigenous students. The proposed site will be visible from their location.
6. Brampton Brick had a open house for the community to put forth their proposal. During the meeting they expressed a benefit of this application being a greater separation to the village of Terra Cotta. The proponent had no concern of the significant effect to the village of Cheltenham. The prevailing winds are from the west, and therefore all the dust will fall in Cheltenham.
7. In the past Cheltenham has been impacted from the dust of Phase 1. The approved phase 3 will have little effect on Terra Cotta or Cheltenham.
8. Brampton Brick Limited has the right to move into Phase 3 without any amendment required. They have also said they would relinquish there aggregate extraction of Phase 3. We and many of our neighbours believe this is a ploy by Brampton Brick to extract the new area and then come back in 20 years and request opening phase 3, similarly to how they now propose to redesignate the existing Escarpment Protected Area lands
9. Brampton Brick has described its products as being needed for the construction of new buildings in Ontario. Although brick is a traditional building material in Southern Ontario, it is now used as a largely decorative veneer and is not vital to construction of new homes and businesses. The need for brick as a decorative product should be balanced with the need to preserve the environment of the Niagara Escarpment.

We live within the zone of influence and did not receive any **formal notice** of this application. Our neighbors also did not receive formal notice. Due to insufficient notice to all affected nearby properties and the communities, we believe the date of August 21st should be extended to provide time for residents of Cheltenham to formally comment on this application.

Public Comment #2

We wish to submit a comment to the amendment that Brampton Brick is proposing to the Cheltenham Quarry.

Phase 1 is complete, phase 2 is in progress and phase 3 is currently licenced and approved for extraction.

We feel they should complete phase 2 and then proceed to phase 3 before pursuing future mineral aggregate extraction in the proposed northern location.

Since the prevailing winds are from the northwest, this will cause much more dust and noise pollution to the urban centre of Cheltenham and surrounding areas.

We would appreciate being kept informed as to the progress of this proposed amendment by Brampton Brick.

Public Comment #3

Dear Joe Muller, Niagara Escarpment Commission

Assuming Brampton Brick Limited complies with all said conditions of their permit and the site is completely re-habilitated in a timely manner. We are not opposed to the current extraction operations as permitted by the Niagara Escarpment Commission. However, we do not support part one or two of this application (PH 226 22) for the following reasons.

1. The community is aware of the Environment and the protection it requires, it is surprising to us that the NEC would grant this approval. Its effect would compromise the NEC Natural and Protected Area's within the plan.
2. In July, 2013 Development Permit Application /P/E/09-10/242 was refused by the commission to amend the approved progressive rehabilitation of phase 1 because of not being able to control the quality of fill to recreate the pre-quarry topography. Will this new proposal further delay complete rehabilitation of the excavated north face of phase 1.
3. The Niagara Escarpment Commission has an official plan review every 10 years with the last in 2017. It is not correct that Brampton Brick Limited has never formally requested these lands (Part Lots 29 and 30, Concession 5 West of Centre Road, Town of Caledon) to be removed from their current designation.
4. "Extraction is complete on the easternmost Phase 1 area, adjacent to Mississauga Road along its eastern boundary. While rehabilitation is largely complete in this phase." What does this mean? Should this not be complete by now. Brampton Brick Limited has been asked to complete its rehabilitation numerous times since the end of extraction.
5. Brampton Brick Limited has the right to move into phase 3 without any amendment required. Why doesn't Brampton Brick want to start extraction from phase 3? If approval of this application is granted, then Brampton Brick must relinquish their rights to aggregate extraction of phase 3 and reapply for NEC approval.
6. Brampton Brick had an open house for the community to put forth their proposal. They emphasized that this application would provide a greater separation to the village of Terra Cotta, however not indicating the impact that it would have on the village of Cheltenham. The prevailing winds are from the west, and therefore all the dust will fall in Cheltenham. In the past Cheltenham has been impacted as a result of the dust of phase 1. The approved phase 3 will have little effect on Terra Cotta or Cheltenham.
7. The "Visual Impact" of the proposed site is significant. The higher elevation of the new site will be visible from King Road from the east and west, as well as Mississauga

Road. The new Indigenous Cultural Centre at the corner of King St and Mississauga Rd. will have direct view of the proposed site. The approved site 3 is not visible from any approaching roads. We live within the zone of influence and did not receive any formal notice of this application. Also our neighbors did not receive formal notice. The date of August 21st should be extended to provide time for residents of Cheltenham to formally comment on this application.

Public Comment #4

The Board of Directors of Poltawa Country Club is fully supportive of Brampton Bricks application to redesignate a portion of its Cheltenham quarry property from Escarpment Protection Area to Escarpment Rural area. The Board represents the 106 members of the Club most of whom are permanent residents at Poltawa. The members were presented with the proposal at a town hall meeting at the Terra Cotta Community Centre. The full proposal was also emailed to all members for their review and comment. At present, phase 3 of the quarry operations as approved would directly impact the residents of Poltawa as we are located directly south of the site. Our community is continuing to grow and any efforts to mitigate noise, dust and other construction/extraction irritants would be welcomed. We are attaching a formal letter of support.

Sincerely

Walter Mudyk – Chairman

Summary of Agency Comments

The full letters from agencies (three) are attached here.

Comments received from:

Region of Peel

Town of Caledon

Ministry of Citizenship and Multiculturalism

August 16, 2023

Sandy Dobbyn
Senior Planner
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B1

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

**Re: Niagara Escarpment Plan Amendment PH 226 22
Brampton Brick Limited, (Cheltenham Quarry)
14504 Mississauga Road, Caledon**

Dear Ms. Sandy Dobbyn,

Thank you for the opportunity to provide input on the proposed Niagara Escarpment Plan Amendment for Brampton Brick Ltd.

Background

Brampton Brick Limited has applied to amend the Niagara Escarpment Plan to change the land use designation of the 14.68 ha (36.3 ha) subject lands from the current Escarpment Protection Area designation to Escarpment Rural Area designation. This amendment is proposed to allow consideration of subsequent applications to amend the Niagara Escarpment Plan to redesignate these same lands from Escarpment Rural Area to Mineral Resource Extraction Area and to apply for a Development Permit to conduct aggregate extraction operations on these same lands. The subject lands are located adjacent to their existing Cheltenham Quarry site in the Region of Peel.

The Cheltenham Quarry immediately to the south of the subject lands was licensed in 1989 under the *Aggregate Resources Act* (ARA). *Niagara Escarpment Planning and Development Act* development permit # 4257/P/E/81/216 was issued in 1990 to establish a phased mineral resource extraction operation, along with Niagara Escarpment Plan Amendments PP 12 8 and PP 15 86. The quarry licence consists of approximately 99.2 ha subdivided into three operational phase areas: phase one is complete, phase two is in operation, while phase three has not been started. Phase three is located to the west of phase two adjacent to the Terra Cotta Minor Urban Area.

Comments

Region of Peel Planning and Development Services staff have reviewed the above noted application and offer the following comments relating to the policy interests of the Region, and specifically after review of the following submission materials:

- Cheltenham Quarry Phasing Plan prepared by the Niagara Escarpment Commission dated February 2023
- Planning Justification Report prepared by MHBC Planning, Urban Design & Landscape Architecture October 2022

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- Geological Assessment Technical Report prepared by Golder Associates dated September 2022
- Natural Environment Assessment prepared by Golder Associates dated October 2022

Applicable Land Uses

- The entire property, containing the area subject to the Niagara Escarpment Plan Amendment, is designated in the Rural System of the Region of Peel Official Plan (ROP). Core Areas of the Greenlands System (Core Woodlands, Core Escarpment Natural Area and Core Environmentally Sensitive Areas) are designated in the ROP within and adjacent to the subject property along its northwest and southwest boundaries. It is not identified as High Potential Mineral Aggregates Resource Area.

Policy Context

- The policies of the ROP and, in particular, Sections 2.6 Water Resource System and 2.14 Greenlands System apply to the review of the proposed redesignation. If a concurrent or sequential application to redesignate the subject lands to Mineral Aggregate Resource Extraction Area is considered, the policies of Section 3.4 Mineral Aggregate Resources of the ROP also apply.
- The Region's areas of interest with respect to this application reflect the roles and responsibilities of the Region, as set out in the ROP. The Region's interests include, but are not limited to, the following:
 - Consistency with the Provincial Policy Statement and conformity with the Growth Plan, the Niagara Escarpment Plan and Region of Peel Official Plan to ensure that relevant policies are fully considered;
 - Protection, restoration and enhancement of natural environment features and functions, to ensure protection of wetlands, woodlands, watercourses, fish habitat, valley and stream corridors and other components of the Greenlands System;
 - Protection, improvement or restoration of the quality and quantity of water resources for the maintenance of ecosystem integrity;
 - The adequacy, capacity and safety of the proposed transportation haul routes and site entrances intended to serve the proposed use; and,
 - Ensuring that all aggregate extraction uses and associated processing and ancillary uses minimize environmental, community and social impacts.
- The impacts, both positive and negative, to adjacent communities, significant woodlands, including designated Core Areas of the Greenlands System, significant

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valley and stream corridors and wetlands should be considered in a comprehensive and integrated manner.

- While the Region understands the Niagara Escarpment Commission's recommended approach to process the Niagara Escarpment Plan amendments sequentially, it is Regional staff's preference that the amendments be considered concurrently. The Region requests consideration of the amendments concurrently in conjunction with an application to amend the current ARA licence to remove the phase 3 extraction area with the appropriate studies supporting justification to expand the current licence into the subject lands and demonstration that environmental and community impacts are minimized.
- If the applications are not considered concurrently, we respectfully request the NEC consider the objectives and criteria for the current Escarpment Protection Area designation, as identified below, in relation to relevant policy objectives and context of the ROP as noted above:

1. Escarpment Protection Area Criteria for Designation

- Areas of Natural and Scientific Interest (Life Science) (ANSI), or environmentally sensitive or environmentally significant areas identified by municipalities or conservation authorities.

2. Escarpment Rural Area Criteria for Designation

- Lands in the vicinity of the Escarpment which are of ecological importance to the Escarpment environment.
- Lands that have potential for enhanced ecological values through natural succession processes or due to their proximity to other ecologically sensitive lands, areas or features.

If you have any questions or concerns, please contact me at your earliest convenience at 905-791-7800 ext. 4349 or by email at: Chrissy.Pelopidas@peelregion.ca

Yours truly,



Chrissy Pelopidas
Planner, Development Services

August 14, 2023

Sandy Dobbyn
Senior Strategic Advisor
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON
L7G 4B1

(sent via Email only)

Dear Sandy Dobbyn:

Re: **Niagara Escarpment Plan Amendment PH 226 22**
Brampton Brick Limited
14504 Mississauga Road
Part Lots 29 and 30, Concession 5 West of Centre Road, Town of Caledon

In response to your Request for Comments concerning the above-noted application to amend the Niagara Escarpment Plan, the Town of Caledon offers the following information.

The proposed amendments relate to the Cheltenham Quarry, and are proposed to be completed by two amendment applications. This is the first amendment application, which proposes to amend the Niagara Escarpment Plan (NEP) by redesignating 14.68 ha (36.3 ac) of lands described as Part Lots 29 and 30, Concession 5 West of Centre Road, from Escarpment Protection Area to Escarpment Rural Area. The subject property is located on the west side of Mississauga Road, north of the Cheltenham Quarry and the Caledon Trailway.

The subsequent application will redesignate these lands from Escarpment Rural Area to Mineral Resource Extraction Area (MREA), to allow the applicant to apply for a Development Permit to conduct aggregate extraction operations. The applicant also proposes to redesignate Phase Three of the existing Cheltenham Quarry from MREA to non-extraction land-use designations under the NEP.

Comments

Town of Caledon, Planning, Development & Design

Town staff recommend that the current and future applications before the NEC and Town (Local Official Plan Amendment) be reviewed and processed concurrently, instead of the current two phased approach. Staff are unable to support the future expansion of Cheltenham Quarry's operation onto the agricultural lands to the north, or the removal of the phase 3 extraction area,

without reviewing appropriate reports and studies that evaluate the agricultural, environmental, community, and cultural heritage impact of the proposal. By redesignation of the lands to Escarpment Rural Area, the applicant could apply for a Development Permit for an operation limited to 20,000 tons or less annually. The Town would not be supportive of any application for a development permit that proceeds a Town Official Plan Amendment (OPA) application. As such, staff recommend that the applicant apply for a Preliminary (PARC) Meeting with the Town to discuss the proposal and determine submission requirements for the local OPA.

Should the NEC proceed with the current two-phased application, Town staff provide the following comments:

- The subject property is within the Greenbelt and falls within the Escarpment Natural Area and Escarpment Protection Area of the Niagara Escarpment Plan. Only the portion of lands within the Escarpment Protection Area are subject to this application and are proposed to be redesignated to Escarpment Rural Area.
 - The Town will rely on NEC staff to evaluate the proposal against the policies of the NEP.
- The property is designated as Environmental Policy Area (EPA) and Rural Lands in Caledon's Official Plan.
 - The function of the Rural Lands within the Town structure is to protect the open rural character and rural lifestyle of the countryside, protect existing agricultural uses and encourage appropriate new agricultural and appropriate rural economic development uses. Development within this designation are guided by Section 5.2 of Caledon's Official Plan.
 - To permit the next application, the lands will need to be redesignated from Rural Lands to Extractive Industrial Area through a Local Official Plan Amendment application. The applicant is advised to apply for a Preliminary (PARC) Meeting to discuss the proposed application and submission requirements for the future OPA application (i.e. revised Planning Justification Report).
 - It would be appropriate and recommended that the applicant initiate this process sooner than later.
 - The EPA is to the rear of the lands, majority of which is traversed by a significant natural heritage feature (significant woodland).
 - Section 6.6.2 of the Town's Official Plan speaks to minor land use boundary adjustments that do not warrant an Official Plan Amendment. Based on NEC mapping and Peel's Woodlands mapping, it is clear that the EPA is slightly larger than it should be. No Local OPA is required to correct this boundary.
- The Town will require a revised environmental impact study with the OPA application. In addition, Town staff will need to approve the staked dripline of the woodland through a site visit.
- Please contact the undersigned to discuss the scope of this study.

- The property is also identified as High Potential Mineral Aggregate Resource Area (HPMARA), as it is within the 500 metre buffer from a known aggregate (bedrock) extraction operation.
 - The future OPA application will be reviewed for conformity with the Town's Official Plan policies regarding HPMARAs (Section 5.11).
- The future OPA application will need to be supported by an Agricultural Impact Assessment to evaluate the impact the proposed development has on the existing and adjacent agricultural properties.
- A portion of the property is within Credit Valley Conservation Authorities regulated area. A permit may be required from CVC.
- The property is listed as a non-designated property on the Town's Heritage Register. Please see comments from the Town's Heritage planner below.

Town of Caledon, Planning, Heritage

- The subject property is listed as a non-designated property on the Town's Heritage Register for reason of an extant 19th century farmstead.
- Review of the Town's archaeological potential mapping indicates the entire property exhibits archaeological potential.
- Under the NEP, the conservation of cultural heritage resources is an objective of both Environmental Protection Area and Environmental Rural Area designations.
 - Accordingly, the proposed re-designation of the subject property from Environmental Protection Area to Environmental Rural Area would remain compatible with the property's cultural heritage resources.
 - As the proposed re-designation of the property does not entail development, no archaeological assessment would be required.
- Heritage staff have reviewed the Cultural Heritage Screening & Evaluation Report (CHSER), which concludes that the subject property does not have cultural heritage value and does not contain a significant cultural heritage landscape.
 - Heritage staff have concerns with the content and some of the conclusions of the CHSER; detailed comments have been made directly on the report and provided separately.
 - In brief, the CHSER lacks the property research and site documentation needed to adequately evaluate the property's cultural heritage value and substantiate the conclusions drawn.
 - A revised CHSER is required.
 - A site visit is recommended for Town staff, NEC staff and the applicant's consultant as an initial step to better understand the property's cultural heritage resources.

- Any future proposal to redesignate the property from Environmental Rural Area to Mineral Resource Extraction Area would directly impact the property's cultural heritage resources and require both a Heritage Impact Assessment and an archaeological assessment.

Town of Caledon, Planning, Landscape

- The proposed future application to remove the Phase 3 lands as a part of the approval process for the above-mentioned application are supported from a landscape ecology perspective, as it aims to reduce impacts to the natural heritage as well as addressing potential impacts to neighbouring residential areas and properties.
- Please provide an updated Rehabilitation Master Plan that illustrates how the total site will be progressively rehabilitated as part of the larger site rehabilitation, including the proposed new extraction area. As part of the long-term phasing and rehabilitation for this site, it would be desirable to see a long-term options for the redevelopment of the that explore the adaptive reuse of the cultural heritage attributes of the former Cheltenham Brickworks considered in any program of rehabilitation for an interpretive natural heritage and cultural park that would celebrate the vibrancy of our community through the cultural landscape. (see Caledon OP 3.3.3.6.1)
- Cultural heritage features identified through the HIA are to be included in the Landscape Plans as per requirements from Planning, Heritage.
- As part of the proposed NEP Amendment, please consider identifying the cultural heritage precinct for future adaptive reuse.
- Please provide an updated Visual Impact Report to assist with the visual impact assessment. Please include:
 - Viewshed impacts into the site from adjacent locations, such as Mississauga Road and the Caledon Trailway;
 - A conceptual landscape plan for the proposed quarry operation to better understand the potential visual impacts;
 - Visual buffers / screens, which may include vegetated landscape buffers and/or vegetated berms.
- Please provide a Soil Report/Survey in support of the Agricultural Impact Assessment (AIA) is to be referenced in the Landscape Plans to identify how soils will be redistributed for the progressive rehabilitation of the overall site.
- Please provide an Arborist Report and Tree Preservation Plan by a certified ISA arborist as per the Town of Caledon *Terms of Reference for Arborist Reports, Tree Preservation Plans, and Tableland Tree Removal Compensation, 2020*. The Terms of Reference can be found at the following link: <https://www.caledon.ca/en/town-services/landscape-requirements.aspx#Planning-and-Design>
 - Please indicate the work zone limit of disturbance on the Tree Preservation Plan and include any trees within 6m of the limit of disturbance (including construction access and equipment/material storage areas) or that will be impacted by the development.
 - If trees larger than 10cm DBH are proposed to be removed as a part of this project, tree compensation will be required. Please indicate the number of the

trees to be compensated in the arborist report provided and indicated on the Tree Preservation Plan.

Town of Caledon, Planning, Parks

- If a building permit is required on the property, payment in lieu of conveyance of parkland will be required prior to issuance, pursuant to the s.42 of the Planning Act, in accordance with the Town's Parkland Conveyance By-law 2022-042 or any successor thereof.

Town of Caledon, Finance

- Two separate applications for amendments are discussed within NEC PH 226-22. The proposed amendments are to ultimately facilitate an aggregate extraction operation on the subject lands.
- No new or additional floor space is included in the proposals, and therefore, no Development Charges will apply.
- The Development Charges comments and estimates above are as at July 21, 2023, and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. For site plan or rezoning applications dated on or after January 1, 2020, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. Development Charge by-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on changes in actual information related to the construction as provided in the building permit application.

Town of Caledon, Development Engineering

- As a preliminary advisory, the below listed documents will be required by Development Engineering in support of an official plan amendment application for 14504 Mississauga Road. All documents are to be completed in conformance with Town of Caledon Development Standards, Policies, and Guidelines. Please note that these reports will need to be peer reviewed.
 - Development Phasing Plan
 - Environmental Site Assessment – Phase 1
 - Erosion and sediment control report
 - Erosion and sediment control plans
 - Geotechnical report
 - Grading plan(s)
 - Noise (and vibration) study

- Hydrogeologic Report
- Slope stability assessment
- Slope map
- Stormwater management report
- Air Quality Assessment report

Town of Caledon, Legal Services

- Instrument No. PR2378750 is an easement agreement registered on June 4, 2013 with the Town of Caledon. The Owner is bound by this agreement.
- Instrument No. RO940484 is a development agreement registered on June 7, 1990 with the Town of Caledon. The Owner is bound by this agreement.

Town of Caledon, Municipal Numbers

- The property address is confirmed as 14504 Mississauga Road
- The proposed development as outlined in the circulation letter will not require the issuance of a municipal number
- In accordance the Municipal Numbering By-law and Guidelines, the municipal number must be posted on a “green” municipal number sign. Based on Google Streetview, the number is posted.

The following departments have no concerns:

- Town of Caledon, Fire Services

The following departments have not provided comments as of the date of this letter:

- Town of Caledon, Planning, Policy

Conclusion

The Town recommends that the proposed changes to the Cheltenham Quarry be reviewed comprehensively by NEC and the Town, through a revised NEC Application and a Town OPA Application.

I trust this information is satisfactory. Please do not hesitate to contact the undersigned at tanjot.bal@caledon.ca should you have any questions.

Yours truly,

Tanjot Bal, MCIP, RPP
Senior Planner

c: Annemarie Bochenek, Niagara Escarpment Commission
Anthony Staniscia, Town of Caledon, Fire & Emergency Services
Brittany Ziegler, Town of Caledon, Legal Services

Sally Drummond, Town of Caledon, Heritage
Gillian McFarlane, Town of Caledon, Development Engineering
Eva Li, Town of Caledon, Parks
Stewart McIntosh, Town of Caledon, Landscape
Jason Elliott, Town of Caledon, Environment
Town of Caledon, Municipal Numbers

**Ministry of Citizenship
and Multiculturalism**

Heritage Planning Unit
Heritage Branch
Citizenship, Inclusion and
Heritage Division
5th Flr, 400 University Ave
Tel.: 416.786.7553

**Ministère des Affaires civiques
et du Multiculturalisme**

Unité de la planification relative au
patrimoine
Direction du patrimoine
Division des affaires civiques, de
l'inclusion et du patrimoine
Tél.: 416.786.7553



August 21, 2023

EMAIL ONLY

Annemarie Bochenek
Financial & Commission Services Coordinator
Niagara Escarpment Commission
232 Guelph Street
Georgetown, ON L7G 4B2
ginny.hang@ontario.ca

MCM File : 0019568
NEC File : PH 226 22
Applicant : Brampton Brick Ltd.
Location : Part Lots 29 and 30, Concession 5 West of Centre Road
14504 Mississauga Road
Town of Caledon, Region of Peel

Dear Ms. Bochenek:

Thank you for providing the Ministry of Citizenship and Multiculturalism (MCM) with the Request for Comments for the above-referenced project. MCM's interest in this project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- archaeological resources, including land and marine;
- built heritage resources, including bridges and monuments; and
- cultural heritage landscapes.

Policies for the conservation of cultural heritage in the Niagara Escarpment planning and development process are found in Section 2.10 of the Niagara Escarpment Plan (NEP), 2017.

These cultural heritage policies are addressed in the Initial Staff Report through the requirement of a cultural heritage impact assessment and archaeological assessment for subsequent NEP amendments and Development Permit applications, and the prior completion of a Cultural Heritage Screening and Evaluation Report. This being the case we have no concerns at this time, and look forward to reviewing future cultural heritage technical studies associated with the site's development.

Thank you for consulting MCM on this project and please continue to do so throughout the planning process. If you have any questions or require clarification, please do not hesitate to contact me.

Sincerely,

Dan Minkin
Heritage Planner
Dan.Minkin@Ontario.ca

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their application is accurate. The Ministry of Citizenship and Multiculturalism (MCM) makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the application process, and in no way shall MCM be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out an archaeological assessment, in compliance with Section 48(1) of the *Ontario Heritage Act*.

The *Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33* requires that any person discovering human remains must cease all activities immediately and notify the police or coroner. If the coroner does not suspect foul play in the disposition of the remains, in accordance with *Ontario Regulation 30/11* the coroner shall notify the Registrar, Ontario Ministry of Public and Business Service Delivery, which administers provisions of that Act related to burial sites. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified (at archaeology@ontario.ca) to ensure that the archaeological site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

APPENDIX 3
Minutes of the Public Interest Advisory Committee Meeting

Wednesday, November 29, 2023, 10:30 AM – 2:30 PM
Niagara Escarpment Commission Offices Georgetown

Niagara Escarpment Plan Amendment (NEPA) Application:

PH 226 22 – Cheltenham Quarry – Brampton Brick

Attendance

PIAC Members

Susan Robertson	(Chair) Ontario Nature
Karen Cox	Ontario Real Estate Association
Kevin Nichol	Ontario Snow Resorts Association

Regrets

Drew Spoelstra	Ontario Federation of Agriculture
Melanie Horton	Ontario Stone, Sand and Gravel Association

NEC Staff

Sandy Dobbyn	Senior Strategic Advisor
Shazia Khan	Policy and Program Intern (virtual)
Karen Bannister	Landscape Architect

10:30 AM – 11:00 AM: Site Visit, Brampton Brick Property, 14504 Mississauga Road, Part Lots 29 and 30, Concession 5 West of Centre Road (Former Township of Chinguacousy), Town of Caledon, Region of Peel.

- In attendance, Sandy, Susan, Karen, Kevin as well as Ellen Ferris (MHBC) and Kyle Halfyard (Brampton Brick)
- Members and staff introduced themselves.
- Members met with the proponent and their agent and toured the site.
- Members were able to ask questions of the proponent and NEC.

11:00 AM – 11:30: Travel to meeting location

11:30 AM: Convene at Georgetown Offices

Staff background overview

- Sandy presented information for proposed NEPA 226 – Cheltenham Quarry (site info: e.g., location, natural heritage features, proposed land use designations; policy: e.g., NEP 1.2.1, 1.4.2, 1.5.2; NEPDA 6.1)
- The application proposes to amend the Niagara Escarpment Plan (NEP) designation of Escarpment Protection Area to Escarpment Rural Area for the un-forested portion of the property. The proponent has submitted various reports supporting the re-designation suggesting that the site is most appropriately designated rural.
- The applicant has indicated that should they be successful in the application to redesignate the site to Escarpment Rural Area, that they would subsequently submit an application to amend the plan to redesignate the site as Mineral Resource Extraction Area, seek Official Plan amendments from the municipality and region to re-designate the lands, apply for a Development Permit to conduct aggregate extraction and seek a license under the Aggregate Resources Act (ARA).
- The application to redesignate the lands to Escarpment Rural is being made because the Niagara Escarpment Plan does not allow for an application to redesignate lands within Escarpment Protection Area to Mineral Resource Extraction Area.
- The applicant has also suggested that should the amendments be successful and that they are ultimately issued a licence under the ARA, that they would surrender the licence for the current phase 3 and redesignate the lands to an appropriate land use designation within the NEP.
- The group discussed at length what was actually under consideration. Although it is known that the long-term goal of the applicant is to apply for mineral resource extraction, the decision currently before PIAC and ultimately the Commission, is whether the site best fits within the Escarpment Protection or Escarpment Rural land use designation, or effectively, were the lands inappropriately designated as Escarpment Protection which prevents an application for aggregate extraction.
- Sandy provided a background of comments received through agency, public and Indigenous consultation, noting that there are no formal objections at this point because the application is only to redesignate the lands from EPA to ERA and not for an amendment to MREA and application for aggregate extraction, which is likely to result in formal objections.

- Sandy provided a summary of the criteria for designation for both Escarpment Protection Area (Part 1.4.2) and Escarpment Rural Area (Part 1.5.2) and outlined that any one site may not fit perfectly within one designation, but that a decision has to be made with respect to the best fit.
- Sandy then provided a summary of the reports submitted by the applicant and the conclusions of the applicants' consultants with respect to whether the lands best meet the criteria for Escarpment Protection or Escarpment Rural.

PIAC Discussion

- PIAC discussed the designation criteria at length, particularly as they related to Escarpment landforms, the location of the site on the Escarpment slope, and whether the site is visually part of the landscape unit.
- Karen provided context with respect to landforms, landscape units and visual considerations and answered questions of the members to help clarify how the designation criteria are applied from a visual perspective.
- Members felt strongly that the site was a significant component of the landscape unit, and that the site was in fact prominent on the landscape with substantial views to and from the site. In addition, the site is clearly located between toe and brow with clear view of the brow.
- Members asked about environmentally sensitive or significant areas (per 1.4.2.3) and whether they only had to be located on the property or whether they needed to be on the site (portion of the property proposed for re-designation). The committee noted that there were significant environmentally designated areas close to (including an ANSI), and adjacent to (including significant woodland) and even as a part of, the subject property immediately abutting lands proposed for re-designation.
- PIAC felt strongly that the lands proposed for redesignation clearly met criteria 1.4.2.1 and 1.4.2.2 (Escarpment Protection) and that they did not clearly meet 1.4.2.3 although they noted (as above) that the property itself did include these areas and that these areas would be immediately adjacent to the area being redesignated and eventually the subject of an application for aggregate extraction.
- PIAC also considered the objectives for Escarpment Protection Area with respect to Parts 1.4.1.1 and 1.4.1.2 and asked to view mapping of adjacent land use designations. This revealed that this property is part of a band of properties with substantial areas of Escarpment Protection Area that are serving to buffer between the large Escarpment Natural Area that includes lands above and below

the brow and lands designated Escarpment Rural Area, which are often located across the road.

- Members agreed that it was difficult to separate the current proposal for redesignation with the knowledge that should the application be approved, the applicant will then apply to redesignate the lands to Mineral Resource Extraction Area. Members felt that it was unfortunate that they could not consider the long-term plans, including potential surrender of the current phase 3 as part of the current application.

PIAC recommendation

- That PIAC finds that the lands subject to the application are in fact properly designated Escarpment Protection Area in that they contain *Escarpment slopes* and *Escarpment Related Landforms* and are visually (and prominently) part of the landscape unit, that the lands provide an important buffer to the adjacent prominent Escarpment features (including the brow) and that the property includes environmentally significant features immediately adjacent to the area proposed for amendment;
- That the Commission recommends the Minister not approve the application to re-designate the lands to Escarpment Rural Area;
- That PIAC echo's concerns of Peel Region.

Unanimous (3) vote, all in favour.

Original signed by Susan Robertson

Susan Robertson

Date

Chair, Public Interest Advisory Committee

APPENDIX 4

NEP Escarpment Natural or Protection Area to Rural Area Amendment Applications

File number	Type of Amendment	Status
16 & 17/S/86 McKean	Re-designation of Escarpment Protection lands to enable quarry expansion	approved
18/86 Sydenham	Re-designation from Escarpment Protection Area to Escarpment Rural for subdivision	refused
51/H/89 Cohoon	Re-designation from Escarpment Protection Area to MREA to allow wayside pit	refused
61/89 Gibson	Re-designation change from Escarpment Protection to Escarpment Rural for severance	refused
84/91	Re-designation Change from Natural and Protection to Protection and Rural to enable severances for housing lots	withdrawn