

Report To:	Regional Chair and Members of Regional Council
From:	Bob Gray, Commissioner, Legislative and Planning Services and Corporate Counsel
Date:	February 12, 2020
Report No. - Re:	LPS11-20 - Halton Consolidated Streamlined Mineral Aggregate Review Protocol 2020 Update

RECOMMENDATION

1. THAT the updated Halton Consolidated Streamlined Mineral Aggregate Review Protocol (JART Protocol), included as Attachment #1 to Report No. LPS11-20 Re: Halton Consolidated Streamlined Mineral Aggregate Review Protocol 2020 Update”, be approved.
2. THAT the Regional Clerk forward a copy of Report No. LPS11-20 to the City of Burlington, the Town of Halton Hills, the Town of Milton, the Town of Oakville, Conservation Halton, Credit Valley Conservation Authority, Grand River Conservation Authority, the Niagara Escarpment Commission, and the Ministry of Natural Resources and Forestry.

REPORT

Executive Summary

- The concept of a Joint Agency Review Team (JART) was first established through the approval by Regional Council of the “Halton Consolidated – Streamlined Mineral Aggregate Review Protocol,” on January 31, 2001. Updates were made to the Protocol in 2004 and 2007.
- The purpose of the Protocol is to facilitate information and expertise sharing among review agencies, work with the applicant to understand technical submissions and obtain more information where necessary, engage and inform the public more effectively, and improve decision-making and efficiency associated with the processing of aggregate applications.
- An updated JART Protocol is included as Attachment #1 to this report. This update reflects lessons learned through previous mineral aggregate applications and incorporates other changes related to changes to the land use planning framework in Ontario and in Halton. If approved, this new protocol will be applicable to all future quarry applications.

Background

The purpose of this report is to update the Halton Consolidated – Streamlined Mineral Aggregate Review Protocol (JART Protocol) used for the review of applications relating to mineral aggregate operations. The Protocol serves as a tool to ensure an effective process that consolidates review by various agencies of applications for mineral aggregate extraction. A JART review is achieved by establishing a review team and workflow that facilitates sharing of information and expertise among review agencies. Staff involved on these applications work with applicants to understand the technical submissions, obtain more information where necessary, and improve overall decision-making and efficiency associated with the processing of aggregate applications.

The concept of a Joint Agency Review Team (JART) was first established by Regional Council approval of the “Halton Consolidated – Streamlined Mineral Aggregate Review Protocol,” on January 31, 2001. Updates were made to the Protocol in 2004 (Report No. PPW135-04, dated September 29, 2004) and 2007 (Report No. PPW53-07, dated March 7, 2007).

Discussion

The JART Protocol: Team Structure and Workflow

At the outset of receiving an application related to mineral extraction, the JART reviews, analyzes and comments on the completeness of the submissions. Once completeness of a Regional Official Plan Amendment is determined by the Chief Planning Official, JART members then share their expertise to undertake a technical evaluation of the application(s). The JART itself does not make a recommendation on whether or not the applications should be approved. The municipalities and agencies with decision-making authority review the merits of the application on an independent basis, taking into account the JART’s comments along with agency-specific considerations and public comments prior to making their decisions or taking a position. Each agency makes a recommendation to its Council or Board according to the specific mandates, policies, and applicable legislation for making a decision (e.g., Regional Council approves or refuses a request for Amendment to the Regional Official Plan).

The JART itself typically consists of technical staff from the municipalities and agencies reviewing an application to permit a new or expanded mineral aggregate operation proposal. The team is often supported by consultants with specialist skills. The current JART Protocol identifies the team is administered by Halton Region where a Regional Official Plan Amendment is required. Halton Region’s Council-approved Aggregate Resources Reference Manual indicates that another agency can also chair. Coordination of a JART generally comprises of managing the technical review, general project management including coordination of team meetings, and tracking and responding to public and agency input on the proposal. When notice of an application is received,

management at the municipalities and agencies that would be engaged by the application participate in preliminary meetings to coordinate the review approach.

The Protocol is adaptable, meant to be flexible rather than prescriptive. The processing of each application will vary depending on the type and scale of the application under consideration as well as its location and predicted impact. Every JART that has been established in accordance with Halton Region's JART Protocol has produced a report summarizing the background work, analysis and findings of JART from a technical perspective. That, in turn, is used by municipal and agency staff to inform recommendation reports to their respective Councils and Boards.

Provincial Ministry staff are invited to participate in JART meetings and are kept up-to-date on the work of the JART. For recent aggregate applications within Halton Region Ministry staff have elected not to participate in the formal JART process, but to engage with the JART through correspondence.

Recommended Updates to the Protocol

There have been significant changes in legislation related to land use planning in Ontario since the last JART Protocol update in 2007. Major *Planning Act* reforms (e.g., Bill 51 in 2006, and Bill 139 and Bill 108 more recently), updated Provincial plans and policies, conservation authority reviews, ongoing *Aggregate Resources Act* consultation (an update on which was provided to Council through Report No. LPS117-19, dated October 16, 2019), and Halton Region's own Regional Official Plan Amendments that have brought changes to the planning process. Planning staff at Halton Region, the Local Municipalities, Conservation Authorities, and key agencies work to adapt to these changes in the context of day-to-day processes and long-established workflows such as the JART Protocol.

It is recommended at this time to update the JART Protocol in order to account for changes to the land use planning regime as well as feedback received and lessons learned through the use of the JART Protocol to date, in addition to a number of administrative amendments. These changes include:

- Accounting for proposals where a concurrent *Planning Act* application has not been filed (i.e., Reid Road Reservoir Quarry in Milton). The changes to the Protocol include encouraging applicants to participate in consultation and technical review, and clarifying that agency Councils and boards may still receive reports outlining next steps and strategies related to proposals in the absence of a *Planning Act* application. The information produced through this process would be used by JART participants in the Ministry of Natural Resources and Forestry's *Aggregate Resources Act* review process.
- Ensuring material prepared in support of an application is fully usable as an electronic document, including printability and enabling of search functions.
- Recognizing the change from the Ontario Municipal Board to the Local Planning Appeal Tribunal.

- Adding terms of reference preparation requirements, to align with the 2014 Aggregate Resources Reference Manual.
- Formalizing determination of complete application requirements to align with the 2006 Bill 51 *Planning Act* amendments.
- Removing a requirement for an early stage municipal/agency led meeting, noting that *Aggregate Resources Act* consultation requires such a meeting that is coordinated by the proponent.
- Updating the names of individual steps within the JART workflow to more accurately reflect the intent of the applicable task.
- Clarifying the role of the Niagara Escarpment Commission and reordering steps to accommodate applications for Niagara Escarpment Plan Amendments and Development Permits within the overall JART workflow.
- Enhancing provisions related to general JART intent, team structure, collaborative and consolidated approach, and work products.
- Amending language to clarify responsibilities at each stage of the JART workflow.

The proposed JART Protocol was circulated to Local Municipalities, the three conservation authorities, and additionally to the Niagara Escarpment Commission (NEC) development review staff. Regional staff facilitated an internal discussion with staff from the Local Municipalities, conservation authorities, and Niagara Escarpment Commission on December 5, 2019. An updated draft was recirculated to Local Municipalities and to NEC staff, and comments were incorporated into the proposed JART Protocol, included as Attachment #1 to this report.

Conclusion

The function of a JART is to review, analyze and comment on the completeness of the submissions supporting a proposal for new or expanded mineral aggregate extraction operations, and to comment and analyze the proposal on its technical merits. The JART process clarifies the process and the resources required to consider proposals for new or expanding mineral aggregate extraction operations by consolidating efforts. In turn, this minimizes duplication of effort among reviewing agencies while ensuring a consistent and thorough agency response across technical disciplines. This approach allows all applicable agency staff actions to be coordinated, including document circulation, processing the application, meeting dates and times and providing consolidated comments and consultation. The use of JART facilitates effective review and comment by the public by providing information as supplied by the proponent early in the process, and facilitating responses to questions and issues arising from review.

The updates proposed to the JART Protocol recognize recent reforms to the land use planning regime and implement efficiencies to the overall review process. If approved by Council, the amended JART Protocol will be used on a go-forward basis for reviewing all mineral aggregate applications affecting Halton Region.

FINANCIAL/PROGRAM IMPLICATIONS

Applicants for a Regional Official Plan Amendment to permit new or expanded aggregate operations must pay a fee that supports staff time used in the JART process, as set out in the Fees By-law. This specialized fee was approved by Council through Report No. PPW134-06, dated August 28, 2006, recommending an increased fee for applications that accounts for time related to managing the JART process, among other matters.

Respectfully submitted,



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Bob Gray
Commissioner, Legislative and Planning
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Approved by



Jane MacCaskill
Chief Administrative Officer

If you have any questions on the content of this report,
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Attachments: Attachment #1 – Proposed 2020 Halton Consolidated Streamlined Mineral Aggregate Review Protocol (JART Protocol)

