

EXHIBIT No. A93
FILED ON Sept 29/80
Graham White

APPENDIX 'A'

MINERAL AGGREGATE RESOURCE
PLANNING POLICY

A provincial policy statement on
planning for mineral aggregate resources

1980

Government of Ontario

September 2, 1980

PURPOSE

This document is a formal statement of provincial policy on planning for mineral aggregate resources.

INTERPRETATION

This policy statement recognizes that other matters such as forestry, agriculture, housing, recreation and environment must also receive consideration in land use planning at the municipal level.

Furthermore, it is not intended to supersede or take priority over other provincial planning policies. Rather it should be implemented in conjunction with other relevant provincial policies and regulations.

BACKGROUND

This policy was prepared by the Ministry of Natural Resources in consultation with the Ministry of Housing and the Ministry of Transportation and Communications. It supersedes the "Mineral Aggregate Policy for Official Plans" approved by the Minister of Natural Resources, September 11, 1979.

Mineral aggregates are vital to Ontario's economy. In 1977, for example, 125 million tonnes or fifteen tonnes of mineral aggregate per capita were used in Ontario.

Although potential reserves exist in many parts of the Province, a reduction in the availability of mineral aggregates is occurring as a result of:

- depletion of near market supplies;
- effective elimination of some valuable mineral aggregate sources by incompatible land uses, for example housing, occurring over or adjacent to the deposits.
- restrictive planning, legislation and other controls which make the establishment and operation of pits and quarries difficult.

Serious shortages of mineral aggregates are occurring within certain parts of Ontario. Shortages result in increased mineral aggregate costs whether through hauling the material from distant sources; through using more expensive substitute materials; or through using more expensive mining techniques to process lower quality materials. Such increased costs are ultimately transferred to the consumer.

Planning programs should ensure that sufficient mineral aggregate resources are available to meet the future needs of Ontario residents. Municipal official plans for example, should provide safeguards to ensure that sufficient mineral aggregate is available to meet local, regional and provincial needs.

This policy statement establishes mineral aggregate resources as a matter of provincial interest and concern. It includes policies to ensure that due regard is paid to the importance of mineral aggregates and that the overall provincial interest is taken into account in any related planning action.

DEFINITION

For the purpose of this policy statement, mineral aggregates shall mean: sand, gravel, shale, limestone, dolostone, sandstone and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, salt and talc.

PRINCIPLES

The following mineral aggregate resource planning principles are recognized as the basis for the policies of this statement.

1. Mineral aggregates are essential natural resources. Wherever they occur, they should be recognized as important components in any comprehensive land use or resource management program.
2. Mineral aggregates should be available to the consumers of Ontario at a cost not unduly influenced by planning or other legislative controls.
3. All parts of Ontario possessing mineral aggregate resources share a responsibility for meeting future provincial demand.
4. Notwithstanding the need for mineral aggregates, it is essential to ensure that extraction is carried out with minimal social and environmental cost. In this regard there is a recognized need to develop policy and regulatory provisions that:

- a) establish good operating standards;
 - b) ensure rehabilitation;
 - c) establish evaluation and approval procedures for creating new operations and expanding existing operations.
5. The operation of pits and quarries is an essential activity in the overall development pattern of any area.
 6. Wayside pits and quarries are needed on a temporary basis and often at short notice to supply mineral aggregates for certain projects of public authorities such as roads, at minimum cost to the taxpayer. They therefore require simplified planning and approval consideration.
 7. Municipalities have an important role in planning for mineral aggregate resources and aggregate operations.

POLICY

1. GENERAL POLICIES

- 1.1 All land use planning and resource management agencies within the province shall have regard for the implications of their actions on the availability of mineral aggregate resources to meet future local, regional and provincial needs.
- 1.2. Any planning jurisdiction including municipalities and planning boards shall identify and protect as much of its mineral aggregate resources as is practicable to supply local, regional and provincial needs.

2. POLICIES FOR OFFICIAL PLANS

Official plans approved under the provisions of The Planning Act, shall comply with the following policies:

- 2.1. The official plan shall identify legally existing pits and quarries and shall protect them from incompatible activities.

Legally existing pits and quarries include:

- i) lands under licence or permit, other than wayside pits and quarries, issued in accordance with The Pits and Quarries Control Act, 1971, or The Mining Act, or successors thereto; and
- ii) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including enough adjacent land to permit continuation of the operation.

2.2 The official plan shall identify and protect from land uses which are incompatible with possible future extraction as much of the mineral aggregate resources occurring in the municipality as is realistically possible in the context of the municipality's other necessary land use planning objectives, and in recognition of the continuing local, regional and provincial need for mineral aggregates.

2.3. Land uses which preclude or hinder the possible future extraction of mineral aggregates shall not normally be permitted in areas defined under policy 2.2.

Uses which shall normally be prohibited include:

- a) residential, commercial and industrial developments on top of the mineral aggregate deposits, other than those directly related to aggregate operations;
- b) residential development and other incompatible uses on adjacent lands.

Uses compatible with possible future extraction such as agriculture and forestry shall be permitted.

2.4 It is recognized that extraction may not be feasible or advisable throughout all areas of potential mineral aggregate resources protected in the official plan. The municipality may establish policies to permit developments in these areas under carefully considered circumstances where it can be shown that extraction would not be feasible or in the long term interests of the general public.

- 2.5. The official plan shall provide a clear and reasonable mechanism to permit the establishment or expansion of pits and quarries, including policies that:
- a) outline any amendments that may be required to the official plan and/or zoning by-law;
 - b) specify the information required by a municipality to evaluate an amendment application; and
 - c) specify the matters the municipality will consider when evaluating an amendment application.
- 2.6. The official plan shall permit wayside pits and quarries throughout the municipality without requiring an amendment to the plan.
- 2.7. Policies to encourage rehabilitation shall be included in the official plan.

3. POLICIES FOR ZONING BY-LAWS

Zoning (Restricted Area) by-laws approved under the provisions of The Planning Act, RSO 1970, as amended, or successor thereto, shall comply with the following policies:

- 3.1. All legally existing pits and quarries shall be regulated in a zoning by-law in such a way that these operations are a permitted activity with no uses or other activities permitted that would be incompatible with mineral aggregate operations.

This shall include:

- i) lands under licence or permit, other than wayside pits and quarries, issued in accordance with The Pits and Quarries Control Act, 1971, or The Mining Act, or successors thereto; and
- ii) for lands not under licence or permit, established pits and quarries that are not in contravention of municipal zoning by-laws and including enough adjacent land to permit continuation of the operation.

- 3.2. Mineral aggregate resource lands identified in an official plan for protection as a possible future source of mineral aggregates shall be placed in a zoning category that only permits uses that are compatible with mineral aggregate extraction such as agriculture and forestry. Land uses which preclude or hinder possible future extraction are considered incompatible and shall not normally be permitted.

Uses which shall normally be prohibited include:

- a) residential, commercial and industrial developments on top of mineral aggregate deposits, other than those directly related to aggregate operations;
 - b) residential development and other incompatible uses on adjacent lands.
- 3.3. In municipalities not subject to an official plan, mineral aggregate deposits identified for protection by the Ministry of Natural Resources in conjunction with the municipality, may be placed in a zoning category which prohibits uses that are incompatible with possible future extraction.
- 3.4. Municipalities shall permit establishment of wayside pits and quarries without requiring an amendment to the zoning by-law except in areas where severe social or environmental impacts may result, such as adjacent to existing residential development.

ROLE OF THE PROVINCE

The objective of the government is to ensure that local, regional and provincial needs for mineral aggregates are met with minimal disturbance to the social and natural environment.

This will be achieved through implementation of this policy statement, including the following government functions.

1. The Ministry of Natural Resources, within the context of its mandate to manage mineral aggregate resources at the provincial level shall:

- a) provide all pertinent geological information, including mineral aggregate resource mapping and technical assistance, to any government body or planning authority, in particular municipalities, and assist municipalities to define and protect mineral aggregate resource areas.
- b) provide comments to planning review and approval agencies on proposed planning actions that may have implications for mineral aggregate resource development. Comments shall relate to the compliance of these actions with this policy statement and to wise mineral aggregate resource management.
- c) prepare guidelines for the Ministry, municipalities and other agencies responsible for mineral aggregate resource planning and management, to assist in implementing this policy statement. These guidelines will be developed in conjunction with the Ministry's other goals and objectives.
- d) undertake research programs to investigate a wide array of mineral aggregate resource management topics. Special emphasis shall be given to determining ways in which the supply burden of certain high production municipalities may be reduced. In this respect, the feasibility of long distance transportation of mineral aggregate from less populated portions of the province will be carefully considered.
- e) make representation or provide technical expertise to the Ontario Municipal Board where compliance with this policy statement may be an issue.
- f) administer and enforce the provisions of The Pits and Quarries Control Act, 1971 and The Mining Act, or successors thereto.
- g) encourage the concept of extraction as an interim land use activity. Toward this end the Ministry shall:
 - encourage owners and operators of extractive sites to make the most effective use of the land resource;
 - encourage sequential land use and progressive and ultimate rehabilitation with the active extraction area limited to a minimum practical size;

- encourage operation of the site in a manner as compatible as possible with surrounding land uses and activities;
 - encourage all depleted extractive sites, including wayside pits and quarries, to be returned to a condition suitable for an acceptable after use and compatible with adjacent land uses.
- h) establish, in conjunction with the Ministry of Transportation and Communications, procedures for approval, operation and rehabilitation of wayside pits and quarries used to supply aggregate for projects of that Ministry.
- i) undertake any other action necessary to ensure that this policy statement is adhered to within the limits of the Ministry's statutory authority.
- j) encourage aggregate producers to embody the spirit of wise mineral aggregate resource management.
2. The Ministries of Housing and Natural Resources shall advise and explain to municipalities and other planning agencies, the content of this policy statement and its application.
3. The Ministry of Transportation and Communications shall advise and explain to municipalities and other planning agencies, the application of this policy statement in regard to wayside pits and quarries and that Ministry's requirements for mineral aggregates.

IMPLEMENTATION

1. Any Minister, Ministry, the Ontario Municipal Board or other body or resource management agency that has been assigned an approval or review function on matters of land use or resource planning by provincial statute, regulation, or delegation shall have due regard to this policy statement when making a planning decision that affects mineral aggregate resource lands.

In particular, the Ministry of Housing shall ensure that all municipal planning documents which it is required to review or approve, adequately comply with this policy statement.

In this regard the Ministry of Housing or other approval or review body shall solicit comments from the Ministry of Natural Resources on whether any relevant proposed action is in compliance with this policy statement.

2. Local municipalities, regional municipalities and counties shall ensure that all official plans, by-laws and planning programs undertaken by their respective Council or delegated authority are in compliance with this policy statement.
3. Existing approved official plans and zoning by-laws shall be amended to comply with this policy statement at such time as they come up for review (within five years).