

# PROPOSED “SITE ALTERATION BY- LAW”

Environmental & Development Engineering,  
Planning, Building & Growth Management



# NEED FOR NEW BY-LAW

- **Address Provincial regulation**
- **Modernize outdated by-laws**
- **Collaborate within CA-regulated areas**
- **Expand enforcement ability and tools**
- **Include Council in certain decision-making**

# NEW PROVINCIAL EXCESS SOIL REGULATION

## Ontario's New Regulation (2019)

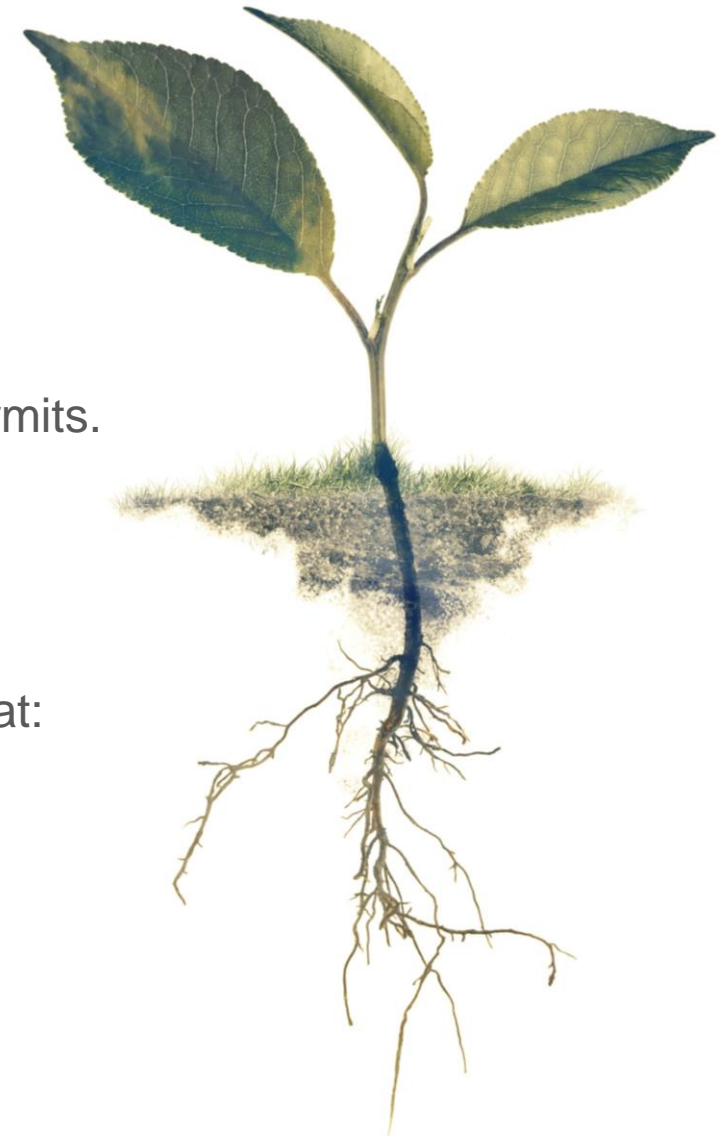
- O'Reg 406/19 passed under the Environmental Protection Act, titled "On-Site and Excess Soil Management" comes into force in phases until 2025.
- **Supporting Provincial Policies:** Provincial Policy Statement, A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan.
- **Focus:** Beneficial reuse, proper management and tracking of excess soil.
- **Ensures:** Quality and quantity of excess soil aligns with reuse needs.
- **Prevents:** Contaminated soil from reaching clean sites.

## What it Does Not Do

- Determine the appropriate beneficial uses or undertakings at a property
- Set site-specific operational requirements at an excess soil reuse site
- Clarify or customize rules (e.g. appropriate standards, quality, and quantity) for a particular site

# REQUIRED ACTIONS

1. Review existing by-law(s) to ensure alignment with the new provincial regulation.
  - i. **Fill By-Law (1995):** Regulates placement/removal of fill through permits.
  - ii. **Topsoil By-Law (1992):** Enacted under the Topsoil Preservation Act (repealed in 2003) to regulate topsoil removal
  
2. Enact new By-law to support the local and on-site reuse of excess soil that:
  - i. Incorporates key elements of the Regulation
  - ii. Determines the appropriate beneficial uses
  - iii. Sets site-specific operational requirements, rules, and standards
  - iv. Aligns with by-laws relating to noise, dust, traffic, hauling routes



# RECOMMENDATION

## Recommendations

- Repeal Fill By-Law and Topsoil By-Law
- Enact a Site Alteration By-Law to:
  - Ensure consistency and compliance with provincial regulations.
  - Establish permit requirements for site alteration activities.
- Update User Fees and establish Administrative Penalties.

## Benefit

- Improved regulatory framework for managing soil resources within Brampton.
- Prevent negative impacts on:
  - Drainage Systems, Water Quality, Natural Environment, Agricultural Resources, Heritage Features



# PROPOSED SITE ALTERATION BY-LAW

## Key Aspects

- Landowner Rights and Enforcement
- Cost Recovery
- Development and Environmental Protection (Prohibited Areas)
- Collaboration with Conservation Authorities
- Strong Enforcement Mechanisms



# COLLABORATION WITH CONSERVATION AUTHORITIES



## **Current State**

By-laws do not apply to lands designated under the Conservation Act

## **Reason for Change**

In 2017 subsection 142 (8) of the Municipal Act in 2017 was repealed  
Extends municipal jurisdiction into areas previously under the singular authority of Conservation Authorities.

## **Streamlined Collaboration**

Both authorities can function as partners and collaborators, bringing specific and complementary oversight to fill management.

# TYPES OF PERMITS

## Based on the Cumulative Quantity of Excess Soil & Project Type

1. Small Scale Site Alteration Permit
2. Large Scale Site Alteration Permit
3. Subdivision or Site Plan Site Alteration Permit (Projects subject to Site Plan Control Subdivision Agreements)

## Limited Exemption for

*"Minor Landscaping" means yard maintenance activities, lawn dressing, driveway resurfacing, installation of flower beds and vegetable gardens, installation of walkways or pathways, and similar landscaping features on residential properties, that do not adversely alter an existing drainage system, approved by the City, a Stormwater Management Facility, or easement in favour of the City; but, does not include the installation or removal of retaining walls, or the installation of an in-ground pool."*



# LARGE SCALE SITE ALTERATIONS (NEW)



**Impactful Projects:** Large Scale Projects can affect future land use and generate noise, dust, and traffic for years.



**Public Consultation & Council Approval:** Rigorous process ensures community and government oversight.



**Detailed Agreements:** Legally binding agreements outlining plans, oversight, financial security, and reporting.



**Who it will Impact:** owners and developers who undertake site alterations that handle over 1000m<sup>3</sup> of excess soil, **that do not require SPA or SA.**

*Many projects will continue to be reviewed through statutory review processes*

# LARGE SCALE SITE ALTERATIONS



# NON-COMPLIANCE

## Offences

- Minor (Failure to Comply with Terms – Moderate (City Owned Lands- Severe (Contaminated Fil)

## Submission of Service Requests

- Service Requests will be triaged by Service Brampton to the appropriate group based on the type and scope of work

## Enforcement & By-law Services

- Will work with internal stakeholders to support escalation for non-compliance



# TRANSITION PERIOD

## **Phased Implementation**

- Phase One (Now) : All provisions except Large-Scale Site Alterations
- Phase Two (November): Large-Scale Site Alterations
- By-laws 143-95 and 30-92 will still apply to actions and omissions occurring before it is passed
- Permits will remain valid until they expire

## **Communication and Education**

- Work with Strategic Communications on a detailed public awareness campaign

## **Increase Staffing Resources**

- Additional staff resources are required to effectively implement and enforce the new by-law

Thank you!

