



## Notice of Motion

Subject: Direction that the Director of Engineering enter into Grading Agreement to import fill to rehabilitate an old aggregate pit located at 0 Shaw's Creek Road

Member of Council: Mayor A. Groves

Meeting Motion Considered At: May 20, 2025 Council Meeting

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### PROCEDURAL PROCESS:

In accordance with section 8.9.3 and 8.9.4 of the Procedure By-law, Notices of Motion received in between a Committee agenda deadline and its agenda addendum deadline shall be placed on the agenda as a notice of motion for consideration at the next scheduled relevant meeting.

Notices of Motion delivered to the Clerk in accordance with the above section may be considered as a motion at the same meeting through the passage of a majority vote as a proposed agenda amendment, immediately prior to, or immediately after the notice of motion is before Council or Committee at the meeting.

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### MOTION:

Whereas Council is authorized to pass by-laws that regulate the placing or dumping of fill; prohibit or regulate the removal of topsoil; prohibit or regulate the alteration of the grade of land; require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of land; and may impose conditions to a permit, including requiring the preparation of plans relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of a site, all in accordance with section 142 of the Municipal Act, 2001, S.O. 2001, c.25; and

Whereas Council passed By-law 2007-59, as amended, to regulate or prohibit the placing or dumping of fill, the storage and removal of topsoil and the alteration of the grade of land (the "Fill By-law"); and

Whereas the property located at the southeast corner of Charleston Sideroad and Shaw's Creek Road, municipally known as 0 Shaws Creek Road, contains an aggregate pit that is no longer in use; and



Whereas previous property owner Warren Paving & Materials Group Limited surrendered aggregate License #6524 to the Ministry of Natural Resources on October 5, 2023 and no longer has any obligations for this property under the Aggregate Resource Act; and

Whereas the Owner of 0 Shaw's Creek Road is a prominent developer within Caledon and the Greater Toronto Area and has approached the Town about rehabilitating an old aggregate pit located on the property with fill created from their development sites across Caledon and the Greater Toronto Area; and

Whereas the property is zoned Extractive Industrial (MX) and the Fill By-law only applies where lands are zoned A-1, A-2 or A-3; and

Whereas import of fill will be governed by Ontario Regulation 406/19, On-Site and Excess Soil Management and the Town can request soil testing results.

Now therefore be it resolved that notwithstanding Section 11 of the Fill By-law, Council authorizes the Director under the Fill By-law to issue a permit, upon entering into and executing a grading agreement with the owner(s) of 0 Shaw's Creek Road, conditional upon the following:

1. That the owner of 0 Shaw's Creek Road provides the following, all to the satisfaction of appropriate Town Staff:
  - a. Erosion and Sediment Control Plan(s), including dust suppression
  - b. Site Grading Plan(s)
  - c. Phasing Plan
  - d. Dewatering Plan
  - e. Final Rehabilitation Plan
  - f. Permits required by the road authority
2. That the Director of Engineering include in the following conditions in the Grading Agreement:
  - a. Soil testing results and fill volumes are to be provided to the Town when requested by the Director of Engineering or designate
  - b. An expiry date be included in the agreement with a clause that allows the Town to extend if mutually agreed to between the Town and property owner;

and

That all other aspects of Fill By-law 2007-59 shall remain applicable in respect of this Site and permit application.