



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

**From: Elizabeth Howson Township Planning Consultant and
Robin Prentice Director of Development Services**

**Title / Subject: CBM Sunderland Pit Expansion (11-2022-RA) Rec Report -
2023-DS-013.docx**

Date of Report: June 20, 2023

Date of Meeting: June 26, 2023

Report No: 2023-DS-013

1.0 Issue / Origin

On March 24, 2022, an application to amend Zoning By-law 287-78-PL was received by the Township from Esher Planning Inc (the Agent) on behalf of CBM Aggregates, a division of St. Marys Cement Inc. (Canada), (the Applicant), and Rosedale Securities Ltd. (the Owner).

This application is related to a Regional Official Plan Amendment (ROPA-2022-003) that was received by the Region of Durham.

These Planning Act applications facilitate the expansion of an existing aggregate pit (Attachment 1 – Site Plan). They relate to an application for a Licence under the Aggregate Resources Act, for a Category 1, pit below the water table which was deemed complete by the Ministry of Northern Development, Natural Resources and Forestry (MNRF) on August 6, 2021.

The purpose of this report is to review and provide recommendations regarding the Regional Official Plan Amendment (ROPA-2022-003) and Zoning By-law Amendment (11-2022-RA) applications.

2.0 Background

2.1 Proposal

The subject property has an area of 65.4 hectares (Subject Lands) and includes a portion of the provincially significant wetlands associated with the Beaver River. The proposed extraction area would be limited to 22.4 hectares in the western section of the Subject Lands. Setbacks from the wetland are reflected in the design of the proposed aggregate operation. The existing CBM Sunderland Pit is located to the north and west of the Subject Lands. Brock Concession Road 2 forms its southern boundary, with a portion being an unopened road allowance.

The proposed annual tonnage limit is 1,250,000 tonnes, which would be integrated with the existing tonnage limits. The pit will function as a feeder pit to the existing CBM Sunderland Pit and aggregate processing and shipping would be carried out on the lands associated with the existing pit on the north side of Regional Road 13. No washing, crushing, or screening activities will take place on the proposed expansion site. In addition, the existing entrance to the CBM Sunderland Pit would be utilized for shipping. There is an existing tunnel connection under Regional Road 13 that would continue to be used as an internal haul route between the proposed expansion area on the south side of Regional Road 13 and the main processing operation on the north side.

Aggregate extraction would occur above the water table in the western part of the extraction area. Extraction below the water table would occur in three areas referred to as the “north pond”, “middle pond” and “south pond”. No dewatering is proposed. Extraction would remove 5-10 metres of material above the water table and below water extraction would be to a depth of approximately 12 metres.

Rehabilitation would be undertaken progressively. The final plan would restore all of the extracted area as ponds with naturalized upland areas around the ponds.

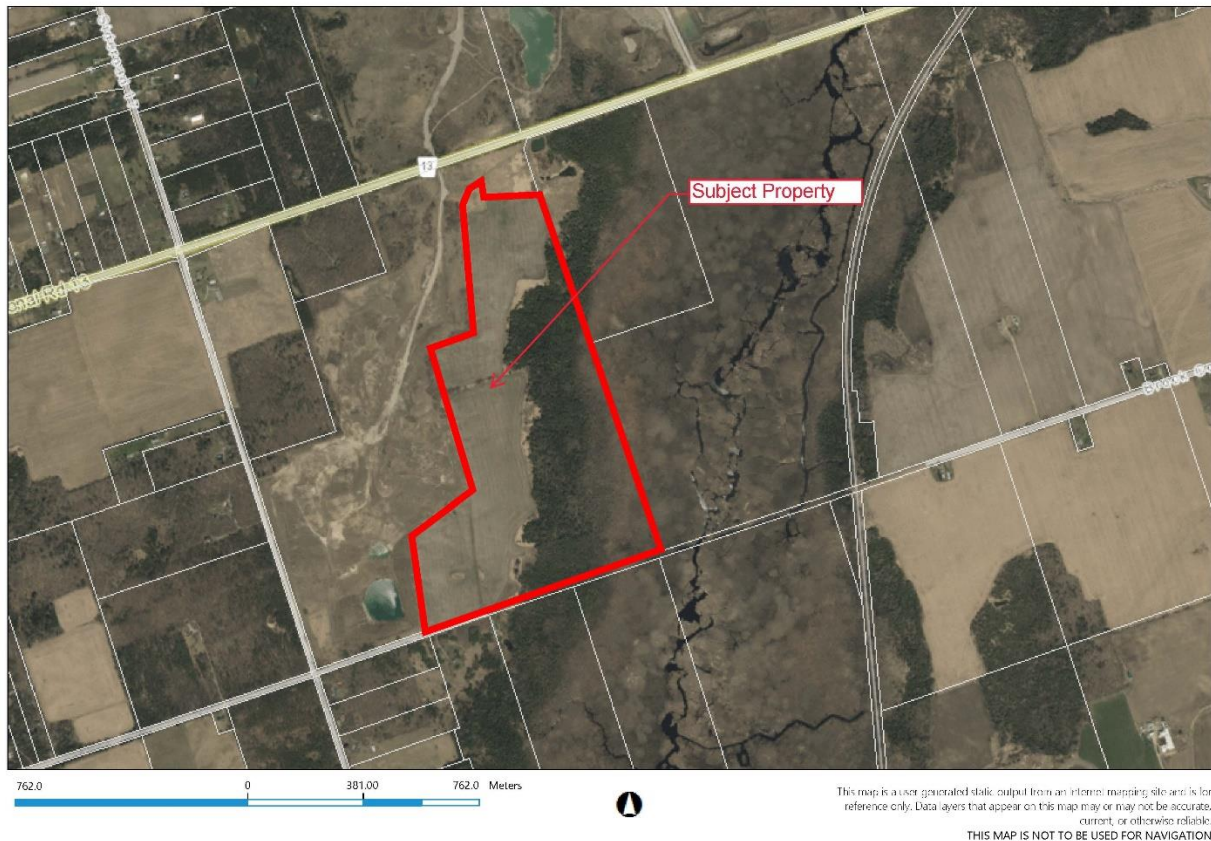
The Region of Durham is the approval authority for the Regional Official Plan Amendment (ROPA) application, which is required to permit the expansion of the aggregate pit.

The Township of Brock is the approval authority for the zoning. The purpose of the proposed Zoning By-law Amendment (ZBA) is to rezone the property to permit expansion of an aggregate pit. (Attachment 2 – Draft Zoning By-law).

2.2 Location and Context

Location:	Part of Lots 7 & 8, Concession 2 (Sunderland)
Official Plan Designation:	Greenbelt Protected Countryside/Natural Heritage System – Prime Agricultural Area & Major Open Space Area
Zoning:	Rural (RU) and Environmental Protection (EP)
Present Use:	Agricultural and environmental
Adjacent Uses:	Sunderland aggregate pit, rural residential, environmental, agricultural
Lot Area:	Total: 65.4 ha (161.6 acres) Area to be rezoned: +/- 35 ha (86 acres)

Location Map



3.0 Planning Policy Analysis

3.1 Planning Act

Township Council, in carrying out its responsibilities under the Planning Act “shall have regard to, among other matters, matters of provincial interest” identified in Section 2 of the Act. These include the following that are relevant to the proposed development:

- 2 (a) the protection of ecological systems, including natural areas, features and functions;
- 2(b) the protection of the agricultural resources of the Province;
- 2(c) the conservation and management of natural resources and the mineral resource base;
- 2(d) the conservation of features of significant architectural, cultural, historical, archeological or scientific interest;
- 2(e) the supply, efficient use and conservation of energy and water;
- 2(k) the adequate provision of employment opportunities;
- 2(o) the protection of public health and safety;

- 2(p) the appropriate location of growth and development; and,
- 2(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

3.2 Provincial Policy Statement (2020)/Growth Plan for the Greater Golden Horseshoe (2019)

Development must be consistent with the PPS and conform with the Growth Plan.

The relevant policies of the PPS support the use of available aggregate resources including:

- Section 1.1.4 Rural Areas in Municipalities and Section 1.1.5 Rural Lands in Municipalities: These policies identify "the management or use of resources", which include aggregate extraction, as one of the permitted uses on rural lands. Further, subsection 1.1.5.7 directs that "Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses areas and directing non-related development to areas where it will minimize constraints on these uses."
- Section 1.7.1 Long Term Economic Prosperity: Subsection 1.7.1 b) indicates that long-term economic prosperity should be supported by "optimizing the long-term availability and use of land, resources, infrastructure and public service facilities".
- Section 2.5 Mineral Aggregate Resources directs that:
 - Such resources "shall be protected for long-term use"(Section 2.5.1);
 - "As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible" and no demonstration of need is required (Section 2.5.2.1);
 - "mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever possible" (Section 2.5.2.3);
 - "Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact." (Section 2.5.2.4); and,
 - "In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted" subject to meeting specific criteria (Section 2.5.2.5).
 - "Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration" (Section 2.5.3.1).

However, such development is subject to conditions, including the following which are relevant to the subject site:

- major facilities, which are defined to include resource extraction activities, and sensitive land uses "shall be planned and developed to avoid, or if avoidance is not possible,

minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures" (Section 1.2.6.1);

- "natural heritage features and areas shall be protected for the long term" and development and site alteration are not permitted in features such as the significant wetlands and the habitat of endangered species and threatened species, and only in other features such as significant woodlands or on adjacent lands if no negative impacts on the features and their ecological functions can be demonstrated or in fish habitat except in accordance with provincial and federal regulations. (Section 2.1);
- protecting, improving and restoring the quality and quantity of water including "maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features...." (Section 2.2.1 e)) and, "implementing necessary restrictions on development and site alteration to.... protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions" (Section 2.2.1 f));
- mineral aggregate "extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts" (Section 2.5.2.2);
- use of prime agricultural areas for extraction as an interim use provided rehabilitation is carried out to restore it for agriculture (Section 2.5.4.1); and,
- prohibition of development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (Section 2.6.2) (Note: The Stage 1 and 2 Archaeological Assessment prepared by Golder Associates Ltd., dated March 31, 2020 did not identify "any further cultural heritage value or interest. The cultural heritage value or interest of Location 1(BbGs-31) is considered sufficiently documented and nor further archaeological assessment is recommended." The Ministry of Heritage, Sport, Tourism, Cultural Industries advised in a letter dated April 7, 2021 that they were satisfied with the fieldwork and reporting for the archaeological assessment).

The Growth Plan primarily focuses on directions which promote intensification in existing communities which are not directly relevant to this proposed development. However, with respect to Rural Areas, Section 2.2.9 permits certain development, including the management and use of resources, in areas outside of settlement areas.

Section 4.2 of the Growth Plan, Policies for Protecting What is Valuable, provides direction with respect to protecting resources including natural systems, prime agricultural areas, cultural heritage resources, and mineral aggregate resources, as well as establishing a culture of conservation (e.g. water, energy). This includes the identification and protection of a Natural Heritage System.

The Subject Lands are located in the Growth Plan Natural Heritage System (GPNHS). Expansion of an existing aggregate operation is permitted in the GPNHS if the proposal is

“consistent with the PPS and satisfies the rehabilitation requirements in the policies of this subsection” (Section 4.2.8.2 c)). Section 4.2.8 provides direction with respect to mineral aggregate resources including applications in prime agricultural areas which is not applicable to the Subject Lands (Section 4.2.8.3) and with respect to rehabilitation (Sections 4.2.8.4 and 4.2.8.5).

3.3 Proposed Provincial Policy Statement (April 6, 2023)

The Proposed Provincial Policy Statement (Proposed PPS) is currently posted on the Environmental Registry of Ontario (Posting #019-6813) with a comment period which has been extended to August 4, 2023. The Proposed PPS will replace the current PPS and the Growth Plan. It should be noted that the policies with respect to mineral aggregate resources remain almost exactly the same as those found in the current PPS. In particular:

- Such resources "shall be protected for long-term use"(Section 4.5.1.1);
- "As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible" and no demonstration of need is required (Section 4.5.2.1);
- “Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts” (Section 4.5.2.2)

3.4 Greenbelt Plan (2017)

The Subject Lands are designated as “Protected Countryside” in the Greenbelt Plan. They are also subject to the Natural Heritage System policies of the Plan. As described in Section 1.4.2, the Natural Heritage System is not a designation, rather it is an overlay, as such permitted uses in the prime agricultural area and rural lands are subject to the Natural System policies of the Plan in addition to other relevant policies.

With respect to non-renewable resource uses including mineral aggregate resources, the policies of Section 4.3.2 Non-Renewable Resources are applicable. Such uses are permitted in the Protected Countryside, “subject to all other applicable legislation, regulations and official plan policies and by-laws” (Section 4.3.2.2).

In addition, within the Natural Heritage System an application for expansion of an existing operation may be permitted “only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of this section (Section 4.3.2.3 c)). The same policy as is found in the Growth Plan.

3.5 Lake Simcoe Protection Plan (LSPP)

The Lake Simcoe Protection Plan (LSPP) is a comprehensive plan designed to protect and restore the ecological health of Lake Simcoe and its watershed. It applies to the Lake Simcoe watershed which includes the subject lands.

The LSPP includes four types of policies; the Lake Simcoe Protection Act, 2008 gives legal effect to three of these. The first two types of policies are “designated policies” – coded DP and “have regard to” policies – coded HR. The Act requires that decisions under the Planning Act or Condominium Act, 1998 or decisions under a “prescribed instrument” (e.g. permission under the Conservation Authorities Act) conform to the applicable designated

policies of the LSPP and have regard to the other applicable policies. As such, these policies would be applicable to the subject lands. If a conflict arises between a designated policy of the LSPP and a policy of another provincial plan, the provision giving the greatest protection to the ecological health of the Lake Simcoe watershed prevails.

Sections 4.20-DP and 4.21-HR specifically apply to Mineral Aggregate Resource Activities. In particular, the following measures are to be incorporated into site plan agreements and site alteration is to be undertaken in a manner which incorporates these measures:

- a. keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity;
- b. removal of vegetation shall not occur more than 30 days prior to grading or construction;
- c. put in place structures to control and convey runoff;
- d. minimize sediment that is eroded offsite during construction;
- e. seed exposed soils once construction is complete and season conditions permit; and
- f. ensure erosion and sediment controls are implemented effectively.”

With respect to key natural heritage and key hydrologic features, the policies of the Greenbelt Plan apply as reviewed above.

It should be noted that the Lake Simcoe Region Conservation Authority (LSRCA) reviewed the application in the context of the LSPP, as well as other Provincial Policies and their own regulations and indicated that they have no further comments or requirements with respect to the applications.

3.6 Current & 2023 Region of Durham Official Plan (DROP)

The ZBA application is related to an application to amend the DROP (ROPA-2022-003). The ROPA application is being reviewed by the Region of Durham.

If the ROPA application is approved by the Region of Durham, the proposed ZBA can be adopted and would conform with the DROP.

The current DROP was approved by the Minister of Municipal Affairs and Housing in 1993, and was subsequently amended (Amendments 114 and 128) based on a comprehensive review of the Plan. The amendments were approved in 2008 and 2013.

A proposed new DROP was adopted in May 2023 and has been submitted to the Province for approval. No significant changes have been made in the proposed Plan with respect to the Subject Lands. Key relevant designations and policies in the existing and proposed Plans are reviewed as follows:

- **Current and 2023 DROP Designations**

Both Plans designate the Subject Lands as “Prime Agricultural Area” and “Major Open Space” on Schedule ‘A’ – Map ‘A1”, Regional Structure of the current DROP, and Map 1 Regional Structure – Urban & Rural Systems of the 2023 DROP. In addition, the Subject Lands are also designated “Greenbelt Natural Heritage System” on Schedule ‘B’ – Map ‘B1a’, Greenbelt Natural Heritage System & Key Natural Heritage and Hydrologic Features of the current DROP and Map 2b of the 2023

DROP. The Subject Lands are also identified as part of an “Areas of High Potential Mineral Aggregate Resources” on Schedule ‘D’ to the current DROP, and “Primary Sand and Gravel Resource Area” on Map 4 of the 2023 DROP.

- **Current DROP Policy Framework**

Sub-Section 9D of the current DROP, Aggregate Extraction Areas, provides the policy framework for the evaluation of applications for expansions of existing pits such as is proposed for the Subject Lands. The policies require:

- 9D.2.2- an amendment to the DROP and the municipal zoning by-law;
- 9D.2.3 – mitigation measures to address impacts on adjacent land uses “so that impacts are held to applicable provincial standards and guidelines. Measures such as setbacks, screening, berms, location of machinery and hours of operation, shall be established as conditions of the licence or site plan under the Aggregate Resources Act”;
- 9D.2.8 – in Prime Agricultural Areas, extraction of aggregates may be permitted as an interim uses provided agricultural rehabilitation of the site is carried out, although complete agricultural rehabilitation is not required where there is a substantial of aggregate below the water table as is the case with respect to the Subject Lands.;
- 9D.2.9 - establishes the specific study requirements for an application including a hydrogeological study, an assessment of a range of potential impacts such as noise and volume of truck traffic, as well as changes to the living environment of residents in the vicinity;
- 9D.2.10 -references the policies of the Greenbelt Plan for proposals in the Greenbelt Natural Heritage System; and,
- 9D.2.12 – encourages the progressive rehabilitation of all operating pits and quarries.

- **2023 DROP Policy Framework**

Section 6.7, Aggregate Resources, provides the policy framework for the evaluation of applications for pit expansions in the 2023 DROP. The policies are very similar to those in the current DROP with only minor additions or wording modifications. A key focus is still as outlined in Section 6.7.8:

“Encourage the implementation of mitigation measures when considering new or expanded Aggregate Resource Extraction Areas so that impacts on the existing adjacent land uses are minimized to applicable provincial standards and guidelines.”

3.7 Township of Brock Official Plan

The Township Official Plan as established in Section 1.1, Context of the Plan does not provide any specific direction with respect to aggregate operations as:

“The main focus of the Official Plan is to provide policy direction and designations for the settlement areas in Brock Township. Policy directions and designations for the rural areas are contained in the Durham Regional Official Plan.”

3.8 Township of Brock Zoning By-law 287-78-PL

The Subject Lands are currently zoned “Rural (RU) Zone” and “Environmental Protection (EP) Zone” in the Township’s Zoning By-law 287-78-PL (as amended). The RU portion of the property is proposed to be zoned to “Extractive Industrial (M4) Zone”, with the EP zoning to be retained on the remaining lands. Please refer to Attachment 2 for the proposed Zoning By-law.

3.9 Planning Policy Framework Key Directions

Provincial, Regional and Township planning policy supports the use of available aggregate resources, including lands in the Greenbelt. In particular, the PPS, both the current and proposed, requires no demonstration of need and states:

“As much of the mineral aggregate resources as is realistically possible should be made available as close to markets as possible.” (Section 2.5.2.1)

At the same time, the planning policy framework makes it clear that planning decisions must balance all of the Province’s, Region’s and Township’s objectives. In particular, careful consideration must be given to minimizing social, economic and environmental impacts including buffering sensitive uses; the protection of ecological and hydrological features and functions; protecting the quality and quantity of surface and groundwater; and conservation of cultural heritage and archaeological resources.

The applicant has addressed impacts related to the proposed pit expansion through extensive technical analyses, including additional work carried out in response to agency and peer review comments. In particular, the application and technical analyses were reviewed by LSRCA and Region of Durham peer reviewers with respect to their individual mandates as discussed below. In addition, significant public input was received and considered as outlined in Attachment 4. Appropriate conditions will be part of the approval of the Aggregate Resources Act (ARA) Site Plan to ensure that impacts are appropriately mitigated in conformity with Provincial, Regional and Township planning policy.

4.0 Agency Circulation Comments

The applications were circulated to the required agencies in accordance with the Planning Act. Through this process a detailed review of the technical background studies was carried out by the Region of Durham and the LSRCA.

- **Region of Durham Peer Review**

The Region retained R.J. Burnside & Associates Limited (Burnside) to provide a peer review of the following reports submitted by the applicant which assessed the air, noise and water resource impacts of the proposed aggregate operation:

- Air Quality Impact Assessment, Sunderland South Pit Expansion, Golder Associates Ltd., March 2022 (AQIA);
- Noise Impact Assessment, Sunderland South Pit Expansion, Golder Associates Ltd., July 2021 (Noise Assessment);
- Water Resources Assessment Report, Sunderland South Pit Expansions, Golder Associates Ltd., July 2021 (Water Resources Assessment); and,

- Response to Burnside Peer Review Comments – Sunderland South Pit Expansion, Golder Associates Ltd., October 19, 2022.

Based on the detailed assessment by Burnside they were satisfied with the reports and response to their comments subject to the following recommendations:

- The source water mapping should be appended to the main hydrogeology report and read in collaboration with that report.
- Onsite refueling should be restricted to areas where spill containment is in place.
- All annual reports completed for groundwater monitoring should be provided to the municipality along with the water well complaint response plan.

- **LSRCA Review**

The LSRCA staff initially reviewed the following background information submitted by the applicant:

- Natural Environment Report, Golder Associates Ltd., July 2021;
- Water Resources Assessment Report, Golder Associates Ltd., July 2021;
- Planning Justification and Aggregate Report Act Summary Statement – CBM Sunderland South Pit Expansion, Esher Planning Inc., July 2021;
- Existing Features Plan, Project Number 18-44, Drawing #1 of 4, July 2021;
- Operational Plan, Project Number 18-44, Drawing #2 of 4, July 2021;
- Operational Plan Phases B-D and Sections, Project Number 18-44, Drawing #3 of 4, July 2021; and,
- Rehabilitation Plan, Project Number 18-44, Drawing #4 of 4, July 2021.

The LSRCA staff identified a number of questions and comments, including with respect to Section 3.1.3 of the PPS regarding impacts of a changing climate. These were addressed in a letter from Esher Planning Inc., with an associated memorandum and comment matrix prepared by WSP/Golder dated August 17, 2022. Based on their review of that submission, the LSRCA confirmed that their outstanding comments has been addressed on December 1, 2022.

5.0 Discussion Topics Based on Public Feedback

Public feedback has been received with respect to the ZBA application through a statutory public meeting held on July 25, 2022 and written submissions to the Township. An excerpt from the minutes of the statutory public meeting can be found in Attachment 3. The minutes provide an outline the key concerns raised by the public. Additional public input has been provided through a number of written submissions including a petition with 62 signatures. Public comments and concerns are summarized in Attachment 4 together with related responses.

6.0 Related Policies / Procedures

This application is related to a ROPA application (ROPA-2022-003) that was received by the Region of Durham.

An Aggregate Resources Act application has also been submitted to the Ministry of Natural Resources and Forestry (MNR).

7.0 Financial / Budget Assessment

The required ROPA and ZBA application fees have been received by the Township.

8.0 Climate Change Impacts

Climate change impacts were reviewed in consultation with the LSRCA. The LSRCA's primary concern is any increase in natural hazards. Recognizing that the regulatory flood limit is located outside the area of extraction, and that the proposed below water extraction will result in the creation of three ponds which will provide additional flood storage capacity, no increase in the risk associated with natural hazards is anticipated.

With respect to issues of carbon sequestration, Golder Associates Ltd. completed an assessment of Greenhouse Gas (GHG) Emissions. This assessment compared the extraction and rehabilitated conditions with current conditions in accordance with recognized protocols. The results of the assessment indicates that the emissions from the Project would be negligible in comparison to Ontario and Canada wide emissions and significantly below the reporting threshold for the ECCC Greenhouse Gas Reporting Program and the Ontario GHG reporting program. Further, in accordance with ARA Provincial Standards, the extracted area will be progressively rehabilitated, which will result in up to 7.3 hectares of vegetated land which will act as a better carbon sink than the agricultural pasture / grassland that currently exists on the Subject Lands.

9.0 Communications

A statutory public meeting was held by the Region of Durham for the ROPA application on September 6, 2022 in accordance with the Planning Act.

A virtual statutory public meeting for the ZBA application was held on July 25, 2022 in accordance with the Planning Act. Signs were also placed on the property to notify the general public of the application.

10 members of the public provided verbal comments at the public meeting held by the Township and written comments were received from 21 members of the public. A petition was also received by the Township as part of the ARA application, which included 62 signatures.

10.0 Conclusion

Provincial, Regional and Township planning policy support the use of available aggregate resources, including within the Greenbelt. In particular, both the current and proposed PPS state that:

“As much of the mineral aggregate resources as is realistically possible should be made available as close to the markets as possible.”

At the same time, Provincial, Regional and Township planning policy make it clear that planning decisions must balance all of the Province's, Region's and Township's competing objectives. In particular, careful consideration must be given to minimizing social, economic and environmental impacts including buffering sensitive uses; the protection of ecological and

hydrological features and functions; protecting the quality and quantity of surface and groundwater; and conservation of cultural heritage and archaeological resources. The protection of ecological and hydrological features and functions is particularly important given the location of the Subject Lands in the Greenbelt and the Lake Simcoe Watershed.

The applicant has addressed the issues related to the proposed pit expansion through extensive technical analyses including additional work carried out in response to comments from the Regional peer reviewers and the LSRCA. The applications and technical analyses were reviewed by the Province, in particular MECP and MNRF; the LSRCA, the Region of Durham and the Township, each with respect to their individual mandates. In addition, extensive and detailed public input was received.

Through the technical review of the Province, the LSRCA, and the Region, the technical issues identified by the public have been reviewed and considered including impacts related to protection of natural features/wildlife, groundwater, noise, dust, and traffic. Changes to the proposed development have been made to address the results of the review and public concerns.

Appropriate conditions are proposed as part of the approval of the ARA Site Plan to ensure implementation of these changes. However, in addition, the Township should request MNRF include the following in the ARA Site Plan:

- No extraction is permitted to take place in the EP zone;
- Annual groundwater monitoring reports should be provided to the Township, as well as MNRF and the Region; and,
- The well water complaint protocol should be revised to require that the Township should also be notified in the event of a complaint.

Based on the review of the relevant policies, regulations and other background information; information submitted and heard at the public meeting and through written public and agency comments, it is our opinion, that the ROPA and ZBA applications are consistent with the PPS, and in conformity with the Growth Plan, Greenbelt Plan, LSPP, DROP and the Township Official Plan. The proposed pit expansion is appropriate subject to conditions and, as such a recommendation should be made to the Region noting the Township does not have any objections to the approval of the Regional Official Plan Amendment. In addition, the application for amendment to the Township Zoning By-law should be approved in principle. Further, the Township should make a submission to MNRF, who are responsible for approving the ARA site plan application, requesting the inclusion of specific conditions of site plan approval as proposed by the Township in this report.

11.0 Recommendation

BE IT RESOLVED THAT report 2023-DS-013 regarding Regional Official Plan Amendment (ROPA-2022-003) and Zoning By-law Amendment (13-2022-RA) applications for CBM Sunderland Pit - Recommendation Report, be received, and

THAT staff be authorized to advise the Region of Durham that the Township has no objections to the adoption of the proposed Regional Official Plan Amendment (ROPA-2022-003);

THAT the application to amend Zoning By-law 287-78-PL (11-2022-RA) be approved;

THAT the Zoning By-law appended to this report as Attachment 2 be brought forward for Council adoption once the Region of Durham adopts the Regional Official Plan Amendment (ROPA-2022-003); and

THAT staff be authorized to advise MNRF that the Township has no objections to the ARA license application for the proposed pit expansion subject to the following conditions:

- No extraction is permitted to take place in the EP zone;
- Annual groundwater monitoring reports should be provided to the Township, as well as MNRF and the Region; and,
- The well water complaint protocol should be revised to require that the Township should also be notified in the event of a complaint.

Attachments:

Attachment 1 – Proposed Site Plan

Attachment 2 – Proposed Zoning By-law

Attachment 3 – Excerpt from Public Meeting Minutes (July 25, 2022)

Attachment 4 – Summary of Public Comments and Responses