

SUMMARY OF POLICY REVIEW

The following policies, amongst others, apply to the proposal.

Theme and Official Plan Policy	Summary of Issue	Staff Response
Planning Act		
Provincial Interest Section 2: e), f), and h)	<p>The council of a municipality, and the Tribunal, in fulfilling their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:</p> <ul style="list-style-type: none"> e) the supply, efficient use and conservation of energy and water; f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; h) the orderly development of safe and healthy communities 	<p>The proposed development of 12 single detached dwellings, with one additional lot to be created by way of a future application for consent, is to be serviced by private water and sewage disposal systems. The Hydrogeological Assessment submitted with the applications has identified that the proposed development would exceed the Ontario Drinking Water Standard using a conventional sewage treatment system. To try to achieve compliance with the Ontario Drinking Water Standard, the applicant has proposed advance treatment systems to service the lots.</p> <p>The City does not have the authority to effectively enforce system performance and, therefore, the ongoing monitoring and enforcement for the adequate functioning of advance treatment systems is not feasible.</p>

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<p>Provincial Interest</p> <p>Section 2: e), f), and h)</p> <p>(continued)</p>		<p>The City cannot prevent the replacement of an advance treatment system with a conventional system.</p> <p>The use of advance treatment systems to comply with the Ontario Drinking Water Standard would increase risk to public health and water quality. The proposed development does not have regard to the orderly development of safe and healthy communities or the adequate provision of sewage services.</p> <p>Private well pump testing was undertaken and included three locations. In one of the test wells a concern was raised that the proposed well may not have adequate yield to service the development.</p> <p>Source Water Protection staff identified a concern that the assessment does not account for potential water drawdown from both onsite and offsite water taking activities.</p>

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<p>Provincial Interest</p> <p>Section 2: e), f), and h) (continued)</p>		<p>It has therefore not been adequately demonstrated that there will be an adequate supply of water to service the proposed development and that the development will not impact the supply or provision of water services to the surrounding lands.</p> <p>Therefore, the proposed development does not have regard to matters of provincial interest respecting the supply of water or the adequate provision of water services and does not represent the orderly development of safe and healthy communities.</p>
<p>Plan of Subdivision Approvals</p> <p>Section 51(24): a), b), c), d), f), g) and i)</p>	<p>In considering a draft plan of subdivision, regard shall be had, amongst other matters, to the health, safety, convenience, accessibility, for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:</p>	<p>There are existing restrictions and constraints on the subject lands and surrounding area, including limitations on available groundwater, demand for existing groundwater resources, soil types, ground infiltration rates, amongst others, which limit the scale of development that the lands can support.</p>

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<p>Plan of Subdivision Approvals</p> <p>Section 51(24): a), b), c), d), f), g) and i)</p> <p>(continued)</p>	<p>a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;</p> <p>b) Whether the proposed subdivision is premature or in the public interest; and,</p> <p>c) Whether the plan conforms to the official plan and adjacent plans of subdivision.</p> <p>d) The suitability of the land for the purpose for which it is to be subdivided;</p> <p>e) The dimensions and shapes of the proposed lots;</p> <p>f) The restrictions or proposed restriction, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining lands; and,</p> <p>g) The adequacy of utilities and municipal services.</p>	<p>The City has no plans to extend municipal services to this area, and the development is reliant upon the adequate provision of private well water and private sewage disposal. Through the Draft Plan of Subdivision application, the applicant has not demonstrated that the development can be adequately serviced and will not impact the surrounding area.</p> <p>Therefore, the proposed Draft Plan of Subdivision does not have regard to matters of provincial interest, is premature and not in the public interest, the lands are not suitable for the purpose for which they are to be subdivided, the dimension and shape of the lots are not appropriate, and adequate municipal services have not been demonstrated. In addition, the proposed subdivision does not comply with the Rural Hamilton Official Plan and Greensville Rural Settlement Area Secondary Plan.</p>

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<p>Plan of Subdivision Approvals</p> <p>Section 51(24): a), b), c), d), f), g) and i)</p> <p>(continued)</p>		<p>Based on the foregoing the proposed Draft Plan of Subdivision does not have regard to the criteria under Section 51(24) of the <i>Planning Act</i> nor the health, safety, and welfare of present and future inhabitants of the municipality.</p>
Provincial Planning Statement (2024)		
<p>General Policies for Settlement Areas</p> <p>Policy: 2.3.1.1</p>	<p>Settlement areas shall be the focus of growth and development.</p>	<p>The subject lands are located within a rural settlement area where growth is to be focused. Settlement Areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. Therefore, while the proposal focuses growth into a rural settlement area, the size, density, and intensity of the land use will remain limited and will rely on private water and sewage systems.</p> <p>The proposal is consistent with this policy.</p>

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<p>Rural Areas in Municipalities</p> <p>Policies: 2.5.1, 2.5.2, and 2.5.3</p>	<p>Healthy, integrated, and viable rural areas should be supported by:</p> <ul style="list-style-type: none"> a) Build upon rural character, and leveraging rural amenities and assets; b) Accommodating an appropriate range and mix of housing in rural settlement areas; and, c) Using rural infrastructure and public service facilities efficiently. <p>In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted. When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.</p>	<p>For Rural Areas, the policies require that healthy, integrated, and viable rural areas be supported by building upon rural character, accommodating an appropriate range and mix of housing, and using rural infrastructure efficiently. The existing character of the area consists of single detached dwellings on lots of approximately 0.14 to 0.7 hectares in area and the proposed built form reflects the existing rural character.</p> <p>Source Water Protection staff have identified that the proposed lot area is insufficient to accommodate a conventional sewage disposal system which complies with the Ontario Drinking Water Standard. The applicant has not demonstrated that an adequate water supply for private water services is available for the development without adversely impacting neighbouring properties. The applications have not demonstrated that the proposed lots will be using rural infrastructure efficiently.</p>

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<p>Rural Areas in Municipalities</p> <p>Policies: 2.5.1, 2.5.2, and 2.5.3</p> <p>(continued)</p>	<p>Growth and development may be directed to rural lands in accordance with policy 2.6, including where a municipality does not have a settlement area.</p>	<p>Policy 2.5.3 requires that planning authorities, when directing development in rural settlement areas, consider locally appropriate characteristics, the scale of development, and the provision of appropriate service levels.</p> <p>The existing and anticipated demands on available groundwater resources, soil conditions, ability to support adequate private sewage disposal, amongst others, direct the appropriate scale of development as well as the provision of appropriate service levels for both the development and the surrounding area. The proposed development has not demonstrated that the scale of the development can be supported including appropriate service levels.</p> <p>The proposal is not consistent with these policies.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policies: 3.6.1 b), c), and d), 3.6.4, and 3.6.7.</p>	<p>Planning for sewage and water services shall:</p> <p>d) Ensure that these services are provided in a manner that,</p> <ol style="list-style-type: none"> 1. can be sustained by water resources upon which such services rely, 2. is feasible and financially viable over their life cycle, 3. protects human health and safety, and the natural environment, including the quality and quantity of water; and, 4. aligns with comprehensive municipal planning for these services, where applicable. <p>e) Promote water and energy conservation and efficiency; and,</p> <p>f) Integrate servicing and land use considerations at all stages of the planning process.</p>	<p>The policies require that the sewer and water services be planned to promote water conservation and efficiency, ensure that services are provided in a manner that can be sustained by the available water resource, and protects human health and safety which includes the quality and quantity of water. The City has no plans to establish municipal water or sanitary sewage infrastructure for this area, nor plans to establish a private communal water services for the area. The water resource that must be relied upon is available groundwater and development must be based on the ability to provide and sustain individual onsite water and sewage disposal services. The proposal has not demonstrated that it can be sustained based on individual onsite water and sewage disposal services.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policies: 3.6.1 b), c), and d), 3.6.4, and 3.6.7.</p> <p>(continued)</p>	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned, or feasible, individual onsite sewage services and individual onsite water services may be used provided that site conditions are suitable for the long term provision of such service with no negative impacts.</p> <p>Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.</p>	<p>Source Water Protection staff have articulated that in accordance with the Provincial Planning Statement, the applicant has not demonstrated sufficient water system capacity to each lot and that there are no adverse impacts to the surrounding land uses. Additionally, it has not been demonstrated that safe and sustainable sewage disposal can be achieved for the proposed development.</p> <p>The policies state that where there are no municipal services or private communal services available and where services are not planned or feasible, that individual onsite sewage services and individual onsite water services may be used provided the site conditions are suitable for the long term provision of such services with no negative impacts.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policies: 3.6.1 b), c), and d), 3.6.4, and 3.6.7.</p> <p>(continued)</p>		<p>The proposed development cannot achieve compliance with the Ontario Drinking Water Standard based on a conventional sewage system and to achieve compliance the applicant is reliant upon the use of advance treatment systems.</p> <p>The City does not have the authority to effectively enforce system performance and, therefore, the ongoing monitoring and enforcement for the adequate functioning of advance treatment systems is not feasible. Furthermore, the City cannot prevent the replacement of an advance treatment system with a conventional system. An advance treatment system that is not adequately performing or the removal of the advance treatment system in favour of a conventional system poses a potential risk to water quality and public health for both the proposed development and surrounding land uses.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policies: 3.6.1 b), c), and d), 3.6.4, and 3.6.7.</p> <p>(continued)</p>		<p>Therefore, the provision of individual onsite sewage service using an advance treatment system cannot ensure the long term use of such a service with no negative impacts.</p> <p>In September 2022, the City undertook a review of the City's Rural Hamilton Official Plan and did not propose an expansion of the urban boundary. As part of the Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study, the City conducted an assessment respecting appropriate minimum lot sizes for individual onsite sewage and onsite water services in the area, which identified a minimum lot size of 0.7 hectares for the area. The proposed lots do not meet this minimum lot size, and the applicant has not demonstrated that there is sufficient water capacity and safe sewage capacity to accommodate the proposed development.</p>

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<p>Sewage, Water and Stormwater</p> <p>Policies: 3.6.1 b), c), and d), 3.6.4, and 3.6.7.</p> <p>(continued)</p>		<p>Therefore, the lot creation is not consistent with policy 3.6.7 of the Provincial Planning Statement.</p> <p>The proposal is not consistent with these policies.</p>
<p>Water</p> <p>Policies: 4.2.1, and 4.2.3</p>	<p>Planning authorities shall protect, improve, and restore the quality and quantity of water by:</p> <p>a) Using watershed as the ecologically meaningful scale for integrated and long term planning, which can be a foundation for considering cumulative impacts of development;</p> <p>b) Minimizing potential negative impacts, including cross jurisdictional and cross watershed impacts.</p>	<p>The water policies of the Provincial Planning Statement require Planning authorities to protect, improve or restore the quality and quantity of water by minimizing potential negative impacts, implementing necessary restrictions on development to protect municipal drinking water supplies and vulnerable ground water, and planning for efficient and sustainable use of water resources, through practices for water conservation and sustainable water quality.</p>

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<p>Water</p> <p>Policies: 4.2.1, and 4.2.3</p> <p>(continued)</p>	<p>c) Identifying water resource systems;</p> <p>d) Maintaining linkages and functions of water resource systems;</p> <p>e) Implementing necessary restrictions on development and site alterations to protect all municipal drinking water supplies and designated vulnerable areas, and protect, improve, or restore vulnerable surface and ground water, and their hydrologic functions; and,</p> <p>f) Planning for efficient and sustainable use of water resources, through practices for water conservation and sustainable water quality.</p>	<p>The proposed development cannot achieve compliance with the Ontario Drinking Water Standard using conventional sewage disposal systems and is proposing advance treatment system to achieve compliance. The City cannot guarantee the ongoing maintenance and performance of advance treatment systems or guarantee the ongoing provision of an advance treatment system. As a result, the proposed development cannot provide the City assurances of sustainable water quality.</p> <p>The City of Hamilton initiated the Mid-Spencer Creek/ Greensville Rural Settlement Area Subwatershed and Class Environmental Assessment in April 2016. Based on the predominant silty soil texture of the area, the study concluded that a minimum lot size of 0.7 hectares is required.</p>

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<p>Water</p> <p>Policies: 4.2.1, and 4.2.3</p> <p>(continued)</p>	<p>Municipalities are encouraged to undertake, and large and fast growing municipalities shall undertake watershed planning to inform planning for sewage and water services and stormwater management, including low impact development, and the protection, improvement or restoration of the quality and quantity of water.</p>	<p>The Hydrogeological Assessment provided confirmed that the proposed development of 12 lots, with an additional lot to be created through a consent application, would not achieve compliance with the Ontario Drinking Water Standard through the use of conventional sewage disposal system and that a maximum of 10 lots, using conventional sewage disposal systems, could be supported if the lands for the future public road (Street “A”) were included in the lot area. Staff conclude that the proposed development does not meet the intent of regulation for the minimum lot area as the lands for the public roadway are not to be included in the calculation.</p> <p>The Subwatershed Study identified a stormwater management pond on the southerly portion of the subject lands, and the applicant has not included the stormwater management pond on the plans.</p> <p>The proposal is not consistent with these policies.</p>

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Greenbelt Plan (2017)		
<p>Settlement Areas</p> <p>Policies: 3.4.1, and 3.4.4</p>	<p>Settlement areas within the Greenbelt support and provide significant economic, social, and commercial functions to prime agricultural areas and rural lands.</p> <p>Hamlets are substantially smaller than Towns/Villages and play a significantly lesser role in accommodating concentrations of residential, commercial, industrial, and institutional development. Further, they are typically serviced with individual onsite sewage and water services and thus are not locations to which growth should be directed.</p>	<p>The subject lands are located within a Hamlet in the Protected Countryside of the Greenbelt Plan. Policy 3.4.1 identifies that hamlets play a role in accommodating residential development albeit a lesser role than that of towns and villages. Hamlets are typically serviced by individual onsite sewage and water services, limiting their ability to accommodate additional development or density.</p> <p>Policy 3.4.4 allows limited growth in hamlets subject to appropriate water and sewage services. Growth is not precluded in hamlets but must be supported by adequate services which in respect to the subject lands means adequate private well and septic system capacity.</p>

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<p>Settlement Areas</p> <p>Policies: 3.4.1, and 3.4.4 (continued)</p>	<p>For lands within Hamlets in the Protected Countryside, Hamlets are governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.</p> <p>Limited growth is permitted through infill and intensification of Hamlets subject to appropriate water and sewage services.</p>	<p>As the proposed development has not demonstrated sufficient water capacity and sufficient safe sewage system capacity, the proposal does not conform to the Greenbelt Plan policies.</p>
<p>Water Resource System Policies</p> <p>Policies: 3.2.3.1, 3.2.3.2, and 3.2.3.4.</p>	<p>Planning authorities shall provide for a comprehensive, integrated, and long term approach for the protection, improvement or restoration of the quality and quantity of water.</p> <p>Watersheds are the most meaningful scale for hydrological planning.</p>	<p>The Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study identified that a minimum lot area of 0.7 hectares per lots is required, based on the soil types, to achieve compliance with the maximum permitted 10 mg/l of nitrate of the Ontario Drinking Water Standard. The proposed lots do not meet the minimum lot area requirements.</p>

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<p>Water Resource System Policies</p> <p>Policies: 3.2.3.1, 3.2.3.2, and 3.2.3.4.</p> <p>(continued)</p>	<p>Municipalities, partnering with conservation authorities as appropriate, shall ensure that watershed planning is undertaken to support a comprehensive, integrated, and long term approach to the protection, enhancement or restoration of the quality and quantity of water within a watershed.</p> <p>Decisions on allocation of growth and planning for water, wastewater, and stormwater infrastructure shall be informed by applicable watershed planning in accordance with the Growth Plan.</p>	<p>The Subwatershed Study also identified the need for a stormwater management pond on the subject lands which has not been included as part of the applications.</p> <p>A Hydrogeological Assessment was submitted, and it determined that the creation of 12 lots, and one additional lot through a future consent application, on lots less than 0.7 hectares exceeds the Ontario Drinking Water Standard maximum of 10 mg/L of nitrate based on a conventional septic system. To achieve compliance, the use of advance treatment systems is proposed in the Hydrogeological Assessment. However, the City cannot adequately monitor or enforce the performance of the system, nor can the City prevent a landowner from removing such a system and replacing it with a conventional septic system. Therefore, the proposed development has not demonstrated that it can support the long term protection of water quality.</p>

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<p>Water Resource System Policies</p> <p>Policies: 3.2.3.1, 3.2.3.2, and 3.2.3.4.</p> <p>(continued)</p>		<p>The proposed development has not demonstrated that there is adequate groundwater capacity to support the proposed development and that it will not create adverse impacts on available water for surrounding land uses.</p> <p>The proposal does not conform to these policies.</p>
Rural Hamilton Official Plan		
<p>Rural Settlement Area</p> <p>Policy: D.5.0</p>	<p>Rural Settlement Area designates those areas where a variety of land uses and developments have clustered together on a small scale outside the designated Urban Area. These areas are intended to be residential and service centres that serve the immediate community and the surrounding rural area.</p> <p>Land designated Rural Settlement Area shall be subject to Rural Settlement Area general policies and Secondary Plan policies for each Rural Settlement Area.</p>	<p>The proposal to create 12 residential lots, with one additional lot to be created by way of a future application for consent, is consistent with the general intent of areas designated “Rural Settlement Area” as they are intended to be residential and service centres.</p> <p>The proposal is required to comply with the Rural Settlement Area General policies and the Greensville Rural Settlement Area Secondary Plan. A detailed review of these policies is outlined under the Greensville Rural Settlement Area Secondary Plan section of this policy chart.</p> <p>The proposal complies with this policy.</p>

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<p>Housing Policies</p> <p>Policy: B.3.2</p>	<p>Housing is fundamental to the economic, social, and physical wellbeing of Hamilton’s residents and communities. Housing is a basic human need and is the central place from which people built their lives, nurture their families and themselves and engage in their communities.</p> <p>While the housing needs of the farm community and rural residents are important, rural land is primarily a working landscape for agriculture and non renewable resources, with strong protections for our vital natural resources.</p>	<p>The policy recognizes the importance of housing, and that “Rural Settlement Areas” are the focus of rural non agricultural and non resource uses which would include residential. The policy articulates that rural areas cannot be serviced by municipal water and sewer systems and that a certain minimum land area is required to accommodate sustainable private servicing, which means that densities of development must remain low to accommodate sustainable private servicing.</p> <p>The policy recognizes the importance of housing, balanced with the need to accommodate sustainable private servicing. The policies specifically require that private services be sustainable to achieve compliance with the Ontario Drinking Water Standard. The proposed development utilizes advance treatment systems within the technical studies.</p>

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<p>Housing Policies</p> <p>Policy: B.3.2 (continued)</p>	<p>Rural settlement areas are the focus of rural non agricultural and non resource uses to protect the rural land base for its primary resource purposes.</p> <p>Additionally, the rural area cannot be serviced by lake based municipal water and sewer systems. Any municipal water systems existing on the date of adoption of this Plan were developed to address a water quality health emergency. The need for a certain land area to accommodate sustainable private servicing means that multi dwelling housing forms cannot be permitted in rural areas, and densities must remain low.</p>	<p>The City cannot ensure the ongoing performance and maintenance of advanced treatment systems nor the ongoing retention on individual sites and therefore the proposed servicing strategy does not represent a sustainable private service. The applications have not demonstrated that there is adequate water to sustain the proposed residential development.</p> <p>The proposal does not comply with this policy.</p>

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<p>Archaeology Policies</p> <p>Policies: B.3.4.4, B.3.4.4.2, B.3.4.4.4 and B.3.4.4.5</p>	<p>The City shall require the protection, conservation, or mitigation of site of archaeological value and areas of archaeological potential.</p> <p>In areas of archaeological potential, an archaeological assessment shall be required for a Zoning By-law Amendment and Draft Plan of Subdivision.</p> <p>Archaeological assessments shall be prepared in accordance with any applicable guidelines and policies.</p> <p>Prior to site alteration or soil disturbance, any required archaeological assessment must be approved, indicating that there are no further archaeological concerns with the property or concurring with the final resource management strategy to be implemented.</p>	<p>A Stage 2 Archaeological Assessment (P007-1583-2024) and a Stage 3 Archaeological Assessment (P007-1561-2024) were submitted with the applications. A Record of Indigenous Engagement is required to be submitted to the Ministry of Citizenship and Multiculturalism as well as the City of Hamilton prior to any further approvals.</p> <p>The proposal has not demonstrated compliance with these policies.</p>

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<p>Noise, Vibration and Other Emissions</p> <p>Policies: B.3.6.3.2, B.3.6.3.19, and B.3.6.3.20</p>	<p>Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, arterial roads, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.</p> <p>The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land use and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines.</p>	<p>The subject property is in proximity to both Highway No. 5 West and Brock Road, which are potential transportation noise sources, and it is in proximity to potential stationary noise sources, such as the Darling Dundas Rendering Plant to the northwest, the Lafarge Dundas Quarry to the east, and an existing school immediately to the east.</p> <p>A Noise Impact Study was submitted with the applications and concludes that noise from Highway No. 5 West and Brock Road will not exceed the regulatory limits, however, recommends that a noise warning clause be included. The study also concludes that the Darling Dundas Rendering Plant is 600 metres to the northwest and the Quarry is located 330 metres to the east and have negligible contributions to noise levels at the site.</p>

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<p>Noise, Vibration and Other Emissions</p> <p>Policies: B.3.6.3.2, B.3.6.3.19, and B.3.6.3.20 (continued)</p>	<p>Development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emission such as noise and odour emissions may include:</p> <p>a) Development with the potential to create conflict between a sensitive land use and a point source such as noise or odour, may include employment facilities, resource based industrial, or other uses with potential to produce impacts.</p>	<p>With respect to the existing school immediately to the east, the Noise Impact Study noted that under typical operating conditions, the school would be generating impulse sound due to its function. The study also noted a generator system that emits a continuous buzzing sound, but no direct measurements of the sound were conducted, and an equivalent noise source was assumed. The study concludes that the school generator appears to significantly contribute to the overall noise level at the site. The study, while flagging the school as a significant contribution to overall noise levels, states that it may be temporary however does not provide definitive conclusions. The study does not articulate what the noise levels from the school will be on the outdoor living areas for the lots immediately abutting the school.</p> <p>The study also noted that observations of the school site were based on a site visit that was undertaken in the summer when the school activities would be reduced.</p>

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<p>Noise, Vibration and Other Emissions</p> <p>Policies: B.3.6.3.2, B.3.6.3.19, and B.3.6.3.20 (continued)</p>		<p>Observations taken while the school is more active may identify additional noise sources that may impact the proposed development. A revised Noise Impact Study is required to further evaluate the noise impacts of the existing school during the school year on the proposed development.</p> <p>An Odour Impact Assessment was prepared and submitted which evaluated odour impacts from the Darling Dundas Rendering Plant. The City is required to ensure that development with potential to create conflict with a potential source of odour meets all applicable legislation, standards, and guidelines. The City of Hamilton requires Odour Impact Assessments to be peer reviewed to ensure that all applicable legislation, standards, and guidelines are being met. A peer review of the Odour Impact Assessment has not commenced.</p> <p>The proposal has not demonstrated compliance with these policies.</p>

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Tree and Woodland Protection Policy: C.2.10.1	The City recognizes the importance of trees and woodlands to the health and quality of life. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests, and tree cover within Rural Settlement Areas.	There are several trees within and adjacent to the subject property. An Arborist Report and a Tree Preservation Plan were submitted with the applications. A total of 159 trees were inventoried, of which 23 trees have been proposed for removal. The Tree Preservation Plan has not been approved due to technical comments and concerns regarding the removal or retention of trees not being addressed. The proposal has not demonstrated compliance with this policy.
Infrastructure Policy: C.5.1.1	No draft, conditional, or final approval of development proposals shall be granted by the City for any development in Rural Hamilton that could impact existing private services or involves proposed private services until the development proposal complies with the requirements under policy C.5.1.1.	A Hydrogeological Assessment is required to be undertaken which provides a full assessment of onsite and offsite water supply and/or sewage disposal impacts. The study must be completed to the satisfaction of the City in accordance with both Section F.3.2.5 of the Rural Hamilton Official Plan and the Hydrogeological Study Guidelines.

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<p>Infrastructure</p> <p>Policy: C.5.1. (continued)</p>	<p>For a proposal that could impact existing private services or involves proposed private services, development proponents shall submit complete information regarding existing or proposed private water and wastewater services. This information shall be completed to the satisfaction of the City. If the proponent does not agree with the City's calculations, the proponent shall be required to submit a hydrogeological study completed in accordance with Section F.3.2.5 and Hydrogeological Study Guidelines.</p> <p>A Hydrogeological Study shall be completed to the satisfaction of the City in accordance with Section F.3.2.5 of this Plan and Hydrogeological Study Guidelines. The City may request or conduct a peer review of the study.</p>	<p>As outlined below, the policies under Section F.3.2.5 require that Hydrogeological Studies determine the feasibility of sustainably servicing a proposed use. The Guidelines for Hydrogeological Studies articulate that the City does not support the use of advance treatment systems when justifying a proposed lot area for a specific development on privately serviced lots.</p> <p>A peer review of the Hydrogeological Assessment was undertaken and identified, amongst others, an issue with the initial testing that was undertaken, that there is limited discussion around well survey results, that no well survey questionnaire was attached to the study, and that more conservative infiltration rates should be applied. The peer review recommended additional testing, sampling and analysis be undertaken. It was also noted that the subject lands are within the modelled zone of influence of an active quarry and that future dewatering activities may impact the subject lands' ability to provide water.</p>

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<p>Infrastructure</p> <p>Policy: C.5.1. (continued)</p>	<p>The minimum size for a new lot proposed for a draft plan of subdivision with a proposed private water system or sewage system shall be the size required to accommodate the water system and sewage disposal system with acceptable onsite and offsite impacts, shall include sufficient land for a reserve discharge site or leaching bed, and not be less than 0.4 hectares in size.</p> <p>Private water supply and sewage disposal systems shall be capable of sustaining the proposed and existing uses within acceptable levels of onsite and offsite water quantity and quality impacts, including nitrate impacts.</p>	<p>The peer review advised that additional consideration of the quarry lands is warranted.</p> <p>With respect to nitrate impacts, the peer review noted that the application for 12 lots, and one additional lot through a future consent application, with conventional septic systems, would exceed the limit for nitrate of 10.0 mg/L and that the Hydrogeological Assessment included the installation of advanced treatment systems to achieve compliance. The peer review noted that the Hydrogeological Assessment acknowledged that the City's Guidelines do not support the use of advanced treatment systems for the purpose of reducing lot sizes.</p> <p>Source Protection Planning reviewed the applications against Rural Hamilton Official Plan policies and the Hydrogeological Study Guidelines and note that significant information gaps remain with respect to groundwater quantity, quality, and potential offsite impacts from private servicing.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Infrastructure</p> <p>Policy: C.5.1. (continued)</p>		<p>Staff note, in accordance with the current Hydrogeological Study Guidelines, that advance treatment systems cannot be used to justify reduced lot sizes and that lots must be based on a conventional sewage system.</p> <p>Based on the Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study, lot sizes have been pre-established at a minimum of 0.7 hectares per parcel.</p> <p>The proposed lots have a minimum lot area of 0.48 hectares or greater and therefore will not be less than the 0.4 hectares minimum lot size identified in policy 5.1.1 c) iii), however, lots are required to be the size needed to accommodate the water system and sewage disposal system with acceptable onsite and offsite impacts as per policy 5.1.1 c) i).</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Infrastructure</p> <p>Policy: C.5.1. (continued)</p>		<p>As previously outlined above, the Subwatershed Study identifies a minimum lot size of 0.7 hectares and the Hydrogeological Assessment has noted that the proposed lots would not meet the Ontario Drinking Water Standard based on a conventional sewage disposal system and recommends advanced treatment systems, which cannot be guaranteed. The proposed lot sizes are therefore not sufficient to accommodate a sewage disposal system with acceptable impacts.</p> <p>In respect to the water system, the applicant has not adequately demonstrated that the proposed water system will not have adverse onsite or offsite impacts and therefore the proposed lot size is not sufficient. The policy requires that private water and sewage disposal systems be capable of sustaining the proposed and existing uses within acceptable levels on and off site, including nitrate impacts.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Infrastructure</p> <p>Policy: C.5.1. (continued)</p>		<p>The proposed development is relying upon advance treatment systems to address nitrate impacts, and the City cannot effectively monitor and enforce the proper functioning of these systems, nor prevent a landowner from replacing them with a conventional sewage disposal system. Therefore, the use of advance treatment systems would not be a sustainable method to addressing nitrate impacts.</p> <p>The proposal does not comply with this policy.</p>
<p>Storm Water Management Facilities and Storm Water Management Plans</p> <p>Policies: C.5.4, and C.5.4.3</p>	<p>The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.</p> <p>A Storm Water Management Plan shall comply with recommendations, standards and targets of approved watershed plans and other relevant municipal studies relating to the provision of storm water management.</p>	<p>The Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study in Figure 9.2.1 identifies the requirement of a wet pond on a portion of the subject lands for stormwater quantity and quality control. The proposed stormwater management design has not considered a wet pond for the proposed development and Development Engineering staff require that the stormwater management design be revised to align with the Subwatershed Study by providing the wet pond.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Storm Water Management Facilities and Storm Water Management Plans</p> <p>Policies: C.5.4, and C.5.4.3 (continued)</p>	<p>A Storm Water Management Plan prepared for lands designated Rural Settlement Area shall avoid, minimize and/or mitigate storm water volumes, contaminant loads and impacts to receiving water courses, by, maintenance of groundwater quality and flow and stream based flow, protecting water quality and aquatic species, minimizing the disruption of preexisting natural drainage patterns, and prevention of increases in stream channel erosion and flood risk.</p>	<p>The proposal does not comply with these policies.</p>
<p>Division of Land – Plan of Subdivision</p> <p>Policy: F.1.14.1.2</p>	<p>Council shall approve only those Plans of subdivision that, conforms to the policies and land use designation, can be supplied with adequate services and community facilities, shall not adversely impact upon the transportation system and the natural environment, can be integrated with adjacent lands and roadways, and shall not adversely impact municipal finances.</p>	<p>Council may approve Draft Plan of Subdivision applications that comply with the policies of the Official Plan and have an appropriate servicing strategy. The proposal has not demonstrated adequate water and sanitary services for the new lots.</p> <p>The proposal does not comply with this policy.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Hydrogeological Studies</p> <p>Policies: F.3.2.5.1, F.3.2.5.3, and F.3.2.5.4</p>	<p>The City shall prepare and adopt Guidelines for Hydrogeological Studies and Technical Standards for Private Services to provide direction regarding the technical assumptions and methodologies to be followed in preparation of hydrogeological study reports. These guidelines shall be used when preparing hydrogeological studies.</p> <p>Hydrogeological Studies required by Policy C.5.1.1 of this plan shall determine the feasibility of sustainably servicing a proposed use on a proposed site with private water and wastewater systems.</p> <p>Provided a proposed use on a site can be sustainably serviced in accordance with F.3.2.5.3, the required Hydrogeological Study shall, in the case of the lots within a</p>	<p>The Hydrogeological Studies and Technical Standards for private services were originally adopted in November 2013 and revised in February 2023. The guidelines stipulate that the City of Hamilton does not support the use of advance treatment systems as it relates to justifying a development approval on an undersized, privately serviced lot. The guidelines provide the rationale for the City to not support advance treatment systems identifying challenges with monitoring and enforcement for the proper functioning of the systems, and that the City lacks the ability to prevent a landowner from replacing an advance treatment system with a conventional sewage disposal system. This would result in increased public health and water quality risks to the proposed development and surrounding land uses.</p> <p>The policies with respect to Hydrogeological Studies require that the feasibility of sustainably servicing a proposed use on a proposed site with private water and wastewater systems is assessed.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Hydrogeological Studies</p> <p>Policies: F.3.2.5.1, F.3.2.5.3, and F.3.2.5.4 (continued)</p>	<p>multi-unit site plan development in a Rural Settlement Area:</p> <ul style="list-style-type: none"> • determine the appropriate lot size that meets boundary conditions as defined in provincial guidelines and include sufficient land for a reserve discharge site, leaching bed or other sewage disposal treatment system; • determine the availability of sufficient and suitable water supply; • determine the water taking for the proposed lot will not impact neighbouring wells; and, • assess the potential onsite and offsite groundwater impacts of sewage disposal effluent from the proposed use. 	<p>The studies need to determine the appropriate lot size that meets boundary conditions as defined by provincial guidelines, determine the availability of a sufficient and suitable water supply, that it will not impact neighbouring wells, assess for potential onsite and offsite impacts of the sewage disposal system effluent, and recommend conditions which ensure the long term sustainability of private water and sewage disposal.</p> <p>The Hydrogeological Assessment submitted with the applications has demonstrated that the development cannot meet Ontario Drinking Water Standard based on conventional sewage treatment systems. In addition, the proposed use of advance treatment systems does not ensure the long term sustainability of private water and sewage disposal services on the site.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Hydrogeological Studies</p> <p>Policies: F.3.2.5.1, F.3.2.5.3, and F.3.2.5.4 (continued)</p>	<ul style="list-style-type: none"> • recommend conditions of approval which may be required to be met by the proponent prior to final approval of the applications which ensures the long term sustainability of private water and sewage disposal services onsite. 	<p>Furthermore, Source Protection Planning staff are of the opinion that the information provided has not demonstrated compliance with the Rural Hamilton Official Plan sustainable servicing policies and that significant information gaps remain with respect to ground water quantity, quality, and potential offsite impacts from private servicing.</p> <p>The proposal does not comply with these policies.</p>
Greenville Rural Settlement Area Secondary Plan		
<p>Rural Settlement Area Plan – General Policies</p> <p>Policies: A.1.2.3, A.1.2.4, and A.1.2.6</p>	<p>The predominant use of land in Rural Settlement Areas shall be single detached residential development.</p> <p>Development in Rural Settlement Areas shall proceed in accordance with the specific policies and designations for each Rural Settlement Areas, subject to:</p>	<p>The proposed development complies with the predominate use of lands in “Rural Settlement Areas” and therefore the proposed use complies with policy A.1.2.3 of the general Rural Settlement Area Plan policies.</p> <p>Development in the “Rural Settlement Areas” shall be of a density and area compatible with the existing built environment.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Rural Settlement Area Plan – General Policies</p> <p>Policies: A.1.2.3, A.1.2.4, and A.1.2.6</p> <p>(continued)</p>	<ul style="list-style-type: none"> • Development shall be of a height, density, area, and nature to be compatible with the existing built environment. • All development shall be required to obtain approval from the City for servicing. Any development shall be serviced in accordance with Section C.5.1, and in no case shall a proposed new lot be less than one acre. • Development shall comply with the Natural Heritage System Policies. <p>New residential development which is dependent upon a new public road shall only proceed on the basis of a Plan of Subdivision.</p>	<p>The lots proposed for the development are larger in size than lots that currently exist along Taylor Crescent but are smaller than the majority of the lots to the south and southwest and are smaller than the lots at 655 Cramer Road that were recently approved at the Ontario Land Tribunal. From a built form perspective, the proposed lots and envisioned two storey dwellings would be compatible in scale. Therefore, the proposal complies with policy A.1.2.4 a) of the general Rural Settlement Area Plan policies.</p> <p>Development in “Rural Settlement Areas” is required to obtain approval from the City for servicing and is to be serviced in accordance with private water and wastewater services policies of the Rural Hamilton Official Plan. Policy A.1.2.4 b) of Volume 2 of the Rural Hamilton Official Plan restricts lot size to a minimum of one acre (0.4 hectares).</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Rural Settlement Area Plan – General Policies</p> <p>Policies: A.1.2.3, A.1.2.4, and A.1.2.6</p> <p>(continued)</p>		<p>The proposed lots are greater than 0.4 hectares in size, however it has not been demonstrated that the development can be adequately serviced in accordance with the policies of the Rural Hamilton Official Plan and the Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study.</p> <p>Therefore, the proposal has not demonstrated compliance with policy A.1.2.4 b) of the general Rural Settlement Area Plan policies.</p> <p>The proposal is seeking to establish 12 new lots, with one additional lot to be created through a future consent application, a new public road (Street “A”), and a pedestrian walkway by way of a Draft Plan of Subdivision, which complies with policy A.1.2.3, A.1.2.4 a) and A.1.2.6 of the general Rural Settlement Area Plan policies. The proposal does not comply with policy A.1.2.4 b).</p> <p>The proposal does not comply with these policies.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>General Development Policies</p> <p>Policies: A.3.5.3.1, A.3.5.3.2, and A.3.5.3.3</p>	<p>New development in the Greensville Rural Settlement Area Plan Area shall be integrated and compatible with the existing community.</p> <p>The predominant land use of newly developable area shall be single detached dwellings.</p> <p>Development shall generally occur through the subdivision process, infilling of a minor nature may also be permitted through consent.</p>	<p>The proposed development is seeking to establish the proposed lots, municipal road (Street “A”), and pedestrian pathway by way of a Draft Plan of Subdivision with one additional future lot to be created by a future consent application which complies with policies A.3.5.3.1, A.3.5.3.2 and A.3.5.3.3.</p> <p>The proposal complies with these policies.</p>
<p>Settlement Residential</p> <p>Policies: A.3.5.5.3, A.3.5.5.4, A.3.5.5.5, A.3.5.5.7, and A.3.5.5.10</p>	<p>The predominant form of residential development shall continue to be the single detached dwelling.</p> <p>Residential development in the Rural Settlement Area Plan area shall predominately take place by registered Plan of Subdivision.</p>	<p>The creation of lots, a municipal road (Street “A”), and pedestrian pathway by way of a Plan of Subdivision complies with the predominate form of residential development identified under policy A.3.5.5.3 and A.3.5.5.4 of the Greensville Rural Settlement Area Secondary Plan.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Settlement Residential</p> <p>Policies: A.3.5.5.3, A.3.5.5.4, A.3.5.5.5, A.3.5.5.7, and A.3.5.5.10 (continued)</p>	<p>Development of residential areas shall be integrated with parks, open space, and school sites. Consideration shall be given to potential walking and bicycle trails to connect residential areas to parks open space and schools.</p> <p>New residential development shall be integrated and compatible with the existing residential character. Development adjacent to existing areas, the bulk, mass, and height shall be similar to that of existing residential uses. Consideration shall be given to the use of increased setbacks, screening and buffering to minimize any adverse impacts on existing development.</p>	<p>The policies require that development of residential areas be integrated with parks, open space, and schools. The proposed development includes a walkway which connects the proposed municipal road (Street “A”) to the Spencer Creek Estates Park to the south. Revisions to the final alignment of the walkway have been identified by staff. The inclusion of a walkway to connect to the park will help to integrate the residential development with existing parks. The proposal complies with policy A.3.5.5.5 of the Greenville Rural Settlement Area Secondary Plan.</p> <p>The requirement that development be integrated and compatible with existing residential character of the area, as stated in policy A.3.5.5. 7, speaks to bulk, mass and height of the built form and not private servicing. As previously noted, there is a range of lot sizes in the area and building heights are one to two storeys.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Settlement Residential</p> <p>Policies: A.3.5.5.3, A.3.5.5.4, A.3.5.5.5, A.3.5.5.7, and A.3.5.5.10 (continued)</p>		<p>The proposed two storey dwellings will be required to be setback a minimum of 7.5 metres or more from the adjacent lands. The proposal is therefore compatible from a built form perspective.</p> <p>The subject property is located approximately 600 metres from the Darling Dundas Plant to the northwest and 330 metres from the Lafarge Dundas Quarry to the east. A noise study has been undertaken and determined these heavy industrial uses have a negligible contribution to noise levels for the site. An odour study with respect to odour impacts from the Darling Dundas Plant was submitted and concluded that odour complaints were unlikely and that adverse odour effects are very unlikely. The City recommends that the odour study be peer reviewed to ensure that odour emissions comply with all applicable legislation, standards, and guidelines. At this time a peer review of the odour study has not yet been undertaken.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Settlement Residential</p> <p>Policies: A.3.5.5.3, A.3.5.5.4, A.3.5.5.5, A.3.5.5.7, and A.3.5.5.10 (continued)</p>		<p>The proposal complies with policies A.3.5.5.3, A.3.5.5.4, A.3.5.5.5 and A.3.5.5.5, however, compliance with policy A.3.5.5.10 has not been demonstrated at this time.</p>
<p>Storm Water Management</p> <p>Policy: A.3.5.12.1, and A.3.5.12.4</p>	<p>The intent of the Rural Settlement Plan is that existing storm water drainage systems continue to serve the Rural Settlement Area Plan area and that a master storm water drainage study be completed. A master storm water drainage study can become part of the comprehensive servicing study.</p> <p>Storm water drainage shall be provided in accordance with the conclusion of the master storm water drainage study or alternative storm water drainage plan.</p>	<p>The proposal does not include a stormwater management pond, as identified in the Mid-Spencer Creek/Greenville Rural Settlement Area Subwatershed Study. Development Engineering staff require that a stormwater management pond be incorporated into the stormwater management design. As a result, the Stormwater Management Report for the proposed development has not been approved by Development Engineering.</p> <p>The proposal does not comply with these policies.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Servicing</p> <p>Policies: A.3.5.13.1, A.3.5.13.3, A.3.5.13.4, and A.3.5.13.5</p>	<p>It is the intent of the Rural Settlement Area Plan that development of the Rural Settlement Area Plan area be based on private or communal water and private sewage disposal system.</p> <p>Development shall take place on private sewage disposal systems.</p> <p>Residential development by Plan of Subdivision, shall be based upon a professional hydrogeologic and soils study, to the satisfaction of the Province and the City. The assessment must consider both onsite and offsite impacts related to the quantity and quality of water. All development shall be permitted only in accordance with the results of the study and on lots capable of accommodating a Class 4 (septic tank and tile bed) or Class 6 (aerobic) septic system including an</p>	<p>A Hydrogeological Assessment was submitted and identified that the 12 residential dwellings subject to this application, and one additional dwelling to be created through a future consent application, would not meet the Ontario Drinking Water Standard based on a conventional sewage treatment system and instead relies on the use of advanced treatment systems. Through the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Services, the City does not support the use of advanced treatment systems to justify a development on an undersized lot. Lots that are not of a sufficient size to accommodate a conventional sewage system have the potential to result in adverse effects on the quality of ground water. The proposed development has not demonstrated that there will be adequate services with respect to available water and that they will not have an impact to the quantity or quality of water of adjacent lands.</p> <p>The proposal does not comply with these policies.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Servicing</p> <p>Policies: A.3.5.13.1, A.3.5.13.3, A.3.5.13.4, and A.3.5.13.5</p> <p>(continued)</p>	<p>area equal to the original tile bed area which left free of development or hard surfaces to provide for a replacement tile bed in the event of failure to the original system, as determined by the City.</p> <p>The purpose of the hydrogeological and soil study is to ensure that an adequate supply of potable water is available to service the proposed development, and that there will be no unacceptable adverse effect on the quality and quantity of ground water and surface water as a result of the proposed development.</p> <p>Test wells shall be established and these wells along with existing wells shall be monitored for a period of two years after 10 out of the 12 units are occupied.</p>	

Theme and Official Plan Policy	Summary of Issue	Staff Response
<p>Development Phasing</p> <p>Policies: A.3.5.14.1, and A.3.5.14.2</p>	<p>In order to provide guidelines for the extent and density of residential development that can be sustained without unacceptable degradation of the ground and surface waters, development phasing is based on the need to proceed slowly and cautiously and the need to monitor the impact of new development on existing wells. A maximum of 12 lots in Plans of Subdivision shall be draft approved and registered in each of the Major Development Areas.</p> <p>Before a second phase of an additional maximum 12 lots shall be draft approved in each of the Major Development Areas, the Province and the City shall be satisfied that there are no outstanding problems related to the servicing or impacts on surface or ground water created by Phase 1 and, that Phase 2 can proceed without</p>	<p>The subject lands are located within Major Development Area A on Map 8b – Greenville Major Development Areas in the Greenville Rural Settlement Area Secondary Plan. The phasing policies of the Greenville Rural Settlement Area Secondary Plan limit the number of lots that can be draft approved and registered in each Major Development Area to 12 lots. In August 2025, the Ontario Land Tribunal issued approval of a Draft Plan of Subdivision for 18 lots at 655 Cramer Road.</p> <p>Additionally, Planning staff are currently evaluating an application at 94 Midsummer’s Lane for the creation of 12 single detached dwelling lots. The two developments both fall within Major Development Area A.</p> <p>The policy requires that the Province and City need to be satisfied that there are no outstanding problems related to the servicing or impacts on surface or ground water created by the first phase before making a decision on subsequent phases.</p>

Theme and Official Plan Policy	Summary of Issue	Staff Response
Development Phasing Policies: A.3.5.14.1, and A.3.5.14.2	causing any unacceptable impacts on the ground and surface water.	The approval of a Draft Plan of Subdivision for 12 additional lots within Major Development Area A prior to ensuring that there are no outstanding issues caused by the development at 655 Cramer Road would be premature and would not comply with the phasing policies of the Greensville Rural Settlement Area Secondary Plan. The proposal does not comply with these policies.