

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. DS-2024-0027**

**FOR THE CONSIDERATION OF  
COUNCIL  
May 29, 2024**

**SUBJECT: EARTHWORKS AGREEMENT - BALLYMORE (QUEENSWAY NORTH)  
DRAFT PLAN OF SUBDIVISION 19T-19G01  
PART OF LOT 15, CONCESSION 3 (NG)  
PARTS 1 AND 2, PLAN 65R-39418**

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**1. RECOMMENDATIONS:**

1. That Council receive Report No. DS-2024-0027 prepared by the Development Engineering Division, Development Services Department dated May 29, 2024, respecting the execution of a proposed Earthworks Agreement for the Ballymore (Queensway North) Subdivision;
2. That Council authorize the Mayor and Clerk to execute an Earthworks Agreement between Ballymore Development (Georgina) Corp., as Owners and the Corporation of the Town of Georgina relating to Draft Plan of Subdivision 19T-19G01 referred to as the Ballymore (Queensway North) Subdivision; and,
3. That Council authorize staff to make minor revisions to the draft Earthworks Agreement, included as Attachment 3 to Report No. DS-2024-0027.

**2. PURPOSE:**

The purpose of this report is to bring forward a draft Earthworks Agreement related to draft approved Plan of Subdivision 19T-19G01. A general location map is included for reference as Attachment 1.

**3. BACKGROUND:**

On September 13, 2023, Council received Report No. [DS-2023-0081](#) and approved Zoning By-law Amendment and Draft Plan of Subdivision applications to facilitate a residential development proposal consisting of 91 single detached dwelling lots, as well as blocks for park, stormwater management facility and environmental protection area purposes. The proposed residential development will be concentrated at the northwest corner of the subject property due to environmental features and constraints. The proposal will also include an internal street with an 18-metre right-of-way width. A copy of the Draft Approved Plan of Subdivision is provided as Attachment 2.

Under the above-mentioned report, Council also authorized the execution of an initial Earthworks Agreement to allow the applicant to import 7,500 m<sup>3</sup> of fill to the site as surplus stockpile material from Plan of Subdivision 19T-15G03, known as Ainslie Hill I (Catering Road). The works included construction of sediment controls as per approved drawings, clearing and grubbing of all trees, shrubs, etc. including removal of all stumps, wood and other associated debris as per the approved Arborist Report, construction of a temporary construction access pad/mud mat on the construction entrance and stockpiling of imported earth above the Regional flood line.

The Owners' representatives are requesting authorization to enter into another Earthworks Agreement for all lands in the subdivision including areas within the floodplain, watercourse and wetland. The Town typically enters into Earthworks Agreements authorizing required earthworks in advance of the installation of municipal services (i.e., watermains, storm sewers and sanitary sewers). This is a standard form of agreement containing the normal construction clauses, security requirements together with indemnification and liability insurance clauses. The Owners' representatives will subsequently be required to request authorization to enter into a further Pre-Servicing Agreement respecting the installation of municipal services including off-site works and improvements along Old Homestead Road and The Queensway North.

#### **4. ANALYSIS:**

The Owners' representatives have been working with Town staff and external commenting agencies to address comments and concerns related to the detailed design of the Draft Approved Plan of Subdivision. The Owners' representatives have advised Town staff that they want to advance works with the common goal of delivering new housing.

The Earthworks Agreement is to be executed by the Owner prior to execution of same by the Town. The Owners, their agent or solicitor will provide the necessary schedules for this Agreement to the Town's satisfaction. The execution of an Earthworks Agreement is in accordance with the standard development practices of the Town and supports new development in a timely fashion and orderly manner. The proposed earthworks in the Ballymore Development (Georgina) Corp. lands shall be supported and guided by approved drawings including installation and implementation of erosion and sediment control measures to the limits of subdivision and within, construction of a diversion channel, topsoil stripping, material importation and cut/fill within the watercourse, restoration and landscape plantings, and site cleanup. A copy of the draft Earthworks Agreement is provided as Attachment 3 and Schedule "D" of the Agreement includes earthworks to be constructed.

Approximately 62,740 m<sup>3</sup> of fill is proposed to be imported to this site in accordance with the proposed earthworks drawings included for reference in Attachment 4. This quantity of fill represents approximately 6,275 dump truck loads. Every effort will be made to source this required fill locally from other nearby developments to adhere to best practices, to reduce truck travel time/distance, and to minimize impacts on the

surrounding residents and infrastructure. Furthermore, staff are working with the Owners to coordinate site works with the nearby Greystone/Middleburg site on Old Homestead Road. Construction traffic will not be permitted to travel south of the development lands access on The Queensway North.

**5. RELATIONSHIP TO STRATEGIC PLAN:**

**Ensuring Balanced Growth** - Execution of this proposed Earthworks Agreement will promote and ensure responsible growth and support the delivery of housing.

**6. FINANCIAL AND BUDGETARY IMPACT:**

At this time there is no financial impact from the proposed works contemplated by the Agreement. However, it is noted that the development of any subdivision has the financial impact expected of additional municipal infrastructure to be operated, maintained and incorporated into the Town's Asset Management Plan. Initially, these are the responsibility of the developer but ultimately become the responsibility of the Operations and Infrastructure Department. It is expected that this maintenance cost will be captured in future budget requirements. The new development will also generate revenue through the development review and building permit processes, as well as adding to the municipal tax base.

**7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

Public consultation is not required respecting the proposed Earthwork Agreement. However, communications have been circulated to the nearby neighbouring properties being impacted.

**8. CONCLUSION:**

It is respectfully submitted that it is appropriate to enter into an Earthworks Agreement with the proponent and that the Council authorize the Mayor and Clerk to execute the agreement on behalf of the Town with Ballymore Development (Georgina) Corp. respecting the proposed earthworks within the Draft Plan of Subdivision 19T-19G01 lands.

**APPROVALS**

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| Prepared By: | Saleem Sial, P.Eng.<br>Senior Development Engineering Technologist |
| Reviewed By: | Ben Pressman, P.Eng.<br>Supervisor of Development Engineering      |
| Reviewed By: | Mike Iampietro, P.Eng.<br>Manager of Development Engineering       |

Recommended By: Denis Beaulieu, MCIP, RPP  
Director of Development Services

Approved By: Ryan Cronsberry  
Chief Administrative Officer

***Attachments:***

*Attachment 1 - General Location Map*

*Attachment 2 - Draft Approved Plan of Subdivision*

*Attachment 3 - Draft Earthworks Agreement*

*Attachment 4 - Proposed Earthworks Drawings*