

MOTION

MOVED by Councillor Henry, SECONDED by Councillor Pidwerbecki,
(137) "THAT the Rules of Procedure be suspended in order to introduce a motion as it relates to correspondence received from the City of Oshawa re: the proposed Ethanol Production Facility at the Oshawa Harbour."

CARRIED on a 2/3rd Vote

MOVED by Councillor Henry, SECONDED by Councillor Pidwerbecki,
(138) "THAT the following resolution contained in correspondence received from the City of Oshawa re: the proposed Ethanol Production Facility at the Oshawa Harbour be adopted:

‘WHEREAS on March 13, 2008 agents from FarmTech applied for amendments to the Oshawa Official Plan and Zoning By-law No. 60-94 to permit an ethanol plant on the Gifford Hill at the Oshawa Harbour; and

WHEREAS said applications were authorized by the Oshawa Harbour Commission as land owner; and

WHEREAS on June 21, 2011 the Oshawa Harbour Commission (OHC) had a lien removed from its Gifford Hill lands paving the way for a transfer of said lands to the Federal Crown; and

WHEREAS Federal Crown lands are not subject to municipal planning instruments such as Official Plans and Zoning By-laws; and

WHEREAS on June 22, 2011 the City received a letter from Agriculture and Agri-Food Canada advising that it is considering an application from FarmTech for a conditionally repayable financial contribution under the ecoAgriculture Biofuels Capital (ecoABC) incentive and including an Environmental Assessment Screening Report and requesting comments on the Report by July 28, 2011; and

WHEREAS on June 23, 2011 the agents for FarmTech withdrew from the City the applications for Official Plan and Zoning By-law amendments presumably in anticipation of a transfer of the proposed site to the Federal Crown and the subsequent availability of a municipal planning instrument exemption; and

WHEREAS the Federal Government has failed to expeditiously create a Canada Port Authority, as anticipated during the settlement negotiations, with a requirement to prepare within 1 year of the creation of the Canada Port Authority a Land Use Plan pursuant to the Canada Marine Act that includes public consultation; and

WHEREAS a decision to enable the development of an ethanol plant at the harbour now rests solely with the Federal Government; and

WHEREAS on April 22, 2010 Council adopted a resolution opposing the development of ethanol plant on the Gifford Hill; and WHEREAS City Council investigated the potential purchase of the Gifford Hill and was advised by the Oshawa Harbour Commission and Transport Canada that the land is not for sale;

Therefore be it resolved:

1. THAT the City of Oshawa emphatically reaffirms its opposition to the development of an ethanol plant at the Oshawa Harbour beside the Provincially Significant Second Marsh;
2. THAT the Right Honorable Stephen Harper, Prime Minister of Canada, the Honourable Jim Flaherty, Minister of Finance, the Honourable Gerry Ritz, Minister of Agriculture and Agri-Food, the Honourable Denis Lebel, Minister of Transportation, Infrastructure and Communities, the Honourable Peter Kent, Minister of the Environment, MP Dr. Colin Carrie and Agriculture and Agri-Food Canada be advised that the City of Oshawa adamantly opposes the establishment of an ethanol plant at the Oshawa Harbour and requests that the Federal Government in the interest of transparency and accountability forthwith:
 - (a) Withdraw any consent previously given by the Oshawa Harbour Commission for an ethanol plant to be established on Crown land or land to become Crown land at the Oshawa Harbour;

- (b) Withdraw any consent previously given by the Oshawa Harbour Commission for an ethanol plant proponent to apply to Agriculture and Agri-Food Canada for any federal funding for an ethanol plant to be established on Crown land or land to become Crown land at the Oshawa Harbour;
 - (c) Deny any and all requests for financial contributions or support for an ethanol plant at the Oshawa Harbour including the current request by FarmTech;
 - (d) Withhold any further Federal consideration of any major new land uses at the Oshawa Harbour since the Canadian Port Authority has not been formed and the Land Use Plan required by the Canada Marine Act has not been prepared and approved by the Canadian Port Authority, including the required public participation; and
 - (e) Compel the Oshawa Harbour Commission, as appropriate, to undertake those actions outlined in Part 3 below.
3. THAT the Oshawa Harbour Commission, in the interest of transparency and accountability, be requested to immediately:
- (a) Release to the public any license, lease, option or other legal instrument which provides a proposed ethanol producer with the right to use or own any land at the Harbour;
 - (b) Release to the public any authorization provided to a proposed ethanol producer to apply to Agriculture and Agri-Food Canada or any other Federal ministry or agency for a subsidy or financial support on land owned or formerly owned by the OHC;
 - (c) Rescind any approvals for the use of land at the harbour by an ethanol producer;

- (d) Release to the public the data, analysis and business case on which it based its decision to accommodate a proposed ethanol plant at the harbour including information on the use of ships and shipping/harbour facilities by the ethanol plant;
 - (e) Release to the public any approvals or consents that the Oshawa Harbour Commission received from the Federal Government in regard to a potential ethanol plant at the Oshawa Harbour; and
 - (f) Withhold any further Oshawa Harbour Commission consideration of any major new land uses at the Oshawa Harbour since the Canadian Port Authority has not been formed and the Land Use Plan required by the Canada Marine Act has not been prepared and approved by the Canadian Port Authority, including the required public participation; and
4. THAT the City Manager be authorized to engage, on a sole source basis, specialized consulting services to prepare and submit a submission to Agriculture and Agri-Food Canada in respect to the Environmental Assessment Screening Report for a proposed ethanol plant on the Gifford Hill at the Oshawa Harbour to be funded from the Harbour Redevelopment Reserve; and further, that the City's submission be posted on the City's website; and,
 5. THAT the Mayor's office coordinate a public awareness and political campaign focused on stopping the proposed an ethanol plant at the harbour;
 6. THAT the Council of the Region of Durham be requested to support the City's position as set out in this motion regarding opposition to the development of an ethanol plant at the Oshawa Harbour; and
 7. THAT the Federal Government investigate a willing host for the Ethanol Production Facility Plant'."
- (See Following Motions)

MOVED by Councillor Drew, SECONDED by Councillor O'Connell,
(139) "THAT the resolution contained in correspondence received from
the City of Oshawa re: the proposed Ethanol Production Facility at
the Oshawa Harbour be referred to Economic Development with a
report back to a Special Regional Council meeting."

MOTION DEFEATED
ON THE FOLLOWING RECORDED

VOTE:

	<u>YES</u>	<u>NO</u>
COUNCILLORS	Bath	Aker
	Clayton	Ballinger
<u>Members Absent</u>	Coe	Chapman
Parish	Collier	Diamond
	Drew	Drumm
	Foster	England
	Mercier	Henry
	Novak	Jordan
	O'Connell	Marimpietri
	O'Connor	McLean
	Perkins	Mitchell
	Rodrigues	Neal
		Pidwerbecki
		Ryan
		Woo

MOVED by Councillor Henry, SECONDED by Councillor Pidwerbecki,
(140) "THAT the foregoing motion (179) of Councillors Henry and
Pidwerbecki to adopt the recommendations contained in resolution
(179) be amended by adding the following new paragraph to the
end of the resolution:

'THAT the Federal Government investigate a willing host for the
Ethanol Production Facility Plant'."

CARRIED
ON THE FOLLOWING RECORDED

VOTE:

	<u>YES</u>	<u>NO</u>
COUNCILLORS	Aker	Nil
	Ballinger	
<u>Members Absent</u>	Bath	
Parish	Chapman	
	Clayton	
	Coe	
	Collier	
	Diamond	
	Drew	

Drumm
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Woo