



Planning Report

To: Municipality of Brockton Council

From: Coreena Smith, Senior Development Planner

Date: September 14, 2021

Re: Zoning By-law Amendment - Z-2021-039 (Wylids)

Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment Z-2021-039 as attached and the necessary by-law be forwarded to Council for adoption.

Summary:

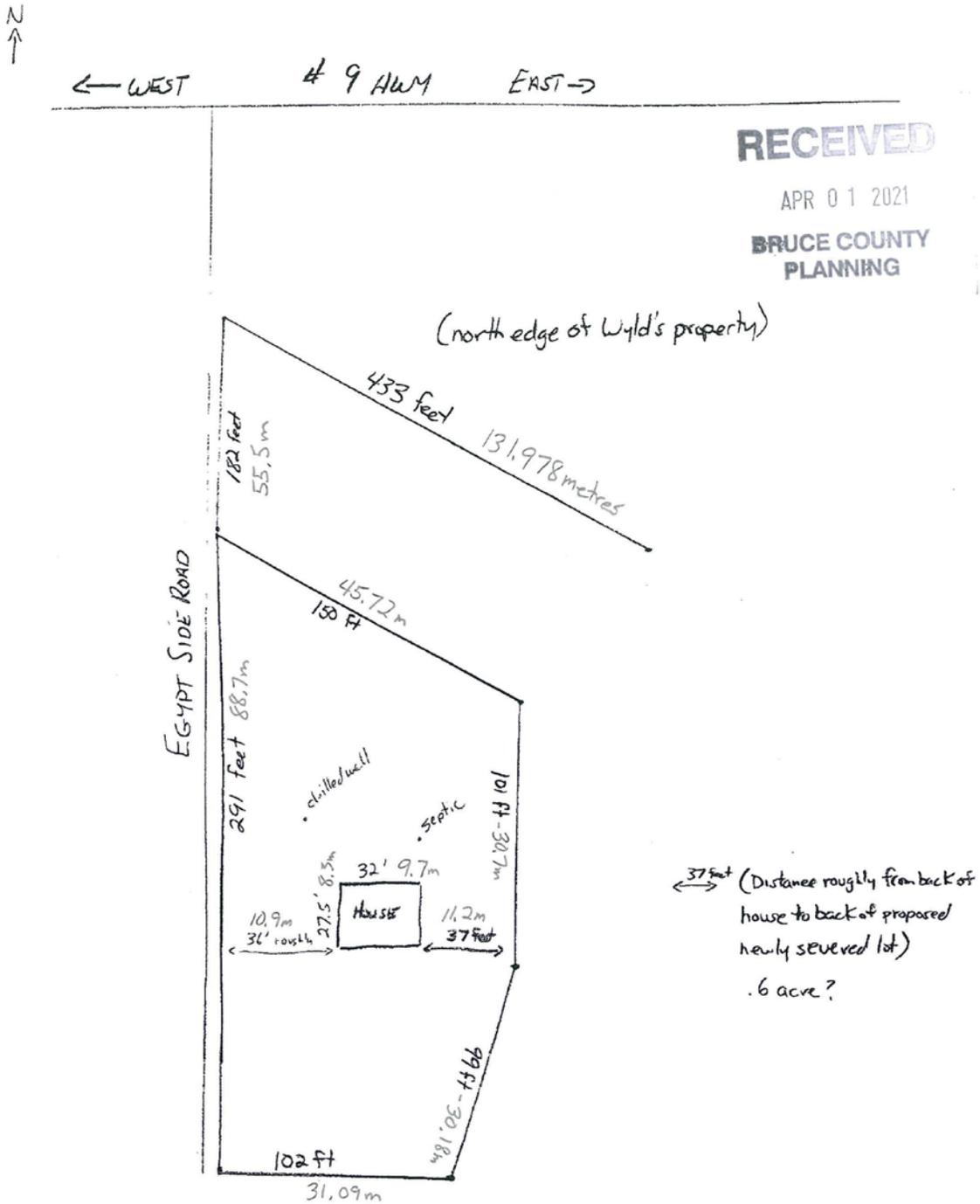
The purpose of the application is to facilitate the severance of a +/-0.2 ha surplus farm dwelling lot from a 14.97 ha agricultural parcel at 41 Egypt Sideroad, in the Municipality of Brockton. An amendment to the Zoning By-law is required to facilitate the consent.

A related amendment to the Bruce County Official Plan (C-2021-009) was approved for the subject lands on September 2, 2021 to allow an undersized lot. The related consent file (B-2021-049) will be considered by the County at a later date.

Airphoto

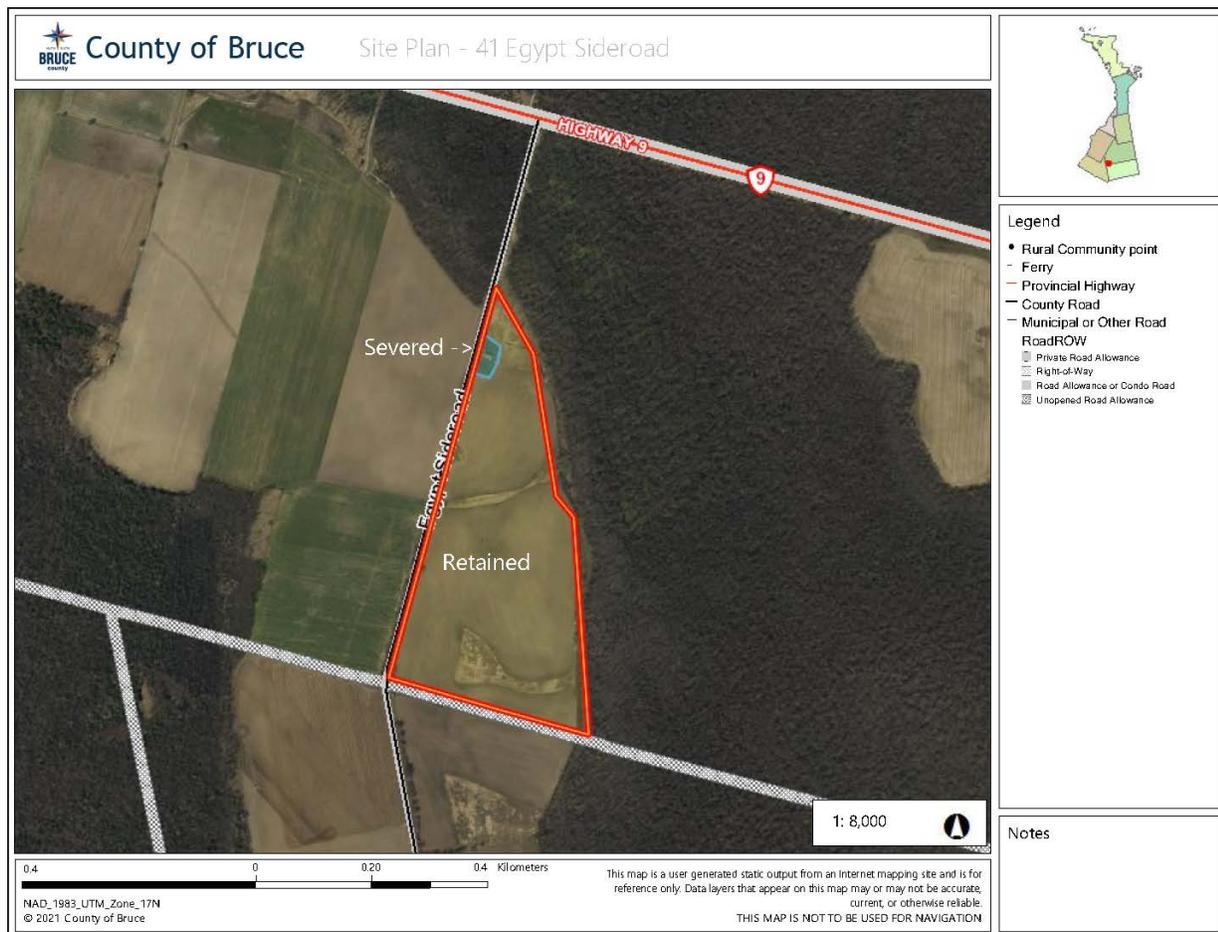


Site Plan Showing the Proposed New Lot



* Not to scale, proposal is roughly the size of the existing yard where the grass has been close to that maintained by resident. Measurements are rough

Site Plan of the Entire Property



Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached) and planning policy sections.

Surplus Farm Dwelling Severance

The lands are in a prime agricultural area. The Provincial Policy Statement (PPS) restricts severances in prime agricultural areas to limit the impacts to agricultural operations. Lot creation in prime agricultural areas is only permitted in the following circumstances:

- For agricultural uses;
- For agricultural related uses;
- For a dwelling surplus to a farming operation; and,
- For infrastructure.

Further, the PPS states that the surplus residential lots are to be limited in size to accommodate water and sewage, and that new residential dwellings be prohibited on the larger farm parcel (retained lands). The prohibition on future residential dwellings is included in the current Zoning By-law amendment as detailed later in this report.

The County Official Plan establishes criteria for agricultural severances in addition to the PPS policies. The lands are primarily designated Agricultural Areas, which permits the severance of a surplus farm dwelling subject to the criteria below:

- The applicant must be a bona fide farmer;
- The farmer must own and farm the subject lands;
- They must own and farm other lands;
- They must reside elsewhere;
- The dwelling must be habitable; and,
- Minimal active farmland should be removed from agricultural production.

The applicant meets the definition of a bona fide farmer. They own and rent multiple properties in the area for agricultural purposes. The existing dwelling on the subject lands is surplus to their needs. The proposal meets all the criteria established in the PPS and County Official Plan for agricultural severances, except for the minimum lot area which is discussed below.

Retained Farm Lot Size

The County Official Plan requires a minimum lot area of 40 ha for new agricultural lots. Similarly, the Municipality of Brockton's Zoning By-law specifies a minimum lot area of 39 ha for agricultural parcels. The intent of the County policy and Zoning By-law provision is to maintain the viability of Bruce County's agricultural system by ensuring that lots are of sufficient size to support ongoing agricultural uses and limit potential incompatible uses.

The existing property is 14.97 ha in size and is already considered undersized. The woodlands and wetlands that formed part of the original Crown surveyed lot were historically conveyed to the Saugeen Valley Conservation Authority. The applicant is now proposing to sever the residential dwelling and to retain the remaining farmlands for agricultural purposes. This would further reduce the size of the farm parcel to +/-14.77 ha.

It is the opinion of County staff that this proposed undersized lot maintains the overall intent of the agricultural policies. The lot is already smaller than the minimum size noted above. The farmable area will continue to be farmed in the same manner. The area is currently farmed with the lands to the immediate south, but these parcels are treated separately for the purposes of this application due to the unopened road allowance between them. The proposal will allow the applicant to sever a house that is surplus to their needs while contributing to the ongoing viability of their farm operations.

An amendment to the Bruce County Official Plan was previously approved to allow for an undersized agricultural lot for the reasons noted above. An amendment to the Zoning By-

law is now also required to recognize the undersized parcel. This is supported by County and Municipal staff.

Severed Non-Farm Lot Size

The lands to be severed are also limited in size to accommodate the residence, a well and the existing sewage disposal system. The lot size and shape were based on the extent of the manicured area around the existing home. In this case, the severed lot will be +/-0.2 ha in area.

Proposed lots less than 0.4 ha in size typically trigger the need for a nitrate assessment to ensure no impacts to groundwater quality, but a minimum lot size is not identified for surplus farm dwelling severances in the Agricultural Areas designation of the County Official Plan. The intent is to ensure as little land as possible is removed from agricultural production. Impacts to groundwater quality at adjacent receptors are also not anticipated in agricultural areas (e.g., a new residence with a well cannot be constructed on the retained farmlands).

This lot size is less than the 0.5 ha minimum identified in the Municipality of Brockton's Zoning By-law. An amendment to the Zoning By-law is also required to recognize the undersized non-farm lot. Municipal staff identified no concerns with the proposed lot size.

Required Zoning By-law Amendments

The proposed severed non-farm parcel will be rezoned from A1 - General Agriculture to A1-118 - General Agriculture Special with the following provisions:

- Allow a minimum lot area of +/-0.2 ha instead of 0.5 ha;
- Limit the number of nutrient units to 1.25 units per hectare; and
- Recognize any existing buildings and structures which do not comply with the provisions of the By-Law. All future buildings and structures, or additions to existing buildings and structures, will need to comply with the provisions of the By-Law.

The proposed retained farm parcel will be rezoned from A1 - General Agriculture to A1-119 - General Agriculture Special with the following provisions:

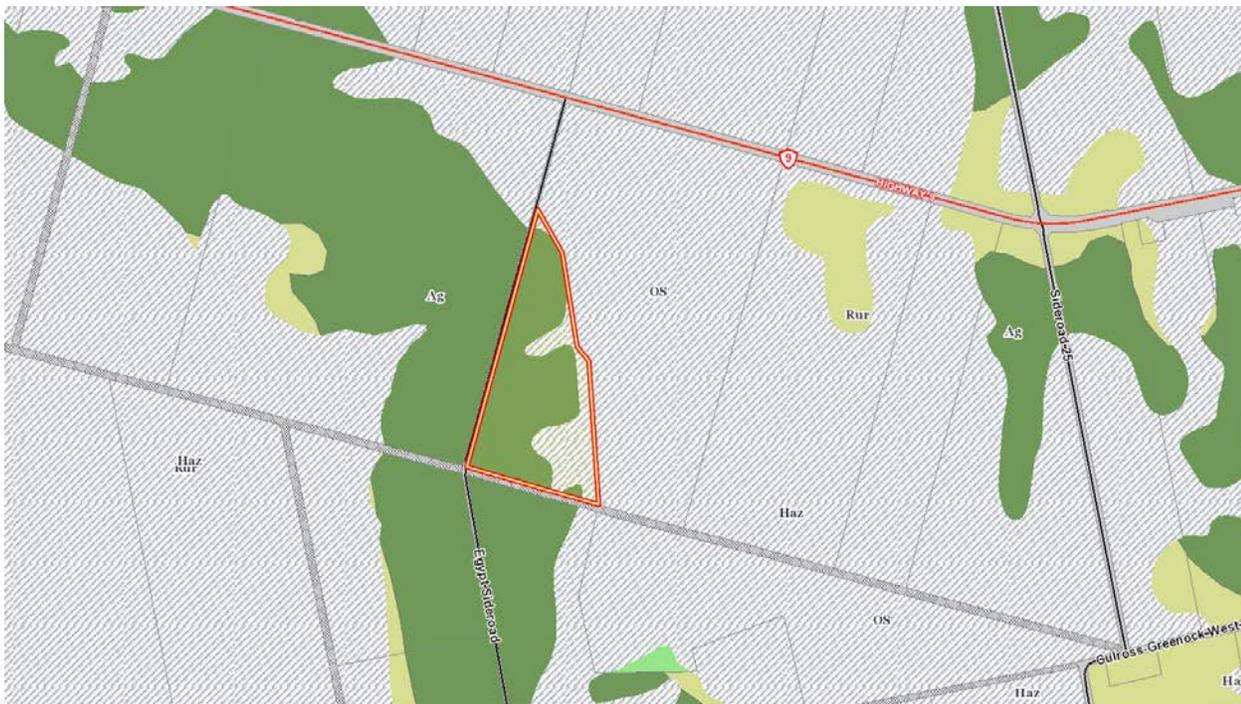
- Prohibit an accessory detached dwelling; and
- Allow a minimum lot area of +/-14.77 ha instead of 39 ha.

The EP - Environmental Protection and EP-1 - Environmental Protection Special zones will remain unchanged.

Appendices

- County Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Notice
- Draft By-law and Schedule

County Official Plan Map (Designated Agricultural Areas, Rural Areas, Hazard Land Areas)



Local Zoning Map (Zoned A1 - General Agriculture, EP - Environmental Protection, EP-1 - Environmental Protection Special)



List of Supporting Documents and Studies

- Location Plan
- Surplus Farm Dwelling Severance Information Sheet
- Property and Tax Information

Agency Comments

Municipality of Brockton: No comment.

Hydro One Networks Inc.: No comments or concerns at this time. This preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only. For proposals affecting 'Low Voltage Distribution Facilities', the applicant must consult the local area Distribution Supplier.

Ministry of Transportation: The property is located outside of the Ministry of Transportation (MTO) permit control area, as such, MTO permits are not required.

Bruce-Grey Catholic District School Board: No comments.

Saugeen Valley Conservation Authority (attached): The proposed application is acceptable.



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: CJSmith@brucecounty.on.ca and bcplwa@brucecounty.on.ca

July 21, 2021

County of Bruce Planning & Development Department
30 Park Street
Walkerton, Ontario
N0G 2V0

ATTENTION: Coreena Smith, Planner

Dear Ms. Smith,

RE: Proposed Zoning By-law Amendment Z-2021-039, Proposed Consent to Sever Land B-2021-049, and Bruce County Official Plan Amendment C-2021-009 (Wylds)
41 Egypt Sideroad
South Part Lots 17 & 18 Concession 1SDR
Roll Number: 410431000102900
Geographic Township of Greenock
Municipality of Brockton

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted applications as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA), dated September 2019, with the County of Bruce representing natural hazards, natural heritage, and water resources; and the application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose of the applications are to facilitate the severance of a +/- 0.2 hectare (h) surplus farm dwelling lot from a 14.97 ha agricultural parcel. Amendments to the County Official Plan and local Zoning By-law are required to facilitate the consent.

Recommendation

The proposed applications are acceptable to SVCA staff.



Watershed Member Municipalities
Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the applications through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the applications through our responsibilities as a service provider to the County of Bruce in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, natural heritage, and water resources as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard features affecting the property are the wooded wetlands surrounding the property and low-laying areas throughout the property. It is SVCA staff's opinion that the Hazard Lands designation as shown on Schedule A to the Bruce County OP and the Environmental Protection (EP) Zone as shown in the Municipality of Brockton Zoning By-law 2013-26, generally coincides with SVCA Hazard Lands as mapped by the SVCA. It is the opinion of SVCA staff that the mapping is appropriate to represent the low-laying areas that are subject to overland water flow and flooding.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the applications comply with Section 3.1. of the PPS, 2020.

County of Bruce OP Policies

Section 5.8 of the County of Bruce OP generally directs development to be located outside of Hazardous Land Area. It is the opinion of SVCA staff that the applications appear to be consistent with the policies of the Bruce County OP.

Natural Heritage:

Based on SVCA staff's desktop review, it is our opinion that the natural heritage features affecting the property include: provincially significant wetlands (PSW), significant woodlands, an area of natural and scientific interest (ANSI), significant wildlife habitat, and habitat of endangered species and threatened species.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in provincially significant wetlands (PSW), significant woodlands, areas of natural and scientific interest (ANSI), significant wildlife habitat, and habitat of endangered species and threatened species, and the adjacent lands to the above referenced features except as in accordance with the specified policies found in Section 2.1.

Bruce County OP Policies

Significant Wetlands

Part of Greenock Swamp PSW is located on lands adjacent to the property. PSWs are shown on Schedule C: Constraints of the County of Bruce OP. Section 4.3.2 of the Bruce County OP states in part that development and site alteration shall not have an impact on wetlands, unless it has been demonstrated through an acceptable Environmental Impact Study (EIS) that there will be no negative impacts to the wetland or its ecological functions. SVCA staff are of the opinion that the negative impacts to the wetlands as a result of the proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address the wetlands based on the proposal.

Significant Woodlands

Although there is no County-wide mapping for significant woodlands, SVCA staff is of the opinion that the woodlands located on the lands adjacent to the property are considered significant woodlands. SVCA staff notes that significant woodlands are not determined based on property boundaries, nor are they considered interrupted by standard road allowances or roadways. Furthermore, Ministry of Natural Resources and Forestry (MNRF) mapping shows forest cover of 30-40% for the Geographic Township of Greenock. However, according to Section 4.3.2.6.2ii of the Bruce County OP, there is no requirement for the preparation of an EIS to address the woodlands, based on the proposal.

Significant Wildlife Habitat

While there is no County-wide mapping of significant wildlife habitat, it has come to the attention of SVCA staff that significant wildlife habitat may be located on and/or on lands adjacent to the property. Section 4.3.2.10 of the Bruce County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, or their adjacent lands, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the natural features or their ecological functions. SVCA staff are of the opinion that the negative impacts to significant wildlife habitat as a result of the proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address significant wildlife habitat.

Greenock Swamp Life Science ANSI

ANSIs are shown on Schedule C: Constraints of the County of Bruce OP. Section 4.3.2 of the Bruce County OP states in part that, generally, ANSIs are to be protected and that development and site alteration shall not have an impact on ANSIs, unless it has been demonstrated through an acceptable EIS that there will be no negative impacts to the ANSI or its ecological functions. SVCA staff are of the opinion that the negative impacts to the ANSI as a result of the proposal will be negligible, and SVCA staff are not recommending the preparation of an EIS at this time to address the ANSI based on the proposal.

Habitat of Endangered Species and Threatened Species

Although not mapped in the Bruce County OP, it has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on and/or on lands adjacent to the property. Section 4.3.2.7 of the Bruce County OP states in part that development will not be permitted within habitat of endangered species and threatened species, and their adjacent lands. It is the role of the SVCA to identify habitat of endangered species and threatened species through a screening process in consideration of the PPS, 2020 and local policies, however it is the responsibility of the owner/applicant to ensure the endangered species and threatened species policy referred to in the PPS, 2020 has been appropriately addressed. Please contact the Ministry of Environment, Conservation and Parks (MECP) for information on how to address this policy. MECP inquiries can be addressed to SAROntario@ontario.ca.

Statutory Comments

SVCA staff has reviewed the applications as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

The majority of the property, including the entirety of the parcel proposed to be severed are within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area may require permission from SVCA, prior to carrying out the work.

"Development" as defined under the *Conservation Authorities Act* means:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind;*
 - b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;*
 - c) *site grading; or,*
 - d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*
- And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine where the SVCA Approximate Screening Area is located associated with our Regulation on the parcel to be retained, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. For the property, the SVCA Approximate Screening Area is representing the PSW on the lands adjacent to the property, and any low area adjacent to the wetland, plus an offset distance of 120 metres outwards from the wetlands, as well as any low laying floodplain areas on the property plus an offset distance of 30 metres outwards from the floodplain.

SVCA Permission for Development or Alteration

If future development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the SVCA Approximate Screening Area on the property, the SVCA should be contacted, as permission may be required.

SVCA would request to be contacted should agriculture tile drainage be proposed on the property to ensure that impacts to any wetlands are addressed.

Summary

SVCA staff has reviewed the applications in accordance with our MOA with the County of Bruce, and as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*. Please provide a copy of this letter to the owner/applicant so that he is aware of SVCA's Regulation that is applicable to portions of the property.

The applications are acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated, with the exception of habitat of endangered species and threatened species which must be addressed by the applicant/landowner.

Please inform this office of any decision made by the Municipality of Brockton and/or the County of Bruce with regards to the applications. We respectfully request to receive a copy of the decisions and notices of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Fiona Hamilton, Clerk, Municipality of Brockton (via email)
Dan Gieruszak, Authority Member, SVCA (via email)



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



June 30, 2021

File Numbers: C-2021-009 & Z-2021-039

Public Meeting Notice

You're invited:

On-line Public Meeting to consider
Bruce County Official Plan Amendment file C-2021-009
Thursday, August 12, 2021 at 9:30 am; and

On-line Public Meeting to consider
Zoning By-law Amendment file Z-2021-039
Tuesday, September 14, 2021 at 7:00 pm

A change is proposed in your neighbourhood: The purpose of the application is to facilitate the severance of a +/- 0.2 ha surplus farm dwelling lot from a 14.97 ha agricultural parcel. Amendments to the County Official Plan and local Zoning By-law are required to facilitate the related consent (file # B-2021-049).



41 EGYPT SIDEROAD
CON 1 SDR
S PT LOTS 17 & 18
(Greenock)
Municipality of Brockton
Roll Number
410431000102900

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

Learn more

You can view more information about the application at <https://brucecounty.on.ca/living/land-use>. Our staff would be pleased to connect with you by email (bcplwa@brucecounty.on.ca) or phone (226-909-5515). Once our offices re-open, information about the application will be available in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Coreena Smith

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda.

Before the meetings: You can submit comments by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the applications. Comments will be provided to the Committee and Council for its consideration.

On the day of and during the Bruce County Official Plan Amendment Public Meeting you can participate by telephone. Please call or email the County as above to make a request and provide a number that we can reach you at during the meeting. You can also submit a comment to

publicmeetingcomments@brucecounty.on.ca

Comments received by email at this address before the end of the public input portion of the meeting for this application will be read into the record.

On the day of and during the Zoning By-law Amendment Public Meeting you can participate electronically or by telephone.

How to access the County public meeting

As a result of the COVID-19 Pandemic, the County Public Meeting will be held in electronic format.

The agenda and a video livestream will be publicly streamed from the County of Bruce website. on August 12, 2021. Following the meeting, a video will be posted to the same site. You can access the agenda and the livestream at this link:

<https://brucecounty.on.ca/government/agendas-and-minutes>

How to access the Municipality of Brockton public meeting

As a result of the COVID-19 Pandemic, the Municipality of Brockton council meetings are being held in electronic format.

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

On September 14, 2021 at 7:00 pm, Click the link below to join the webinar:

<https://us02web.zoom.us/j/87876201098?pwd=aG11QzRwODZlWGxnbTNWOWVXTDILUT09>

Passcode: 565483

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 647 558 0588 or +1 778 907 2071 or +1 204 272 7920 or +1 438 809 7799 or +1 587 328 1099 or +1 647 374 4685

Webinar ID: 864 4768 5476

Passcode: 461581

International numbers available: <https://us02web.zoom.us/j/kdhprjbA2I>

Please visit the municipal website at: <https://www.brockton.ca/en/our-services/Current-Council-Meeting-Agenda.aspx>, or contact the Municipality of Brockton at fhamilton@brockton.ca or 519 881 2223 ext 124 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

Section 17(36) of the [Planning Act](#) outlines rights of appeal for Official Plan Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the County of Bruce to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the proposed official plan (or official plan amendment) is adopted, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce County Planning Department before the proposed official plan (or official plan amendment) is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Municipality of Brockton to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Bruce

COVID-19 Notice: Bruce County Planning offices are closed to the public until further notice. Our staff would be pleased to connect with you by email or phone.

County Planning Department before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Bruce County Planning Department before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

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Site plans

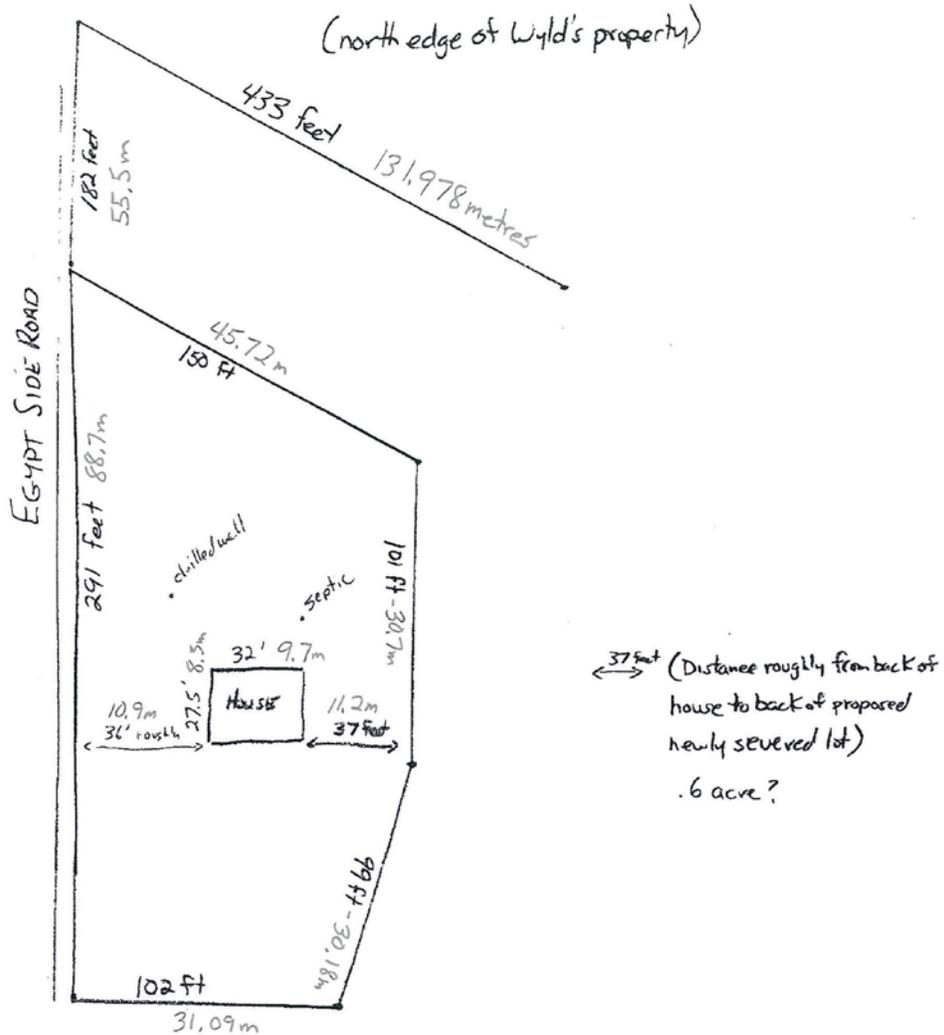


← WEST # 9 HWY EAST →

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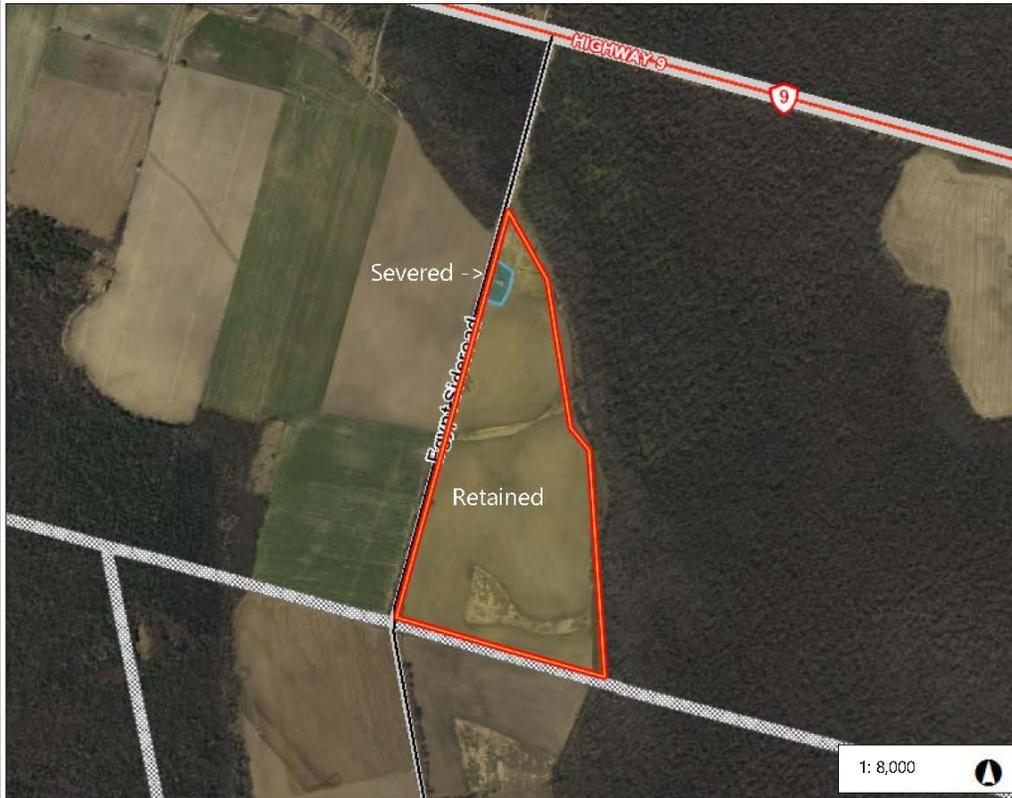
APR 01 2021

**BRUCE COUNTY
PLANNING**



* Not to scale, proposal is roughly the size of the existing yard where the grass has been close to that maintained by resident. Measurements are rough.

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Legend

- Rural Community point
- Ferry
- Provincial Highway
- County Road
- Municipal or Other Road
- RoadROW
 - Private Road Allowance
 - Right-of-Way
 - Road Allowance or Condo Road
 - Unopened Road Allowance

1: 8,000

Notes

0.4 0 0.20 0.4 Kilometers

NAD_1983_UTM_Zone_17N
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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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