

Attachment # 5

Conditions of Approval

File SW-2017-05

1. The Subdivider shall prepare the final plan for the development on the basis of the approved draft plan of subdivision, prepared by Gatzios Planning + Development Consultants Inc. identified as Project & Drawing No. 1318.0 dated April 17, 2017, revised January 30, 2019, which illustrates: one high density residential mixed use block and one open space block.
2. The Subdivider shall submit to the Regional Municipality of Durham for review and approval, a revised acoustic report prepared by an acoustic engineer based on projected traffic volumes provided by the Region of Durham Planning and Economic Development Department, and recommending noise attenuation measures for the draft plan in a development agreement in accordance with the Ministry of the Environment, Conservation and Parks guidelines. The Subdivider shall agree in the Subdivision Agreement to implement the recommended noise control measures. The agreement shall contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda thereto) and shall include any required warning clauses in the acoustic report. The Subdivider shall provide the Region with a copy of the Subdivision Agreement containing such provisions prior to final approval of the plan.
3. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Regional Municipality of Durham in accordance with the Region's Site Contamination Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
4. The Subdivider shall submit plans showing any proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
5. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development and these easements shall be in locations and of such widths as determined by the Region.

6. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan, which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Regional Municipality of Durham. All arrangements, financial and otherwise for said extensions are to be made to the satisfaction of the Regional Municipality of Durham, and are to be completed prior to final approval of this plan.
7. Prior to entering into a subdivision agreement, the Regional Municipality of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
8. The Subdivider shall satisfy all requirements, financial and otherwise, of the Regional Municipality of Durham. This shall include, among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads, bridge works and other services.
9. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from, the Town of Whitby and Central Lake Ontario Conservation Authority for reports describing the following:
 - a) The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management systems must be designed and implemented in accordance with the recommendations of the Pringle Creek Master Drainage Study.
 - b) A peer review of the Dockside Coastal Assessment (June 2017) prepared by Shoreplan Engineering Limited be completed by a qualified coastal engineer to the satisfaction of Central Lake Ontario Conservation Authority.
 - c) The intended means to floodproof the developable lands to result in the provision of safe access/egress and no negative impact to any adjacent lands. This shall include additional hydraulic analysis, the results of the approved detailed design of the Brock Street Bridge Environmental Assessment, as well as any required improvements to Water Street to provide safe access/egress.
 - d) The intended means to maintain appropriate water balance to the adjacent hydrologic features (i.e., wetlands and watercourse) as part of this development.

- e) The intended means whereby groundwater recharge shall be maintained at predevelopment levels over the site, especially within Ecologically Sensitive Groundwater Recharge Areas (ESGRA's) through the use of Low Impact Development measures (LID's). LID's shall be designed to the satisfaction of the Central Lake Ontario Conservation Authority. Where infiltration trenches are proposed, the design shall be supported with insitu infiltration tests.
 - f) A long-term monitoring plan to evaluate the effectiveness of LID measures being utilized on the site for a minimum of two years, or continued monitoring until monitoring results are available from 4 rain events greater than 15mm, and 2 rain events greater than 25mm.
 - g) The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body because of on-site, or other related works.
 - h) The intended means of site remediation related to the identified contaminated soils, including dewatering, mitigation of any anticipated impacts to adjacent hydrologic features such as wetlands and watercourses, as well as planting/restoration plans. Any development or site alteration within an area regulated through Ontario Regulation 42/06 will require a permit from CLOCA.
 - i) The intended means to minimize, mitigate and compensate for any unavoidable natural heritage impacts related to the installation of sanitary services within the future Harbour Street Extension right of way.
 - j) Landscape restoration and buffer planting plans.
 - k) The means whereby recommendations within the Environmental Impact Study (CIMA April 2018) related to Aquatic Habitat Enhancement, Bird Friendly Building Design, Landscaping/Streetscaping, Homeowner Education and Road Signage will be incorporated into the building and site design.
 - l) The intended means to develop and implement a monitoring program for bird and building interactions.
10. The Subdivider shall covenant and agree in the Subdivision Agreement or in the Pre-Servicing Agreement, whichever comes first, that a report assessing the flood hazard and erosion risk will be submitted to CLOCA which demonstrates, to CLOCA's satisfaction, that the completion of the following activities during the Brock Street Bridge removal and replacement process, including prior to removal, will not affect the control of flooding, erosion, or in the event of a natural

hazard, will not jeopardize the health or safety of persons or result in the damage or destruction of property:

- a) any proposed earthworks, grading, placing of fill or removal of fill within Block A
- b) below ground servicing infrastructure within Block A
- c) below ground building construction within Block A

No earthworks, grading, placing of fill, removal of fill, below ground servicing or below ground building construction shall be undertaken until CLOCA is satisfied with this report, and the Town shall not issue its approval for any such site works until CLOCA has notified it in writing of satisfaction of this condition.

11. The Subdivider shall covenant and agree in the Subdivision Agreement and in the Site Plan Agreement, whichever comes first, that:
 - a) Full building permits for above ground structures will not be issued until such time as the commissioning date for the replacement Brock Street Bridge, in accordance with the approved Environmental Assessment Report, has been confirmed in writing by the Region of Durham or Town of Whitby as the case may be, and, the Subdivider has provided written confirmation with an accompanying land survey to CLOCA that the property has been floodproofed as per a CLOCA approved floodproofing plan and safe access for vehicular and pedestrian traffic is available to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) Occupancy permits for any building or structure will not be issued until such time as the replacement Brock Street Bridge is operational and accessible to the public.
12. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06 of the Conservation Authorities Act.
13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.
14. Block B shall be dedicated to an appropriate public body.
15. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:
 - a) The Subdivider agrees to complete any site restoration and buffer planting plans in conformity with the recommendations within the Environmental Impact Study (CIMA, April 2018) within one (1) year of completion of the soil remediation plan or as otherwise agreed to with CLOCA.

- b) The Subdivider agrees to develop Block A through site plan control in accordance with the recommendations within the Environmental Impact Study (CIMA, April 2018) to the satisfaction of CLOCA.
 - c) The Subdivider agrees that prior to any street connection or extension to Harbour Street, that an appropriate comprehensive environmental study will be completed through the Environmental Assessment Act or other appropriate comprehensive environmental study to the satisfaction of CLOCA.
 - d) The Subdivider agrees to carry out the works referred to in Conditions 9 a) to l) to the satisfaction of the Central Lake Ontario Conservation Authority.
 - e) The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
 - f) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.
16. That the Subdivider provide cash-in-lieu of parkland dedicated at a rate of 1 hectare per 312 dwelling units, which is consistent with the Town's Official Plan policy 4.9.4.3 a) and the Department's standard practice. In the alternative, should the draft plan of subdivision be approved after such date as the relevant provisions of the "More Homes, More Choices Act, 2019 S.O. 2019, C. 9-Bill 108" take effect regarding cash-in-lieu of parkland and community benefits charges, then the Subdivider shall satisfy its parkland contribution through payment pursuant to the Town's Community Benefit Charge By-law as permitted by the Planning Act and its regulations. Parks Division staff recommend that the monetary amount of cash-in-lieu of parkland dedication generated from the proposed development be utilized within the Port Whitby community and potentially be used to fund future Port Whitby parks capital projects that would include Shirley Scott Park and the waterfront trail.
17. The Subdivider shall convey Block B as Open Space to the Town. The land shall be conveyed free and clear of any soil contamination or environmental concerns. The conveyance of these blocks would not contribute to parkland dedication calculations.
18. The Parks Division will require a 1.2 metre high black vinyl chain link standard park fencing to be installed, where appropriate, between dedicated public open space blocks, environmental sensitive areas, and private lots.
19. The Waterfront Parks and Open Space Master Plan adopted by Council identifies a potential secondary trail connection through the length of Harbour Street / spur line corridor to Water Street. If this connection is to be created, a three (3) metre

wide asphalt multi-use path from Brock Street South, along an internal street on the north side of Block A, to Harbour Street extension shall be installed by the Subdivider.

20. That the Subdivider enter into a Subdivision Agreement, and a future Site Plan Agreement and a future Condominium Agreement with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.
21. The required noise mitigation measures and warning clauses shall be included in the Subdivision and Site Plan Agreements.
22. The Subdivider shall provide a Canada Post approved Community Mail Box/Postal Distribution Plan for the development.
23. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
24. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Environmental Impact Study and Addendums	Yes	Yes	Yes
Functional Servicing Report and Addendums	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Feasibility Study	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Stage 1 Archaeological Assessment	Yes	Yes	-
Transportation Study and Addendums	Yes	Yes	-
Urban Design Guidelines	Yes	-	-

25. The Subdivider shall provide a Firebreak / Block Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
26. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage, and other local services.

27. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
- a) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7 and 8 have been satisfied.
 - b) The Central Lake Ontario Conservation Authority, how conditions 9, 10, 11, 12, 13, 14 and 15 have been satisfied.

Note:

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.