

Attachment #11
Conditions of Draft Plan of Subdivision Approval
File No. DEV-38-21 (SW-2021-13)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of subdivision, prepared by Bousfields Inc., dated October 2021, which illustrates 1 medium density residential block and 1 road widening block.
2. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
3. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region of Durham.
4. 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 Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham and are to be completed prior to final approval of this plan.
5. Prior to entering into a subdivision agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
6. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region 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, and other regional services.
7. The Subdivider shall submit Environmental Site Assessment documents, including confirmation that a Record of Site Condition was filed on the Ministry of the Environment, Conservation and Parks Environmental Site Registry to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.

8. The Subdivider shall prepare a Land Use Compatibility Analysis to the satisfaction of the Regional Municipality of Durham and the Town of Whitby, which demonstrates how future residential uses will be appropriately designed, buffered and/or separated from existing adjacent industrial facilities to prevent or mitigate any potential adverse effects.
9. The Subdivider shall agree in an Agreement with the Town of Whitby to implement the Acoustical Consultant's recommendations from a noise report, which specifies noise attenuation measures for the development. These measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e., author, title, date, and any revisions/addenda) and shall include warning clauses identified in the study.
10. The Subdivider shall carry out an archaeological assessment of the subject site and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry.
11. The Subdivider shall convey to the Regional Municipality of Durham, free and clear of all encumbrances, a road widening along Hopkins Street, shown as Block 2, on the approved draft plan of subdivision, prepared by Bousfields Inc., dated October 2021.
12. 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 the 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 facilities must be designed and implemented in accordance with the recommendations of the Corbett Creek Master Drainage Study.
 - b) 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 as a result of on-site, or other related works.
 - c) the intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.

14. The subdivision agreement between the Subdivider and the Town of Whitby shall contain, among other matters, the following provisions:

- a) The Subdivider agrees to carry out the works referred to in Condition 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
- b) 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.
- c) In order to expedite clearance of Condition 14 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.

15. The below condition shall be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

16. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be responsible for the fees associated with the preparation and registration of the Agreements, including any review required by Legal Services.

17. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for external services and / or the oversizing of services if required.

18. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.

19. The Subdivider shall provide a Firebreak Lot/Block plan, hydrant location plan, and fire route plan to the satisfaction of the Whitby Fire and Emergency Services Department.
20. That the proposed homes to be located on the subject land shall be subject to review by the Control Architect.
21. Cash-in-lieu of parkland is required for this development at a rate in accordance with the Planning Act. A land appraisal will be required for review and approval by the Town. This condition will be deferred to the Site Plan application.
22. That the new home construction be designed to meet the Energy Star standards or equivalent.
23. Any financial securities required of the development shall be provided as specified by the Town's Corporate Services Department and shall not include bonds.
24. 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.
25. Through the Site Plan/ Plan of Subdivision Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the applicant.
26. 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 1-11 have been satisfied; and,
 - b) The Central Lake Ontario Conservation Authority, how conditions 12-14 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. This 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 Section 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 the request, shall apply.