

Conditions of Draft Plan of Subdivision Approval File SW-2022-03

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of S-W-2022-03, prepared by Bousfields Inc., identified as drawing number 2121-35dp, dated April 4, 2023, which illustrates 18 single-detached units, 1 block for medium density residential, 1 open space block and 1 road widening block.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval if this subdivision is to be developed by more than one registration.
4. 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.
5. 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.
6. 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.
7. 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.
8. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.

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9. Prior to the finalization of this plan of subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment 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.
10. The Subdivider shall submit to the Region 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 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 identified 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.
11. That prior to any on-site grading, construction or final approval of the plan, the Subdivider shall submit to and obtain approval from Central Lake Ontario Conservation Authority for reports and plans describing the following:
 - a. The intended means of conveying stormwater from the site, consisting of stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Pringle Creek Master Drainage Plan and CLOCA Technical Guidelines for Stormwater Management Submissions.
 - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (e.g., wetlands, watercourses) to the satisfaction of Central Lake Ontario Conservation Authority.
 - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development. This includes the completion of in-situ infiltration testing and seasonal high groundwater monitoring in the location of the proposed facilities to ensure that they will function as designed.

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- d. 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 suspended solids in any water body because of on-site, or other related works.
 - e. The intended means to provide restoration and ecological enhancement within the Open Space Block 20 to the satisfaction of Central Lake Ontario Conservation Authority and Town of Whitby. A letter of credit for the value of implementation of this plan will be held by the Town of Whitby until the warranty period expires on the planted materials.
12. That the Subdivider agrees that prior to registration of the subdivision the approved Restoration and Ecological Enhancement Plans for Block 20 will be implemented to the satisfaction of Central Lake Ontario Conservation Authority and the Town of Whitby. Given access to this Block may be restricted once construction of the buildings occurs, it is recommended that implementation occur prior to construction commencing and access to this area be restricted thereafter.
13. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of Block 20 and any residential lands, to prevent any direct entry of land Subdividers/occupants from private lands into this Block. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
14. That the Subdivider shall agree to dedicate Open Space Block 20 to an appropriate public body.
15. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 42/06, or any successor regulations made under the Conservation Authorities Act.
16. 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.
17. 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 Conditions 11 and 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 measures operating and in good repair

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during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.

- c. 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.

18. The Subdivider shall convey the following to the Town:

- a. Block 20 for Open Space; and
- b. Block 21 for Road Widening on Garden Street.

19. The Subdivider shall provide an Environmental Constraints Plan (ECP) showing development limits along Natural Heritage System (NHS) areas. The development limits shall be based on environmental features/constraints, including a floodline and shall be established using all applicable environmental buffers/setbacks. The ECP shall include a Town's 6.0m wide access corridor which must be located outside of all environmental features, including the floodline. The corridor shall not contain any new plantings and shall be accessible for Towns' service vehicles.

Any change to the lot lines adjacent to the NHS (i.e., development limit) must be reflected in the Draft Plan prior to final approval.

20. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.

21. The Subdivider shall be responsible for full restoration along the development frontage of existing Robert Attersley Drive. This includes, but is not limited to, reconstruction of sidewalks and curbs, full restoration of pavement (curb-to-curb) and relocation of any existing road catchbasins outside of any proposed new driveways.

22. The Subdivider shall provide a Construction Management Report and Plan(s) to the Town's satisfaction that includes, but is not limited to, a neighborhood communication strategy, construction traffic route, schedule and mud and dust control best management practices.

23. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on

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any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.

24. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment Report and revise the plan as required to accommodate recommended noise control measures prior to registration.
25. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property Subdividers.
26. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.
27. The Subdivider shall ensure all private properties are protected from flooding limits at low points and points of major system flow convergence along the municipal road system. If required, the plan for registration shall be revised accordingly to provide said flood protection.
28. All community mailboxes within the public right-of-way shall be placed adjacent to the sidewalk location. All community mailboxes for the private developments shall be located within private properties.
29. Construction phasing of the development shall be to the satisfaction of the Engineering Services and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
30. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement.
31. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as

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daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.

32. All plan and profile drawings shall indicate the seasonal high water table elevation and the corresponding Minimum Basement Elevation, all to be confirmed by Hydrogeological Consultant and accepted by Central Lake Ontario Conservation (CLOC). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
33. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon, if applicable.
34. The Subdivider shall provide the Town with a full electrical design (i.e., primary, secondary and streetlight design) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15 percent administrative fee. The existing lighting levels shall be maintained and consistent with the existing Robert Attersley Drive streetlighting design.
35. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID (low impact development) measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need/thickness of the impervious membrane or synthetic clay lining, foundation construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.
36. The Subdivider shall provide an assessment of dead, dying, diseased and/or over mature trees along the edge of the natural areas for pruning or topping purposes to address safety and liability concerns. The Report must include details for the protection, enhancement, and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to the registration of the plan.
37. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full

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engineering approvals, any remaining deposit will be returned to the Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.

38. The Subdivider shall be responsible to enter into a separate agreement(s) with benefiting parties, to which the Town is not a party, to address cost sharing for external services and/or the oversizing of services if required.
39. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e., siting) to each lot purchaser prior to closing.
40. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
41. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
42. The Community Services Department, Parks Division will require cash-in-lieu of parkland dedication in accordance with the Planning Act, as amended.
43. The Community Services Department, Parks Division will require cash-in-lieu for the installation of Town standard post and wire farm fence along the north property line of Open Space Block 20.
44. Block 20 be dedicated to the Town as Open Space free and clear of any encumbrances.
45. Enhancement and restoration planting shall be installed, in the forested gaps within Block 20 Open Space Block, to the Towns satisfaction.
46. The Community Services Department, Parks Division will require 1.2 metre black vinyl chain-link Town standard.
47. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mailboxes or Lock Box Assemblies (Mail Room). The Subdivider will indicate these locations on the appropriate servicing plans.
48. 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 Agreement, including any review required by Legal Services.
49. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
50. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.

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51. 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	Yes	Yes	Yes
Functional Servicing and Stormwater Management Report	Yes	Yes	-
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Phase One and Two Environmental Site Assessment	Yes	Yes	-
Stage 1 Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-
Transportation Study	Yes	Yes	-

52. 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.
53. 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, 8, 9 and 10 have been satisfied.
 - b. The Central Lake Ontario Conservation Authority, how conditions 11, 12, 13, 14, 15, 16 and 17 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 extension has been granted, draft approval will lapse under Section 51(32) of the Planning Act, RSO, 1990, as amended. If the Subdivider 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

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to the lapsing date. A processing fee in effect at the time of the request, shall apply.