

Attachment #9  
Conditions of Draft Plan Approval  
DEV-27-22 (SW-2022-06)

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 GHD, identified as project number 12630859, dated April 8, 2025, which illustrates 134 single-detached units, 173 townhouse units, 5 walkway blocks, a future right-of-way block, and roads.
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 of Durham and the Town of Whitby 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 agree in the Town of Whitby's Subdivision Agreement to implement the recommendations of the "Noise Feasibility Study," prepared by HGC Noise Vibration Acoustics, dated February 6, 2025, which specifies noise attenuation measures for the development. The 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 any required warning clauses identified in the study.
9. The Subdivider shall carry out an archaeological assessment of the subject lands and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Citizenship and Multiculturalism. No grading or other soil disturbance shall take place on the subject land prior to a letter of clearance from the Ministry of Citizenship and Multiculturalism.
10. 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 based on stormwater techniques which are appropriate and in accordance with provincial guidelines as well as in conformity with the recommendations found within the Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 3C.
  - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features as part of this development. This includes agreeing to an appropriate pre-development infiltration condition and providing effective post development infiltration techniques to match this target.
  - c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
  - 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 because of on-site, or other related works.
  - e. A natural hazard constraints plan that clearly illustrates that all proposed development (including grading) is outside of these development limits to the satisfaction of Central Lake Ontario Conservation Authority.

11. The Subdivider agrees that Restoration Planting Plans will be provided and approved by the Town and Central Lake Ontario Conservation Authority to restore any disturbed areas and advance the establishment of native species within all former agricultural fields and buffer areas adjacent to natural hazard lands and related features.
12. That the Subdivider shall agree to install all approved planting and restoration plans identified within the Restoration Planting Plans to the satisfaction of the Town of Whitby and Central Lake Ontario Conservation Authority. All planted areas will be protected with appropriate fencing to avoid any disturbance to this area during subsequent construction.
13. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
14. 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.
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 carry out the works referred to in Condition 10 and 11 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 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.
  - d. In order to expedite clearance of Condition 15, a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Conservation Authority.
16. That prior to final approval, the Subdivider shall submit to the Ministry of Transportation for their review and approval, a copy of a drainage/storm water management plan /report indicating the intended treatment of the calculated runoff.

17. Prior to final approval, the owner must submit to the Ministry of Transportation for their review and approval, a copy of a traffic impact study. MTO requires a Master Traffic Impact Study that complies with the Guidelines set forth in MTO's Guidelines for Traffic Impact Statements. As this area is being intensified, particular adherence to Part 2 – Multiple Development Traffic Impact Studies Information should be followed. Please have the proponent confirm the reports have been carried out by RAQS approved contractors/consultants. All works within the Provincial right-of-way shall be carried out by RAQS qualified contractors.
18. Prior to final approval, the Subdivider must submit to the Ministry of Transportation for their review and approval, a copy of the Photometric Lighting Plan (in metric LUX units) for MTO review and approval. The plan must illustrate proposed lighting and any light spillage on the Provincial Highway lands & associated service roads ROW.
19. For lots and blocks within 30 metres of the pipeline centreline (the "Prescribed Area"), the conditions, restrictions or covenants specified by Trans Canada Pipeline (TCPL) shall be included in a separate agreement between TCPL and the Proponent, and the Proponent shall register such agreement against title to the Subject Lands prior to registration of the subdivision plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.
20. The Town of Whitby shall circulate TCPL on the future Site Plan Applications for Blocks located within the Prescribed Area.
21. The Subdivider shall convey the following to the Town:
  - a. Block 163 to 167 for walkway blocks;
  - b. Block 168 for municipal use block/future public right-of-way (ROW).
22. The Subdivider shall implement all changes to the plan for registration resulting from recommendations and findings of the Municipal Class Environmental Assessment Brooklin North Major Roads EA (BNMREA) and the on-going Columbus Road Detailed Design Project including but not limited to the final right-of-way widths, servicing, grading, alignments, and horizontal and vertical designs of Columbus Road West.
23. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
  - a. 3.0m-wide asphalt multi-use path on the east side of Street E;

- b. 1.8m-wide concrete sidewalk on both sides of all other streets.

Further review and consideration of sidewalk placement is required and will be addressed through detail design/engineering.

24. 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.
25. The Subdivider shall revise unit lot lines, if required, to meet Town Standards for Block 155 along the +/- 90° bend within the plan to confirm adequate driveway layout (refer to Standard 411) with or without the eyebrows per Standard 406 and 406.10. Note that the eyebrows are not preferred by the Town and will be accepted only where required. The plan for registration must be revised to accommodate any required changes.
26. A plan shall be provided showing all road allowance widths, centreline radii, streetline radii, curb lines (at bends, cul-de-sacs, and intersections with angles less than 90 degrees), tangents, intersection angles/skew, visibility triangles and driveway locations (at bends and intersections) to ensure conformance to street classifications, Transportation Association of Canada (TAC) and Town of Whitby. This should be provided prior to or with the submissions of the detailed engineering drawings.  
  
The Subdivider shall be responsible for implementing any design elements and/or changes to the plan for registration required to address any sightline and/or alignment concerns.
27. The Subdivider shall provide a Pavement Marking and Signage plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.
28. The Subdivider shall provide a composite Traffic Calming Plan for all roads in the plan that includes, but is not limited to, area specific speed limits, speed humps, and raised intersections, for review and acceptance by the Director of Engineering Services.
29. Should the Subdivider proceed in advance of the adjacent developer, they shall construct Street E to the full extents and the full cross-section.

30. The Subdivider shall not commence the installation of any Town services within this subdivision until such time as the adjacent/downstream Subdivider(s) has constructed the required services to the common property line.
31. In the event that Street E is not constructed with the first phase of development, the Subdivider shall construct a temporary full movement vehicular access, designed to Town standards, at an alternate location along Columbus Road West all to the satisfaction of the Director of Engineering Services.
32. 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. Construction traffic shall be restricted to time windows that do not conflict with the typical peak school drop-off and pick-up times of the nearby school.
33. The Following Lots/Blocks shall be placed on hold:
  - a) Lots 1 to 25, 131 to 134 - until such time as the Street E is fully constructed;
  - b) Lot 106 and Block 144 – until such time as suitable municipal road frontage is constructed and available for use;
34. The Subdivider agrees that if at the time of detailed design, should the final traffic calming circle design identify need for additional property requirements, the Subdivider shall adjust property lines accordingly.
35. Due to the nature and design of the proposed traffic calming circle, driveway access may be restricted for some of the lots and units within the limits of the splitter islands. Purchase and sale agreements for the affected lots and units shall contain a warning clause to this effect to be registered on title.
36. 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.
37. 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 owners. Purchase and sale agreements for the affected lots and units with acoustic barriers shall contain a warning clause to this effect to be registered on title.

38. The Subdivider shall design and construct all regulatory black vinyl chain link fences to delineate Town blocks, and open spaces from private property in accordance with the relevant engineering standards.
39. 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.
40. Construction phasing of the development shall be to the satisfaction of the Engineering Services, shall consider adjoining developments, and shall provide for upstream and downstream road and servicing connectivity.
41. 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.
42. 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 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.
43. 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 Authority (CLOCA). The Subdivider shall protect all proposed private dwellings from the seasonal high-water table where applicable.
44. 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 accordingly.
45. 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 street lighting design shall include all right-of-way components including active transportation facilities, shall comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.

46. 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 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.
47. 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 engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
48. 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.
49. The Subdivider shall provide a copy of the approved individual lot grading plan (i.e. siting) to each lot purchaser prior to closing.
50. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
51. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
52. The Subdivider shall satisfy their obligations related to parkland dedication as required through a future North Brooklin Master Parks Agreement or other arrangement to the satisfaction of the Town. Parkland dedication will be



calculated at a rate in accordance with the Town's Parkland Dedication By-Law and the Planning Act.

53. The Subdivider agrees to install a 1.2 metre black vinyl standard park fence where any open space and park blocks abut residential lots.
54. The Subdivider shall provide a Tree Preservation Plan in coordination with an Erosion and Silt Control (ESC) fencing. The Tree protection fencing is to be inspected and approved by the Town in advance of any on-site grading works.
55. The Subdivider shall ensure all municipal trees proposed for removal are appraised by an ISA Certified Arborist. The appraisal will be reviewed by the Town Forestry staff and will inform any requirements for compensation for the loss of these trees, including cash contribution to the town's tree Reserve Fund.
56. The Subdivider shall, in advance of any tree clearing, provide the Town with evidence of permission for proposed removals offsite and on neighbouring properties.
57. The Subdivider shall provide the Town with a detailed Compensation Planting Plan/NHS Restoration and Enhancement Plan through a revised EIS. Once approved, a cost estimate is to be provided so the Town can secure these works through a Landscape Letter of Credit (LC). This LC must be provided in advance of the removal of any woodlots.
58. The Subdivider shall agree to install all approved planting and restoration plans identified within the Natural Heritage Restoration and Enhancement Plan to the satisfaction of the Town of Whitby and CLOCA, within the shouldering growing season of any approved removals or impacts. All planted areas will be protected with appropriate fencing to avoid any disturbance to this area during subsequent construction.
59. The Subdivider shall ensure the success and management of the Restoration Plan is monitored for a 3-year period by the Landscape Consultant. Annual inspections with and reporting to both the Town and CLOCA is required during this period.
60. The Subdivider shall convey protected and undevelopable lands to the Town where, in public ownership, the lands will be protected in perpetuity, as part of registering the subdivision. This includes the Greenbelt lands on the Mykinder property where compensation planting is proposed to occur. The Town requires the Subdivider to co-ordinate the submission of a 40R plan for these associated

lands. Should the Subdivider and Mykinder not agree to convey the lands to the Town, cash-in-lieu shall be provided.

61. The Subdivider shall ensure all adjacent boulevards are urbanized, top-soiled, fine-graded, sodded and provided with buffer tree planting.
62. The Subdivider shall ensure all black vinyl chainlink fences are designed and constructed in accordance with the relevant Engineering Standards to delineate Town blocks and Open spaces from private property.
63. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mail Boxes. The Subdivider will indicate these locations on the appropriate servicing plans.
64. 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.
65. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
66. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
67. Through the 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 proponent.
68. That the new home construction be designed to meet the Energy Star standards or equivalent.
69. 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
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Impact Study	Yes	Yes	-
Phase One Environmental Site Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-

Transportation Impact Study	Yes	Yes	-
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70. 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.
71. That the Subdivider covenants and agrees to enter into the cost sharing agreement amongst the benefitting landowners in accordance with Section 11.4.31.5 e) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 71 upon receipt of a letter of clearance from the "Trustee" representing the North Brooklin Cost Sharing Agreement.
72. 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 to 9 have been satisfied.
  - b) The Central Lake Ontario Conservation Authority, how Conditions 10 to 15 have been satisfied.
  - c) The Ministry of Transportation (MTO), how Conditions 16 to 18 have been satisfied.
  - d) The Trans Canada Pipeline (TCPL), how Condition 19 and 20 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.