

# Town of Whitby Staff Report

[whitby.civicweb.net](http://whitby.civicweb.net)



---

**Report Title:** Draft Plan of Subdivision and Zoning By-law  
Amendment Applications – Abacus Equity Infusion  
Limited – 7400 Thickson Road North, File Nos. DEV-  
03-20 (SW-2020-01, Z-02-20)

---

**Report to:** Committee of the Whole

**Date of meeting:** March 28, 2022

**Report Number:** PDP 22-22

**Department(s) Responsible:**

Planning and Development Department  
(Planning Services)

**Submitted by:**

R. Saunders, Commissioner of Planning  
and Development

**Acknowledged by M. Gaskell, Chief  
Administrative Officer**

**For additional information, contact:**

C. Geiger, Principal Planner, x. 2821

---

## 1. Recommendation:

1. That Council approve the Draft Plan of Subdivision (File No. SW-2020-01), subject to the comments included in Planning Report PDP 22-22 and the Conditions of Draft Approval included in Attachment #10;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision;
6. That Council approve an amendment to Zoning By-law 1784 (File Z-02-20), as outlined in Planning Report PDP 22-22;
7. That a By-law to amend Zoning By-law 1784 be brought forward for consideration by Council, and,

**8. That item number MD-6135 be removed from the 'New and Unfinished Business' list.**

**2. Highlights:**

- Abacus Equity Infusion Limited has submitted Draft Plan of Subdivision and Zoning By-law Amendment applications for a 47.8 hectare (118.1ac) parcel of land located along the north side of Columbus Road East, between Baldwin Street and Thickson Road, municipally known as 7400 Thickson Road North.
- The proposed development includes 484 low and medium density residential units, a high density residential block, a medium density residential block, one mixed use block, two elementary schools, a local park, two parkettes and other related supporting infrastructure.
- The report was referred back to staff at the December 6, 2021 Committee of the Whole to ensure the draft plan identified a distinct number of low density units rather than a range of dwelling units and a larger local park.

**3. Background:**

**3.1 Site and Area Description**

The subject land is located at 7400 Thickson Road North, on the north side of Columbus Road East between Baldwin Street and Thickson Road (refer to Attachment #1). The subject land is approximately 47.8 hectares (118.1ac) in size and was formerly used for agricultural purposes. A small watercourse traverses the centre of the site and flows southward to Columbus Road (refer to Attachment #2).

The surrounding land uses include vacant land (formerly agricultural) to the north, east and west, and existing residential and commercial uses to the south and southwest (refer to Attachment #2).

**3.2 Application and Proposed Development**

The proposed Draft Plan of Subdivision, as presented at the June 1 2020 public meeting (refer to Attachment #3), included the following:

- 282 to 374 low density residential units;
- 260 medium density townhouse units;
- a high density residential block (84 units);
- a mixed use block;
- two elementary school blocks;
- a local park block;
- two parkette blocks;
- two stormwater management blocks;

- a future development block;
- three open space blocks;
- sewer easements;
- four landscape strips;
- 0.3m reserves; and,
- road widenings and new local roads.

Based on input received through the review process, and the comments received at the December 6, 2021 Committee of the Whole meeting, the proposed draft plan has been revised to reduce the number of low density residential lots to 267; and the number of medium density townhouse units to 217. A medium density residential block (Block 298) has also been added to the plan (refer to Attachment #4).

The separate elementary school block has been relocated to the southeast corner of Streets 'D'/'H'. Other refinements to the plan include a revised road pattern north of Street 'H', a larger local park and parkette blocks, and refinements to the natural heritage corridor and open space limits. The revised Plan achieves a density of 27.5 units per net hectare within the low density components of the Plan.

The Zoning By-law Amendment application proposes to change the existing zoning from Agricultural Zone (A) in By-law 1784 to appropriate Zone categories to implement the proposed draft plan.

### **3.3 Documents Submitted in Support**

A number of documents were submitted in support of the applications, including the following:

- A Draft Plan of Subdivision, prepared by GHD, dated November 2019, revised September 2021 – Rev. D (refer to Attachment #4);
- A Planning Report, prepared by GHD, dated November 2019. The report reviewed the applicable planning legislation and policies pertaining to the subject lands. It concluded that the development was appropriate for the subject land;
- An Erosion Hazard Assessment – Tributary of Lynde Creek, prepared by Geomorphix dated November 29, 2019. Geomorphix evaluated a portion of the Lynde Creek tributary and provided a current assessment of the watercourse and the meander belt width, based upon both historical documents and supporting field work;
- An Environmental Noise Feasibility Study, prepared by Valcoustics, dated November 28, 2019. The noise study reviewed surrounding noise levels from stationary and transportation sources and provided recommendations for noise mitigation, in accordance with the noise limits required by the Ministry of the Environment, Climate and Parks;

- A Geotechnical Investigation Report, prepared by Golder Associates, dated November 28, 2019. The report highlighted the results of geotechnical investigations conducted on the subject land to determine the existing subsurface soil and groundwater conditions. Recommendations support the development and stormwater management ponds;
- A Hydrological Assessment and Water Balance, prepared by R.J. Burnside & Associates Limited, dated November 2019. The report evaluated the ground water conditions of the subject land and included a water balance analysis of pre-and post-development infiltration volumes;
- A Transportation Impact Study, prepared by BA Group, dated November 2019. The TIS cited several background transportation studies, highlighted how the local road network within the proposed development is estimated to function and provided traffic volume forecasts and intersection analysis. The study concluded that the site can accommodate the demands of the planned future road network;
- A Multi-resolution Modeling & Traffic Forecasting, prepared by BA Group, dated July 2019. The traffic document provides detailed turning-movement traffic forecasts that can serve as the basis for the design of internal road networks and intersections.
- A Phase 1 Environmental Site Assessment, prepared by TIL, dated December 15, 2018. The report assessed the site for potential environmental contaminants based upon the site history and the adjacent properties. Areas of potential contaminants were identified and a Phase 2 ESA will be required;
- An Arborist Report, prepared by WSP, dated December 10, 2019. The arborist report and tree protection plan was prepared to evaluate the on-site woodland vegetation to recommend tree removals and compensation planting;
- An Environmental Impact Study, prepared by WSP, dated December 2019, revised December 2020 and May 2021. The EIS evaluated a variety of environmental aspects on the subject lands, specifically impacts on vegetation, aquatic habitat, species at risk, with recommendations for compensation and enhancement opportunities for the removal of wetland features due to the development;
- A Functional Servicing Report (incl. Stormwater Management), prepared by SCS Consulting Group Ltd., dated January 2020, revised December 2020. The FSR identifies how the subject development can be graded and serviced (storm, sanitary, water) to support the development in association with various design criteria. The report also provided a summary of the stormwater management approach for the two pond facilities. Detailed erosion and sediment control protocols will be completed during the detailed design stage of the development, in accordance with municipal requirements;

- A Sub-Area Study Report and Appendix, prepared by SCS Consulting Group Ltd., dated January 2020. The Sub-Area Study is intended to comprehensively evaluate drainage area boundaries in accordance with the background reports as required by the Brooklin Community Secondary Plan. The study considers the watershed, hydrogeological, ecological / environmental features and storm water management modeling beyond the boundaries of individual sites. The subject study also includes an adjacent subdivision application (DEV-11-20 (SW-2020-04)) within the limits of the drainage boundary;
- A Stage 1-2 Archaeological Assessment, prepared by AMICK, dated March 26, 2019, including clearance letter. The assessment included archaeological fieldwork and inspection of the subject lands and concluded no archaeological resources were encountered; and,
- A Stage 4 Archaeological Assessment, prepared by AMICK, dated July 7, 2016, including a 2017 Archaeological Clearance Letter, dated June 5, 2017.

The above documents were distributed to relevant internal departments and external agencies for their review and comment.

#### **4. Discussion:**

##### **4.1 Region of Durham Official Plan**

The subject land is designated 'Living Areas' in the Regional Official Plan (ROP), which is primarily intended to provide a wide variety of residential types and tenures for various types of socio-economic groups. Living Areas are to be developed in a compact urban form with higher densities focused along the major arterial roads.

The frontage along Columbus Road East is also designated as a Regional Corridor. Regional Corridors provide transportation connections to urban and regional centres, and are intended to support higher density mixed use development with a variety of built forms.

The subject draft plan conforms to the Regional Official Plan.

##### **4.2 Whitby Official Plan**

The subject land is comprised of a number of land use designations according to Schedule 'K' of the Brooklin Community Secondary Plan, including Low, Medium and High Density Residential, Mixed Use 1 – Community Central Area, Natural Heritage System and Natural Hazards (refer to Attachment #5).

The subject land includes symbols for two elementary schools, a local park and parkette, with a portion of the development within the boundary of a Community Central Area. In addition, the Columbus Road frontage is designated as an intensification corridor, wherein greater residential densities are intended.

### **Low Density Residential**

Lands designated Low Density Residential in the Brooklin Community Secondary Plan are primarily intended for single, semi-detached and duplex dwellings not exceeding 3 storeys in height and at a density of 25 to 35 units per net hectare (upnh). The revised draft plan includes 267 units of Low Density Residential at a density of 27.5 upnh.

### **Medium Density Residential**

Medium Density Residential areas permit street and block townhouses, small apartments and other forms of multiple residential dwellings not exceeding 4 storeys in height.

The allowable density within this designation is between 30 and 65 upnh. However, within the intensification corridor along Columbus Road, the required density is between 50 and 80 upnh. Stormwater management ponds are discouraged in Medium Density Residential areas, however they may be permitted where it has been demonstrated that there is no other feasible alternative.

The lands designated Medium Density Residential within the revised draft plan are within the required density range, when considering the displacement of units to accommodate the two stormwater management ponds along Columbus Road.

### **High Density Residential / Mixed Use 1 – Community Central Area**

High Density Residential areas permit townhouses, apartments and other types of multiple dwelling units at a density of 65 to 135 upnh. Within the Columbus Road Intensification Corridor the density may be increased to 300 upnh in accordance with site specific criteria.

Building height is to be between 4 and 12 storeys within the Community Central Area. Stormwater management ponds are discouraged within High Density Residential areas and will only be permitted where it has been demonstrated that there is no other feasible alternative

The High Density Residential designation in the secondary plan is displaced by the west stormwater management pond (Block 306) and therefore the use is combined with the Mixed Use 1 – Community Central Area designation, as a High Density / Mixed Use (HD/MU) Block (Block 299) along Baldwin Street and Columbus Road.

The Mixed Use 1 – Community Central Area designation is intended to provide a mix of residential and commercial uses in a pedestrian-oriented manner at a density that supports frequent transit service. The Mixed Use 1 designation of the subject draft plan represents the northeast quadrant of the Community Central Area (CCA).

Each property within the CCA must contain a mix of two or more uses intended to provide a range of commercial uses to support needs of the surrounding residential community.

Details for the development of the HD/MU Block will be determined through a future site plan application.

### **Natural Heritage System & Natural Hazards**

The Natural Heritage System designation is comprised of an interconnected system of key natural heritage and hydrologic features. The extent and exact location of the component natural heritage and hydrologic features of the Natural Heritage System are to be determined through appropriate environmental studies.

Lands designated Natural Hazard include areas that are unstable, prone to flooding conditions, poor soils, steep slopes and erosion hazards.

### **Park and School Symbols**

Within the subject land, Schedule K includes symbols identifying the locations of a local park, a parkette and two schools (one public and one separate). These symbols are to be implemented within the draft plan in accordance with the prescribed policies regarding their sizes, location and uses. The revised draft plan reflects a larger local park and now achieves the minimum 1.5 ha size as requested by staff.

### **4.3 Zoning By-law**

The subject land is zoned Agricultural Zone (A) in Zoning By-law 1784, as amended (refer to Attachment #6). The 'A' Zone permits only limited residential uses for a single detached dwelling related or unrelated to farming and traditional farming related activities.

A Zoning By-law Amendment is required to rezone the subject land to a variety of zone categories to implement the Brooklin Community Secondary Plan and permit the proposed Draft Plan of Subdivision.

### **4.4 General Comments**

#### **Amendments subsequent to the December 6, 2021 CoW Meeting**

At the December 6, 2021 Committee of the Whole Meeting, the Committee expressed concerns related to: the low density residential dwelling units identified as a range of units, rather than as a specific and distinct number of lots/units; and, the local park not achieving the minimum size requirement (1.5 ha.) requested by the Community Services - Parks Division.

The draft plan has since been updated to include lotting patterns for the low density lots. In addition, the Local Park has been increased in size. The resizing of the Local Park Block has resulted in the replacement of a low density residential crescent to the south of the park, with a single medium density

residential block (Block 298) to be determined through a future site plan application (refer to Attachment #4).

### **Control Architect**

The proponent has selected Williams and Stewart Associates Ltd. as the Control Architect for the development to oversee the design of the subdivision's built form, in accordance with the requirements of the Brooklin Urban Design and Architectural Guidelines. It is recommended that Williams and Stewart be appointed as the Control Architect for the proposed draft plan of subdivision.

### **Firebreak Lots**

The proponent must submit a Firebreak Lot Plan for review and approval by Whitby Fire and Emergency Services, demonstrating which lots and/or blocks will remain unbuilt to serve as firebreaks within the development during construction.

### **Composite Transportation Component Plan**

The Engineering Services Department has provided a Composite Transportation Component Plan to identify the anticipated locations of traffic circles, traffic calming infrastructure, sidewalks, multi-use paths and bicycling facilities (refer to Attachment #7). Note, while Attachment #7 as prepared by Engineering Services illustrates the previous version of the draft plan, the Composite Transportation Component elements remain the same on the revised plan.

The revised draft plan now reflects the anticipated roundabout at the intersection of Streets 'D' and 'H', while a smaller 'button-type' roundabout is also anticipated at Streets 'D' and 'J'.

These elements will be further refined and implemented through the future detailed engineering design process.

### **Brooklin North Major Roads Environmental Assessment (BNMREA)**

During the review of the proposed plan of subdivision, the Brooklin North Major Roads Environmental Assessment (BNMREA) was in progress. The 60 day public review period concluded on May 9<sup>th</sup> and the final document has been provided to the province to be finalized.

While the revised draft plan was prepared in accordance with the draft recommendations of the BNMREA, any changes considered in the final BNMREA will be reflected in the final plan of subdivision.

### **Trail System**

Similar to other new subdivisions in Brooklin, a future trail system in accordance with the Town's Active Transportation Plan is proposed within the Natural Heritage System (NHA) corridor. The trail is anticipated to be located on the east side of the NHS corridor to connect to the local park with the future trail system.



Additional trail details will be coordinated and approved by both the Town and the Central Lake Ontario Conservation Authority (CLOCA). The trail is anticipated to follow the orientation of the tributary northward beyond Street 'H' and will also contain a connection through to Thickson Road behind lots 84-99 to the Street 'D/F/G' intersection and progress eastward to Thickson along Street 'G'.

**5. Financial Considerations:**

With each new subdivision development approved by the Municipality, the Town of Whitby assumes assets requiring regular operational maintenance and eventually capital replacement. The following assets will be generated as a result of the subdivision and included in the Town's Asset Management Plan. The Capital replacement and annual operating costs would be included in future budgets. Further details regarding infrastructure costs would also be identified in the Public Works Asset Management annual report.

<b>Asset</b>	<b>Quantity</b>
Roads	8.1 Lane km
Sidewalks / Multi-Use Paths	5.1 km
Storm Sewers	4.1 km
Ponds	19,450 m <sup>3</sup> / 2.0ha & 43,570 m <sup>3</sup> / 2.8ha
Local Park	1.51 ha (3.7 acres)
Parkettes	0.06 ha (0.1 acres) & 0.04 ha (0.1 acres)

**6. Communication and Public Engagement:**

A Public Information Meeting was held on June 1st, 2020 in accordance with the Town of Whitby Official Plan and the Planning Act. The meeting provided the public an opportunity to make representation in respect to the Draft Plan of Subdivision and Zoning By-law Amendment applications. There were no submissions from the public at the meeting, however elements of the original plan were addressed at the meeting by the proponent's consultant, Mr. Jordan.

Subsequent to the public meeting, a number of individuals have been added to the Town's interested party list for the subject development.

Interested parties were provided notice of the recommendation report (PL 77-21) brought forward to the Committee of the Whole on December 6, 2021. Refer to Attachment #8 for the Minutes of the Committee Meeting.

All individuals who registered as an interested party at the statutory public meeting and any individuals who provided written correspondence to the Town

have been provided notice of the March 28, 2022 Committee of the Whole Meeting.

## 7. Input from Departments/Sources:

The following agencies have reviewed the applications and have no objections:

- Whitby Fire and Emergency Services;
- Whitby Treasury;
- Canada Post;
- Enbridge Gas Distribution;
- Rogers Communication;
- Bell Canada (via WSP); and,
- Elexicon Energy Inc.

Refer to Attachment #9 for additional detailed comments.

Conditions of Draft Approval requested by the respective commenting agencies and departments are included in Attachment #10.

### **Internal Comments**

#### **Community Services Department – Parks Development**

- Parks Development notes that proposed revised plan of subdivision is subject to the provisions and policies of the Town's Official Plan and Brooklin Secondary Plan. The Brooklin Secondary Plan identifies one Local Park and one Parkette within the subject lands.
- The proposed Local Park (Block 303) as revised satisfies the minimum local park size requirements (1.5 hectares) of the Official Plan.
- The revised draft plan features a larger public elementary school block (Block 301), which has been provided at the expense of a smaller Local Park block. Parks and DDSB staff subsequently explored potential shared opportunities between the two parcels, however given the proposed amenities on each block it was determined that there was insufficient space to satisfy both end users.
- The proponent has accepted Parks staff recommendation that the Local Park (Block 303) be increased in size to a minimum of 1.5 hectares, as per the original proposal. Furthermore, while staff did prefer to have the two parkettes consolidated as a single parkette and relocated centrally between Streets A and C, they have since accepted the location of the two parkettes as an opportunity to provide a location that is central to both the low density community to the north and the high density community to the south.

- The future trail system within the NHS corridor shall conform to the criteria and the Town's Active Transportation Plan as outlined in detail within Parks comments.

### **Engineering Services Division**

- The Town's Engineering Services Division has reviewed the revised development proposal and finds that it is generally acceptable for a preliminary review however, there are revisions that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

### **External Comments**

#### **Region of Durham Planning**

- The Region of Durham Planning Department has reviewed the subject draft plan proposal and finds that it conforms to, and is consistent with, the applicable Provincial and Regional land use policies. As such, the Region has no objection to draft approval of the plan subject to the proponent satisfying the Region's draft conditions as provided.
- Residential densities along the Columbus intensification corridor displaced by the necessary placement of the stormwater management ponds have been relocated elsewhere within the plan thus maintaining appropriate densities overall.
- The development offers a range of housing forms to achieve a compact and efficient use of both land and infrastructure. The revised draft plan is consistent with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshow and the Durham Regional Official Plan (ROP).
- The Region is satisfied that the revised Environmental Impact Study by WSP concerning the development limits and other related matters can be addressed through draft plan conditions and/or amendments to the plan.
- The Phase One Environmental Site Assessment revealed six potentially contaminating activities, with three of the activities contributing to areas of potential environmental concern. The Region is satisfied with the recommendations requiring a Phase Two Environmental Site Assessment to be conducted on the subject lands, and may include requirements for additional information such as a record of site condition should it be warranted.
- Noise mitigation was addressed in the Region's review of the applications, which analyzed potential noise impacts on the subject land from the adjacent arterial roads being Thickson Road, Columbus Road East and Baldwin Street North. The noise report recommended mandatory air conditions for all affected units and suggested noise warning clauses for the applicable blocks. The high density and mixed use development blocks will

be evaluated at a future site plan stage when details and specifics about the built form become available.

- Archaeology within the subject land was evaluated and the results sent to the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI). The findings for a portion of the site (Euro-Canadian Brooklin H15) was completely excavated and has 'no further cultural heritage value or interest'. The balance of the site (7200 & 7400 Thickson Road) was evaluated and determined to be cleared of archaeological concern.
- Region Works Department has reviewed the submission concerning water, sanitary servicing and highlighted the infrastructure requirements necessary to support the development proposal, including the need for servicing easements and 400mm watermains along both Columbus Road and on Highway 7/12. New sanitary infrastructure will connect via existing connections along Baldwin Street and Croxall Boulevard.
- The development does not present any significant impacts from a transit perspective, however the proponent will need to coordinate engineering plans with Durham Region Transit to their satisfaction.

#### **Central Lake Ontario Conservation Authority**

- The development proposal, the associated environmental studies and the subsequent revisions have been evaluated by the Central Lake Ontario Conservation Authority (CLOCA) whom have provided their comments and draft conditions. CLOCA acknowledges a number of matters remain outstanding (ex. updates to constraint limits, SWM pond block encroachments into the NHS, pedestrian trail location and compensation strategy) of which shall be addressed through future submissions and/or at the detailed design stage. Despite these outstanding matters, CLOCA will continue to liaise with the applicant to resolve these matters through conditions of draft approval.
- CLOCA also identifies in their comments several scenarios that may require future redline revisions to the subject development proposal:
  - a) the need for downstream infrastructure conveyance improvements and coordination with the MTO concerning Baldwin Street or allowing for on-site controls to mitigate downstream impacts;
  - b) infrastructure upgrades to Columbus Road and other proposed road improvements identified within the Brooklin North Major Roads Environmental Assessment, given that detailed design of these new roads has not been completed to date; and,
  - c) an appropriate compensation strategy to ensure that any lands required for compensation are appropriately identified as part of the NHS blocks.

### **Durham Catholic District School Board**

- The Durham Catholic District School Board is supportive of the revised draft plan after their initial concerns with the location of their school block within the original draft plan. The DCDSB desired two road frontages and to be relocated away from the eastern most stormwater management pond block. As part of the revised plan, the DCDSB was relocated to the southeast corner of Streets 'D' and 'H'.

### **Durham District School Board**

- The Durham District School Board have reviewed the various iterations of the draft plan and are now satisfied with the increased size of the elementary school block as illustrated on the revised plan. The school block was increased to 2.97 hectares (7.3 acres) from 2.5 hectares (6.2 acres) after liaising with the applicant.

### **TransCanada Pipelines**

- TransCanada Pipelines have provided detailed commentary on the subject plan via their consultant, MHBC in August 2020 and again in February 2021. TCPL stated their preference to relocate Street C on the draft plan to ensure that no portion of the road allowance is located on the TCPL right-of-way, and should that not be possible, than pipeline remediation would be required at the expense of the Subdivider. TCPL cited the standard of a minimum 45° angle as required by the CSA for a crossing.
- In further correspondence with the Subdivider, the Subdivider understood and acknowledged the concerns of TCPL, wherein TCPL has provided a number of conditions of draft approval for the development for the Subdivider to satisfy.
- Subsequent to the December 6<sup>th</sup> 2021 Committee of the Whole Meeting, TCPL highlighted their concerns that the Street 'C' at Baldwin Street North intersection may become a signalized intersection, further impacting access to their easement (Block 308) with traffic control infrastructure. However, Engineering Services staff have since confirmed that the intersection is not proposed to be signalized based upon the anticipated future traffic scenario. Any future road works in that intersection will also require the consent of the Ministry of Transportation as that portion of Baldwin Street North remains under the jurisdiction of the province.

### **Ministry of Transportation Ontario**

- Staff at the Ministry of Transportation Ontario (MTO) have provided high level commentary on the subject development and have requested that the Subdivider determine improvements that may be required for Baldwin Street (Highway 7/12) at Columbus Road intersection. Should any improvements be warranted, the Subdivider shall enter into an agreement with the MTO to carry out the works.

- Additionally, traffic and drainage matters are to be further evaluated with the MTO to ensure the development does not adversely affect Highway 7/12.
- An encroachment permit will be required for any works within the MTO right-of-way.

## **8. Strategic Priorities:**

The proposed development supports the Council goal of providing strong walkable and complete communities, and to remain a destination of choice for families. This development proposal and the ensuing traffic calming tools achieves the Council goal of make our streets and neighbourhoods safer through innovative and best-practice design standards and traffic calming measures that reduce traffic speeds; to increase citizen involvement in building complete streets; to effectively manage parking on residential streets and to reduce the traffic impact of new developments on existing (and new) neighbourhoods.

Additionally, it supports Council's goal for environmental sustainability with the inclusion of the Sustainability Report and the corresponding Whitby Green Standard Checklist for the development to implement. The development review process continues to be a public process that provides an opportunity for input on the review of the proposed application, which aligns with the objectives of the Corporate Strategic Plan to provide a consistent, optimized and positive customer service experience.

## **9. Attachments:**

Attachment #1 – Location Sketch

Attachment #2 – Aerial Context Map

Attachment #3 – Applicant's Original Draft Plan Proposal

Attachment #4 – Applicant's Revised Draft Plan Proposal

Attachment #5 – Excerpt from Town of Whitby Secondary Plan Schedule 'K'

Attachment #6 – Excerpt from Zoning By-law 1784

Attachment #7 – Composite Transportation Component Plan

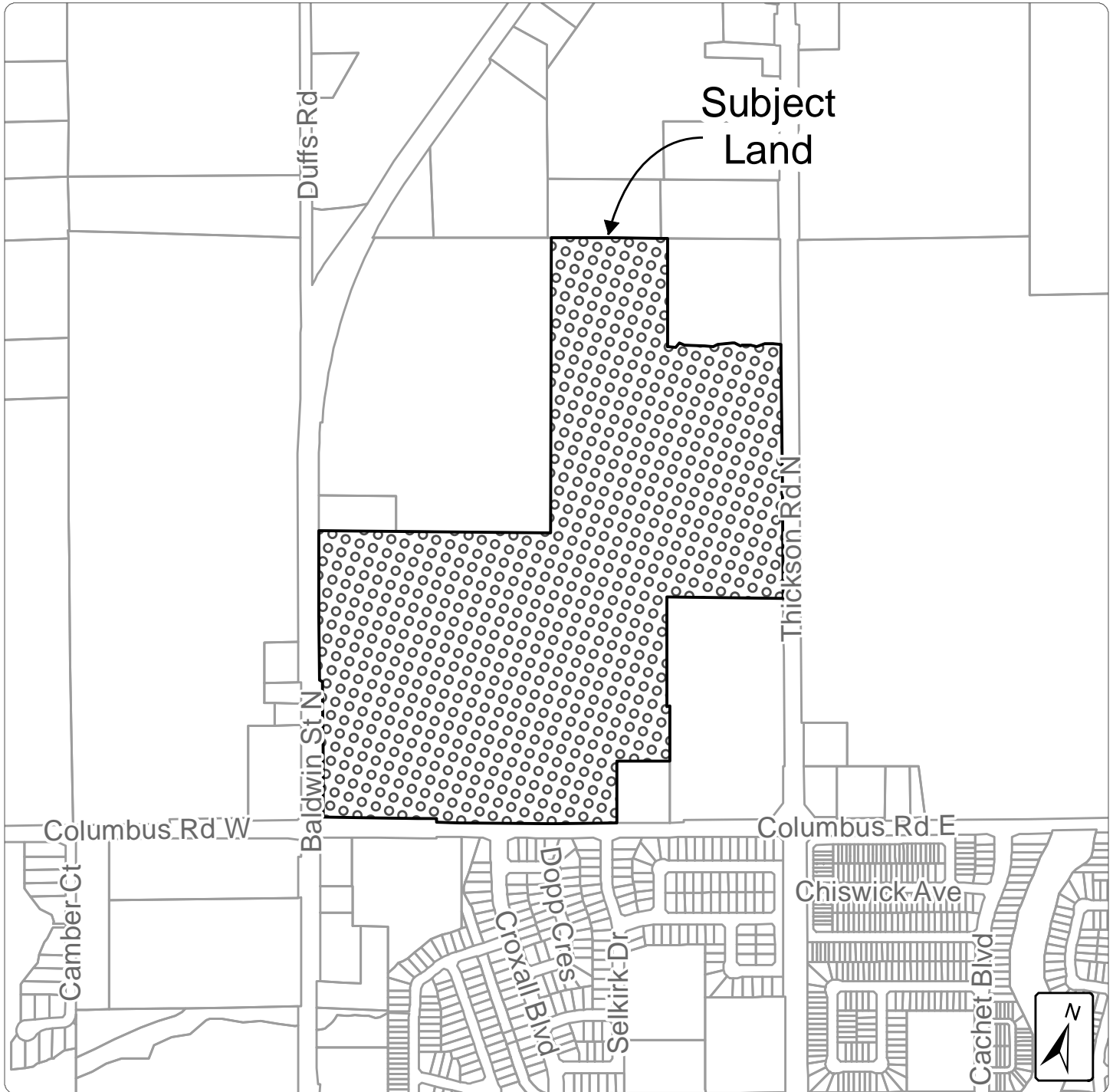
Attachment #8 – Minutes of the December 6<sup>th</sup> 2021 Committee of the Whole

Attachment #9 – Agency and Stakeholder Detailed Comments

Attachment #10 – Conditions of Draft Plan of Subdivision Approval

# Attachment #1 Location Sketch

PDP-22-22



## Town of Whitby Planning and Development Department

Proponent:  
**Abacus Equity Infusion Limited**

File Number:  
DEV-03-20  
(SW-2020-01 & Z-02-20)

Date:  
**March 2022**

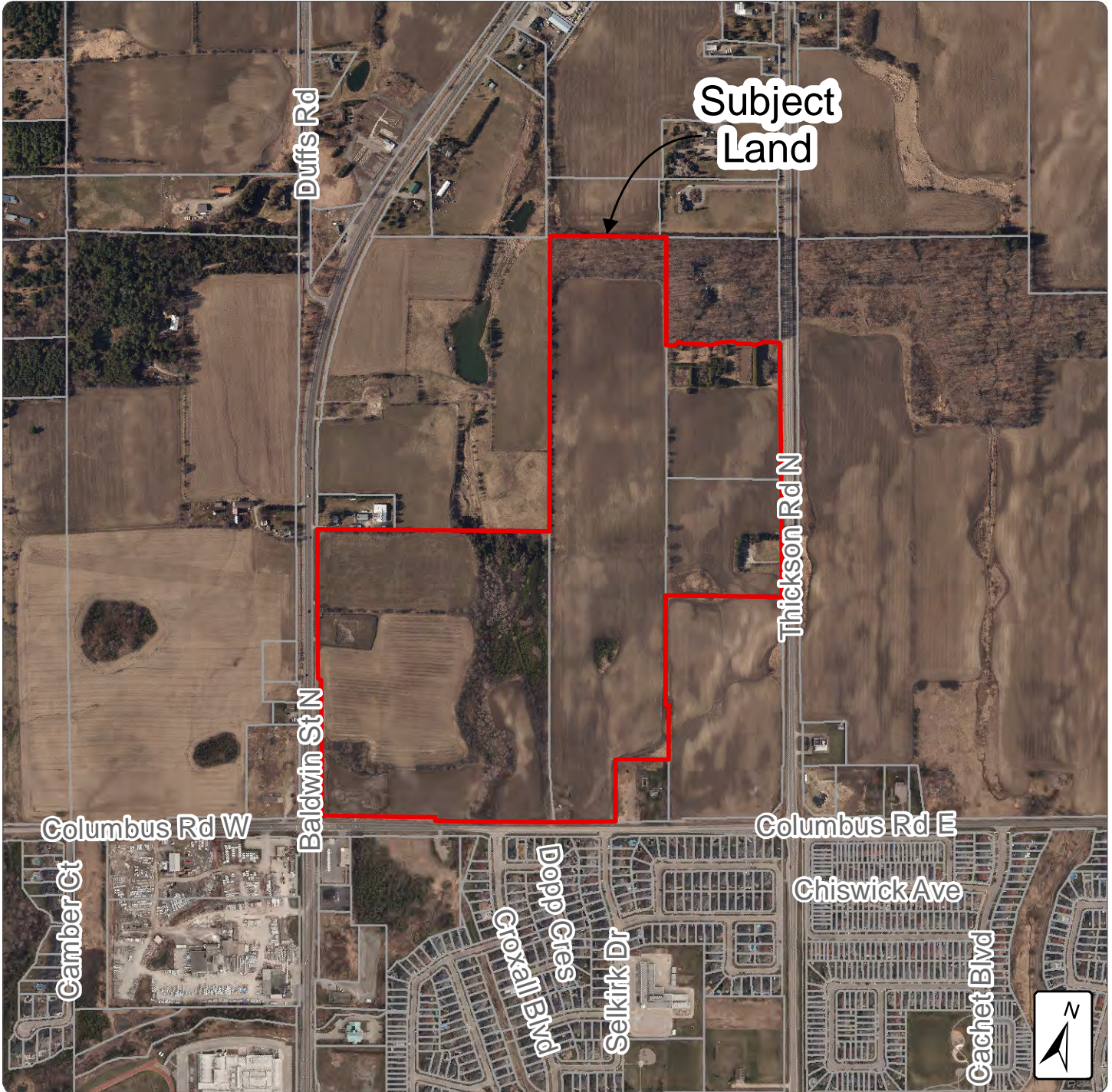
External Data Sources:  
2020 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.



# Attachment #2 Aerial Context Map

PDP-22-22



## Town of Whitby Planning and Development Department

Proponent:  
**Abacus Equity Infusion Limited**

File Number:  
DEV-03-20  
(SW-2020-01 & Z-02-20)

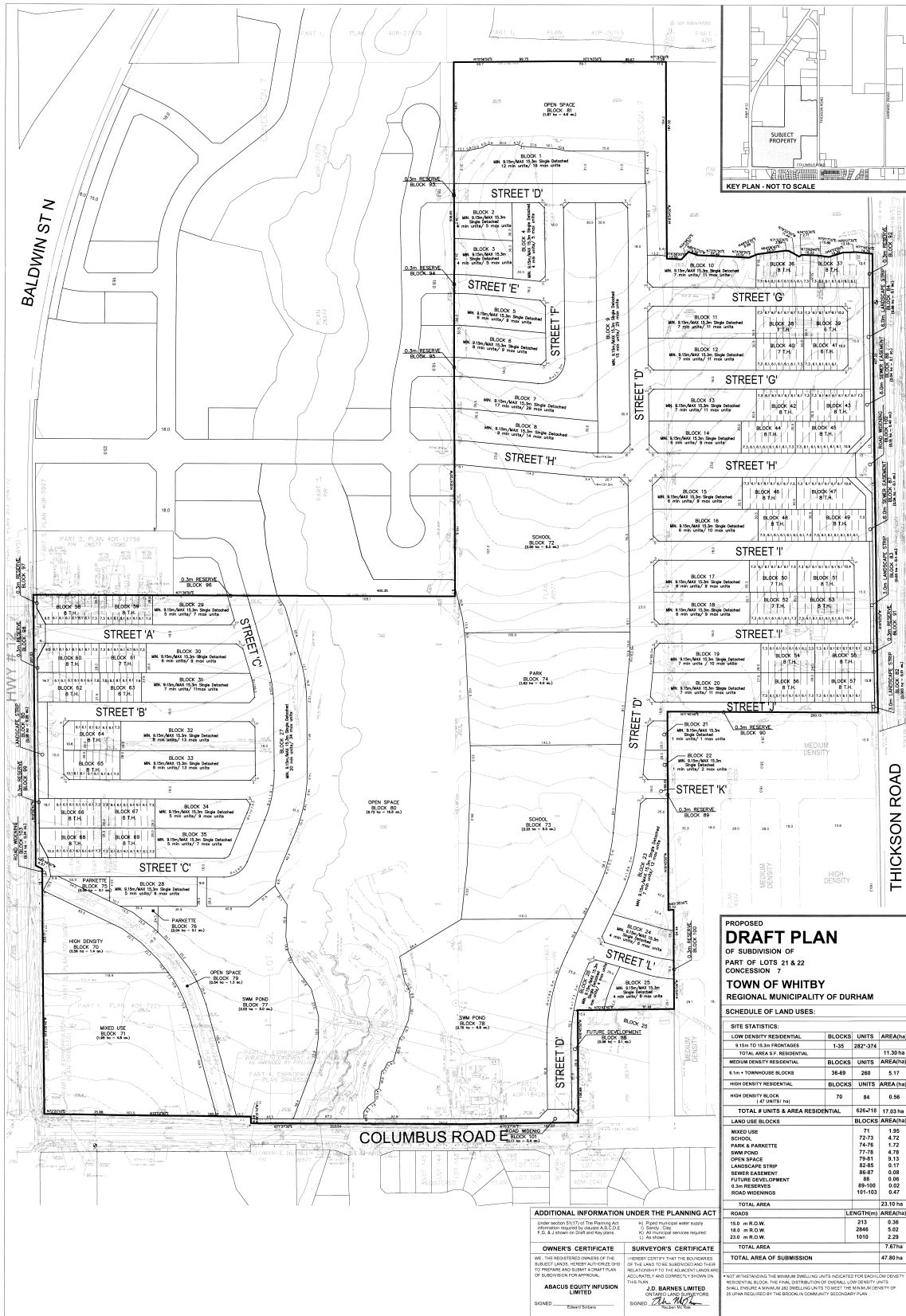
Date:  
**March 2022**

External Data Sources:  
2020 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.



# Attachment #3 Applicant's Original Draft Plan Proposal



**PROPOSED DRAFT PLAN OF SUBDIVISION OF PART OF LOTS 21 & 22 CONCESSION TOWN OF WHITBY REGIONAL MUNICIPALITY OF DURHAM**

**SCHEDULE OF LAND USES:**

SITE STATISTICS:	BLOCKS	UNITS	AREA(m <sup>2</sup> )
LOW DENSITY RESIDENTIAL	1-35	282-374	11,207.00
TOTAL AREA A.F. RESIDENTIAL			11,207.00
MEDIUM DENSITY RESIDENTIAL	36-40	260	5,172.00
8.1m + TOWNHOUSE BLOCKS	36-40	260	5,172.00
HIGH DENSITY RESIDENTIAL	41-50	70	84.00
HIGH DENSITY RESIDENTIAL (4.5m R.O.W.)	41-50	70	84.00
TOTAL # UNITS & AREA RESIDENTIAL	626-718	17,034.00	
LAND USE BLOCKS			
MIXED USE	71	1.95	
SCHOOL	72-73	4.72	
PARK & PARKETTE	74-76	1.72	
SWIMMING POOL	77-78	4.78	
OPEN SPACE	79-81	9.13	
LANDSCAPE STRIP	82-85	6.17	
SEWER EASEMENT	86-87	0.08	
FUTURE DEVELOPMENT	88	0.00	
6.2m RESERVES	89-100	0.02	
ROAD WIDENINGS	101-103	0.47	
TOTAL AREA		23,197.00	

**ADDITIONAL INFORMATION UNDER THE PLANNING ACT**

Under section 51(17) of the Planning Act (Implications Required to Develop 6.2m R.O.W. F.G. & J shown on Data and Key Plans)

**OWNER'S CERTIFICATE**  
WE, THE REGISTERED OWNERS OF THE SUBJECT LAND, HEREBY AUTHORIZE OUR ATTORNEY AND SUPER AFFIRMED PLAN OF SUBDIVISION FOR APPROVAL.

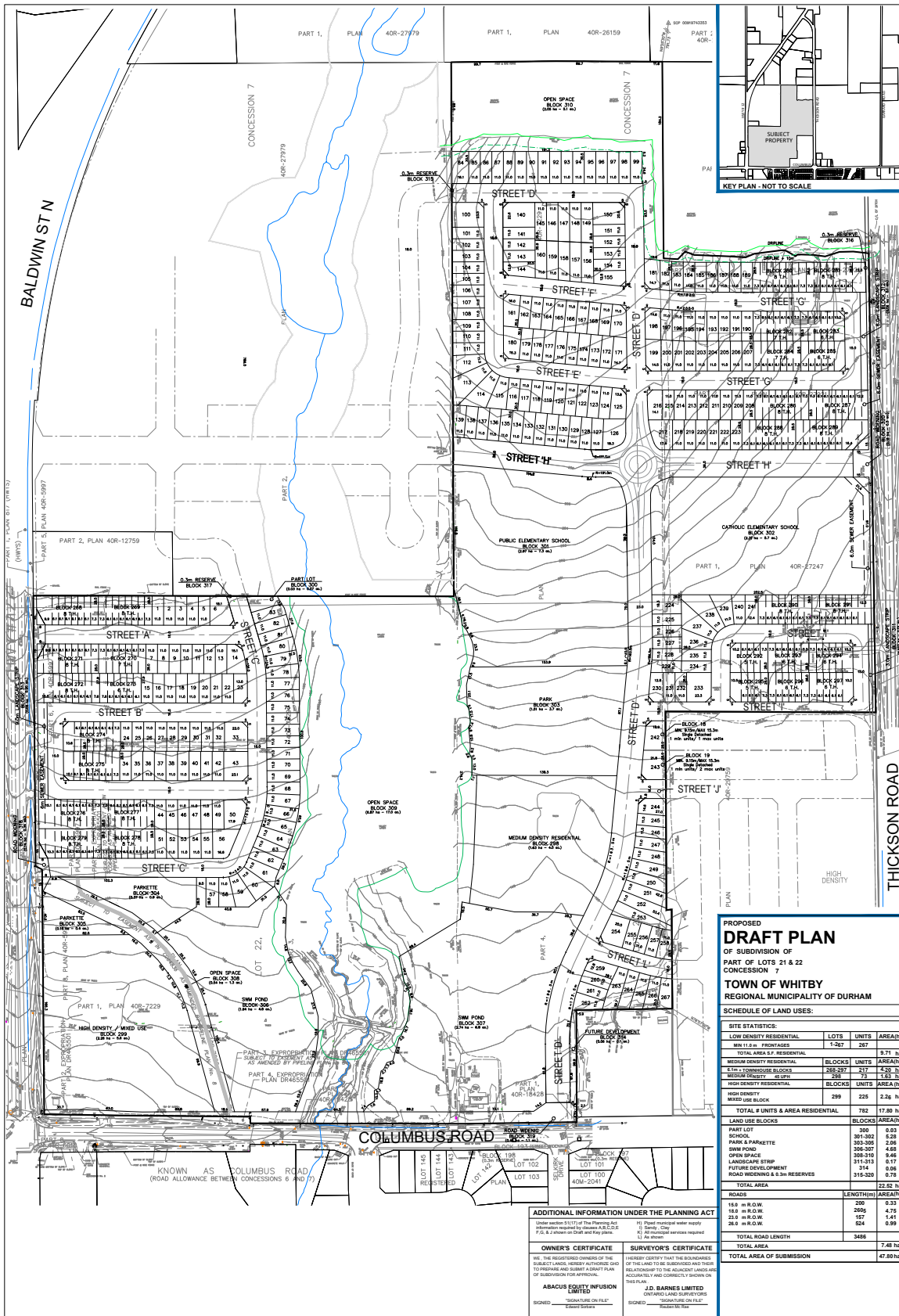
**ABACUS EQUITY INFUSION LIMITED**  
SIGNED: *[Signature]*

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND IN THIS SUBDIVISION AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATE AND CORRECT TO SHOW ON THIS PLAN.

**J.D. BARNES LIMITED**  
SIGNED: *[Signature]*

<p><b>DO NOT SCALE</b></p> <p>GHD Inc. Conditions of Use: This document may only be used by GHD's client and any other person who has agreed to use this document for the purpose for which it was prepared and must not be used by any other person or for any other purpose.</p> <p>65 Sunray Street, Whitby, Ontario L7R 6Y3 T 1 905 886 6402 F 1 905 432 7877 E plan@ghd.com W www.ghd.com</p>	<p>Drawn: J. THEURER Checked: A. GRUZSZEKA Approved: (Project Director) Date: _____</p> <p>Scale: 1:1500</p>	<p>Design: J.B.N.S (Surbas) Checked: B. JORDAN</p> <p>Client: <b>ABACUS EQUITY INFUSION LIMITED</b></p> <p>Project: <b>08202-DP3</b></p> <p>Rev: C</p>
--	--	--

Applicant's Revised Draft Plan Proposal



**PROPOSED DRAFT PLAN**  
OF SUBDIVISION OF  
PART OF LOTS 21 & 22  
CONFESSION 7  
TOWN OF WHITBY  
REGIONAL MUNICIPALITY OF DURHAM

**SCHEDULE OF LAND USES:**

SITE STATISTICS:			
LOW DENSITY RESIDENTIAL	LOTS	UNITS	AREA(ha)
MIN 1.5 m FRONTAGES	1,567	267	
TOTAL AREA S.F. RESIDENTIAL			9.71 ha
MEDIUM DENSITY RESIDENTIAL	BLOCKS	UNITS	AREA(ha)
1.5 m TOWNSHIP BLOCKS	158/317	217	5.59 ha
MEDIUM DENSITY - @ 1/2 ACRE	288	75	1.65 ha
HIGH DENSITY RESIDENTIAL	BLOCKS	UNITS	AREA(ha)
HIGH DENSITY		225	2.26 ha
MIXED USE BLOCK	209		
TOTAL # OF UNITS & AREA RESIDENTIAL		782	17.82 ha
LAND USE BLOCKS			BLOCKS(AREA(ha))
PART LOT		300	0.03
SCHOOL		201-302	5.26
PARK & PARKETTE		303-306	0.06
SW FOND		306-307	4.46
OPEN SPACE		308-310	0.41
LANDSCAPE STRIP		311-313	0.06
FUTURE DEVELOPMENT		314	0.06
ROAD WIDENING & 5 m RESERVES		315-320	0.78
TOTAL AREA			22.82 ha
ROADS	LENGTH(m)	AREA(ha)	
16.8 m R.O.W.	200	0.33	
18.8 m R.O.W.	509	4.76	
23.8 m R.O.W.	157	1.41	
26.8 m R.O.W.	524	9.99	
TOTAL ROAD LENGTH	1488		
TOTAL AREA			17.51 ha
TOTAL AREA OF SUBMISSION			47.80 ha

**ADDITIONAL INFORMATION UNDER THE PLANNING ACT**  
 Section 11(17) of the Planning Act requires the information required by Sections A, B, C, D, E, F, G, & H above of this plan and any other information required by the Act.

**OWNER'S CERTIFICATE:**  
 WE, THE REGISTERED OWNER OF THE SUBJECT LAND, HEREBY AUTHORIZE YOU TO PREPARE AND SUBMIT A DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

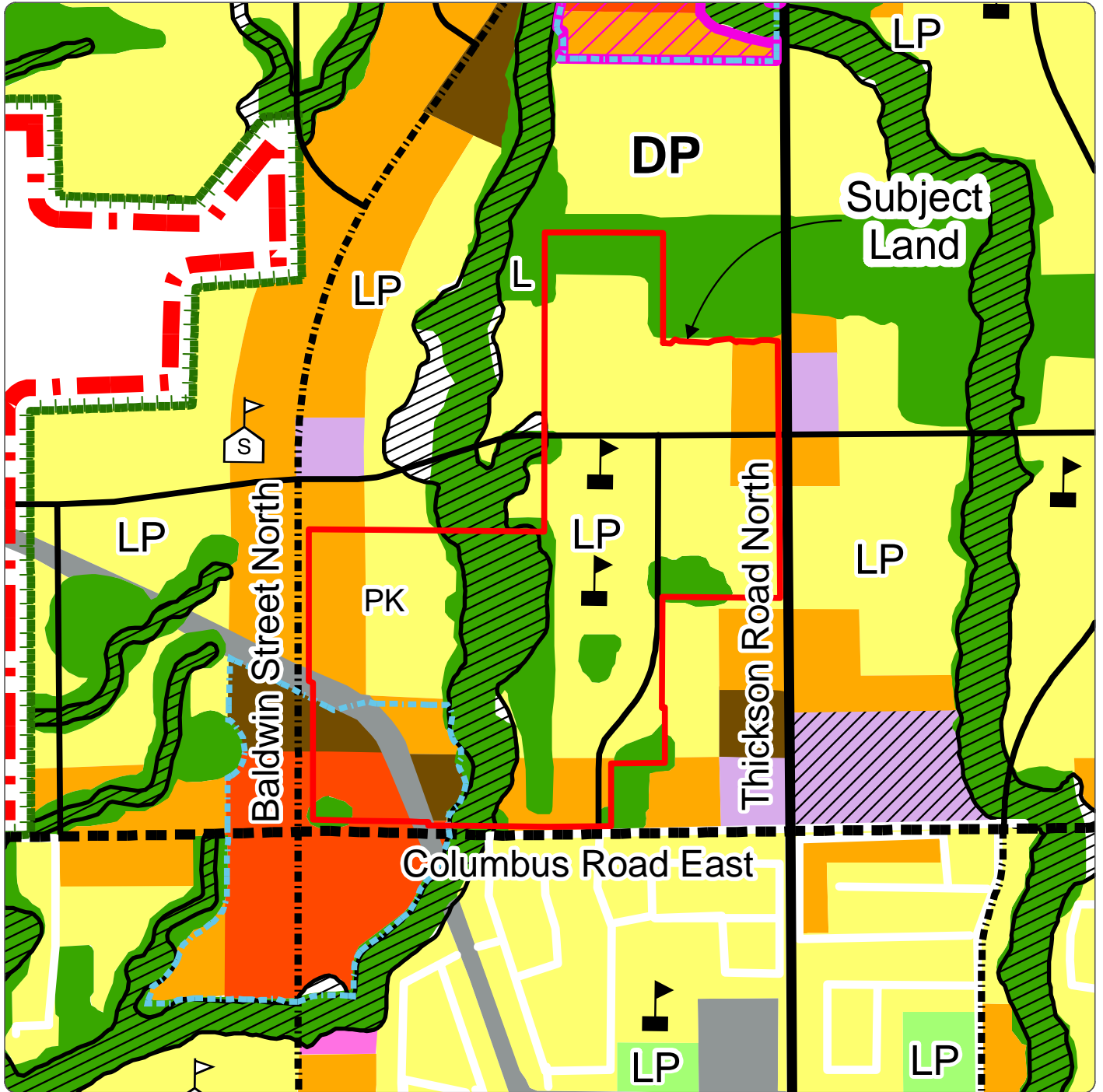
**SURVEYOR'S CERTIFICATE:**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

**ABACUS EQUITY INFUSION LIMITED**  
 SIGNED: "SIGNATURE ON FILE" REGISTERED

**J.D. BARNES LIMITED**  
 SIGNED: "SIGNATURE ON FILE" REGISTERED

<p>F REVISED FOR DRAFT APPROVAL J.T. B.J. B.J. 2/22</p> <p>G REVISED FOR RECOMMENDATION REPORT M.P. B.J. B.J. 10/21</p> <p>H REVISED SCHOOL BLOCK J.T. B.J. B.J. 09/21</p> <p>I SECOND SUBMISSION A.G. B.J. B.J. 12/20</p> <p>J NEW DEVELOPMENT LIMIT J.T. B.J. B.J. 9/19</p> <p>K ORIGINAL SUBMISSION A.G. B.J. B.J. 4/19</p> <p>Prepared: [Signature] Date: [Date]</p>	<p><b>DO NOT SCALE</b></p> <p>Drawn: J. THEURER          Checked: A. GRUSZECKA          Designer: B. JORDAN</p> <p>Client: <b>ABACUS EQUITY INFUSION LIMITED</b></p> <p>Project: <b>08202-DP4</b> Rev: F</p>
--	--

Excerpt from Town of Whitby Secondary Plan Schedule 'K'

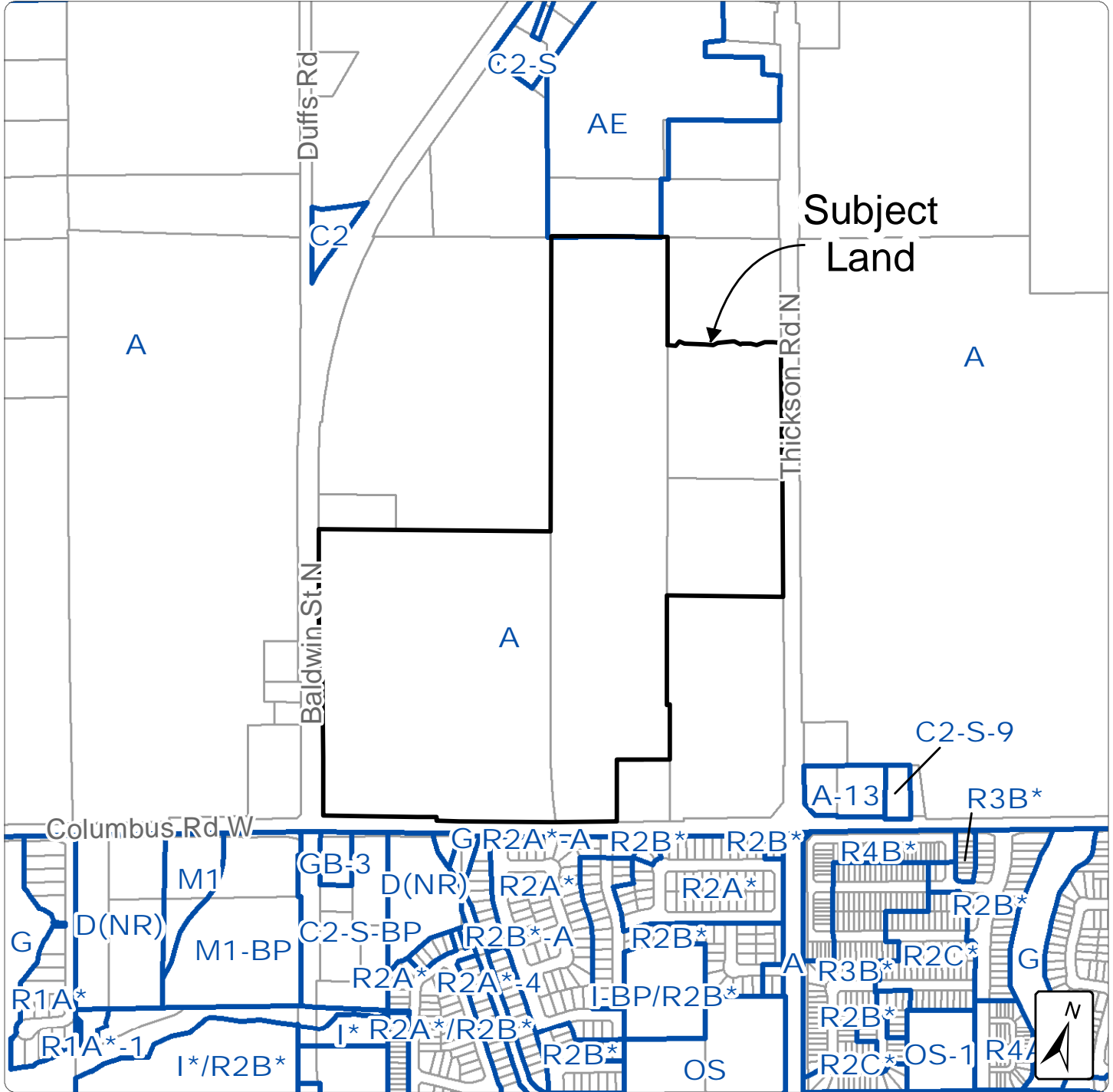


LEGEND

Low Density Residential	Major Open Space	Natural Hazards	Grade Separation
Medium Density Residential	DP District Park	Utility	Potential Grade Separation
High Density Residential	LP Local Park	Health Precinct Special Policy Area	Future Transitway Station
Local Commercial	PK Parkette	Community Central Area	Controlled Access Highway (Freeway)
Special Purpose Commercial	TP Town Park	Major Central Area	Type A Arterial
Heritage Commercial	Institutional	Heritage Conservation District Boundary	Type B Arterial
Major Commercial	Secondary Schools	Secondary Plan Boundary	Type C Arterial
Mixed-Use 1 - Community Central Area	Elementary Schools	Lands Subject to Policy 11.5.32.3	Collector Road
Mixed-Use 2 - HCD	Natural Heritage System	Special Policy Area - Refer to Section 11.5.31.6	Greenbelt Plan Boundary
Mixed-Use 3	L Linkage in NHS	Full Interchange	
Prestige Industrial	D1 Deferred by the Region of Durham	Potential Interchange (Subject to Further Study)	
Business Park	Lands subject to Durham Regional Official Plan Policy 14.13.7 - D2		
General Industrial			

Excerpt from: Schedule **K**  
**Brooklin Community Secondary Plan**  
 Town of Whitby

# Attachment #6 Excerpt from Zoning By-Law 1784



## Town of Whitby Planning and Development Department

**Proponent:**  
Abacus Equity Infusion Limited

**File Number:**  
DEV-03-20  
(SW-2020-01 & Z-02-20)

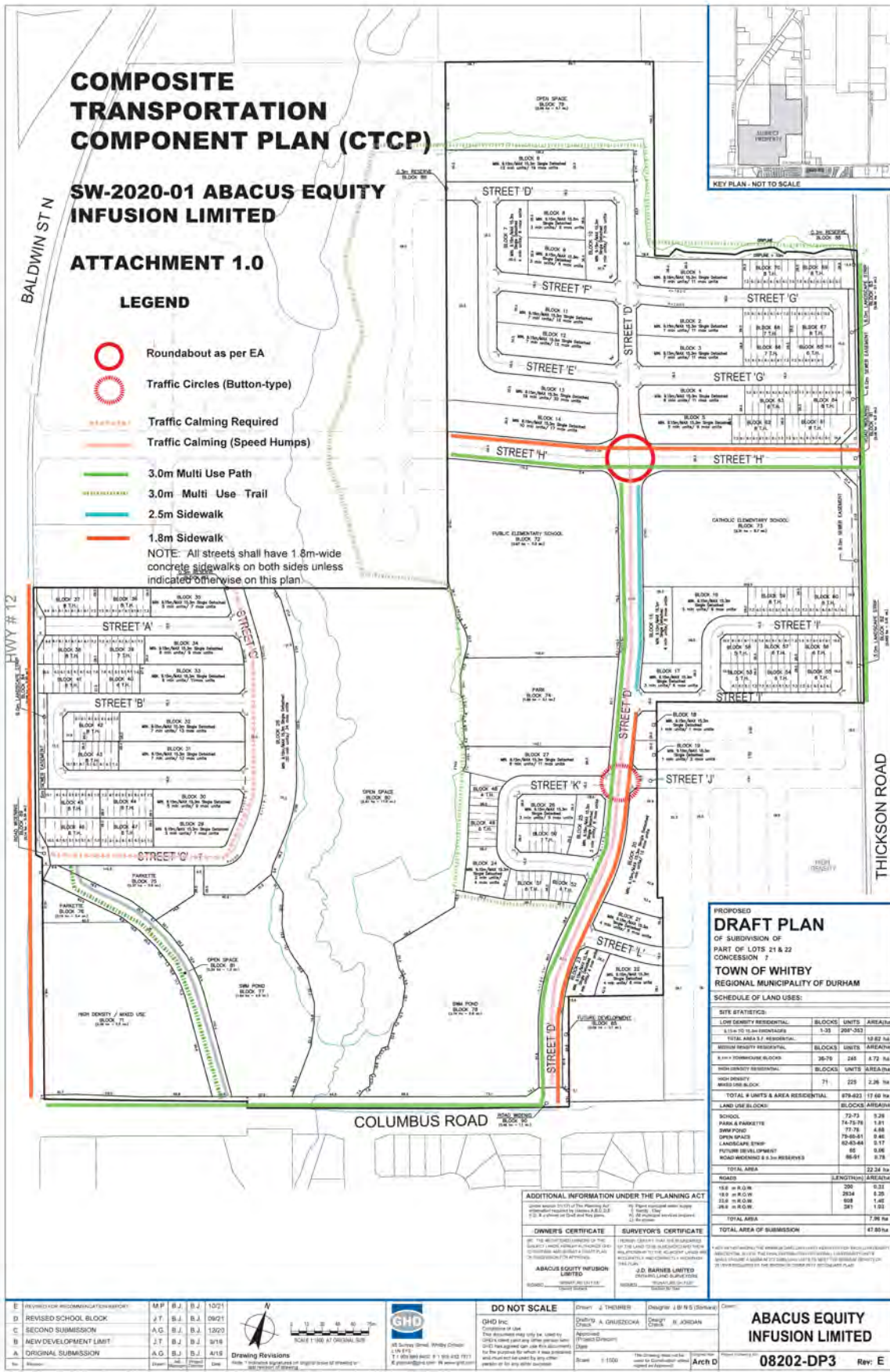
**Date:**  
March 2022

External Data Sources:  
2020 Orthophotography provided by © First Base Solutions Inc.; Parcel Fabric: © Teranet Enterprises Inc. and its suppliers. All rights reserved. Not a Plan of Survey.

The Town of Whitby assumes no responsibility for any errors, and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained in this document. The Town of Whitby does not make any representations or warranty, express or implied, concerning the accuracy, quality, likely results or reliability of the use of the information contained in this document.



# Composite Transportation Component Plan



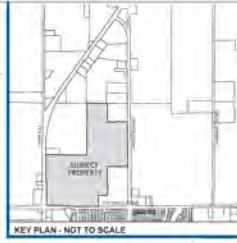
## COMPOSITE TRANSPORTATION COMPONENT PLAN (CTCP)

SW-2020-01 ABACUS EQUITY INFUSION LIMITED

### ATTACHMENT 1.0

#### LEGEND

- Roundabout as per EA
  - Traffic Circles (Button-type)
  - Traffic Calming Required
  - Traffic Calming (Speed Humps)
  - 3.0m Multi Use Path
  - 3.0m Multi Use Trail
  - 2.5m Sidewalk
  - 1.8m Sidewalk
- NOTE: All streets shall have 1.8m wide concrete sidewalks on both sides unless indicated otherwise on this plan.



**PROPOSED DRAFT PLAN OF SUBDIVISION OF PART OF LOTS 21 & 22 CONVESSION 7 TOWN OF WHITBY REGIONAL MUNICIPALITY OF DURHAM**

**SCHEDULE OF LAND USES:**

SITE STATISTICS:	
LOW DENSITY RESIDENTIAL	BLOCKS UNITS AREA(M <sup>2</sup> )
1.5m x 10.5m FRONTAGE	1-33 297-352
TOTAL AREA 2.1 RESIDENTIAL	13 82 14
MEDIUM DENSITY RESIDENTIAL	BLOCKS UNITS AREA(M <sup>2</sup> )
8.0m x 20.0m FRONTAGE	35-76 245 1,72 14
HIGH DENSITY RESIDENTIAL	BLOCKS UNITS AREA(M <sup>2</sup> )
WIDE FRONTAGE	71 225 2,36 14
TOTAL 4 UNITS & AREA RESIDENTIAL	879-623 17 69 14
LAND USE BLOCKS:	BLOCKS AREA(M <sup>2</sup> )
SCHOOLS	72-73 1,28
PARK & PLAYSETS	74-75 1,81
SWAMP POND	77-78 4,88
OPEN SPACES	79-80 1,81
LANDSCAPE STRIP	82-83-84 0,17
FUTURE DEVELOPMENT	85 0,06
ROAD WIDENING & 3.0m RESERVES	86-91 0,78
TOTAL AREA	22,24 14
ROADS	LENGTH(M) AREA(M <sup>2</sup> )
1.5m x 6.0m	200 1,50
1.5m x 9.0m	263 4,35
2.5m x 6.0m	68 1,02
2.5m x 9.0m	381 1,03
TOTAL AREA	7,96 14
TOTAL AREA OF SUBMISSION	47,85 14

**ADDITIONAL INFORMATION UNDER THE PLANNING ACT**

Urban areas (S171 of the Planning Act) identified in the Schedule of Land Use Designations (S.L.U.D.) as shown on the map and the plan.

Other information: 1. The plan is subject to the provisions of the Planning Act, R.S.O. 1990, c. 309, and the regulations made thereunder. 2. The plan is subject to the provisions of the Planning Act, R.S.O. 1990, c. 309, and the regulations made thereunder. 3. The plan is subject to the provisions of the Planning Act, R.S.O. 1990, c. 309, and the regulations made thereunder.

**OWNERS CERTIFICATE**  
 I, the undersigned, being the owner of the land described in the certificate, hereby certify that the information contained in the certificate is true and correct to the best of my knowledge and belief.

**SURVEYOR'S CERTIFICATE**  
 I, the undersigned, being a duly qualified and licensed surveyor, hereby certify that the information contained in the certificate is true and correct to the best of my knowledge and belief.

D	REVISED FOR PROCOMMUNICATION	MP	B.J.	B.J.	10/21
E	REVISED SCHOOL BLOCK	J.T.	B.J.	B.J.	09/21
C	SECOND SUBMISSION	A.G.	B.J.	B.J.	13/20
B	NEW DEVELOPMENT LIMIT	J.T.	B.J.	B.J.	9/18
A	ORIGINAL SUBMISSION	A.G.	B.J.	A.J.	4/15



**DO NOT SCALE**

Drawn by: J. THEURER  
 Checked by: A. GRUZICKA  
 Approved by: J. THEURER  
 Date: 10/21/21

Scale: 1:1000

**ABACUS EQUITY INFUSION LIMITED**

08202-DP3 Rev: E

# Attachment #8

## Minutes of the December 6, 2021 Committee of the Whole

Committee of the Whole Minutes  
December 6, 2021 - 7:00 PM  
Virtual Meeting

---

**Present:** Mayor Mitchell (Participating Electronically)  
Councillor Drumm (Participating Electronically)  
Councillor Leahy (Participating Electronically)  
Councillor Lee (Participating Electronically)  
Councillor Mulcahy (Participating Electronically)  
Councillor Newman (Participating Electronically)  
Councillor Roy (Participating Electronically)  
Councillor Shahid (Participating Electronically)  
Councillor Yamada (Participating Electronically)

**Also Present:** M. Gaskell, Chief Administrative Officer  
J. Romano, Commissioner of Community Services  
R. Saunders, Commissioner of Planning and Development  
D. Speed, Head of Operations & Fire Chief  
F. Wong, Commissioner of Financial Services/Treasurer  
S. Klein, Director of Strategic Initiatives  
C. Harris, Town Clerk  
K. Narraway, Manager of Legislative Services/Deputy Clerk  
L. MacDougall, Council and Committee Coordinator (Recording Secretary)

**Regrets:** None noted

---

Call to Order

Call of the Roll: The Clerk

Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### Planning and Development

**Councillor Yamada assumed the Chair.**

1. Presentations

1.1 There were no presentations.

2. Delegations

2.1 Katie Pandey, Associate, Weston Consulting  
Re: Planning and Development Department Report, PL 77-21  
Draft Plan of Subdivision and Zoning By-law Amendment Applications,  
Abacus Equity Infusion Limited, 7400 Thickson Road North, File  
Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

**Refer to Item 4.2, PL 77-21**

Katie Pandey, Associate, Weston Consulting, advised that she was representing the owner of 7265 Baldwin Street North whose lands were located north of 7400 Thickson Road North. She advised that her client has no objection to the proposed development at 7400 Thickson Road North. Ms. Pandey requested a temporary road access either from Baldwin Street North or from local Street 'C', located east of the subject property, noting that there was anticipated development at 7265 Baldwin Street North. Ms. Pandey stated she would like to avoid any future impediments to the proposed development at 7265 Baldwin Street North should this development proposal obtain approval prior to the proposed development at 7400 Thickson Road North. She advised that she had filed for pre-consultation with Town Staff, and that her client would adhere to all requirements of the Brooklin North Landowners Group and the Town of Whitby.

- 2.3** James Bujak representing Abacus Equity Infusion Limited  
Re: Planning and Development Department Report, PL 77-21  
Draft Plan of Subdivision and Zoning By-law Amendment Applications,  
Abacus Equity Infusion Limited, 7400 Thickson Road North, File  
Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

**Refer to Item 4.2, PL 77-21**

James Bujak, representing Abacus Equity Infusion Limited, stated that he was in support of the Staff recommendation and that he was in attendance to answer questions.

A question and answer period ensued between Members of Committee and Mr. Bujak regarding:

- whether the delegate was aware of the concerns about access noted by Ms. Pandey during her delegation and addressing the potential landlocked development;
- concerns related to the proposed development including the reduction in and range of the number of low density units, the range in height of the proposed buildings from 4 to 12 storeys in the High Density Residential / Mixed Use 1 Block, and the size of the proposed local park not meeting minimum standards;
- whether the low density variation was related to a future decision on the park locations;
- the timeline for the concept plan for the development of the medium or high density Block located at the southwest corner of the Draft Plan of Subdivision;
- the possibility of increasing the size of the local park to allow for amenities prior to approval of the applications;
- increasing the amount of commercial development at the southwest corner of Baldwin Street North and Columbus Road West and whether the form of commercial development would be a live/work build or only commercial; and,
- the degree of support for sustainability measures and applying the Whitby Green Standards to the proposed development.

**4.2** Planning and Development Report, PL 77-21

Re: Draft Plan of Subdivision and Zoning By-law Amendment Applications, Abacus Equity Infusion Limited, 7400 Thickson Road North, File Numbers: DEV-03-20 (SW-2020-01, Z-02-20)

A question and answer question period ensued between Members of Committee and Staff regarding:



- details about how increasing the size of the proposed local park block could be accommodated;
- whether the Conditions of Draft Plan of Subdivision Approval would ensure that the proposed local park block size would accommodate the required park facilities and amenities;
- the amenities that could not be accommodated within the proposed local park block at its current size;
- whether the required space for the sports field, playground shade structures, and multi-use courts included additional parking space within the proposed local park block;
- concerns about the unplanned commercial development block at the southwest corner of Baldwin Street North and Columbus Road West and the need for additional commercial development;
- confirmation that details about the commercial development would be provided through the site plan approval process;
- if the proponent would commit to a larger local park block and substantial commercial development;
- options to ensure that concerns related to commercial development and residential density would be resolved;
- whether providing additional medium density-lands throughout the Brooklin Community Secondary Plan would adequately address the Regional Corridor density standards for Columbus Road East;
- whether it was preferable to understand how each area in the proposed development relates to the other prior to making a decision on the Draft Plan of Subdivision;
- confirmation that a temporary access road would be provided to 7265 Baldwin Street North;
- whether traffic signals would be installed at the intersections of Street H and Thickson Road North, Street A and Baldwin Street, and Street C and Baldwin Street and whether the developer would be responsible for installing those traffic signals; and,
- referring the report to Staff until concerns about commercial development, the size of the proposed local park, the range of potential residential units, and details of the proposed building heights were known and resolved.

Recommendation:

Moved By Councillor Leahy

1. That Council approve the Draft Plan of Subdivision (File Number: SW-2020-01), subject to the comments included in Planning Report PL 77-21 and the Conditions of Draft Approval included in Attachment # 11;
2. That Staff be authorized to prepare a Subdivision Agreement;
3. That the Region of Durham Commissioner of Planning and Development be advised of Council's decision;
4. That Williams and Stewart Associates Ltd. be appointed as the Control Architect for the Draft Plan of Subdivision;
5. That the Clerk forward a Notice to those parties and agencies that requested to be notified of Council's decision;
6. That Council approve an amendment to Zoning By-law # 1784 (File Z-02-20), as outlined in Report PL 77-21; and,
7. That a by-law to amend Zoning By-law # 1784 be brought forward for consideration by Council.

**Note: The disposition of this matter, Item 4.2 was determined through the referral motion below.**

Recommendation:

Moved By Councillor Lee

That Report PL 77-21 be referred to Staff to review the concerns raised by Committee.

**Carried**

PDP 22-22

**Attachment #9**  
**Agency & Stakeholder Detailed Comments**  
**File DEV-03-20 (SW-2020-01 & Z-02-20)**

**Internal Comments**

**Whitby Engineering Services – Development Division**

Please find below the Third Submission Draft Plan of Subdivision Engineering Services comments on the above noted application as reflected on Draft Plan, 08202-DP4-2021-10-26-DP3, with a plot date of October 26, 2021.

The proposed Draft Plan of Subdivision is to develop 782 dwelling units comprised of 267 single detached units, 290 townhouse units and 225 high density units, 3 Natural Heritage System blocks, 2 Stormwater Management Pond blocks, 1 Local Park and 2 Parkette blocks, 2 Elementary School blocks, 1 part lot block, 1 Mixed Use block and 1 Future Development block.

The subject lands are currently zoned Agricultural (A). The purpose of the Zoning By-Law Amendment application is to change the zoning to appropriate categories to implement the Draft Plan of Subdivision.

We have reviewed the drawing and it is generally acceptable for a preliminary review however, there are revisions that will be required through the detailed design process in order for the proposed subdivision to conform to our Design Criteria and Engineering Standards.

**Conditional Comments**

Engineering Services supports a favourable decision to the applications based on the following comments and conditions.

To address Whitby Council 2018-2022 Goals and assist in providing a complete picture of the proposed subdivision's mobility provisions, Public Works has attached a Composite Transportation Component Plan (CTCP) (see Attachment No. 8) highlighting the anticipated locations of sidewalks, multi-use trails, multi-use paths and dedicated biking facilities for reference. Public Works expects that the components of this plan will be further refined and implemented through the future detailed engineering design processes following draft approval.

Additional informational comments concerning the draft plan have been provided to the proponent directly.

**Whitby Corporate Services (Treasury)**

Taxes are current. No objection to the subject development.

## **Whitby Fire and Emergency Services**

Staff have reviewed the subdivision plan for Abacus Equity Infusion have the following comments: I have reviewed the plans for 7400 Thickson Rd N and have the following comments:

- 1) For occupancy to be granted for the homes, the following entrances shall be completed and accessible:
  - a. Street A and Hwy 12
  - b. Street C and Hwy 12
  - c. Street D and Columbus Rd E
  - d. Street H and Thickson Rd N
- 2) An adequate water supply for firefighting purposes shall be provided throughout the site.

## **Community Services – Parks Division**

The Parks Division of the Community Services Department has reviewed the above noted revised application received by the Department on December 22, 2021 and has the following comments:

The subject revised plan of subdivision forms part of the Council approved Brooklin Secondary Plan development area. A large portion of the Secondary Plan area is owned by the Brooklin Landowners Group and involves the consideration of various proposed land uses through proposed plans of subdivision applications including numerous park blocks and open spaces areas.

Given the large complex development area and coordination required for development, certain requirements are being applied to all developments within the Brooklin Secondary Plan area, very similar to what was done for the West Whitby Secondary Plan area. Community Services staff have continuing discussions with the planning consultant for the Landowners group. The developers will enter into a cost sharing agreement (Parks Master Agreement) for the provision of parks, trails, open spaces and cash in lieu of parkland within the development area. Consideration will be given to the phasing of parkland development in order to ensure that adequate park service is provided as development proceeds and matures within the Brooklin urban area. It may not be possible to build all of the required parks upon home occupancy in a variety of locations. The timing of the development of the parks will be subject to phasing to be approved by the Community Services Department.

The Town of Whitby Community Services Department has reviewed this revised application and has the following comments:

### **Official Plan Park Size**

The proposed revised plan of subdivision is subject to the provisions and policies of the Town's Official Plan and Brooklin Secondary Plan. The Brooklin Secondary Plan identifies one Local Park and one Parkette within the subject lands.

The proposed Local Park, Block 303 (1.51 ha.) as revised does meet the minimum Local Park size requirements (1.5 hectares) of the Official Plan. The original plan of subdivision included a Park Block of 1.62 hectares (4 acres) which has been reduced to 1.51 hectares (3.7 acres) in size in the revised plan. The reduced Local Park size will create a challenge for the development of Local Park amenities including a sports field, playground area, shade structure and seating, multi-use courts and internal pathways. A roundabout abutting the park frontage at the intersection of Street D and Street J will have additional spatial impacts on the park design and fitment.

Parks staff previously recommended at the time of the Brooklin Secondary Plan development that the Local Parks for Brooklin should be a minimum size of two (2) hectares to allow enough area for one sports field and other park amenities including the need for parking.

Parks Staff understand that the reduction in land area of the Local Park Block within the revised plan is to address the needs of the Durham Region School Board to provide an additional increase of land for the elementary school block development. Parks Staff reviewed the park fitment needs and proposed school block fitment needs to identify any potential sharing of land between the two blocks for Town park amenities. It was determined that not enough spacing could be achieved between the Town ball diamond outfield and the school's proposed outdoor fields and parking lot. The fitment plan presented by the applicant is discussed within the Parks section.

The proposed revised plan of subdivision proposes two very small Parkette Blocks, 304 and 305. Developing a useable Parkette utilizing two smaller blocks separated by the Trans Canada Pipeline trail as proposed in the revised plan will be a challenge considering the setback requirements of Trans Canada, MTO's 14 metre wide area of influence, roadway setbacks and residential lot line setbacks. The proposed Parkette location adjacent the subdivision entry road is not preferred. The fitment plan presented by the applicant is discussed within the Parks section.

### **Open Space and Trails**

Proposed trail and cycling routes should be identified and must conform to the network identified in the Town's Active Transportation Plan.

The future trail system, as CLOCA requires, must be adjacent to the Natural Heritage system within Open Space Blocks 308, 309 and 310. The multi-use trail is not permitted within the Natural Heritage System (NHS) Buffers. The asphalt multi-use trail must be minimum 2.5 metres in width, 3.0 metre setback from residential property lines

and 1.0 metre from NHS Buffers. Public Works requires a 6.0 metre maintenance access. This access is a minimum width for the Town's heavy maintenance equipment to complete maintenance works. Public Works is in agreement with Community Services Parks that trails can be located within 6.0m maintenance allowances. CLOCA does not permit any trail or 6.0m access allowance within NHS environmental buffers. It is noted that CS Parks staff prefer recreational trails to be located within the valley and not directly in behind rear lot lines. The Town has many examples of recreational trails within valley limits that have performed very well, including the Brookvalley Trail in east Brooklin and Biodiversity Trail, two examples of popular recreational trails within the valley areas that have had minimal impact on the adjacent environmental feature. The trail/access location must be reviewed and approved by CLOCA, Public Works and the Parks staff. The developer shall ensure that a 2.5m wide multi-use asphalt trail system shall be developed in accordance with Town of Whitby standards. Revise the plan to indicate the trail system, Natural Heritage System buffers, and 6.0 maintenance access (adjacent to the Natural Heritage System) accordingly.

As the ATP indicates, the trail system shall connect from Street H south to Columbus Road and the paved maintenance access routes of the storm water ponds SWM Block 306 and or 307. Revise the plan to indicate the trail system connection to the storm water ponds where feasible.

As the ATP indicates, a connecting trail link within Open Space Block 308 would connect Columbus Road ATP facilities to Baldwin Street North ATP facilities.

A connecting trail link through Open Space Block 310 that connects to the Street D and Street G sidewalk system to allow for a connection to Thickson Road North ATP facilities. The future trail within Open Space Block 310 should also connect to the main trail network to the west.

## **Parks**

Parkette Block 304 and 305 are acceptable as Parkette Blocks unless a Park Fitment Plan depicts that a playground equipment area, seating, shade and trail links cannot be provided. Parks staff preference is one consolidated Parkette Block to be centrally located between Street A and C at the minimum size of 0.4 hectares. Parks staff will work with the applicant's qualified Landscape Architect to refine park fitment plan for the two parkette blocks.

Provide a park facility fitment plan by a qualified Landscape Architect for the Local Park Block 303 and Parkette Blocks 304 and 305 including connections to the trail within Open Space Block 308.

Fitments plans must address the following:

- Sports/play facilities setback of 20 metres from residential property lines and 15 metres from other property lines including roadways.

Local parks must contain at least:

- 1 sports field (Ball diamond);
- Junior and senior playground;
- Multi-skills courts;
- Shade and seating; and,
- Internal pathways.

Parkettes must contain at least:

- Playground (tot-lot);
- Shade and seating; and,
- Internal pathways.

### **Conditions of Draft Plan Approval**

The Parks conditions as provided, shall be incorporated into any future development agreement.

### **Whitby Sustainability & Climate Change**

The Sustainability Section has reviewed the proposed development application documents and wishes to provide the following comments.

Due to the location of the proposed development, the development process will need to follow the Brooklin Urban Design and Sustainable Design Guidelines throughout all stages. Details of the guidelines are found online. Section 3 of the Brooklin Urban Design and Sustainability Guidelines are the Sustainability, Safety and Accessibility Guidelines. This section discusses methods to promote an environmentally responsible, livable and safe community. We require a Sustainability Plan that details how the Design Guidelines in Section 3 of the Brooklin Urban Design and Sustainable Development Guidelines, and sections in the Official Plan that address sustainability, are intended to be applied in the proposed development.

The Goal, as stated in Section 3.2.1.1, is to encourage the planning and design of development that will embrace principles of sustainability to contribute to the achievement of a complete and healthy community. Official Policies relating to sustainability include Section 2.3.2 - Sustainable Development, Section 3.2 - Sustainable Community Planning, and Section 6.2.3.22 – Sustainable Design.

Based on the documentation provided, specific measures as identified in the Town of Whitby Official Plan Section 3.2.5.2 are to be considered:

- net zero homes and buildings;
- energy efficient and green buildings;

- innovative site design and landscaping that:
  - mitigates fluctuations in water levels and maintains or restores water balance;
  - incorporates on-site water retention, low impact development, and recycling techniques or systems; and
  - helps mitigate other possible effects of climate change;
- energy generation from renewable resources;
- transit usage and active transportation; and,
- reducing the risk of infrastructure damage during severe weather by retrofitting existing infrastructure and promoting green infrastructure.

Also, items to be considered, as per Section 3.2.6 relating to Energy Conservation, include but are not limited to:

- compact urban form, intensification, development, and redevelopment that is transit-supportive;
- innovative design in new development and redevelopment that incorporates energy conservation principles;
- efficient waste and resource management principles;
- the use of vegetation that will reduce energy consumption of buildings;
- active transportation and public transit usage; and,
- explore options to incorporate or connect to on-site energy generation systems, such as district energy facilities, where feasible.

Besides, items to be considered, as per Section 3.2.9 relating to Water Conservation, include but are not limited to:

- the use of low irrigation, naturalized low maintenance landscaping, or other innovative techniques for conserving water;
- the use of water saving technologies in building design; and,
- reductions in stormwater flows to stormwater and sanitary sewer systems through innovative on-site stormwater management systems, low impact development techniques, and other pervious natural surfaces in site design.

Further, items to be considered as per Section 6.2.3.22 relating to Sustainable Design, include but are not limited to:



- development sites to be designed for proper building orientation in relation to sun, wind, and site and grading conditions;
- development to be resilient to climate change and weather related events;
- landscaping that incorporates sustainable and low impact development techniques including rainwater harvesting, raingardens, constructed wetlands, bio-retention, permeable paving where appropriate, and reduction of impermeable surfaces;
- the use and siting of vegetation that is drought-resistant, native and non-invasive, that increases the urban tree canopy and that assists in reducing the energy consumption of buildings;
- the use of green roof designs in new developments where appropriate; and,
- the use of energy-efficient construction and space heating techniques in new development.

Currently, the Municipality is preparing comprehensive sustainable development standards. These standards are intended to support sustainable site design for development and redevelopment on public and private property, which will further enhance the natural heritage, economic vitality, cultural heritage, and social aspects of the Municipality. They are anticipated to be in place by Fall of 2020. Sustainability performance checklists are being prepared as part of sustainable development standards. Such checklists shall be used in the development review process to assess the level at which new development and redevelopment achieves the sustainable development standards and other sustainability objectives.

It is encouraged that the development considers sustainability, particularly, climate change, energy conservation, and alternate energy sources, water conservation, preservation and enhancement of the natural heritage system, active transportation, and stormwater management in the development design.

### **Planning - Landscape Review**

In response to your request for comments on the above captioned submission, the following summary comments are provided, as well as an attached mark-up of the submitted Arborist report.

Arborist Report Comments:

Page 4: “accepted TPZ limits” should be referenced. Town of Whitby and CLOCA requirements for VPZ are required to be provided, typically dripline, plus 10 metres as a minimum requirement (this may be increased in specific areas). VPZ areas are required to be surrounded by sediment and erosion control fencing.

Page 4: Section 3 notes that CLOCA will be consulted following detailed design and proposed grading limits are determined. CLOCA must be consulted prior to this to determine development and grading limits.

Page 12, 6.2 references the Durham Region Tree by-law. This by-law has recently been updated to the Durham Regional Woodland Conservation and Management By-Law 30-2020. This section should be revised to reflect the reference and requirements of the current by-law.

Page 14, Section 7: Discussion indicates that compensation requirements will be determined in consultation with CLOCA following detailed design; compensation requirements shall be determined in accordance with 5.3.7.8, in consultation with CLOCA and the Town prior to detailed design and in a comprehensive manner, to ensure compensation and rehabilitation requirements are satisfied within the subject property, and to comply with any Town and CLOCA requirements.

Page 14, 7.1.1 suggests that encroachment into tree protection zones are assumed necessary to facilitate construction; vegetative protection zones may determine the limit of disturbance in some cases, establishing the edge or limit of development with no construction works permitted within established vegetative protection zones.

Page 17, Section 9: Compensation discussion: consideration for cash compensation, will be determined in consultation with appropriate authority (Town, Region and/or CLOCA); restoration, rehabilitation and enhancement plantings provided within the limits of development are preferred to cash compensation;

Page 17, Section 10: Mitigation Measures-the Town of Whitby Official Plan policy requires a 10 metre setback, versus the referenced 6 m setback; Tree preservation fencing shall be coordinated with the proposed erosion controls / silt fencing measures and should reflect vegetative protection zones determined in consultation with CLOCA.

Figures:

General:

- All legends should illustrate a tree hoarding symbol and reference associated details for tree protection fencing;
- Any illustrated tree protection fencing illustrated in these figures should be continuous without any gaps; tree protection fencing around existing woodlots to remain should be continuous and illustrated along the full extent/boundary;
- All figures should include any existing Natural Heritage System boundaries; no tree removals should be illustrated within existing NHS areas; all NHS areas require tree protection fencing around any edges exposed to potential development;
- All legislated vegetation protection zones are required to be illustrated;

- Any hazard lands are required to be illustrated; and,
- Clarify various ownership information-Sorbara is included in legend, however, Abacus is noted in the report-clarification is required to reflect current ownership status.

Figure 2: this area is repeated in subsequent mapping on Figure 14; consolidate this information for clarity and consistency.

Figure 10 identifies this area as a 'grouping' versus reflecting its status as an edge of a woodlot condition.

Figure 11, and figure 12 identifies area 6C (a woodlot within the NHS) as a grouping of trees to be removed made up of individual trees to be protected; clarification is required.

(Unit 6C: trees and woodlot should all remain as they are within the NHS); tree protection fencing should also be illustrated around the full vegetation protection zone / edge of this area.

Figures 12 and 13: Units 7, 8A, 8C and TG-31 should all illustrate tree protection fencing around the full extent of the edges of these areas.

Figure 14: At the north west corner of Unit 5A, heavy-duty tree protection measures are required to be implemented adjacent to construction access roadway (utilizing plywood boards rather than snow fence); include and reference attached Town detail for Heavy Duty tree protection fencing (refer to mark up for highlighted location).

Figure 15 seems to identify trees (356/357) on neighbouring private property for removal; drawings required to identify that any trees, including "boundary trees" (trees with trunks that cross a property line) that may be removed on neighboring property require advance and written consent from the property owner, copies of which shall be provided to the Town.

Figure 23 requires updating to the current Town standard. Details 700, 701, 702 and 703 are attached to this for reference and use (details are provided for light duty, heavy duty, notes and signage).

#### Additional Comments:

The future residential development will be adjacent to a sensitive natural heritage system and in some cases, wetlands, and therefore the provision of an environmental education / good neighbour brochure is a requirement. This is required to be reviewed and approved by the Town and CLOCA, and is the responsibility of the developer to produce and distribute to all new residents in this development.

Consideration for future trails adjacent to the Natural Heritage System areas outside of the vegetation protection zones shall be identified by Town of Whitby Park Department staff. Proposed trails will need to fall outside of the NHS and associated VPZs. Future residential development backing on to these environments (NHS, etc.) shall reflect the typical Town requirements for fencing, including no gates.

We recommend a requirement for the provision of signage at regular intervals along the adjacent Natural Heritage System, to identify this condition and reinforce the sensitive nature of this environment to future adjacent residents and/or trail users, in areas where high pedestrian traffic may be experienced adjacent to trails, and/or where appropriate.

The wording, location and design of signs to be approved by the Town and the Conservation Authority. Edge management / restoration and buffer enhancement planting plans are required at edge conditions, including the use of appropriate native species, and invasive species removals. Proposed timelines shall include a monitoring/reporting schedule and be provided in areas beyond any trail requirements by Town. Detailed designs for any edge restoration and enhancement plantings shall include the provision of a cost estimate for these works provided to the Town.

A discussion of hazard tree removals is required to be included for all woodland edges. Typically, this occurs both prior to and following development, and in accordance with Town and CLOCA requirements. Hazard trees are required to be identified by the developers ISA arborist.

### **External Comments**

#### **Canada Post**

Canada Post has no objections for the proposed development.

#### Service type and location

1. Canada Post will provide mail delivery service to this development through Community Mailboxes.
2. Low Density, Medium Density & High Density Residential: Will be serviced through Community Mailboxes. The location of these sites are determined between my department (Canada Post Delivery Planning) and the developers appointed Architect and/or Engineering Firm. Given an anticipated 628-742 units in the subdivision, we have estimated 20 Mailbox Sites are required.
3. School Blocks: Will be serviced through Community Mailbox. The location of these sites are determined between my department (Canada Post Delivery Planning) and the Developers appointed Architect and/or Engineering firm.
4. Please see attached linked for delivery standards:

<http://www.canadapost.ca/cpo/mr/assets/pdf/business/standardsmanual.en.pdf>

#### Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

## Developer timeline, obligations and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
2. If applicable please ensure that any street facing installs have a depressed curb or curb cut. Contact Canada Post Corporation – Delivery Planning for further details.
3. If applicable please ensure that any condominiums apartments with more than 100 units, incorporates a mailroom with rear loading lock box assemblies (mailboxes).
4. Finally, please provide the expected first occupancy date and ensure the future site is accessible to Canada Post 24 hours a day.

It is recommended that the owners contact Canada Post as completion draws near so as to finalize the location and compartment they will be assigned to.

## **Central Lake Ontario Conservation Authority (CLOCA)**

Central Lake Ontario Conservation Authority (CLOCA) staff have completed our review of the updated Draft Plan and legal opinion regarding riparian rights circulated to CLOCA by the applicant and Town staff the week of September 27th, 2021. The following comments are provided based on our review of these materials.

1. The green lines on the draft plan are not representative of the outer constraint limits of the Natural Heritage System and are therefore inaccurate. CLOCA staff ask that all the current green lines (solid and dashed) be removed and replaced with the outer constraint limit of the approved Natural Heritage System as identified in Appendix A Figure 3 of the Environmental Impact Study (WSP, May 2021) and be labeled as such on the final Draft Plan of Subdivision.
2. Part of the western Stormwater Management Block (Block 306) is shown within the Natural Heritage System (NHS). Every effort must be made during detailed design to minimize this encroachment to maintain and restore the NHS as an ecological valleyland corridor.
3. We note that the pedestrian trail location and compensation strategy have not been updated as part of this submission. As such, all related comments provided in our previous letter dated August 31, 2021 remain outstanding and must be addressed as part of the next full submission.
4. CLOCA staff acknowledge the legal opinion provided by the proponent regarding the riparian rights of the adjacent landowner and defer the decision whether to accept this opinion to the Town of Whitby in its role as Approval Authority under the Planning Act.

5. Given a full response to our comments provided on August 31, 2021 has not been provided to date, CLOCA staff require that with the next full submission a response letter be provided that indicates how each of our outstanding comments from our August 31st, 2021 letter have been addressed.
6. As noted in our letter dated August 31, 2021, outstanding information is still required to confirm the final development limits associated with this draft plan. As such in order to accept the Draft Plan as presented in this circulation, it must be subject to red-line revisions until all outstanding matters have been resolved. CLOCA staff would prefer that outstanding matters be addressed prior to any approval of these applications but are willing to work with the applicant to resolve these matters through conditions of draft plan approval.

The following matters could require future red-line revisions associated with this draft plan of subdivision:

- a. The Stage 3 Watershed Report for the Brooklin Secondary Plan concludes that without conveyance improvements at Baldwin Road downstream of this development, that the currently proposed discharge from the proposed development will increase flooding downstream. The Provincial Policy Statement does not support development that creates new hazards or aggravates existing hazards. As such, without written confirmation that the Ministry of Transportation (MTO) will permit the required downstream conveyance improvements, the current draft plan of subdivision must be subject to red-line revision to allow for on-site controls to be put in place to control the discharge such that it does not negatively impact downstream landowners if downstream conveyance improvements are not approved.
- b. Improvements to Columbus Road and the creation of a new collector road proposed within the Brooklin North Major Roads Municipal Class Environmental Assessment will impact this draft plan of subdivision. Given detailed design of these roads has not been completed to date, the current draft plan of subdivision must be subject to red-line revision to ensure consistency with the final location and detailed design of these roads.
- c. An appropriate Compensation Strategy to fulfill Town of Whitby Official Plan Policies 11.5.25.3 to 11.5.25.5 and 11.5.25.11 has not been provided to date. As such, the current draft plan of subdivision must be subject to red-line revision to ensure any lands required for compensation are appropriately identified as part of the Natural Heritage System Blocks within this draft plan.

It is our understanding that the Town of Whitby will be presenting a Staff Report to the Committee of the Whole on December 6th, 2021 with recommended conditions of draft plan approval for this development.

Given this timeframe and the need to ensure flexibility to address the outcome of the above-noted matters is maintained as part of this development, CLOCA staff ask that

the following and previous comments be included in any approval of these applications on behalf of CLOCA.

### **Sub-Area Study 3B**

- All previous CLOCA comments related to the Sub-Area Study (SAS) 3B have been addressed to our satisfaction. This report will need to be updated with the final solution for downstream conveyance of Tributary T3 once it is approved.

### **Zoning By-law Amendment (Z-02-20)**

- CLOCA staff request that all retained natural heritage features, their associated vegetation protection zones, as well as all natural hazard lands and their associated development setbacks be zoned Greenbelt (G) as per Zoning By-law 1784, or the equivalent zoning of an approved Brooklin Secondary Plan Zoning By-law. Please provide a schedule identifying the appropriate zoning of these lands. No lot lines or associated development should occur within these lands, unless approved by CLOCA.

### **Draft Plan of Subdivision (SW-2020-01)**

Based on our review of the revised submission materials, several matters could still impact the configuration of the proposed Draft Plan of Subdivision and require red-line revisions in the future. These matters are detailed above and summarized below:

- Permission from the Ministry of Transportation (MTO) to make improvements to the downstream Highway 12 culvert conveyance to facilitate the proposed stormwater management strategy.
- Detailed design of Columbus Road and an interior Collector Road as part of the Brooklin North Major Roads Municipal Class EA.
- Provision of an appropriate Compensation Strategy for proposed losses to the Natural Heritage System.

Given this scenario, CLOCA staff recommend that any approval of the proposed plan of subdivision be subject to the conditions of draft plan approval as provided on behalf of the Central Lake Ontario Conservation Authority.

### **Durham Catholic District School Board**

The Durham Catholic District School Board has reviewed the above applications submitted that propose a total of 782 residential units. These units consist of 267 single detached, 290 townhouse and 225 high-density mixed use dwelling units. The Durham Catholic District School Board has no objections.

The Board has a designated Catholic elementary school site - Block 302 located within the above referenced plan of subdivision. However, prior to the registration of Draft Plan of Subdivision SW-2020-01, the draft conditions will be required to be met in order for the Board to grant clearance of this plan.

## **Durham District School Board**

Staff has reviewed the information on the above noted applications and have the following comments:

The applicant provided the Durham District School Board (DDSB) with a facility fit to address our previous concerns, as outlined in our letter dated February 22, 2021.

DDSB comments on an updated facility fit provided by the applicant, and attached to this letter, are as follows:

- The elementary school site provided, at 6.3 acres, is of insufficient size to meet the needs of the Durham District School Board.
- The school has been moved closer to Street 'D' resulting in an approximately 3.0 M grade difference between the sidewalk elevation and the proposed SE entrance. This grade difference will require a significant number of exterior steps to reach the entrance elevation.
  - This is a concern for accessibility and land needs.
- There is insufficient pick up / drop off (PU/DO) spaces at the south entrance.
- Possible additional parking spaces are indicated at the south entrance driveway. This will create a traffic interference problem with incoming traffic.
- The proposed grade at the future addition entrance is 0.63M higher than the proposed finished floor elevation.
  - This would require that future classrooms be buried into the slope resulting in windows into the classrooms be provided with either window wells or high level windows. This future addition would also require an interior lift to make the entrance fully accessible. This is not acceptable to the DDSB.
- The proposed accessible parking spaces are located on a cross fall of 5% slope which would not meet OADA parking requirements.

A larger school block closer to 8 acres, as originally requested by the DDSB, would assist in addressing the concerns outline above for the 6.3 acres site.

**\*\*\* Updated November 8, 2021 \*\*\***

Staff has reviewed the information on the above noted applications and have the following comments:

1. Approximately 285 elementary school students could be generated by the residential development proposed in Draft Plan of Subdivision Application SW-2020-01.
2. Conditions are based upon the final revised plan and school site configuration for elementary school Block 301.



3. Elementary school Block 301, at a site size of 2.97 hectares (7.3 acres) is satisfactory to the Board's requirements.

### **Enbridge Gas Distribution**

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [AreaPlanning40@Enbridge.com](mailto:AreaPlanning40@Enbridge.com) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

### **Elexicon Energy Inc.**

In regard to the draft plan of subdivision submitted GHD DWG# 08202-DP3, File# DEV-03-20 (SW-2020-01, Z-02-20), Elexicon would have to increase the capacity of existing distribution system in order to be able to connect the forecasted customers. The existing 13.8kV system in the area is at capacity, consequently, an expansion will have to be considered to introduce the 27.6kV voltage to the area. 27.6kV feeders will have to be built out of Whitby TS up Lake Ridge Rd to Columbus, then along Columbus to Thickson Rd N.

The Distribution System Code issued by the Ontario Energy Board (OEB) requires that a distributor perform an economic evaluation to determine if the future revenue from the customer(s) will pay for the capital cost and on-going maintenance costs of the expansion project. If a shortfall between the present value of the projected costs and revenues is calculated, the distributor may propose to collect all or a portion of that amount from the customer(s). The evaluation is basically a discounted cash flow calculation that brings all costs and revenues to their net present values. This model, in general, follows the methodology, the set of common elements and related assumptions provided in Appendix B of the Distribution System Code. Elexicon will provide an Offer-to-connect once an official request for electric services is received.

Further to the referenced File # DEV-03-20 (SW-2020-01, Z-02-20), Elexicon Energy Inc. has no objection to the proposed Site Plan Application to permit 2 proposed sales offices comprise a total of approximately 565 sq.m of GFA and includes 25 parking spaces.

The applicant or its authorized representative shall apply for new or upgraded electric services and temporary power service in writing. The applicant is required to provide Elexicon Energy Inc. with sufficient lead-time in order to ensure:

- a) The timely provision of supply to new and upgraded premises; and/or
- b) The availability of adequate capacity for additional loads to be connected in the existing premises

Please ensure that a minimum of 4.8m clearance is maintained from existing overhead conductors, which applies to all structures, equipment, and people.

## **Region of Durham**

### **\*August 2020 Initial Comments**

The subject lands consist of agricultural parcels of land located on the north side of Columbus Road East, between Baldwin Street North (Highway 12) and Thickson Road North. The site is irregular in shape totaling approximately 47.8 hectares (ha).

#### Purpose of Applications

The applicant proposes to rezone the subject lands from the current 'A' Agricultural zoning category to an appropriate residential category to facilitate a subdivision development between 626 to 718 residential units. A breakdown of the following land uses is provided below:

- 35 low density residential blocks providing between 282 to 374 units over 11.3 ha;
- 34 medium density residential blocks providing 260 units over 5.17 ha;
- One high density residential block providing 84 apartment units;
- One mixed-use block over 1.95 ha;
- Two school blocks over 4.72 ha;
- Three park and parkette blocks over 1.72 ha;
- Two stormwater management pond blocks over 4.78 ha;
- Three open space blocks over 9.13 ha;
- Four landscape strip blocks over 0.17 ha;
- Two sewer easement blocks over 0.08 ha;
- One future development block over 0.06 ha;
- Twelve, 0.3 m reserve blocks over 0.02 ha;
- Three road widening blocks over 0.47 ha; and
- Roadways covering 7.67 ha.

The related zoning by-law amendment application is required to facilitate the proposed subdivision development

### Conformity to the Regional Official Plan

The ROP designates the subject lands as “Living Areas” with a “Regional Corridor” overlay along Columbus Road East. The subject site is also situated within a designated greenfield area, requiring an overall gross density of 50 residents and jobs combined per hectare.

Living Areas within greenfield areas are intended to accommodate a full range of housing options at higher densities. Regional Corridors shall be planned and developed as higher density, mixed use areas (where considered appropriate by the area municipality) supporting public transit and pedestrian oriented development. Regional Corridors shall support an overall minimum long-term density target of 60 residential units per gross hectare and a floor space index of (FSI) of 2.5.

The subject site abuts Thickson Road North (to its east), Columbus Road East (to the south) and Baldwin Street North/Highway 12 (to its west), which are classified by the ROP as Types ‘A’, ‘B’ and ‘C’ Arterial Roads respectively. Columbus Road East is also classified as a “Transit Spine.”

The proposed development appears to provide a density of at least 50 persons and jobs per hectare, which meets the required target for greenfield development. The proposed draft plan provides for a range of housing types, with higher density development and a mixed-use block at the northeast quadrant of Baldwin Street North and Columbus Road East. However, additional information (e.g. a preliminary plan of the proposed mixed-use building) is required to determine whether the proposed development conforms to the Regional Corridor requirements of the ROP.

To support a continuous higher density built-form along Columbus Road and in accordance with the Town of Whitby’s Brooklin Community Secondary Plan, the applicant should explore alternative locations for the proposed stormwater management ponds. This will further compliment the Region’s Regional Corridor density requirements along Columbus Road.

In accordance with the goals and directions of the ROP, the applicant should also consider the provision of affordable housing units where possible to satisfy the Region’s social and economic needs of current and future residents.

Schedule ‘B – Map B1d’ of the ROP identifies Key Natural Heritage and Hydrologic Features (KNHFF) on portions of the subject site. The ROP does not permit development or site alterations within a KNHFF. The Central Lake Ontario Conservation Authority (CLOCA) identified in their letter dated July 22, 2020 that additional work is required to determine the any adverse impacts on the natural heritage features on the site and its developable limits.

In summary, although proposed development generally conforms to the ROP's greenfield density requirements, at this time, conformity with the ROP cannot be determined until the applicant can demonstrate the following:

- Conceptual site plans/built forms along Columbus Road East demonstrating that the development blocks will conform to the Region's overall density target of 60 residential units per gross hectare and an FSI of 2.5 (where non-residential uses are proposed);
- Whether the proposed stormwater management ponds adjacent to Columbus Road can be relocated, supporting additional higher density development, consistent with the Brooklin Community Secondary Plan in consultation with the Town of Whitby, CLOCA and the Region; and
- That the proposed development satisfies CLOCA's natural heritage requirements and to determine the proposed development limits of the subject lands.

### Provincial Policy and Delegated Plan Review Responsibilities

#### Provincial Policy Statement

The Provincial Policy Statement (PPS) contains policy direction on matters of Provincial interest related to land use planning. The PPS encourages settlement areas to be the focus of growth and development and supports a range and mix of land uses and housing types. New development in designated growth areas are to be compact and allow for the efficient use of land, infrastructure, while also supporting the health and well-being of communities. The PPS aims to also protect natural features and states that development or site alteration is not permitted unless there will be no negative impacts on the natural features or functions.

The proposed development provides a range of housing types allowing for compact, efficient use of land and infrastructure. However, consistency with the PPS cannot be determined at this time until additional information is provided to demonstrate conformity and consistency with the provincial plans and policies. The applicant must address CLOCA's comments to ensure that the proposed development does not negatively impact the existing natural and hydrologic features on the site.

#### Growth Plan for the Greater Golden Horseshoe

The Growth Plan encourages new development in greenfield areas to achieve complete communities, affordable housing options, support active transportation, and encourage the integration of transit services.

The Growth Plan requires that the development of greenfield areas meet a minimum density target of 50 residents and jobs combined per hectare. Further, large scale development within designated greenfield areas are to be informed by sub-watershed plans and must not negatively impact the natural heritage features or hydrologic functions.

The proposed development generally meets the minimum density target, provides a mixture of housing types. At this time, the Region is not able to ascertain whether the proposed plan of subdivision would negatively impact the natural environment. CLOCA's concerns must be addressed prior to the Region's final comments on the proposed application.

#### Provincial Plan Review Responsibilities

We have reviewed the applications in accordance with the Region's delegated Provincial Plan Review responsibilities.

#### Environmental Impact Study

The applicant has submitted an Environmental Impact Study (EIS) by WSP, dated December 2019. The report identifies that the watercourse on the site and that direct and indirect impacts during or following construction can be mitigated with the implementation of standard mitigation measures.

The Region has a Memorandum of Understanding with CLOCA to review and evaluate the environmental features and functions of all development proposals. At this time, additional environmental work will be required in order to satisfy CLOCA's concerns and requirements in order to ensure that the proposed development does not impact the significant and sensitive natural heritage features on the site.

#### Site Contamination

The applicant has submitted a Phase One Environmental Site Assessment (ESA) by Toronto Inspection Geo-Environmental Consultants (TIGEC), dated December 15, 2018. The study found six potentially contaminating activities (PCAs) with three contributing to areas of potential environmental concern (APECs). The report recommends that a Phase Two ESA be conducted and submitted for subject site.

We are satisfied with TIGEC's recommendations and will require the applicant to submit a Phase Two ESA in accordance with the Region's Site Contamination Protocol. Depending on the findings of the Phase Two ESA, additional information such as a Letter of Insurance and Certificate of Insurance or an RSC would be required in order to rely upon TIGEC's findings.

#### Noise Mitigation

As noted above, the ROP encourages "Living Areas" to be developed in a compact urban form along arterial roads with present and potential transit facilities. 'Living Areas' are intended to be developed with good urban design principles which include implementation of noise mitigation measures, and grid pattern of roads.

Frontages along various segments of the subject lands abut Thickson Road North, Columbus Road East and Baldwin Street North (Highway 12), which are Types 'A', 'B' and 'C' Arterial Roads respectively. According to the ROP, arterial roads are considered transportation noise sources.

In support of the proposed development, Valcoustics Canada Ltd. (Valcoustics) conducted an 'Environmental Noise Assessment', dated November 28, 2019 which analyzed the noise impact from the road traffic on the proposed development. The study recommends mandatory air conditioning for all residential units, and additional warning clauses for the various blocks.

Upon reviewing the report, we offer the following comments:

The Region requires the applicant to submit an updated noise report that includes:

- A table and STAMSON output pages showing noise levels after mitigation measures have been implemented;
- The output pages also including the most noise sensitive receptors (N, P & T) both prior to and after mitigation measures; and
- An analysis of the stationary noise sources identified in the report (Brooklin Concrete Products, gas bar with convenience store, restaurant, and school bus storage).

The report states that the future high density and mixed-use development blocks cannot be analyzed due to a lack of details regarding the location of the buildings, and recommends that a detailed noise study be conducted for these blocks when information becomes available and be part of the Site Plan approval process.

While the Region generally requires that all noise matters be addressed at the earliest stage in the development review process possible, we recognize that this is not always practical. The Region encourages the proponent to provide detailed architectural plans of the future development blocks before the application is draft approved and/or registered. This matter can be addressed as a condition of future draft approval.

### Archaeology

According to the Region's archaeological modelling tool, most of the subject site is within an area of high archaeological potential. The Archeological Assessment (AA) of the site was divided into two areas: the Euro-Canadian Brooklin H15 site and 7200 & 7400 Thickson Road.

### Euro-Canadian Brooklin H15

A Stage 4 Archeological Mitigation of the Euro-Canadian Brooklin H15 site prepared by Amick Consultants Ltd, dated July 7, 2016 was submitted. The

Stage 4 report concluded that the Brooklin H15 site was completely excavated and has no further cultural heritage value or interest. This report was submitted to the Ministry of Heritage, Sport, Tourism, and Cultural Industries (MHSTCI), formerly the Ministry of Tourism, Sport, Tourism and Culture Industries. As part of this development application, the Region received the Ministry's clearance letter dated June 5, 2017.

## 7200 & 7400 Thickson Road

A Stage 1-2 AA of 7200 & 7400 Thickson Road, prepared by Amick Consultants Ltd. dated March 26, 2019 was submitted. The Stage 1-2 AA recommended that the study area be cleared of archeological concern. Amick Consultants Ltd. submitted the Stage 1-2 AA to MHSTCI and has provided the Region with the Ministry's clearance letter dated December 6, 2019 as part of this development application.

As such, we are satisfied that archaeological concerns for the subject site have been addressed.

## Regional Municipal Servicing

The Regional Works department has reviewed the proposed development.

The following is a summary, detailed comments are found in Attachment 1:

### Density

The theoretical population for the 374 single family homes is approximately 1309 people, the theoretical population for the 260 townhouses is approximately 780 people for a total theoretical population of 2200 people.

A detailed unit breakdown will be required upon the submission of a development application in order to determine if adequate capacity is available.

### Water Supply

The subject property is located within the Zone 4 water supply system for Whitby. The estimated static water pressure for this area ranges between 353 kilopascals (kpa) or 51 pounds per square inch (psi) to 676kpa (98psi) and exceeds the maximum allowance of 550kpa (80psi), therefore, a private pressure reducing valve will be required.

The full build out of the Brooklin Growth Areas will require the construction of a Zone 4 reservoir, a Zone 4 pumping station and a Zone 5 pumping station.

Water supply to the subject lands are available from the following:

- The existing 300 milimetre (mm) Zone 4 watermain at Selkirk Drive & Columbus Road.
- The existing 200mm Zone 4 watermain at Croxall Boulevard & Columbus Road.

Watermains will be required within the Draft Plan and some will require servicing easements. It is anticipated that 400mm Zone 4 watermains will be required on Columbus Road and on Hwy 7/12. Upon receipt of additional information, additional details about sizing can be determined.

The Region will not permit any connections to the existing 600mm Zone 3 feedermain and the existing 750mm Zone 3 feedermain. The future 900mm Zone 4 feedermain will not be located within Thickson Road North.

Discussions with MTO should take place early in this process to make sure that they are aware of the proposed servicing required on Highway 7/12.

### Sanitary Servicing

Sanitary servicing to the subject lands will be available from the existing 300mm sanitary sewer on Hwy 7/12/Baldwin Street and the existing 300mm sanitary sewer on Croxall Boulevard. Available capacity within the existing downstream sanitary sewers will be determined upon the submission of a development application. Sanitary capacity is on a first come first serve basis and is only allocated at the time of signing a development application.

### Functional Servicing Report (FSR)

We have reviewed the FSR prepared by SCS Consulting Group Ltd, dated January 2020. We will require the applicant to make changes to Section 3.0, Section 4.1, and Section 4.2. Our specific comments are found in Attachment 1.

### Waste Management

As the plans become more defined for the subdivision which includes between 282 to 374 single detached units and 260 street townhouse units, we will provide comments upon subsequent submissions.

### Transportation Impact Study

Traffic Impact Study prepared by BA Group and dated November 2019 has been submitted. Specific comments are found in Attachment 1.

### Transportation Planning

The proposed development was also reviewed from a Regional transportation planning perspective.

As per Schedule 'E', Table 'E7' of the Regional Official Plan, the right-of way width for Columbus Road should be protected for is 36 metres. We acknowledge that the widening needs for Columbus Road are being determined through the ongoing Brooklin North Major Roads Class EA study. However, the draft plan of subdivision does not appear to be consistent with the recommendations for Columbus Road identified in the study.

The Brooklin Major Roads Class EA study, which includes a preliminary design for the widening of Columbus Road, should examine crossing alternatives for the Multi Use Path (MUP) in the pipeline corridor, which currently coincides with the Open Space Block (Block 79). Furthermore, where Block 79 meets Baldwin Street, there is an opportunity for a signalized pedestrian crossing on Baldwin Street North.



## **\*October 2021 Revised Region of Durham Comments**

The revised development proposal facilitates a subdivision development accommodating 782 residential units. Notable changes to this development from the initial proposal are provided below in parentheses:

- 267 low density residential blocks providing 267 units over 9.71 ha;
- 30 medium density residential blocks providing 290 units over 5.83 ha;
- One combined high-density mixed-use block providing 225 units; and
- Roadways covering 7.48 ha.

As such, we have reviewed the revised materials for this development proposal and offer the following updated comments since our preliminary commenting letter dated August 12, 2020.

### Conformity to the Regional Official Plan

Our comments on applicable Provincial and Regional land use policies for this revised draft plan of subdivision remain unchanged.

The proponent has demonstrated to the Region's satisfaction that the proposed stormwater management ponds are appropriately located on the subject lands due to its declining topography from the northern development limits southerly to Columbus Road East. The proponent has made efforts to provide additional medium-density lands, throughout the development, to offset the residential density loss along Columbus Road East because of the stormwater management ponds required for this development.

The revised unit count provides an increased unit range from the initial proposal but still appears to fall slightly below the Province's minimum density target of approximately 50 persons and jobs per hectare and the minimum Regional Corridor density of 60 residential units per gross hectare. However, the Region believes that these shortfalls could be accommodated elsewhere throughout the Brooklin Community Secondary Plan.

In accordance with the Central Lake Ontario Conservation Authority's (CLOCA) letter dated October 12, 2021, it is our understanding that the development limits, amongst other matters can be addressed as conditions to draft plan approval but may require future red-line revisions to the draft plan.

The revised proposal is consistent with the Provincial Policy Statement (PPS) and in general conformity with the density requirements of A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Durham Regional Official Plan (ROP). In accordance with the goals and directions of the ROP, we encourage the proponent to also consider the provision of affordable housing units where possible to satisfy the Region's social and economic needs of current and future residents.

### Delegated Provincial Plan Review Responsibilities

All other comments on our delegated Provincial Plan review responsibilities for this revised draft plan (i.e., potential site contamination in accordance with the Region's Soil and Groundwater Assessment Protocol and any required noise mitigation) remain valid from the initial submission. These requirements will be the subject of conditions of draft approval.

The proponent has also demonstrated appropriate mitigation measures to the satisfaction of CLOCA and the Region to minimize any adverse impacts on existing significant and sensitive natural heritage features on the subject lands.

### Regional Municipal Servicing

The maximum unit buildout of 823 units will produce a theoretical servicing population of approximately 2,534 people. However, through future engineering submission materials for this subdivision, the proponent must provide a unit breakdown for the proposed the high-density block for review.

We have provided comments under separate cover on the Regional Water & Wastewater Servicing Requirements for the Brooklin Landowners Group, prepared by Candevcon Limited. This report is considered for providing a basis for municipal servicing for the entire Brooklin Growth Area and should only be used for reference purposes.

### Transportation Planning

This submission was also reviewed from a Regional transportation planning perspective and we offer the following comments:

- As per Schedule 'E', Table 'E7' of the Regional Official Plan, the right-of-way width that should be protected for is 36 metres (m). The widening needs for Columbus Road have been determined through the Brooklin North Major Roads Class EA study, which was completed in March 2021. The proposed the road widening requirements are not consistent with the draft preliminary design and should be updated.
- The relocation of the separate school block to the southeast corner of Street H and Street D should ensure that no driveway access is provided on Thicksen Road North, consistent with the Region's School Site Access and Operations Guideline, 2009.
- Where the Open Space block (Block 79) meets Baldwin Street North, there is an opportunity for a signalized pedestrian crossing on Baldwin Street at or near Street 'C' to connect the planned MUP along the pipeline corridor. We recognize that the revised Transportation Impact Study (BA Group, December 2020) recommends an unsignalized access at Street 'C'. However, its scope does not cover potential need for pedestrian crossings or the relationship between the draft plan of subdivision and the proposed high density and mixed-use blocks on

the other (west) side of Baldwin Street North. Further, pending the outcome of the Highway 7/12 Route Alignment Study, this section of Baldwin Street North is proposed to be transferred from the Ontario Ministry of Transportation (MTO) to the Town of Whitby jurisdiction. At such time, a signalized pedestrian crossing may be feasible at this location in the future.

### Transit

This proposal does not present any significant impacts from a transit operational perspective. The proponent shall ensure convenient and safe pedestrian facilities to access transit service.

As a condition of draft approval, the proponent will be required to coordinate engineering plans for review to Durham Region Transit's (DRT) satisfaction. These plans shall be referenced in either the subdivision agreement or in an appropriate agreement (e.g., Site Plan or Development) to the satisfaction of the Town of Whitby and the Region of Durham.

### Conclusion

The proposed plan of subdivision application and zoning by-law amendment application has demonstrated consistency and conformity with the applicable Provincial and Regional land use policies. The proposed development will facilitate a variety of residential and institutional uses as well as provide densities that conforms with the goals, directions, and policies of the Brooklin Community Secondary Plan.

Subject to the fulfillment of our conditions as provided, we have no objections to draft approval of this plan of subdivision and proposed zoning by-law amendment. The attached conditions of draft approval must be complied with prior to clearance by the Region for registration of this plan.

The Owner must also provide a land use table prepared and signed by an Ontario Land Surveyor to the Region's satisfaction. The land use table must provide lot area calculations for the proposed land use(s) allocated within the draft plan of subdivision.

In addition to providing the Region with copies of the draft approved plan and conditions of approval, at such a time as the draft approval is in effect, it would be appreciated if digital copies (both PDF and Word documents) of the Town's conditions of draft approval could be provided to the contact Planner of Record.

### **Ministry of Transportation Ontario**

MTO has reviewed the documents and has some comments:

Planning and Design

Developer shall:

- Determine improvements that may be required for the Hwy 7/12 and the existing signalized intersection at Hwy 7/12 /Columbus Road,

- Consider widening needs along Columbus Road ( East and West) and the resulting impact on Hwy 7/12 for widening to 4 lanes plus 1 centre left turn lane,
- Ensure that the drainage from the development does not adversely impact the Highway 7/12 drainage system,
- Enter into a Legal Agreement with MTO to carry out necessary improvements to Hwy 7/12 at the Developer's expense.

#### Traffic

- The submission package is mostly based on this new road "H" to divert Hwy 7/12 traffic away from Baldwin.
- There are 2 new entrances to the subdivision onto Baldwin.
- The proposed entrances to Baldwin will be reviewed and accepted in combination of an official transfer agreement in place.
- There should be access to the site through the other roads such as New Street "D" and even Thickson Rd.

#### Drainage

The blocks in the NE quadrant of Highway 12 and Columbus Road drain southerly to Columbus Road under existing conditions. Under proposed conditions it looks like minor and major flows from this area will instead be directed westerly to Highway 12. MTO requests that the existing drainage patterns be maintained and this area continue to drain southerly to Columbus Road under proposed conditions.

#### Corridor Management

An MTO encroachment permit is required for any proposed works within an MTO Right of Way (for example, if the recommendations of the study necessitate rehabilitation or replacement of any sewers that cross the Hwy. 401 corridor). Survey work and any preliminary investigative engineering work (e.g. boreholes, coring) also require MTO Encroachment Permits. For further information on encroachment permits, please refer to the following link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/encroach.shtml>

For work which is to take place outside the MTO Right-of-Way, but within the Ministry of Transportation's permit control area, the owner / applicant will require an MTO Building & Land Use Permit. This applies to any development, entrance, change of entrance use, building or structure within 45 metres of the provincial highway property line or within 395 metres of the centre point of an intersection or interchange with a provincial highway. In addition, construction on these lands must not commence prior to the issuance of the necessary MTO permits.

Any proposed structures (above or below ground) or amenities which are essential to the viability of the site (e.g. utilities, frontage roads, fire routes, parking, stormwater management ponds) must be set back a minimum of 14 metres from the highway property line. In locations where the Ministry currently has plans for future highway widening that will require additional land, the minimum 14 metre setback is to be taken from the future highway property line.

MTO Sign permits are required for any signs which are visible from Highway 401 and other new 400 series highways and within 400 metres of the highway property line. This requirement includes alterations or location changes of existing signage. For more information on MTO sign permits including submission requirements and application forms, please refer the applicant to the following link:

<http://www.mto.gov.on.ca/english/engineering/management/corridor/signs.shtml>

## **TC Energy**

MHBC are the planning consultants for TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation (TC Energy). This letter is in response to notification of the application of a Draft Plan of Subdivision and request for comments. TCPL has 2 high pressure natural gas pipelines crossing the subject lands.

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (“NEB”). As such, certain activities must comply with the Canadian Energy Regulator Act (“Act”) and the National Energy Board Damage Prevention Regulations (“Regulations”). The Act and the Regulations noted can be accessed from the CER's website at [www.cer-rec.gc.ca](http://www.cer-rec.gc.ca).

We request to be circulated the Comprehensive Block Plan required for the High Density Residential Block and Mixed Use Block adjacent to the pipeline right-of-way.

Street C on the Draft Plan contains a daylighting triangle on the pipeline right-of-way. TCPL's preference would be to move the street so that no portion of the road allowance is located on the right-of-way. If this is not feasible, pipeline remediation will be required at the expense of the Subdivider. A 45° angle is the minimum requirement by the CSA for a crossing and street lighting will not be permitted on the right-of-way.

TC Energy has requested that their development and regulatory requirements be included as conditions of Draft Plan approval. Furthermore, TC Energy requests the following setbacks be implemented in the Zoning By-law Amendment:

*“No permanent building or structure shall be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the pipeline right-of-way.”*

### **\*Updated February 2021**

As noted in our previous letter, “Street C on the Draft Plan contains a daylighting triangle on the pipeline right-of-way. TCPL's preference would be to move the street so

that no portion of the road allowance is located on the right-of-way. If this is not feasible, pipeline remediation will be required at the expense of the Owner. A 45° angle is the minimum requirement by the CSA for a crossing and street lighting will not be permitted on the right-of-way.”

The intersection of Street C on the Draft Plan continues to be a concern for TCPL for the following reasons:

- a. The angle does not conform with CSA-Z662 requirements for a road crossing;
- b. The intersection impedes access for future maintenance operations of the pipelines; and,
- c. The cost of remediation on the pipelines would be substantial and at the Owners expense.
  - a. Lights, signage, drains, manholes will also increase the amount of work required around the pipelines.

TCPL strongly recommends an alternative design for Street C. We propose the following options be considered:

- Move the entrance onto Baldwin St. to the north of the right-of-way
- Move the street entrance south, crossing the right-of-way at a minimum 45° angle
- Change Street C to a cul-de-sac that does not encroach on the pipeline right-of-way
- Change Street C to a window street and Street B becomes a second access onto Baldwin Street

### **Rogers Communications**

Rogers Communications (“Rogers”) has reviewed the application for the above Subdivision and has determined that it intends to provide cable and telecommunications services. Accordingly, we request that municipal approval be granted subject to the following conditions:

(1) Prior to registration of the plan of Subdivision, the Developer/Subdivider will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision (collectively, the “Communications Service Providers”). Immediately following registration of the Plan of Subdivision, the Developer/Subdivider will cause these documents to be registered on title.

(2) Prior to registration of the plan of Subdivision, the Developer/Subdivider will, with consultation with the applicable utilities and Communications Service Providers, prepare

an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

In addition, we kindly request to, where possible, receive copies of the following documents:

1. the comments received from any of the Communications Service Providers during circulation;
2. the proposed conditions of draft approval as prepared by municipal planners prior to their consideration by Council or any of its committees; and
3. the planners' report recommending draft approval before it goes to Council or any of its committees.

### **Bell Canada**

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or re-circulations.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

## Conditions of Draft Plan of Subdivision Approval File No. DEV-03-20 (SW-2020-01, Z-02-20)

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 drawing number 08202-DP4 Rev. F, dated February, 2022, which illustrates the following land uses: low density residential blocks providing 267 units; medium density residential blocks providing 217 units; one high density residential block providing 225 units; one medium density residential block providing 73 units, one part lot block, two school blocks; one park block; two parkette blocks; two stormwater management pond blocks; three open space blocks; three landscape strip blocks; one future development block; three reserve blocks; three road widening blocks and municipal roadways.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Regional Municipality of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Regional Municipality 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 submit Environmental Site Assessment documents to address potential site contamination for the subject site in accordance with the Regional Municipality of Durham's Soil and Groundwater Assessment Protocol.
5. The Subdivider shall agree in the Town of Whitby Subdivision Agreement 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.
6. The Subdivider shall grant to the Regional Municipality of Durham 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.
7. 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.

8. 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.
9. 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 and other Regional services.
10. The Subdivider shall convey to the Regional Municipality of Durham, free and clear of all encumbrances, a road allowance widening across the total frontage of the plan on Thickson Road North (Regional Road 26). This widening shall be determined as a distance of 3.0 metres west of the centerline of the original road allowance.
11. The Subdivider shall convey to the Regional Municipality of Durham, free and clear of all encumbrances 15.0 metre x 15.0 metre sight triangle, measured from the widened right-of-way, at the northwest corner of Thickson Road North and Street 'H'.
12. The Subdivider shall, to the satisfaction of the Region, revise the draft plan of subdivision based on the final Brooklin Major Roads Environmental Assessment with respect to all matters addressed therein, as may be required by the Region, including any impacts on sanitary sewerage, water supply, Regional roads and stormwater management facilities servicing Regional roads.
13. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to provide engineering plans to the satisfaction of the Regional Municipality of Durham which shows the location of all transit-related infrastructure/facilities (including how it coordinates with proposed landscaping, driveway entrances and other facilities) within the subdivision.
14. 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 Lynde Creek Master Drainage Plan and Brooklin Secondary Plan Sub-Area Study 3B.
  - b) The intended means to mitigate any negative downstream flooding impacts caused by this draft plan of subdivision.

- c) The intended means to mitigate any potential impacts to the sensitive fen wetland community on this site during any required dewatering as part of the construction of the eastern stormwater management pond.
  - 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 maintain appropriate water balance for the subject lands and to the adjacent hydrologic features (eg. wetlands, headwaters, watercourses) as part of this development. This report will include appropriate mitigation measures recommended as part of the completed Headwater Drainage Feature Assessments for this development.
  - f) The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
  - g) The intended means to address Official Plan Policies 11.5.25.4, 11.5.25.5, 11.5.25.11 and 11.5.25.12 related to replacement of isolated natural heritage features, as well as the restoration and enhancement of watercourses providing contributing habitat for Redside Dace to the satisfaction of the Central Lake Ontario Conservation Authority.
  - h) The intended means to address Official Plan Policy 5.3.7.9 to establish and maintain the identified vegetation protection zones as a natural self-sustaining vegetated area.
  - i) The intended means to address all appropriate design criteria and recommendations within the Ministry of the Environment, Conservation and Parks (MECP) approved Brooklin North Major Roads Municipal Class Environmental Assessment Study. The Subdivider shall agree that the draft plan will be subject to red-line revisions to bring it into conformity with the detailed design of this Environmental Assessment.
  - j) The intended means to provide any pedestrian trails within the Natural Heritage System as part of this development.
15. That the Subdivider agree that prior to any site alteration or approval of any development that an appropriate Compensation Strategy will be provided and approved by Central Lake Ontario Conservation Authority. As part of this Strategy a Natural Heritage System Restoration and Enhancement Plan will be required for all natural heritage impacts associated with this plan of subdivision, independent from any mitigation and compensation required for works within the defined right of ways of any Municipal Class Environmental Assessment Studies (EA). The Subdivider shall agree that the draft plan will be subject to red-line

revisions to make it consistent with the approved Compensation Strategy and associated Natural Heritage System Restoration and Enhancement Plan.

16. That the Subdivider shall agree to install all approved planting and restoration plans identified within the Natural Heritage Corridor Restoration and Enhancement Plan to the satisfaction of the Town of Whitby and Central Lake Ontario Conservation Authority within the shouldering growing season of any approved removals or impacts. Where possible, replacement features and ecological function such as wildlife habitat will be established prior to approved removal of any natural heritage features. All planted areas will be protected with appropriate fencing to avoid any disturbance to this area during subsequent construction.
17. That the Subdivider shall agree within the Subdivision Agreement to erect a permanent fence between the boundary of all Natural Heritage System Blocks and residential lands to prevent any direct entry of landowners/occupants from private lands into any Natural Heritage System Blocks. Any associated development agreement shall include provisions to prohibit private gates being installed through this fence.
18. That the Subdivider agree that prior to any site alteration or approval of any development that written confirmation will be provided from the Ministry of Transportation (MTO) that improvements can be made to conveyance through the downstream culvert crossing at Highway 12 to alleviate any downstream flooding impacts caused by this development.
19. That the Subdivider agree that all improvements required to downstream culvert conveyance through Highway 12 will be completed prior to issuance of any building permits within this development, not including any temporary sales offices.
20. That the Subdivider agree that prior to any site alteration and/or development within any Natural Heritage System Blocks, that Official Plan policies 5.3.7.4 related to permitted activities within key natural heritage features, key hydrologic features and their vegetation protection zones be addressed to the satisfaction of the Central Lake Ontario Conservation Authority. Specifically, any proposed passive pedestrian trails should be identified and any impacts to the Natural Heritage System identified and mitigated to the satisfaction of Central Lake Ontario Conservation Authority prior to approval and construction.
21. That the Subdivider agree that prior to any site alteration and/or development within contributing habitat of an endangered species or threatened species, that conformity with all Provincial and Federal requirements, specifically within the Endangered Species Act and the Species at Risk Act will be demonstrated to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP) and Department of Fisheries and Oceans. Based on the results of this exercise, the Subdivider agree that the draft plan may be subject to red-line revisions.

22. That the Subdivider agree that the plan may be subject to further red-line revisions to accommodate the requirements of the Central Lake Ontario Conservation Authority, the Town of Whitby and other approval agencies with respect to stormwater management pond block sizes, development limits associated with natural heritage features and natural hazard lands, and natural heritage compensation requirements related to this draft plan.
23. That the Subdivider shall agree to dedicate all Open Space Blocks to an appropriate public body.
24. 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.
25. 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.
26. 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 14 to 22 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) 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.
27. That prior to final approval, the Subdivider shall have made an Agreement satisfactory to the Durham Catholic District School Board for the transfer of a Catholic elementary school site as shown in the plan submission. The Catholic elementary school site, Block 302, shall contain not less than 2.32 hectares.
28. That the Subdivider shall agree in the Town of Whitby's Subdivision Agreement in wording satisfactory to the Durham Catholic District School Board:
  - a) To grade Block 302 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - b) To remove any buildings on Block 302;
  - c) To remove trees, as required to accommodate school layout;

- d) To provide a letter of credit pertaining to stockpiling and removal of top soil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 125% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the Durham Catholic District School Board;
  - e) To remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - f) To construct a temporary/permanent galvanized chain link fence, Type II 1 1/2" mesh, 1.8 m high along all boundaries of the school block, including road frontage(s) at the discretion of the Board and where it is feasible to do so.
  - g) To construct the fences prior to the issuance of building permits in an appropriate phase to the satisfaction of the Board;
  - h) To erect and maintain a sign on the Catholic school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - i) To provide a geotechnical investigation and Phase 1 and, if necessary, Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required.
  - j) To provide the foregoing at no cost to the Board;
  - k) To assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
29. That the Subdivider shall submit to the Durham Catholic District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
- a) The suitability of Block 302 for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants;
  - b) The availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
30. That the Subdivider shall agree in the Town of Whitby Subdivision Agreement, in wording acceptable to the Durham Catholic District School Board that the utility services referred to above in (b) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.

31. That prior to final approval, the Subdivider shall submit to the School Board an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the Town of Whitby which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
32. That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the sub-divider at no cost to the Board.
33. That the Durham Catholic District School Board shall advise that the Conditions noted above have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.
34. That the Town of Whitby Subdivision Agreement include warning clauses advising residents that their children may have to attend an existing school, outside of their immediate neighbourhood, although a site in the area has been reserved for a school building, a school may not be built for several years, if at all, and only then if it can be justified to the satisfaction of the Ministry of Education.
35. That the Town of Whitby Subdivision Agreement provide for the installation of sidewalks throughout the development, thereby allowing for a safe pedestrian walking route to the school site.
36. That the Subdivider and the Durham District School Board enter into an agreement for the acquisition of Block 301, 2.97 hectares (7.3 acres) in size, for elementary school purposes.
37. That the Subdivider submit plans indicating existing and proposed grades, drainage and servicing for approval by the Durham District School Board for all lots, blocks, easements and roads abutting Block 301.
38. That the Subdivider provide the Durham District School Board with a report detailing the soil bearing capacity and composition of soils within Block 301, prior to the registration of Phase 1 of the development. Specifically, the report will detail the chemical composition of soils and the presence of methane and/or radon gas within Block 301.
39. That any filling conducted within Block 301 meet the Durham District School Board criteria for soil bearing capacity and be approved by the Durham District School Board soils engineer.
40. That the Subdivider rough grade Block 301 to the satisfaction of the Durham District School Board.
41. That the Subdivider agrees to bring all municipal services and connections to the edge of Block 301, along the street and submit drawings to the Durham District School Board for approval.

42. That the Subdivider agrees to install a 1.8 metre galvanized or vinyl coated chain link fence of standard school construction (#9 gauge galvanized or #6 gauge vinyl coated) along the perimeter of Block 301 where it abuts proposed or existing residential lands (lots or blocks), and/or any other proposed or existing land use, except for active municipal parkland.
43. That the following "Notice to Parents" be inserted in all agreements of purchase and sale between the owner and all prospective homebuyers...

"Students from this development may have to attend existing schools. Although an elementary school site has been reserved within this plan of subdivision, a school may not be constructed for some time, if at all, and then only if the Durham District School Board receives funding for the construction of this required school."
44. That the Subdivider agrees to post the standard Durham District School Board approved "Notice to Parents" in all sales representation centres and/or provide information to future buyers.
45. TCPL's right-of-way shall be dedicated to the municipality as passive open space or parkland subject to TCPL's easement rights. TCPL's right-of-way shall be identified on all municipal plans and schedules as a pipeline/utility corridor.
46. A crossing and encroachment permit/agreement must be approved by TCPL for ongoing activities such as mowing or maintenance of the Easement on public lands.
47. The conditions, restrictions or covenants specified by TCPL shall be registered against title in relation to the "Lands" and the plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.
48. Remediation of the pipeline will be required for the proposed daylighting triangle of Street C and widening of Baldwin Rd. Any costs associated with the remediation will be at the expense of the Owner and subject to a reimbursable agreement with TCPL.
49. Written consent must be obtained from TCPL prior to undertaking the following activities:
  - a) constructing or installing a facility across, on, along or under a TCPL pipeline right-of-way.
  - b) conducting a ground disturbance (excavation or digging) on TCPL's pipeline right-of-way or within 30 meters of centreline of TCPL's pipe (the "Prescribed Area");
  - c) driving a vehicle, mobile equipment or machinery across a TCPL pipeline right-of-way outside the travelled portion of a highway or public road; and

- d) using any explosives within 300 meters of TCPL's pipeline right-of-way.
50. How to apply for written consent:
- Determine the location of your work relative to TCPL's facilities.
    - o When planning, and before any of the work or activities, listed above, can begin, a request for written consent must be submitted to TCPL through our online application form
    - o We no longer accept applications through email
    - o Location of the work is required, along with the proximity to TCPL's rights-of-way
    - o This information can be obtained through survey plans, or through a locate request
  - Make a locate request either online ([ClickBeforeYouDig.com](http://ClickBeforeYouDig.com)) or by calling your local One-Call Centre.
    - o The One-Call Centre will notify owners of buried utilities in your area, who will send representatives to mark these facilities with flags, paint or other marks, helping you avoid damaging them. Often written consent for minor activities can be obtained directly from a regional TC Energy representative through a locate request.
  - Apply for written consent using TCPL's online application form or call 1-877-872-5177.
51. During construction of the site, temporary fencing must be erected and maintained along the limits of the right-of-way by the owners to prevent unauthorised access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Subdivider is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.
52. Permanent fencing may be required along the limits of TCPL's right-of-way. The fence erected must meet TCPL's and the municipality's specifications concerning type, location, and height. Any excavations for fence posts on, or within 30 metres of the pipeline must be done by hand or hydro vac. There shall be no augers operated on the right-of-way. The Owner shall notify TCPL 3 business days prior to any excavation for fence posts located on or within 30 metres of the pipeline. All fences made of metallic materials must be approved by TCPL prior to being erected on or within 30 metres of the pipeline.
53. TCPL will perform an engineering assessment to determine whether or not a pipe replacement is necessary. TCPL is regulated by the Canada Energy Regulator and must comply with CSA Z662. If this development increases the population density in the area, has road or railway crossings etc., TCPL may be required to



replace its pipeline in order to comply with CSA Z662. Therefore, a development or site plan must be submitted to TCPL at the applicant's earliest convenience to enable TCPL to determine whether a pipe replacement is required and to allow TCPL sufficient time to make the necessary arrangements with the owner and any other interested parties.

54. If a pipe replacement is necessary because of the proposed development, temporary work room shall be granted to TCPL on terms and conditions to be (or as) negotiated. This work room will be adjacent to the existing easement and may be up to a maximum of 15m wide on either or both sides. No grading or landscaping of the work room should be undertaken until the replacement has been completed.
55. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
56. Landscaping on TCPL's right-of-way is to be approved in writing by TCPL and done in accordance with TCPL's Guidelines:
  - TCPL's right-of-way is to be seeded with Canada #1 seed.
  - The Owner shall ensure a five (5) meter continuous access way is maintained over, through and within the right-of-way to facilitate access for future pipeline operation and maintenance activities.
  - No portion of trees or shrubs at the time of maturity shall be permitted to encroach within five (5) meters of the edge of the TCPL pipeline within the right-of-way.
  - No trees or shrubs at the time of maturity that will reach a height greater than four (4) meters shall be planted within the right-of-way.
  - Tree roots must not interfere with the pipeline.
  - A minimum of five (5) meters between all groups of trees/shrubs will be established. A group is defined as 3-5 trees/shrubs.
  - Irrigation systems are not permitted within TCPL's right-of-way.
57. Pathways on TCPL's right-of-way are to be approved in writing by TCPL and done in accordance with TCPL's Guidelines:
  - The pathway shall maintain a minimum five (5) meter separation from the edge of TCPL's pipeline(s).
  - Where a pathway is crossing the pipeline or anywhere within the right-of-way, the width of the pathway shall not exceed three (3) meters.
  - If the pathway crosses over a TCPL facility, the crossing shall be installed as close as possible to a ninety (90) degree angle to the TCPL facility (i.e., pipeline).

- Where the installation of a pathway requires a ground disturbance, and the pathway crosses the pipeline, within five (5) meters of the pipeline, TCPL's pipeline must be hand-exposed at certain intervals to be determined, as directed by TCPL's regional field representative.
  - The Subdivider must ensure the presence of the pipeline is clearly visible through the installation of above ground pipeline signage in accordance with TCPL specifications. Signage is to be installed at all road crossings, pathway, and other crossings, throughout the development area at intervals of 100 meters. Signage will be double sided.
58. Original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised due to rutting, erosion or other means.
59. Facilities shall be constructed to ensure drainage is directed away from the right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur.
60. Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, including the SWM Pond, must maintain a slope of 3:1 away from the edge of the right-of-way.
61. Mechanical excavation within 1.5 meters of the edge of TCPL's pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.
62. In no event shall TCPL be held liable to the Subdivider respecting any loss of or damage to any facility which the Subdivider may suffer or incur as a result of the operations of TCPL. The Subdivider shall be responsible for all costs involved in replacing the Subdivider's Facility damaged or removed during TCPL's operations and shall indemnify and save harmless TCPL from all actions, proceedings, claims, demands and costs brought against or incurred by TCPL as a result of the presence of or damage to Subdivider's facility on the TCPL right-of-way.
63. The Subdivider shall include notice of the following in all offers of purchase and sale:
- a) notice of the easement agreement registered against the property which may affect development activities on the property;
  - b) notice of the 30m Prescribed Area as regulated by the CER Act;
  - c) the number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;
  - d) the setback for all permanent structures and excavations from the limits of the right-of-way; and,

e) the local One Call number 1-800-400-2255 or  
[www.clickbeforeyoudig.com](http://www.clickbeforeyoudig.com).

64. In the event that TCPL's pipelines experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once.
65. All display plans in the lot/home sales office shall identify the TCPL pipeline right-of-way corridor within the proposed linear park block(s).
66. The Subdivider shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.
67. That the edge of any grading of SWM Pond L27 (Block 306) adjacent to the right-of-way is to be setback 7m from the edge of the TCPL right-of-way.
68. The paralleling watermain on the east side of the TCPL pipeline right-of-way is to be setback 7m.
69. That Parkette Blocks 304 & 305 – any playground structure or equipment will be required to be setback 7m from the edge of the TCPL right-of-way or 12m from the pipeline, whichever is greater.
70. TCPL Grading – Additional fill will not be permitted on the right-of-way.
71. The Subdivider shall determine improvements that may be required for the Hwy 7/12 and the existing signalized intersection at Hwy 7/12 / Columbus Road,
72. The Subdivider shall consider widening needs along Columbus Road (East and West) and the resulting impact on Hwy 7/12 for widening to 4 lanes plus 1 center left turn lane,
73. The Subdivider shall ensure that the drainage from the development does not adversely impact the Highway 7/12 drainage system,
74. The Subdivider shall enter into a Legal Agreement with the Ministry of Transportation to carry out necessary improvements to Hwy 7/12 at the Subdivider's expense.
75. Open Space Blocks 308, 309 and 310 be dedicated to the Town as Open Space.
76. The 6.0 metre maintenance access adjacent to the Natural Heritage System buffers if located within or beyond Open Space Block 308, 309 and 310 shall be dedicated to the Town as Open Space.
77. The proposed multi-use trail areas adjacent to the Natural Heritage System/environmental buffers Open Space Blocks 308-310, if required, shall be dedicated to the Town as Open Space.
78. The proposed multi-use trail be located adjacent or within the Open Space Blocks 308-310 but outside NHS/environmental buffers. The developer shall

install the multi-use trail through a one-time construction disturbance to minimize potential environment impacts.

79. The Subdivider shall be financially responsible for the approvals, design and construction of the proposed multi-use trails within Open Space Blocks 308-310. The multi-use trail design must also include design solutions and grading for road crossing connections to other active transportation facilities beyond the development site and within the Trans Canada Pipeline area, Block 308.
80. Trail Design Requirements include but are not limited to the following:
  - a) The future subdivision agreement will address detailed trail development requirements.
  - b) Trails to be constructed to details provided by Town of Whitby Community Services, Parks Development Division.
  - c) All trails shall be planned and designed to meet accessibility standards.
  - d) All trails, trail crossing, bridges, boardwalks, culverts, structures shall be designed and constructed by the developer, in accordance to Community Services Department, Parks Development Division requirements.
  - e) All primary trails shall be planned and designed to a minimum width of 2.5 metres and surfaced in asphalt.
  - f) Trails to be offset a minimum 3 metres from any property line to accommodate grading requirements, a 1.5 metre wide sod mow strip and a 1.5 metre wide planted privacy buffer.
  - g) Trail requires a minimum 1.5 metre sod mow strip on either side of the trail to enable mowing/maintenance. Mow strip to be sloped at a maximum 25%.
  - h) Trail grades are not to exceed 2% cross slope and 5% longitudinal slope unless unavoidable due to existing grades.
  - i) Seating Areas with benches are to be provided at a rate of 3 per kilometer of trail. Rest Areas are to be provided every 150 metres.
81. Park Block 303 be revised to the minimum size requirement of 1.5 hectares and shall be dedicated the Town free and clear of all encumbrances. The Parkette Blocks are unacceptable as proposed pending a Parkette Fitment Plan. A developable parkette block of a minimum size of .4 hectares be located in the vicinity of Streets A and C as per the Brooklin Secondary Plan.
82. While the Parks Master Agreement should address the park dedication of the subject plan and overall Brooklin Development Area it is currently in draft form and needs to be finalized through further discussion and review. Should the Parks Master Agreement not get finalized then the Town's standard rates for

parkland dedication would apply. As a condition of draft approval parkland dedication will be required at a rate of 1 hectare per 300 units for mixed use, medium density and high density residential unit blocks. The remaining blocks will require parkland dedication at a rate of 5% of land holdings. This is consistent with the Town's Official Plan policy 4.9.4.3 and the Department's standard practice.

83. If it is identified through the parks design process that more land is required to accommodate the park amenities included in the Park Facility Fitment Plan, then the individual Park Blocks shall be expanded into the developable area as required to accommodate the park amenities.
84. The department will require 1.2 metre black vinyl standard park fencing to be installed where open space and park blocks abut residential lots.
85. The Subdivider shall convey the following to the Town:
  - a. Block 303 for Local Park and Blocks 304 and 305 for Parkettes;
  - b. Blocks 306 and 307 for Stormwater Management facilities;
  - c. Blocks 308 to 310 (inclusive) for Open Space lands;
  - d. Blocks 311 to 313 (inclusive) for Landscape Strips and,
  - e. Block 319 for Road Widening on the north side of Columbus Road.
86. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation (where required/feasible) in the following locations:
  - a. 3.0m-wide multi-use path on the north side of Columbus Road along the frontage of the proposed development;
  - b. 3.0m wide multi-use path on the west side of Thickson Road along the frontage of the proposed development;
  - c. Off-road Multi-Use Trail within Open Space Blocks 308 (Trans Canada Pipeline corridor) and 309;
  - d. Minimum 1.8m-wide sidewalk on Baldwin Street along the frontage of the proposed development;
  - e. 3.0m wide multi-use path on the south side and 1.8m sidewalk on the north side of Street 'H';
  - f. 3.0m wide multi-use path on the west side and 1.8m/2.5m sidewalk on the east side of Street 'D' depending on the frontage;
  - g. 2.5m wide sidewalk adjacent to all School and Park blocks;
  - h. 1.8m wide sidewalks on both sides of all other streets.

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

87. The Subdivider shall implement all changes to the plan resulting from recommendations and findings of the on-going Brooklin North Major Roads Environmental Assessment (BNMREA) and the current Draft Active Transportation Plan prior to registration, including but not limited to:
  - a. The final right-of-way width, alignment and horizontal and vertical design of Columbus Road and Street 'H'.
  - b. The Subdivider shall implement a roundabout at the intersections of Street 'H' and 'D', as per the BNMREA recommendations.
  - c. The current Draft Active Transportation Plan indicates that a 3.0m boulevard multi-use path and on-road cycling lanes are required on both Columbus Road and Street 'H'.
  - d. The current Draft Active Transportation Plan indicates a signed cycle route on Street 'D' south of Street 'H'.
88. 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, button-type traffic circles and raised intersections, for review and acceptance by the Director of Engineering Services.
  - a. The Subdivider shall, through working with the Town staff, identify traffic calming measures on all roads adjacent to Parks and School Blocks to support safe travel speeds and a comfortable environment for all users.
  - b. The Subdivider shall, through detailed design, identify traffic calming needs for street leading/adjacent to Town owned lands, industrial and commercial blocks.
  - c. The Subdivider will be responsible for speed hump and traffic circle installations along Street 'D'. Speed hump type and traffic circle design to be reviewed and approved by the Town at the detailed design stage.

Should the final roundabout/traffic circle designs identify need for additional property requirements, the Developer shall adjust property lines accordingly. Roundabout design shall be based on minimum diameter and minimum boulevard width as outlined by the Town.
89. All corner lots adjacent to the roundabouts/traffic circles shall be placed on-hold until such time as the roundabout design is finalized and accepted by the Town.
90. Due to the nature and design of the proposed neighbourhood roundabouts/traffic 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.

91. The Subdivider shall provide a revised developmental constraints plan (DCP) to establish lot lines adjacent to the open space blocks and shall show all environmental features, setbacks (i.e. flood line, wetland, and long-term stable slope) and the Town's maintenance access corridor. The Town's required 6m maintenance access corridor shall be outside of these features and constraints, and must not contain any new planting or sloping. The resulting rear lot lines for each lot or block adjacent to the Open Space shall be further refined, where possible, to remove unnecessary jogs/bends to facilitate fence construction.
92. The Subdivider shall provide a revised Brooklin Secondary Plan Area, Sub-Area Study (SAS), Sub-Area 3B (SAS 3B) to address comments provided in the attached memo from the undersigned dated September 20, 2021.
93. The Subdivider shall provide an updated Functional Servicing Report (FSR) (SCS Consulting Group Ltd.) dated December, 2020 to address the following comments and those provided in Section B Informational Comments:
  - a. Grading design for the lots on the north side of Street 'G' shall be revised to replace retaining walls with more conventional grading measures (i.e. 3:1 slopes). The use of retaining walls adjacent to open space blocks is to be avoided and consideration is to be given to changing the lot grading types to split draining, back split or walk out types with rear yard drainage directed to the Open Space areas (as shown for Catchment 403 on Figure 2.2 of the Functional Servicing Report (FSR)). Any changes to the rear lot lines required by addressing the above must be reflected on the final plan for registration.
  - b. Preliminary calculations for on-site control proposed for Block 299, in Section 2.4 must be provided in the FSR and SAS 3B to establish design targets/constraints prior to finalization of the Draft Plan, not at the Site Plan application stage as proposed in the consultant's response matrix. At the Site Plan application stage for Block 299, detailed calculations will be required that adheres to the preliminary one accepted by the Town in the FSR;
  - c. In Section 2.4 there is discussion on dealing with lands east of Thicksen Road with an area of 15.48 ha, that presently drain to L28 SWM facility. The report states that these lands, if not serviced, will be dealt with at detail design stage. Since the drainage from these lands will impact SWM facility and pipe sizing, overland flow etc., it must be dealt with at this stage. Until it can be confirmed through coordination with CDC's SAS 3A exercise, this will remain a requirement.
94. 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 requirements.

Based on the current Draft Plan, sightline review is required at Street 'A' and Street 'C', south leg of Street 'B' and Street 'C', and Street 'D' and Street 'L' intersections.

The Subdivider shall be responsible for implementing any design elements (or possible plan changes) required to address any sightline and / or alignment concerns.

95. The Subdivider may be responsible for the reconstruction and urbanization of existing Columbus Road along the development frontage to a Town Type 'B' Arterial Road standard to the satisfaction of the Public Works Department. Development Charge recoveries will apply in accordance with the approved Development Charge Study.

Ultimate road cross-section, turning lanes, active transportation and pedestrian crossing requirements at proposed intersections along Columbus Road to be determined through completion and acceptance of the on-going Environmental Assessment studies.

96. 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.
97. External road improvements on Baldwin Street and/or Thickson Road are to be as required by MTO and the Region of Durham respectively. The current Draft Active Transportation Plan indicates that on-road cycling lanes are required on Thickson Road within the limits of the development.
98. Grading match along all major external roads limits must be based on the ultimate cross-section and boulevard grading. If required to address construction staging and timing, interim grading and drainage requirements that match existing conditions along the external road frontages are to be accommodated.
99. The Subdivider shall provide separated cross rides at signalized intersections and mixed cross rides at un-signalized locations or driveways in accordance with Ontario Traffic Manual, Book 18.
100. A driveway alignment plan shall be provided for the +/- 90° bends within the plan at Lots 58-61, 112-115 and 236-239 to confirm adequate driveway layout (refer to Standard 411) with or without the eyebrows per Standards 406 and 406.10. Note that eyebrows are not preferred by the Town and will be accepted only where required.



If minimum driveway offsets cannot be accommodated per Town Standard 411 using double driveways, driveway widths will be restricted to single width within the boulevard apron.

101. The Subdivider shall provide an updated Traffic Impact Study (TIS) to address the following comments and those provided under attached separate memo from Transportation Services prior to or with the submission of detailed engineering drawings:
  - a. Pedestrian Crossovers (PXO) are expected at key locations (i.e. pedestrian destinations, where trails/paths cross the roadway, etc.) and shall be supported by the appropriate infrastructure. The type and level of PXO is to be identified as part of the TIS.
102. 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.
103. The Subdivider shall provide a Traffic Management Implementation Plan and shall be responsible for providing both temporary and permanent signage and pavement markings for the development.
104. Interim turning provisions shall be provided for the temporary terminus of any partial Streets (and any other streets as required through construction phasing), to the satisfaction of the Public Works Department. This may require placing development lands on 'Hold', and will be evaluated at the detail design stage when construction phasing is known. If the temporary turning facilities being proposed on lands external to the plan, the Subdivider shall be responsible to obtain an easement in favor of the Town to facilitate the dedication of such facilities as public highways.
105. The Following Lots/Blocks shall be placed on 'Hold':
  - a. Lots 84-87 and 100 on Street 'D', Lots 101 and 102 on Street 'E' and Lots 135-139 on Street 'H', until such time as the land to the west is developed;
  - b. Lots 230-242 and Blocks 290-297 on Street 'I', until such time as the land to the south is developed and the municipal servicing and road is constructed to a full cross-section in order to provide municipal access.
  - c. Lots 243 and 244 and 245 on Street 'J' and Lot 245 on Street 'D', until such time as the lands to the east are developed and the municipal servicing and roads constructed to provide proper municipal access.

- d. Lots 255-267 on Street 'L' until such time as the lands to the east are developed and servicing and road constructed to provide proper municipal access.
  - e. Lots 6, 83 and 300 on Street 'C' until such time as the land to the north is developed.
  - f. Block 314 – Future Development, until such time as it can be merged with the land to the east.
106. The Subdivider shall provide a temporary secondary access for all streets north of Street H until such time the streets from the adjacent development are constructed to provide a permanent secondary access point to the area.
107. 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.
108. The Subdivider shall provide a detailed engineering submission in accordance with 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 first engineering submission will not be reviewed until it is confirmed that the drawing set-up conforms to this requirement.
109. SWM Blocks 306 and 307 shall be sized to accommodate all Town of Whitby, CLOCA and Ministry of the Environment, Conservation and Parks (MECP) design elements/features, including but not limited to, emergency spillway, sediment drying area, maintenance roads, access and turn around provision, forebay length, length to width ratios, maximum side slopes and cooling trenches and/or wetland pockets at the outfall.
- Pond sizing shall also include drainage areas for the ultimate improvements and urbanization of external roads that are tributary to the site.
- At the time of detailed engineering design, should review of the SWM Facility show that the block has been undersized, the Subdivider shall revise the plan to increase the block size accordingly.
110. The Subdivider shall complete the recommended Phase Two Environmental Site Assessment report and implement any plan changes required to address Phase Two findings, the filing of the Record of Site Condition and Ministry of Environment, Conservation and Parks (MECP) approval.

111. The Subdivider shall complete the recommended consultation with appropriate agencies regarding the removal of / or impact to natural heritage features, including Species at Risk (SAR) bat species and Redside Dace habitat, and implement any plan changes required to obtain agency approvals.
112. The Subdivider shall implement the recommendations of the Environmental Noise Assessment for the proposed development and revise the plan as required to accommodate recommended noise control measures prior to registration.
113. 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.
114. 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.
115. 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 shall be revised accordingly to provide said flood protection prior to registration.
116. The Subdivider shall be responsible for providing service connections and a suitable storm drainage outlet for flows associated with Park Block 303 and Parkette Blocks 304 and 305, to the satisfaction of the Public Works Department and the Community Services Department.
117. All window streets shall be designed such that they provide for positive boulevard drainage to their respective roadways, while complying with minimum and maximum boulevard grade criteria. Any grade difference between window streets and adjacent roads shall be addressed through the use of maximum 3:1 sloping within a buffer block between the two right-of-ways. Buffer blocks shall also be sized to accommodate any grading requirements to facilitate sidewalk connections to the adjacent street.
118. The Subdivider shall place all community mailboxes within the public right-of-way adjacent to sidewalk, unless otherwise specifically approved by the Public Works Department. All community mailboxes for the private developments shall be located within private properties.
119. Construction phasing of the development shall be to the satisfaction of the Public Works Department, and shall consider adjoining developments and provide for upstream and downstream road and servicing connectivity.
120. Construction staging details will be required for the proposed servicing and road work on Columbus Road, Baldwin Street and/or Thickson Road, including coordination with the proposed adjacent developments.

121. 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 and other debris to address safety/liability concerns. Provide details for the protection, enhancement and edge management of the retained vegetated areas. All hazards, debris, or garbage shall be removed prior to registration of the plan.
122. 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 Developer. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
123. The Subdivider shall provide a copy of the approved lot grading siting to each lot purchaser prior to closing.
124. 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 should such oversizing be required.
125. The Subdivider will be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
126. The Subdivider will provide the Town with a full electrical design (primary, secondary and streetlight) 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 comply with the latest version of the RP-8 Roadway Lighting Design standard and shall utilize LED technology.  
  
Photometric drawings are to be provided also showing illumination levels along trails, multi-use paths and sidewalks.
127. 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.
128. Any concerns raised through future re-submissions of the Geotechnical and Hydrogeotechnical Reports for the site shall be addressed (including plan changes, if required) by the Subdivider to the satisfaction of the Public Works Department.

This includes, but is not limited to, long term slope stability within the NHS as well as for the excavation, dewatering and final construction of the SWM Pond, confirmation of design parameters and preliminary location and layout for LID measures, rear lot areas directing discharge directly to the top of slope adjacent to the watercourse, location of stormwater management pond plunge pools that are noted to direct surface water to the top of slope at outlet locations, 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.

- 129. The Subdivider shall agree to implement the recommendations of the reports submitted in support of the application.
- 130. The Subdivider shall be responsible for satisfying any additional requirements identified by the Public Works Department, and not specifically listed above.
- 131. 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 Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	Yes	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Study	Yes	Yes	-
Arborist Report	Yes	-	Yes
Phase One & Two Environmental Site Assessment(s)	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Transportation Impact Study	Yes	Yes	-
Sub Area Study	Yes	-	Yes

- 132. The Subdivider shall provide a Firebreak Lot / Block Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
- 133. The Subdivider is required to implement the architectural guidelines for the Brooklin Community.
- 134. That the following Block shall be placed on hold and not offered for sale until such time as it can be determined that a trail can be accommodated within the Natural Heritage System, being Block 298.

135. That the Subdivider shall update the Sustainability Rationale as a standalone document in an acceptable format in accordance with the comments as provided.
136. That the Subdivider covenants and agrees to enter into the cost sharing agreement amongst the benefitting landowners in accordance with Section 11.5.31.5 e) and f) as set out in the Town of Whitby Official Plan and that the Town will clear Condition No. 136 upon receipt of a letter of clearance from the "Trustee" representing the Brooklin Cost Sharing Agreement.
137. That the new home construction be designed to meet the Energy Star standards or equivalent.
138. 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.
139. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:
  - i) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 have been satisfied;
  - ii) The Central Lake Ontario Conservation Authority, how conditions 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 have been satisfied;
  - iii) The Durham Catholic District School Board, how conditions 27, 28, 29, 30, 31, 32, 33, 34 and 35 have been satisfied;
  - iv) The Durham District School Board, how conditions 36, 37, 38, 39, 40, 41, 42, 43 and 44 have been satisfied;
  - v) TransCanada Pipelines, how conditions 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70 have been satisfied; and,
  - vi) The Ministry of Transportation Ontario, how conditions 71, 72, 73 and 74 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.