

# Appendix A to Staff Report

## Regional Comments – December 7, 2022

Re: **Region of Halton Comments - 9<sup>th</sup> Submission**  
**Proposed Draft Plan of Subdivision and Application to Amend the Zoning By-law**  
**Part of Lots 33 and 34, Concession 11, NDS**  
**File: 24T-11001/1333, Z.1333.01**  
**Bentall/Kennedy (Canada) LP, c/o bcIMC Corporation**  
**3269, 3271 Dundas St. West**

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Further to the Region's last comment letter dated August 26, 2022, Regional Staff is in receipt of a revised **9<sup>th</sup> submission** for the above-noted application and provide the following comments:

The current submission includes the following documents:

- Updated Draft Zoning By-law Amendment, revised October 28, 2022;
- Planning Rationale Report Addendum, dated October 7, 2022; and
- Draft Plan of Subdivision, dated October 3, 2022 (revised March 29, 2022).

The Draft Plan of Subdivision application proposes to facilitate employment and service employment uses and includes blocks for stormwater management, natural heritage system, park, transitway, and road widening.

It appears the main changes over the previous version of the draft plan include:

- Minor block modifications to adjust for the final location of the Transitway (Block 27); and
- Further subdividing Block 3 into Block 3a, 3b and 3c to clarify proposed land uses.

An updated draft Zoning By-law Amendment (ZBA) (revised October 28, 2022) was also submitted for review. The ZBA proposes to rezone lands from the Existing Development 'ED' zone to Light Employment 'LE-1' and 'LE-2', General Employment 'GE-1', Service Area 'SA-1' and 'SA-2', and other zone categories to implement stormwater management (SMF), natural heritage system (NHS), transitway, and park (P) purposes. Site specific provisions are requested to facilitate additional uses (i.e., café, limited retail uses, research and development, and gas bar), as well as to introduce minimum building height along Dundas Street West. Holding Provisions are also proposed on some of the blocks until servicing and transportation requirements are met.

## **Matters of Provincial & Regional Interest:**

### **Provincial Policy Statement and Growth Plan:**

Regional Staff has considered the applications in the context of the Provincial Policy Statement, 2020 (PPS) and Growth Plan, 2020 (GP) and is of the opinion that these applications will assist in achieving the natural heritage, growth management and employment area policy directions of the Policy Statement and Growth Plan once the technical matters outlined below have been addressed, and subject to the conditions of Draft Approval as provided in Schedule “A”

### **Region of Halton Official Plan (pre-ROPA 48):**

The subject lands are designated as ‘Urban Area’ and ‘Regional Natural Heritage System’ within the 2009 Official Plan (ROP). The subject lands are also identified as forming part of the ‘Employment Area – Overlay’. Dundas Street is designated a “Higher Order Transit Corridor” on Map 3: Functional Plan of Major Transportation Facilities.

#### *Urban Area/Employment Area Policies*

The policies of the Urban Area designation support a range of uses and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Policy 76 states that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All *development*, however, shall be subject to the *policies* of this Plan.

The Employment Area policies provide for the planning, protection and development of Employment Areas for employment purposes. In addition, the ROP provides for promotion of intensification and increased densities of Employment Areas, where appropriate.

#### *Higher Order Transit/Intensification Policies:*

Higher Order Transit corridors are outlined in support of Plan objectives to establish a balanced transportation system that reduces dependency on automobile use and provides for a safe, convenient, accessible, affordable and efficient public transit system. Intensification Areas are a component of the overall urban structure and are identified as locations where intensification and mixed-uses are to be directed such that they develop into transit-supportive areas with integrated active transportation facilities. Accordingly, the Plan directs Area Municipalities to set out specific policies related to densities, active transportation, transit-supportive urban design and integration with higher order transit, among other matters. It also requires Area Municipalities to

promote development densities that support existing or planned transit facilities. (Section 81(7)(d)).

*Zoning By-law Amendment:*

Section 77.4(1) of the ROP prohibits residential and other non-employment uses including major retail uses in the Employment Area.

Section 77.4(2) sets out that it is the policy of the Region to plan for, protect and preserve the Employment Areas for current and future use.

Section 81(7)(c) of the ROP requires Local Municipalities to prohibit site-specific Official Plan or Zoning By-law Amendments to reduce development density within an Intensification Area unless it is part of a municipal comprehensive review of the Official Plan or a review of the Area-Specific Plan for the Intensification area. The subject lands are located within a Higher Order Transit Corridor as identified in the ROP. Furthermore, through Regional Official Plan Amendment 49 (ROPA 49), the subject lands are identified as within a "Regional Intensification Corridor". It is, however, acknowledged that the applications were submitted in 2011 and that the 2009 ROP (pre-ROPA 49) relied on Local Official Plans to identify Intensification Corridors.

Regional staff have reviewed the draft ZBA (as revised October 28, 2022) and the Planning Rationale Addendum submitted through this current re-submission. While staff's concerns with respect to potential employment land conversion and density have been addressed, the Town should satisfy themselves that it has been demonstrated the proposal will not impact the ability to achieve density related targets in the Local Official Plan, and that sufficient regard for Official Plan Amendment (OPA) 34 has been made. The Region would support and encourage higher density employment uses along Dundas Street.

*Regional Natural Heritage System:*

Portions of the site are designated as Regional Natural Heritage System (RNHS). Policy 116.3 states that within the North Oakville West Secondary Plan Area, the RNHS will be delineated and implemented in accordance with the decision of the Ontario Municipal Board with respect to Town of Oakville Official Plan Amendment No. 289.

Conservation Halton (CH) staff provides environmental advisory services to the Region and Town in relation to the protection of certain natural heritage features and area and natural hazard land management.

Per CH's last comment letter, dated January 22, 2021, additional information was requested to address outstanding comments and to support finalization of the Environmental Implementation Report/Functional Servicing Study (EIR/FSS). Through additional correspondence from CH dated November 23, 2022, it is Regional staff's

understanding that CH is in a position to issue draft plan conditions and that outstanding comments will be addressed through draft plan conditions.

#### *Site Contamination:*

Section 147(17) of the ROP requires that prior to the Region considering any development application proposals, the proponent must identify whether there is any potential for soils on the site to be contaminated. **Regional Staff note that the Phase 1 Environmental Site Assessment (ESA) that was provided as part of a previous submission is out of date and will require updating based upon O.Reg. 153/04 standards and requirements. Further, among other recommendations, it recommends a limited Phase 2 ESA be undertaken. The author of the ESAs must also provide a letter of reliance, extending third party reliance to Halton Region.**

**A condition of draft approval will be required for the submission of satisfactory ESAs (prior to any site alteration) and to ensure the recommendations are implemented.**

#### *Archaeological Resources:*

Our previous comments dated April 7, 2020 indicated that our concerns related to archaeological resources had been addressed.

The proponent, however, is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction or development activities, the owner shall immediately notify the police or coroner, the Registrar, the Ontario Ministry of Public and Business Service Delivery (who administers provisions of the Funeral, Burial and Cremation Services Act), and the MCM. All soil disturbance must stop to allow for the authorities to investigate.

#### **Other Matters of Regional Interest:**

##### **Water/Wastewater Servicing:**

The original application was received in June 2011. Previous revised draft plans were received in December 2014, October 2015, July 2017, September 2018, October 2020 and February 2022. Given the minor revisions to the draft plan provided with the current re-submission (revised March 29, 2022), the following servicing comments remain applicable from the Region's comment letter dated August 26, 2022:

Please note that a Functional Servicing Study (FSS) was submitted as part of the Environmental Implementation Report (EIR) prepared by MMM Group and WSP. This report was revised numerous times and these submissions can be summarized as follows:

May 2011  
December 2012  
November 2014  
June 2017  
August 2018 (Addendum)  
May 2019  
September 2020

It is noted that the September 2020 FSS was revised to include a response matrix with the report.

These servicing comments are based on the review of the latest FSS dated September 2020. Please note that the FSS addresses the servicing of lands well outside the limits of this development and reiterates the concepts and methodology used to service the entire secondary plan area as noted in the Area Servicing Plan.

The servicing for the western portion of the North Oakville West Secondary Plan (NOWSP) is addressed in the 407 West Employment Area - Area Servicing Plan (ASP). The ASP provides the overall servicing plan for the ultimate servicing and infrastructure requirements for this part of the NOWSP.

#### *Existing Services:*

The existing services in the area of the site include:

#### Watermain:

- A 1200mm diameter trunk watermain located on Dundas Street West adjacent to the property.

#### Sanitary Sewer:

- There are no existing sanitary sewers located adjacent to the property.

#### *Wastewater Servicing:*

The FSS notes that the wastewater servicing of this subdivision will be by an internal gravity sewer system that will convey flows to a proposed Regional trunk sanitary sewer that is to be located on Dundas Street West. The flows from this trunk sewer flow eastward to the existing trunk sewer located on Colonel William Parkway.

The Dundas Street sanitary trunk sewer is a development charges project (ID #6911) and it is currently being designed as part of the Region's Dundas Street road reconstruction project. Funding for the construction of this sewer still has to be secured in a Regional budget. The trunk sewer is required to service this development. The status of the funding may impact the timing of this development. In order to have the trunk sewer designed and constructed in advance of the Region funding being available, the developer may have to accelerate this project and front end the financing of this project. The developer would then be reimbursed for the cost of this sewer once Regional funding becomes available. The timing of the construction of the trunk sewer in relation to the timing of the proposed development could be a factor in the development proceeding.

#### *Water Servicing:*

The FSS proposes to service the development by providing a watermain network to be located within the proposed road network within the subdivision. As part of this network, a 600mm diameter trunk watermain is proposed on Avenue One and local watermain are to be provided on Avenue Two and Avenue Three. This network will be connected to the existing external 1200mm diameter trunk watermain on Dundas Street where Avenue Two and Avenue Three intersect Dundas Street. This proposed water system is in accordance with the ASP.

Please note that the existing 1200mm diameter trunk watermain is located within the south boulevard of Dundas Street. When this watermain was constructed, no crossing stubs/connections were provided for or constructed across Dundas Street at the future intersections of Avenue Two and Avenue Three. Valve chambers were provided in the general vicinity of these intersections in order to accommodate these future connections. The developer should consider funding these watermain crossings, and have the Region design, and construct the crossings as part of the Region's Dundas Street road construction project. The viability of this option, however, is dependent on how far the Dundas Street road construction project has already advanced, and may no longer be an option.

The proposed 600mm diameter watermain on Avenue One is a DC reimbursable project (ID #5627). The project is not currently included in a current Regional budget. Should the funding not be available at the time of proceeding with the design and construction of this section of watermain, then the developer will have to front end the funding of the design and construction of the watermain and be reimbursed in the future once funding becomes available in a Regional budget.

The looping of the watermain system within this subdivision is contingent on watermain that are to be located on the adjacent lands that are both east and west of this subdivision. Avenue Two is located on both the lands of this subdivision and also on the adjacent lands to the west. Avenue Three is located on the lands of this subdivision and also the adjacent lands to the east. The FSS does not address how the watermain system/loop is to be completed by providing the external connections on these adjoining

lands. The timing of the development of the adjacent lands could also be problematic in terms of providing proper watermain looping since it could result in temporary looping connections within the subdivision and/or possible long term temporary dead end watermains.

An external local watermain will be required to be constructed within the north boulevard of Dundas Street in order to service the blocks fronting on this street and also to provide fire protection for these blocks.

The subdivision is located within the Zone 3 pressure zone. The FSS notes that the proposed water system was modeled using the Region's existing hydraulic model. The results show that there are parts of the subdivision that will be located in the lower end of the pressure range in this zone. Consideration may have to be given to providing pressure booster units in the buildings that are located on the lower end of the pressure range.

#### *Water Pressure Zone Realignment:*

The Region is currently undergoing a program to realign the water pressure zones in the Region. As part of this program, it is proposed to implement both an interim zone condition and an ultimate zone condition within the Region's water distribution system. The timing of implementing the new pressure zone boundaries may take several years to complete. It is possible that the proposed development may be impacted by the changes to the pressure zones in both the interim and ultimate conditions depending on the timing of the implementation of these changes. Please note that minimum service levels for both water pressure and flow will be maintained throughout the Region during this process. Occupants may notice changes to their water pressure when the zones are changed over from the existing zone to the interim zone and also when the interim zone is changed to the ultimate zone.

**The Region requires that the FSS be revised prior to engineering drawing submission to include water modelling of the development. It should address watermain sizing, flows, pressures, dead-end watermains and the proposed water pressure zone realignment. This will be included as a condition of draft plan approval.**

#### *Phasing of the Development:*

The FSS notes that this development will be phased in Phase 1A, Phase 1B and Phase 2. Due to this, the servicing of the development will also be phased. Further, it appears that this draft plan of subdivision will proceed prior to the adjacent lands being developed. This is problematic from a servicing perspective since full road connections throughout the entire secondary plan area will not occur at the same time. This will impact the watermain system in the area since it will result in temporary dead-end watermains. The FSS notes that temporary and/or interim watermains may be required

for looping. Servicing Plans for the different phases were included in the FSS. The interim watermain proposed can be summarized as follows:

Phase 1A:

- A local watermain is proposed on Avenue Two and a short section of watermain is proposed on Burnhamthorpe Road.
- A temporary watermain is proposed through Block 3 and Block 1 and connects to the existing 1200mm dia. watermain on Dundas Street. This main would eventually be decommissioned and abandoned. This watermain would have to be in a temporary Regional easement.
- This results in a dead end watermain on Burnhamthorpe Road.

Phase 1B:

- A local watermain would be constructed on the remaining portion of Burnhamthorpe Road that is within the limits of this subdivision. A small portion of local watermain would also be constructed on Avenue Three.
- A temporary local watermain would be constructed southward along the eastern limit of the property and connect to the existing 1200mm dia. watermain on Dundas Street. This watermain would have to be in a temporary Regional easement.
- The temporary watermain that was constructed in Phase 1A within Blocks 3 and 1 would be decommissioned, removed and/or abandoned in this phase.

Phase 2:

- A local watermain would be constructed on a portion of Avenue Three that is north of Burnhamthorpe Road.
- A 600mm dia. trunk watermain would be constructed on the eastern portion of Avenue One.
- A temporary local watermain would be constructed along the eastern limit of the property just south of Avenue One. This watermain would have to be in a temporary Regional easement.
- The temporary watermain that was constructed in Phase 1B along the eastern limit would be decommissioned, removed and/or abandoned in this phase.
- This results in a dead end watermain on Avenue One.
- A temporary watermain is proposed through Block 7 and would connect to what would be then an existing local watermain on Burnhamthorpe Road. This main would eventually be decommissioned and abandoned. This watermain would have to be in a temporary Regional easement.

The FSS provided no further phases that showed when and how the remaining portion of the proposed 600mm diameter trunk watermain would be constructed and when the remaining temporary watermain constructed in Phase 2 would be decommissioned.

The FSS notes that where temporary looping cannot be provided, that a regular flushing program will be required at these dead ends. Temporary flushing hydrants would have to be installed at these dead-ends. This is problematic to the Region since these dead-



ends, although temporary, may be in place for long extended periods. The FSS did not address how such a flushing program would be funded and what forces would provide this flushing service. Further, the assumption of the subdivision by the Region could be affected by these temporary dead-ends and hydrants since the Region would not assume these works until the proper and ultimate watermain system is installed according to the ASP.

The response matrix that was included in the FSS for this latest submission notes that the flushing of dead-end watermain can be addressed at the detailed design stage. The response matrix further notes that either the Region can undertake the flushing program with developer funding or the developer can undertake the flushing program. Please note that the Region has no policy and/or program in place to undertake watermain flushing on behalf of a developer nor is there a policy to allow for a developer to undertake a flushing program. In order for the Region to consider what is suggested in the response matrix, such a flushing policy would have to be established prior to detailed design and the appropriate approvals put in place at the Region to implement such a policy.

**The FSS is required to be revised to address the temporary looping, dead-end watermain and to demonstrate how the ultimate watermain system is to be constructed. This will be included as a condition of draft plan approval.**

#### *Reconstruction of Dundas Street:*

The Region is planning to reconstruct Dundas Street from Appleby Line to Bronte Road under Project PR-2671B/2672B. The project is currently under design; however, the scope of work for the reconstruction of Dundas Street does not include the design of the local watermain crossings required along Dundas Street. It was noted in the Region's previous comment letter that there is a possibility that the trunk sanitary sewer may be added to the scope of work for this project. The viability of this option will be dependent on how far the Dundas Street construction project has advanced, and may no longer be a viable option. If the funding for the trunk sewer is delayed, then consideration should be given to having the developers in the area provide the front-end financing for these projects in order that they can be included in scope of work for the road reconstruction project.

The local watermain crossings required at Avenue Two and Avenue Three are considered local watermain and are not eligible as DC infrastructure. For these crossings to be included in the scope of work for the reconstruction of Dundas Street, the developer would have to provide the funding to the Region and the Region would construct the crossings on their behalf.

#### *Existing Private Water Well & Septic System Decommissioning:*

The FSS did not indicate in detail where private wells and/or septic systems located on the property from former use of these lands. Any existing private wells and/or septic

systems are to be decommissioned prior to construction commencing on the site. Both existing wells and septic systems, if present on the site are to be decommissioned and removed from the site according to the proper MOE guidelines.

*Storm Water Drainage on Regional Roads:*

Dundas Street West is adjacent to this subdivision and it is slated for reconstruction and urbanization by the Region. Section 7.8.2 addresses storm drainage from the reconstructed Dundas Street being accommodated in SWM Pond 2 that is located in this subdivision and this pond is to be constructed in the first phase of the subdivision (Phase 1A). The FSS indicates that a small section 2.24 ha) of Dundas Street is proposed to drain to Pond 2 in the subdivision. This pond and some of the internal storm sewers in the subdivision will have to be designed to accommodate the storm water drainage from this section of roadway.

Please note that the Region previously had the EIR/FSS peer reviewed in regards to impacts of storm drainage from this development on Dundas Street. In particular, the Region retained MMM Group to review an interim EIR/FSS (date unknown) and they provided their comments to the Region in a memo dated on Dec 14, 2015. In this memo it was noted that there is potential for parts of Dundas Street to be in an overtopping condition for a Regional Storm Event in the post development period. The location that this could occur is at Culvert FM-D2 using the existing culvert at this location. This culvert is slated for replacement and upsizing when Dundas Street is reconstructed which is to remove the overtopping issue.

**The FSS should be revised to address the potential overtopping issues on Dundas Street. This will be included as a condition of draft plan approval.**

*Holding Provision in Zoning By-law:*

We request that the Holding provision related to provision of water and wastewater services be applied to all the development blocks in the plan.

**Regional Transportation:**

Section 173(8) of the ROP states that the Region and the Local municipalities will work together to control access to Arterial Roads in accordance with Council adopted access management policies. On Map 3 of the ROP, Regional Road 5 (Dundas Street) is defined as a Major Arterial road.

In considering development applications, the ROP further requires that the proponent for any development considered to have a transportation impact prepare a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements is required. In addition, the ROP provides direction to restrict access to Major Arterial Roads, and require land dedication for road widening and daylight triangle

purposes as defined by the ROP. The following comments are provided in relation to the materials provided as part of the above noted development resubmission.

*Transportation Impact Study:*

It is the Region's understanding that no changes have been made to the draft plan through this current re-submission that affects the previously proposed Road Widening Blocks 22 and 23, including daylight triangle.

Please be advised the below transportation comments remain valid and applicable. However, the applicant is advised that through the progression of the Dundas Street Detailed Design Project, additional lands may be required for the purposes of road widening (current estimate is approximately 4.5 metres) which may ultimately affect the draft plan. Confirmation on detailed dimensions will be provided to the applicant as soon as possible. Conditions of draft approval will be included to verify any required widenings in conjunction with registration of the plan.

The transportation impact study and all addendums previously submitted by WSP (2020, 2021) have resolved all outstanding issues. The overall study is acceptable.

Halton Region will be widening Dundas Street to 6 lanes and designing/constructing the area intersections.

Updated transportation studies or transportation addendum letters may be required on future site plan applications, depending on the timing of each application and if there are changes from the approved draft plan transportation study (including but not limited to: land use, trip generation/distribution).

*Halton's Capital Implementation Plan (2018 – 2031):*

The updated timing of Halton's capital works, is as follows:

- *Dundas Street Widening - 4 to 6 lanes from Tremaine Road to Bronte Road – Q2 2023 to Q4 2025*
- *Dundas Street Widening - 4 to 6 lanes from Tremaine Road to Appleby Line – Q2 2021 to Q3 2025*
- *Bronte Road - Widening - 4 to 6 lanes from Speers Road to Derry Road -- 2027 to 2029*
- *William Halton Parkway - 2 to 4 Lanes Widening from Old Bronte Road to Hospital Gate – Construction completion by Q4 2024*
- *William Halton Parkway -- 4 lanes from Third Line to Neyagawa Boulevard -- Construction completion by Q4 2024*
- *Tremaine Road -- 2 to 4 lane widening from Dundas Street to Lower Base Line -- start of construction 2024*

(all timing subject to change and an approved financial plan by Regional Council)

*Official Plan/Transportation Master Plan Right-of-Way Requirements:*

Any lands within 25 metres of the centre line of the original right-of-way of Dundas Street (Regional Road 5) that are part of the subject property shall be gratuitously dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Daylight triangles measuring 15 metres along Dundas Street (Regional Road 5) and 15 metres along Street "Avenue Two" shall be gratuitously dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

*Municipal Class Environmental Assessment Study/Environmental Study Report (Transportation Planning) Right-of-Way Requirements – Dundas Street:*

Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street Corridor Improvements Brant Street (Regional Road 18) to Bronte Road (Regional Road 25) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

*Detailed Design Project (Engineering & Construction) Right-of-Way Requirements – Dundas Street:*

Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street from Bronte Road (Regional Road 25) to Appleby Line (Regional Road 20) Detailed Design Project, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or their designate.

Any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).

*Agreements/Permits:*

The owner may be required to enter into a Servicing Agreement at the Site Plan stage (through the Development Project Manager) for the completion of required works for all development associated road improvements along Dundas Street and/or at any new intersections (north leg intersection connections, etc.,). The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.

### **Finance:**

The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.

### **Conclusion:**

Based upon the comments provided herein, it is the opinion of Regional staff that the subject draft plan of subdivision and rezoning applications will be consistent with the Provincial Policy Statement, Growth Plan, and Halton's Regional Official Plan once the above noted matters have been addressed and subject to the conditions of Draft Approval as provided in Schedule "A".

Halton Region has no objection to the Town of Oakville granting draft plan approval for the subdivision.

As it pertains to the implementing zoning by-law, we request that the Holding provision related to provision of water and wastewater services and transportation be applied to all the development blocks in the plan.

I trust these comments are of assistance to you. Should you have any questions or require additional information, please do not hesitate to contact me directly at (905) 825-6057, extension 7060.

Sincerely,

Bernie Steiger, MCIP RPP  
Acting Manager-South

c: Ron MacKenzie, Development Project Manager, Halton Region (via email)  
Matt Krusto, Transportation Coordinator, Halton Region (via email)  
Tarek Abul-Fotouh, Project Manager III, Halton Region (via email)  
Sean Stewart, Conservation Halton (via email)

Rebecca Tannahill, Project Manager, WSP (via email)

## Schedule 'A'

### CONDITIONS OF DRAFT APPROVAL

The following Halton Region Conditions of Draft Plan Approval must be fulfilled to Halton Region's satisfaction and included in any registration of draft plan/subdivision agreement.

Applicant: 3269 & 3271 Dundas Street West, Oakville  
Part Lot 33 and 34, Concession1 (NDS)  
bclMC Realty Corp. c/o QuadReal Property Group  
Plan of Subdivision, prepared by WSP Canada Group Limited, dated March 29, 2022

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#### General

1. That prior to registration, the Owner is required to provide digital copies of the registered plan of subdivision in AutoCAD 2012 or later version with the following coordinate system NAD 83 / UTM Zone 17 to the Regional Municipality of Halton and the Town of Oakville.
2. That prior to registration, the Owner shall submit a digital copy of the final draft plan of subdivision along with the applicable Land Registry Office Appendix D form for review and sign off. Prior to submission to the Region, the draft final plan shall be submitted and reviewed by the Town for acceptance.

#### Phasing

3. The Owner agrees that should the development be phased, a phasing plan shall be submitted prior to registration of the first phase. The phasing plan will indicate the sequence of development, the land area in hectares, the number of lots and blocks for each phase and the proposed use of all blocks including the proposed number of units, the specific lots to be developed, site access to each phase, grading and the construction of public services. The phasing must be reflected in all engineering reports.

#### Environmental Site Contamination

4. The Owner is required to comply with Ontario Regulation 153/04 and Halton Region's Protocol for Reviewing Development Applications with respect to Contaminated or Potentially Contaminated Sites, to the satisfaction of Halton Region. Prior to the registration of any portion of draft plan of subdivision and prior to any servicing or grading of the site, the Phase 1 Environmental Site

Assessment (ESA) prepared for the subject lands shall be revised to the satisfaction of Halton Region. The Owner is also required to submit all supporting environmental documentation such as a Phase 2 ESA, Record of Site Condition (RSC), and remediation reports, etc. (as necessary) to Halton Region for their review. The ESA(s) must be prepared and certified by a qualified person as defined in Ontario Regulation 153/04 and indicate that the environmental condition of the site is suitable for its proposed land use. The author of the environmental reports and Record of Site Condition (if secured) must also extend third party reliance to Halton Region.

#### Regional Natural Heritage System

5. That prior to final approval, confirmation is provided to the Region indicating that all Conservation Halton comments/conditions (required prior to registration) have been met to their satisfaction, and that there are no concerns with the registration of the plan of subdivision.

#### Water and Wastewater Servicing

6. The Owner shall prepare a detailed engineering submission to be submitted to the Regional Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.
7. That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region's Development Project Manager that sufficient water capacity exists to accommodate this development to the satisfaction of Halton Region.
8. The Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient Wastewater Plant capacity exists to accommodate this development to the satisfaction of Halton Region.
9. That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notification by the Region's Development Project Manager that sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place to the satisfaction of Halton Region.
10. All works which are the responsibility of the Owner to complete shall be supervised during construction by a licensed Professional Engineer of the Province of Ontario with all professional engineering fees paid by the Owner. The Owner's engineer must provide competent full time inspection staff on site during construction activities to obtain the required "as constructed" field information, and to ensure compliance with the approved drawings and the Region's Current Construction and Design Standards.

11. The Owner agrees to conduct a survey of the static water level and quality of all wells within 500 metres of the plan. The Owner further agrees to resolve any claims of well interruption due to the construction of municipal services to the satisfaction of the Region's Development Project Manager.
12. The Owner agrees to conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with Ministry of the Environment, Conservation and Parks (MECP) guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.
13. The Owner agrees to conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The Owner further agrees to decommission any existing private septic systems in accordance with Ministry of the Environment, Conservation and Parks (MECP) guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.
14. The development shall be subject to full municipal water and sanitary sewer services to the satisfaction of the Region of Halton.
15. The Owner shall enter into a subdivision agreement and satisfy all requirements, financial and otherwise, of The Regional Municipality of Halton, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.
16. That temporary easements be provided for watermain looping that are internal and/or external to the site that are not located in an existing road right-of-way and that these easements be dedicated to the Region of Halton for the purpose of watermain protection; these easements shall be dedicated with clear title (free & clear of encumbrances) and a certificate of Title shall be provided, in a form satisfactory to the Director of Legal Services and Corporate Counsel.
17. That the Owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units within this development and, registered on title regarding potential lower water pressures within the subdivision.
18. That the Owner is required to submit a revised Functional Servicing Study outlining in detail the proposed servicing of this property. The study must address temporary watermain looping, dead-end watermains, watermain sizing, flows, and pressures, and demonstrate how the ultimate watermain system is to be



constructed. Updated water system modelling and analysis for the existing, interim and ultimate zone pressure conditions proposed under the Region's zone boundary realignment program must be included. The study must address potential overtopping of Regional roads due to post development storm drainage from the development and be completed to the satisfaction of Halton Region.

19. That the Owner be required to design and construct a 600mm diameter trunk sanitary sewer external to of this subdivision on Dundas Street (ID #6911) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The applicant will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.
20. That the Owner be required to design and construct a 600mm diameter trunk watermain internal to of this subdivision on Avenue One (ID #5627) as required by the Area Servicing Plan for the 407 Employment Area and as also required as per the Region of Halton's policy for the Design and Construction of Development Charges Projects by the Development Industry. The Owner will be responsible for paying all costs associated with these works. The Region will make reimbursement for the cost of designing and constructing the works when the appropriate funding is in place as per the policy.
21. That the Owner is required to design and construct at their sole expense a minimum 300mm diameter local watermain on Dundas Street West (Regional Road No. 5) to provide servicing, watermain looping and fire protection to the lands adjacent to Dundas Street West to the satisfaction of Halton Region's Development Project Manager.
22. That the Owner is required to decommission, remove and or abandon any temporary watermains installed in this subdivision for the purpose of interim watermain looping to the satisfaction of Halton Region's Development Project Manager.
23. That the Owner is required to size and construct the storm water management facility located within this subdivision, including all associated storm sewer works necessary to convey this drainage to this facility, to accommodate storm water drainage from the future reconstruction of Dundas Street (Regional Road No. 5) to the satisfaction of Halton Region's Development Project Manager.
24. That the Owner is required to fund and undertake all infrastructure works required for storm water drainage improvements and upgrades to Dundas Street (Regional Road No. 5) that are required to accommodate any post development storm water flows that are generated from this subdivision that exceed pre-development flow rates. All costs for any drainage improvements, including

culvert extensions are to include design, construction and implementation for these upgrades.

25. That the owner agrees that warning clauses shall be included in a registered portion of the Regional Subdivision Agreement, and in subsequent offers of purchase and sale on all units and buildings within this development and, registered on title regarding potential water pressures changes within the subdivision resulting from the realignment of the Region's water pressure zones from the existing zone condition to the interim and ultimate zone pressure conditions.

Transportation/ Land Dedication:

Official Plan/Transportation Master Plan Right-of-Way Requirements:

26. Any lands within 25m of the centre line of the original right-of-way of Dundas Street (Regional Road 5) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.
27. Daylight triangles measuring a minimum of 15m along Dundas Street (Regional Road 5) and a minimum of 15m along Street "Avenue Two" shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Municipal Class Environmental Assessment Study/Environmental Study Report (Transportation Planning) Right-of-Way Requirements – Dundas Street:

28. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street Corridor Improvements Brant Street (Regional Road 18) to Bronte Road (Regional Road 25) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

Detail Design Project (Engineering & Construction) Right-of-Way Requirements – Dundas Street:

29. Any additional lands that are part of the subject property and have been identified as required for the future widening and of Dundas Street (Regional Road 5), as identified in the Dundas Street from Bronte Road (Regional Road 25) to Appleby Line (Regional Road 20) Detailed Design Project, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.

#### Other-Transportation

30. The Owner agrees that all lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or their designate.
31. The Owner agrees that any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).
32. The owner agrees they may be required to enter into a Servicing Agreement at the Site Plan stage (through the Development Project Manager) for the completion of required works for all development associated road improvements along Dundas Street and/or at any new intersections (north leg intersection connections, etc.). The owner is responsible for all costs associated with the improvements detailed as part of the works and must submit for approval detail design drawings and cost estimates.
33. That the location of the future intersection to Dundas Street be as per the approved North Oakville West Secondary Plan.

#### Closing Condition:

34. Prior to signing the final plan, the Director of Planning Services shall be advised by Halton Region that Halton's conditions have been carried out to the satisfaction of Halton Region with a brief but complete statement detailing how each condition has been satisfied.

#### **Notes:**

**The following Regional Notes must be added to the draft approval.**

#### Archaeology

1. During development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (MCM) should be notified immediately ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)). In the event that human remains are encountered during construction or development activities, the owner shall immediately notify the police or coroner, the Registrar, the Ontario Ministry of Public and Business Service Delivery (who administers provisions of the Funeral, Burial and Cremation Services Act), and the MCM. All soil disturbance must stop to allow for the authorities to investigate.

## Finance

2. The Owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charge By-law(s), as amended. Please visit our website at <https://www.halton.ca/The-Region/Finance-and-Transparency/Financing-Growth/Development-Charges-Front-ending-Recovery-Payment> to obtain the most current Development Charge and Front-ending Recovery Payment information, which is subject to change.
3. Fees are required by Halton Region for each extension to draft plan approval and for major revisions to the draft plan or conditions.
4. Please note the Owner should be made aware that Halton Region will have the following requirements at the time of registration of the subdivision:
  - Final draft M plans signed and dated by the Owner, Surveyor and initialled by the Town's Planner
  - Regional Registration fee
  - Registry Office review form